

**POLICY AMENDMENT AND LAND USE AMENDMENT
CRESCENT HEIGHTS (WARD 7)
4 STREET NE AND 1 AVENUE NE
BYLAW 2P2015 AND 9D2015**

MAP 22C

EXECUTIVE SUMMARY

The proposed land use amendment is intended to redesignate the subject site from Commercial – Corridor 2 (C-COR2f2.0h16) District and Multi-Residential – Contextual Medium Profile (M-C2) District to Direct Control District based on Commercial – Corridor 1 (f5.0h40) District. The intent of this application is to accommodate a mixed use building with varied building heights, live-work units at grade and commercial along 4 Street NE. The proposed redesignation would also require an amendment to the Bridgeland Riverside Area Redevelopment Plan to allow for the increased height and intensity on the site.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2014 November 20

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 2P2015 and 9D2015; and

1. **ADOPT** the proposed amendment to the Bridgeland-Riverside Area Redevelopment Plan, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 2P2015.
3. **ADOPT** the proposed redesignation of 0.28 hectares ± (0.69 acres ±) located at 103 and 107 – 4 Street NE and 450 Marsh Road NE (Plan 58551, Lots 32 and 33; Plan 1412965, Lot 34, Block B; Plan 9211005, Lot 30A) from Multi-Residential – Contextual Medium Profile (M-C2) District and Commercial – Corridor 2 f2.0h16 (C-COR2f2.0h16) District to DC Direct Control District to accommodate a mixed use building, in accordance with Administration's recommendation, as amended; and
4. Give three readings to the proposed Bylaw 9D2015.

REASON(S) FOR RECOMMENDATION:

The proposed land use redesignation is in keeping with the goals of the Municipal Development Plan to provide for intensification along key nodes on corridors within the establish inner city areas of the city. The proposed Direct Control District will ensure redevelopment of the site will increase vitality and activity in the community.

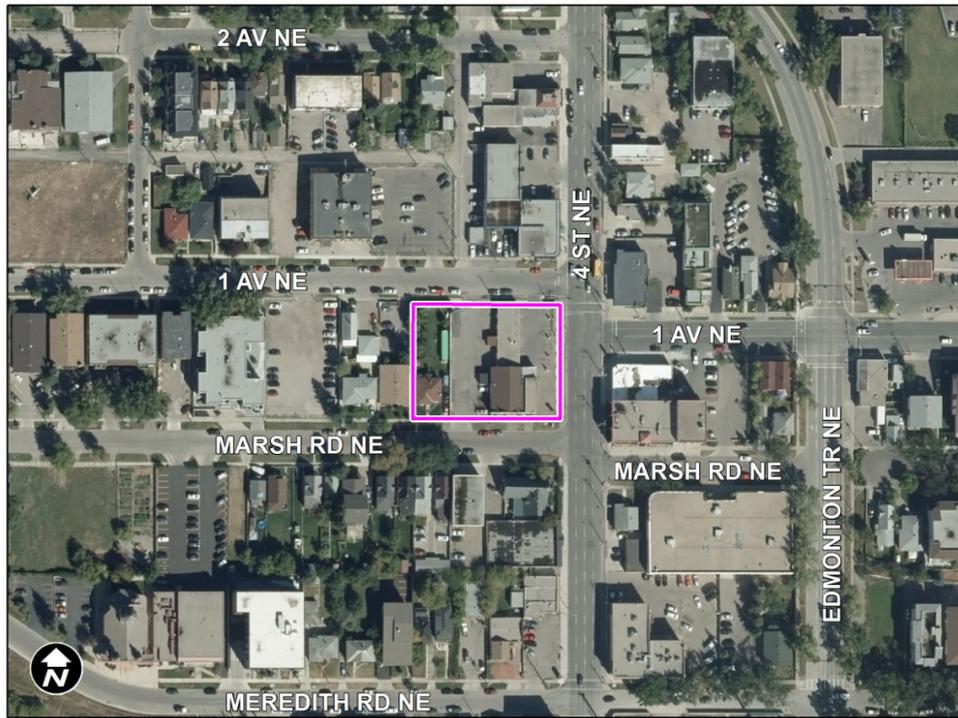
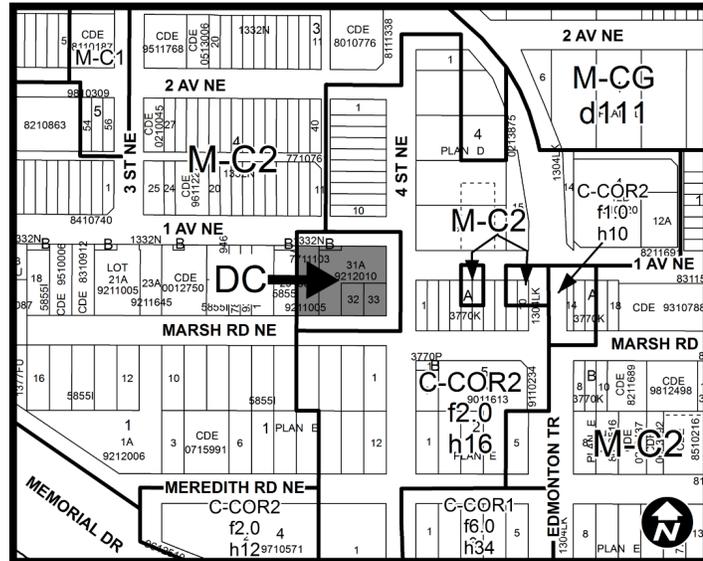
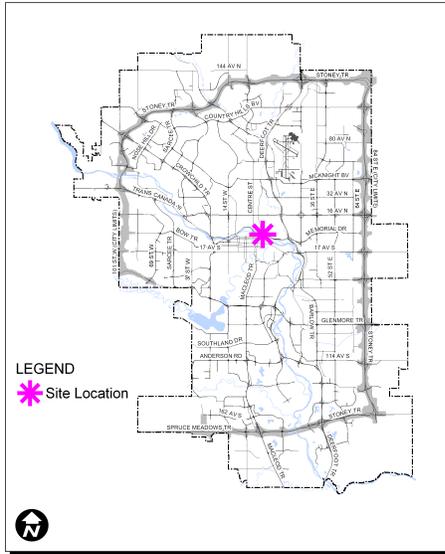
ATTACHMENTS

