

## KJ Higgins

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**From:** Planning & Development BCA <planning@mybowness.com>  
**Sent:** Friday, November 29, 2013 1:38 PM  
**To:** Druh Farrell; Evan Woolley; Gian-Carlo Carra; Jim Stevenson; Joe Magliocca; Ray Jones; Richard Pootmans; Sean Chu; Ward Sutherland  
**Cc:** KJ Higgins; Michelle Dice; Joe Leizerowicz  
**Subject:** CPC2013-118, Public Hearing Agenda Item  
**Attachments:** Textual Amendments to LUB.docx

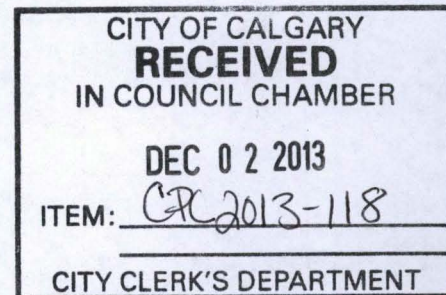
Your Worship and Members of Council,

First, congratulations to all of you for your election to Council and best wishes for the upcoming years.

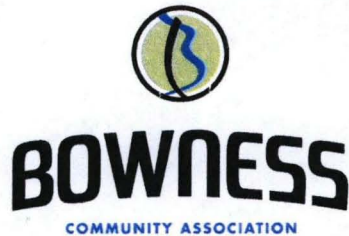
We are unable to send a representative to Monday's Combined Hearing to speak on CPC2013-118, so have taken the liberty of attaching a short letter expressing our concern about the wording of one specific item in the hopes that you will find time in your busy schedules to read it.

Please don't hesitate to contact us if there are any questions. I have included my home phone number if you wish to reach me after hours or over the weekend.

Regards,  
Niki  
Niki Smyth  
Coordinator, Planning & Development Committee  
Bowness Community Association  
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November 29, 2013

Your Worship and Members of Council:

Re: CPC2013-118  
Textual Amendments to Land Use Bylaw 1P2007  
(City Wide)  
Bylaw 44P2013

While most of the recommended amendments are, in our opinion, well thought out, a careful reading of the proposed Bylaw 44P2013, Item 1 (g) (b) brought to light a possibly unintended negative consequence for Established Communities with respect to Contextual Single and Semi-Detached Dwellings.

With the introduction of the concept of "phasing" for a "permitted use", established or developed communities become isolated from any possible appeal of Contextual low density developments that:

- a) Do not actually meet the 'permitted' envelope requirements
- b) Are not being built according to approved plans

The Contextual Single and Semi-Detached regulations currently in place in R-C1L, R-C1Ls, R-C1, R-C1s, R-C1N, and R-C2 districts prevent communities and affected residents from reviewing or commenting on development permits. The only right of appeal is if the approved permit does not actually comply with the specific measurements of the envelope described in the bylaws. The approved development permits are not advertised or published. It is basically only at the courtesy of the file managers that communities even know when such a permit has been approved, and then there is a very short window of opportunity to check the site plans and register an appeal if appropriate. Contextual is a misnomer, as there is no adequate provision for neighbourhood context in this particular 'permitted use'.

A second problem identified is the practise by some builders of not building according to approved plans. At that point, the community and neighbours should have the right to insist on a new development permit with full right of appeal.

The proposed textual amendment basically removes that very narrow opportunity for appeal at the initial development permit approval, and removes consequences for developers who ignore the 'rules'.





We fully support the recommendations being made by Kathi Higgins to either:

1. Not approved the textual amendment *to add the option of "phasing" as a condition to Permitted Use Development Permits*, or:
2. Strike "Permitted Use" from the amended wording *"to add the option of "phasing" as a condition to Permitted Use Development Permits*, and add to the wording *excluding in the Developed Areas*.

Thank you for your consideration.

Yours truly,

Michelle Dice  
Executive Director