1. Proposed Bylaw 2P2015
2. Proposed Bylaw 9D2015
3. Public Submission

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendment to the Bridgeland-Riverside Area Redevelopment Plan (APPENDIX III).

Moved by: G.-C. Carra

Carried: 9 – 0

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.28 hectares \pm (0.69 acres \pm) located at 103 and 107 – 4 Street NE and 450 Marsh Road NE (Plan 5855I, Lots 32 and 33; Plan 1412965, Lot 34, Block B; Plan 9211005, Lot 30A) from Multi-Residential – Contextual Medium Profile (M-C2) District and Commercial – Corridor 2 f2.0h16 (C-COR2f2.0h16) District to DC Direct Control District to accommodate a mixed use building with guidelines (APPENDIX II).

Moved by: G.-C. Carra

Carried: 9 – 0

2014 November 20

AMENDMENT: Amend DC Guideline “11(3)” to read “Live-Work uses may only occupy a maximum of 50 per cent of the frontage on the ground floor facing 4 Street NE.”

Moved by: R. Honsberger

WITHDRAWN

AMENDMENT: Delete DC Guideline “11(3)” in its entirety and renumber the Guidelines accordingly.

Moved by: R. Honsberger

Carried: 5 – 4

Opposed: R. Wright, G. Morrow,
G.-C. Carra and
M. Logan

Reasons for Opposition from Mr. Morrow:

- Applicant has already agreed to restriction at the request of the Community Association.
- Limiting the percent of live/work will create a more active street front.

AMENDMENT: Amend DC Guideline “11(1)”, after “the ground floor of buildings” insert “except when located in a Live Work use”.

Moved by: M. Wade

Carried: 9 – 0

Reasons for Approval of the amendment from Ms. Wade:

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- Need flexibility in ground floor uses to support success of Live/Work uses. Limiting uses may result in low absorption which could impact activating the street.
- Prescribed 30 percent maximum Live/Work could also limit absorption of ground floor in the 70 percent retail and limit the flexibility of ground floor to start as Live/Work and grow into retail/commercial.
- Flexibility in uses on ground floor could promote success if the ultimate goal of more retail/commercial.
- Appreciate the Community Association input and support of their uses.
- Respect commercial demand and supply research to inform any formula for proportion of Live/Work uses versus commercial/retail.

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Applicant:

IBI Group

Landowner:

Minto (4th and Marsh) Inc.

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 recommendation create capital budget impacts or concerns.</i>	No	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	6
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	7
Public Engagement <i>Were major comments received from the circulation</i>	No	7

*Issue - Yes, No or Resolved

PLANNING EVALUATION

SITE CONTEXT

The subject site is located on the west side of the 4 Street NE Corridor, where 1 Avenue NE meets 4 Street NE. The site is relatively flat and is bordered by Marsh Road NE to the south and 1 Avenue NE to the north. This area between Edmonton Trail NE and 4 Street NE is commonly referred to as the “Edmonton Trail Couplet”. The Couplet is characterized by arterial roadways, significant grade increase to the west, mixed development with multi-residential buildings and low density residential dwellings as well as relatively low profile commercial developments with a large commercial development under construction with a height of 34 metres to the south of the subject site. Additionally, the area is within very close proximity to the central business district, developing East Village, high quality public open space along the Bow River Pathway, and served by two LRT transit lines within less than a kilometer and a new proposed LRT transit line along Centre Street to the west.

LAND USE DISTRICTS

The proposed DC Direct Control District is based on the Commercial – Corridor 1 (C-COR1) District with a maximum floor area ratio of 5.0 and a maximum height of 40 metres. The proposed district allows a maximum height of 16 metres along the west shared property line, adjacent to the Multi-Residential – Contextual Medium Profile (M-C2) District which also has a maximum height of 16 metres. This height restriction is in place for ten metres from the shared west property line. At 25 metres from the west property line, the height increases to a maximum of 40 metres. The proposed district would require commercial use bays along 4 Street NE with the opportunity to develop live-work units and ground oriented dwelling units on the main floor on Marsh Road NE and 1 Avenue NE.

The DC Direct Control District also includes additional uses such as Food Kiosk, Restaurant: Food Service Only – Large, and Restaurant: Licensed – Large. The additional uses will allow for a greater range of uses and size of uses within an area underserved by larger restaurants. The size of the building would allow for the use Restaurant – Food Service Only – Large or Restaurant: Licensed – Large without impeding the ability to have additional smaller retail bays which would activate the street at different times of the day. The DC Direct Control District is also necessary to ensure the building height is respective of the adjacent uses to the west.

LEGISLATION & POLICY

The site is located along an identified Urban Corridor in the Municipal Development Plan (4 Street NE) as well as the terminus for a Neighbourhood Corridor (1 Avenue NE) also identified in the Municipal Development Plan. These policies indicate that sites along Urban Corridors should have a broad mix of residential, employment and retail uses with the highest densities and tallest buildings concentrated at nodes that occur at the intersections of the Corridor with another major transit street. Commercial development should also be oriented to the transit street and public sidewalk and encourage retail and services at grade with residential and office uses on the upper floors.

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The typical key uses identified by the Municipal Development Plan for the Urban Corridor are:

- Retail
- Office
- Mixed-use buildings
- Medium and high density residential
- Minimum of 200 jobs and population per hectare

The subject site is located within the Crescent Heights community, although the site is located within the Bridgeland – Riverside Area Redevelopment Plan. This Plan identifies the site as Non Family Oriented Development. The policies within this Plan state that where the transportation network can handle increased traffic, the appropriate designation would be R-M5 from the 2P80 Land Use Bylaw. The intention of this district was predominantly four storey residential structures with a maximum height of 12 metres. An amendment to the Bridgeland – Riverside Area Redevelopment Plan is required in order to accommodate this application. The amendment is included in this report as APPENDIX III.

TRANSPORTATION NETWORKS

A transportation Impact Assessment was not required as part of this application. At the Development Permit Stage, a Transportation Impact Assessment will likely be required. Access will not be permitted off of 4 Street NE. Protection of the pedestrian environment will be required along 4 Street NE. Bus routes 4, 9 and 69 run along 4 Street NE with the closest LRT station located 850 metres away at the City Hall Station. The Bridgeland LRT Station is located 900 metres to the east of the site at Memorial Drive NE and 9 Street NE. The future Greenline dedicated bus and later LRT line will be constructed along Centre Street North with a proposed station at 9 Avenue and Centre Street North, approximately one kilometer from the subject site.

UTILITIES & SERVICING

All services are available at the site. A Sanitary Servicing Study or letter will be required at the Development Permit Stage should the development propose a density greater than 55 persons/hectare. A 150 mm water main is located in Marsh Road NE which will be required to be upgraded at the developers expense.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment (ESA) was not required as part of this application. At the Development Permit Stage, an ESA may be required.

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GROWTH MANAGEMENT

This land use amendment proposal does not require additional capital infrastructure investment at this time and therefore, no growth management concerns have been identified.

PUBLIC ENGAGEMENT

Community Association Comments

The Crescent Heights Community Association provided comment that they have no objections to the proposal. Numerous engagements have been held between the Community Association and the applicant, which has resulted in the Community Association being agreeable to the proposal.

The Bridgeland – Riverside Community Association has no objections and would like to see a redevelopment of the site with retail located along 4 Street NE.

Citizen Comments

Two letters were submitted in support of the proposal. The writers highlighted that the area is in need of redevelopment and mixed use commercial and residential buildings with increased density as a welcome addition to their community and needed in the inner city of Calgary.

A couple comments were made at the public open house from citizens that they had concerns about the ability to exit from Marsh Road NE onto 4 Street NE because of no traffic lights at that intersection. This problem would compound if vehicular access was provided to the site from Marsh Road NE according to the resident comments. At the Development Permit Stage transportation can require signalization solutions for the site.

Public Meetings

A public open house was held on October 7, 2014 at the Wildrose United Church. Both the Bridgeland – Riverside Community Association and the Crescent Heights Community Association have been engaged by the applicant. A synopsis of the open meetings held with each Community Association is as follows:

Crescent Heights:

- 2014 March 25
- 2014 May 06
- 2014 June 03
- 2014 September 16

Bridgeland - Riverside

- 2014 March 03
- 2014 June 02
- 2014 September 02

APPENDIX I

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APPLICANT'S SUBMISSION

On behalf of the landowner, please accept this application to redesignate a +0.71 acre (+0.29 hectare) site from C-COR2 f2.0 h16 and M-C2 to DC (C-COR1 f5.0 h40), to accommodate an enhanced mixed use redevelopment that better optimizes the opportunity and advantages offered by this prime urban corridor location and gateway into the downtown core.

The site is located in the community of Crescent Heights in Ward 7, but is an extension to the Bridgeland-Riverside community, the Bow Valley Centre redevelopment area and the Rivers District. The site sits along the west side of 4th Street NE or the southbound corridor of Edmonton Trail, just north of Memorial Drive NE. The subject lands are municipally and legally known as:

- 103 4th Street NE (South halves of Lot 32 & 33, Plan 5855I);
- 107 4th Street NE (Lot 31A, Block B, Plan 9212010);
- 450 Marsh Road NE (Lot 30A, Plan 9211005).
- 447 1st Avenue NE (Portion of Block B, Plan 1332N)

This area is steadily evolving into a premier and desirable mixed use inner-city neighbourhood, and the proposed redesignation simply serves to foster this trend, facilitate re-investment and further inject life and vitality into this renewing community.

Context

Currently, the subject land is home to the Bridgeland Carwash and a vehicle sales and service shop on the C-COR 2 portion of the site. A detached single family home resides on the M-C2 portion of the subject lands. In total, the existing development is well below the permitted development intensity across the site.

The subject lands lie within a modest band of commercial mixed-used lands that together straddle the split portion of Edmonton Trail/4th Street just north of Memorial Drive NE. This strip of land is currently designated Commercial-Corridor 2 (C-COR2 f2.0 h16) and this same land use essentially accounts for the majority of the lands that abut the subject site on the north, east and south side. Multi-family uses (M-C2) prevail further east of this commercial mixed-use band as well as to the west of the subject site. The western portion of the subject site is currently designated as M-C2 and this proposal would seek to consolidate this portion with the rest of the subject lands in a comprehensive, consolidated land use district.

At the south end of the band of this commercial mixed-use zone is the Meredith Block, which is currently designated Commercial – Corridor 1 (C-COR1 f6.0 h34). The Meredith Block accommodates three times the intensity and twice the height of the rest of this band of commercial, mixed-use lands. The Meredith block, which is just one block away from the subject lands, represents an appropriate maximization of the development opportunity that exists, and further enhances the ability of this area to meet and/or exceed the MDP targets for an Urban Corridor, which the bulk of Edmonton Trail is earmarked for under the MDP.

The subject site lies at the junction of an Urban (Edmonton Trail NE) and a Neighbourhood (1st Avenue NE) Corridor and thus enjoys a prominent, high-profile exposure/location that is conducive to a more robust landmark development. The subject site also acts as a gateway into the

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Central Business District from the north along southbound Edmonton Trail/4th Street NE corridor, further encouraging a marquis project of notable form and architecture.

Mixed-use intensification on this site is supported by the MDP. In principle it is also supported by the Bridgeland-Riverside ARP, which provides secondary policy guidance to this area. With respect to the Bridgeland-Riverside ARP (1980 and as amended), some amendments may be required to this policy document. However, we believe that the spirit of the ARP can be readily maintained through sensitive transitions and interface treatments to the more predominantly residential area to the west, while accommodating a more robust built form facing east towards the more predominantly commercial-mixed use core area.

Notwithstanding the greater transportation network conditions, the subject site is mostly level and offers good accessibility to 4th Street, 1st Avenue and Marsh Road NE. The number of access options available to the site makes it suitable for intensification.

The site is outside the NEF 25 contour and not subject to Airport Zoning Regulations. It is also not within the Bow River floodway/floodplain area.

The Proposal

The Proposed DC (C-COR1f5.0 h40) district is generally consistent with the current land use and does not reflect a significant change in the permitted uses. The key change is to the allowed intensity of development and height of the built form.

Nonetheless, this proposed district supports the range of uses envisioned and the desire to address the development to the commercial street (4th Street NE). Transitions and interface treatments to the residential area to the west are also embodied and can be further managed through the DP process. Through sensitive application of the DC district and the base C-COR1 district, the proposal will embody density and height thresholds suitable for the intended form of development. Given the site's prominent location, the emerging market and the City's desire to meaningfully intensify under-developed inner-city locations, this site presents opportunities for greater development yields than what is currently offered. Therefore, this application seeks to increase the allowable FAR from 2.0 to 5.0, similar to what will be achieved on the Meredith Block (6.0 FAR) just a few blocks to the south anchoring the south end of this urban corridor. To complement the new FAR, the permitted height is being raised to 40m from 16m. However, the DC provisions will focus the bulk of this height along the east boundary fronting the 4th Street NE Urban Corridor. Furthermore, the DC provisions will ensure intelligent at grade use transitions from commercial on the east side to residential on the west side, to facilitate sensitive transition and interface treatment with the residential neighbourhood to the west.

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APPENDIX II

PROPOSED DC DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to accommodate:
- (a) a pedestrian oriented, comprehensively designed, mixed use **Development**;
 - (b) the inclusion of the purpose statements of the Commercial – Corridor 1 (C-COR1) District in Bylaw 1P2007;
 - (c) a range of **commercial uses** with restrictions on size and location within **buildings**;
 - (d) **multi-residential developments** with a variety of built forms;
 - (e) flexibility in the mix and intensity, built form and size; and
 - (f) **building** locations, **setback areas**, and **landscaping** that create sensitive interface treatment with **adjacent developments**.

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
“**commercial uses**” means the listed **uses** in sections 5 and 6 of this Direct Control District Bylaw, other than **Assisted Living, Dwelling Unit, and Residential Care**.

Permitted Uses

- 5 The **permitted uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District, with the addition of:
- (i) **Food Kiosk**;
 - (ii) **Restaurant: Food Service Only – Large**; and
 - (iii) **Restaurant: Licensed – Large**.

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Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

8 The maximum *floor area ratio* is 5.0.

Building Height

9 (1) Unless otherwise referenced in subsection (2), the maximum *building height* is 40.0 metres.

(2) Where a *parcel* shares a *property line* with a *parcel* designated as a *multi-residential district*, the maximum *building height*:

(a) is 16.0 metres measured from *grade* within 10.0 metres of the shared *property line*; and

(b) increases proportionately to a maximum of 40.0 metres measured from *grade* at a distance of 25.0 metres from the shared *property line*.

Use Area

10 (1) Unless otherwise referenced in subsections (2) and (3), the maximum *use area* for *commercial uses* on the ground floor of *buildings* is 465.0 square metres.

(2) Unless otherwise referenced in subsection (4), there is no maximum *use area* for *uses* located on the upper floors.

(3) The maximum *use area* of a:

(a) **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other *use*, is 300.0 square metres;

(b) **Cinema**, or a **Cinema** combined with any other *use*, is 550.0 square metres; and

(c) **Supermarket**, or a **Supermarket** combined with any other *use*, is 1400.0 square metres.

(4) The following *uses* do not have a *use area* restriction:

(a) **Assisted Living**;

(b) **Dwelling Units**;

(c) **Hotel**;

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- (d) **Live Work Units;** and
- (e) **Residential Care.**

Location of Uses within Buildings

- 11 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Counselling Service;**
 - (b) **Health Services Laboratory – with Clients;**
 - (c) **Instructional Facility;**
 - (d) **Medical Clinic;**
 - (e) **Place of Worship – Small;**
 - (f) **Post-secondary Learning Institution;**
 - (g) **Residential Care;** and
 - (h) **Social Organization.**
- (2) **Office** and **Live Work Unit uses** may be located on the ground floor.
- (3) **Live Work uses** may only occupy a maximum of 30 per cent of the frontage on the ground floor facing 4 Street NE. At the discretion of the Approving Authority, this may be relaxed to a maximum of 40 per cent of the frontage on the ground floor facing 4 Street NE.
- (4) **Dwelling Unit use** may only be located on the ground floor if each **dwelling unit** has a separate primary entrance at **grade** facing Marsh Road NE or 1 Avenue NE.
- (5) **Development** fronting onto 4 Street NE must be able to accommodate **commercial uses** on the ground level.

APPENDIX III

**PROPOSED AMENDMENT TO THE BRIDGELAND – RIVERSIDE
AREA REDEVELOPMENT PLAN**

- (a) In Part 2, Section 4, Subsection 10, after the first sentence add the following:

“The site at 103 and 107 – 4 Street NE and 450 Marsh Road NE is considered appropriate for higher density development with a maximum density of 5.0 FAR and a maximum height of 40 metres. At the discretion of the Approving Authority, the height of that portion of any building closest to 4 Street NE must incorporate a step back of a minimum 1.0 metres at the fourth storey to protect the pedestrian experience at grade. The building may encroach back into this step back at a height higher than 30 metres.”

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APPENDIX IV

LETTERS SUBMITTED

Hi Brad,

I am responding on behalf of the
Crescent Heights Community
Association; thank you for the
opportunity to comment.

We reviewed the application and make
no objection.

Regards,

Darlene Jones

Sent from my iPad

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Planning Committee
Bridgeland Riverside Community Association
917 Centre Avenue NE
Calgary AB T2E0C6
brocalgary.org

Circulation Controller
Planning, Development & Assessment #8201
The City of Calgary
PO Box 2100 Station M
Calgary AB T2P2M6

ATTN: CPAG.Ciro@calgary.ca
RE: LOC2014-0020
Co: Brad C. Beville, brad.beville@calgary.ca
Keith Hlewka, Planning Director, BRCPlanning@shaw.ca

07 November 2014

To Whom It May Concern:

Thank you for the opportunity to comment with respect to the re-zoning application LOC2014-0020 at 103 – 4 Street NE.

The initial presentation of this Land Use application (from existing MC-2/C-COR 2 to DC/C-COR 1) to our community planning committee for comment posed several concerns for our community:

1. The preface of the application indicates that the rezoning is being sought to "accommodate a mixed-use corridor development". We do not feel that the attached guidelines go far enough to ensure that such a development would result.
2. "A range of commercial uses with some restrictions on size and location within buildings" is intended to be accommodated [1(c)] with the indication that a minimum of 30% of the ground floor being "able" to accommodate commercial development [13?(4)] but there is no overt stipulation that any resulting development will actually do so. We feel that this wording provides the developer with an out if provision of commercial on the ground floor becomes unfeasible from a financial prospectus.

We discussed our concerns with the proposed property developer over the course of the past week and modifications to this Land Use application are in the process of being made (the draft of which is attached here). As a result of these modifications, namely the limitations of live work units on the ground floor to 30% in favor of commercial development for the remainder (with community support for parking quota reductions and on-street parking on 4th Street) and with the intent that at grade retail is to be animated, providing street activity (i.e. café, deli, bakery etc.), we have no objections to the approval of the application provided that it is amended as indicated in the attached draft.

Sincerely,



Kirsten Dow-Pearce
Planning Committee Representative, Bridgeland Riverside Community Association