

What's Not Being Heard: Problems with Charter Bylaw 18711

Prepared by Lily Tsui

The following neighbours have asked that I add their name to this document as they are in support of this position:

Christopher Brooks
Marlene Brooks-Maltby
Franki Harrogate
Rhian Knowles
Brad Maltby
Jay McCoy

Vivien McCoy
Karin Nelson
Jason Robb
Chris Telsky
Allan Wong
Randalle Wong

The following is “the other side” of the Administration’s position on this rezoning. We believe that the concerns of the neighbourhood have not been addressed by city administration and believe strongly that this rezoning should NOT be approved. There are too many unanswered questions and unaddressed concerns; to approve this rezoning application would be doing this neighbourhood a major disservice. At the absolute minimum, some of the proposed uses should be dropped (such as restaurants), so that permitted uses are more consistent with the types of usage that would be allowed under major home-based businesses.

In a Nutshell:

There are multiple concerns that have been brought up repeatedly by the neighbourhood that have not been addressed, and this reflects poorly on the city as it seems to treat “public engagement” as a checklist item that needs to be done but then not actually do anything about most of the feedback it receives.

There is a pattern of problematic behaviour by the property owner that has been selectively undocumented; this pattern of problematic behaviour should be considered when council is voting on this application. The city report mentions that compliance orders had to be issued in 2017 due to the presence of unlicensed business and illegal residential suites, which is a good start, but omits important information about what the property owner said to concerned neighbours at the April 2019 public engagement meeting.

While this application is an improvement over the previous application for rezoning to CNC that came before council in March 2019, it still does not address the concerns of those who will live with the daily impact of having a non-residential property in the middle of a residential block. Among the proposed uses, a number of them can already be accommodated as a “Major Home Based Business” under City of Edmonton’s Bylaw 18700, Item 75. We believe that this is a more appropriate approach for what should be allowable at this property as the nature of the bylaw limitations on major home based businesses is about balancing the freedom to engage in “commercial” activities with the rights of other owners and occupants in a residential area.

Our Problems with the Administration Report:

The following refers to the 3.1 Replacement Attachment 2 - Administration Report - Resolution and 19811 (Replacement), retrieved from City of Edmonton's website on March 29, 2021.

On p.3, it states that "Administration requested postponement so the applicant could prepare an application for a DC2 to resolve concerns heard at that engagement session." (Referring to the engagement session from April 9, 2019).

Public engagement should be about actively engaging communities to find a solution, not asking people for their input and then ignoring their responses if it's not what the city wants to hear.

Our questions and concerns: what exactly was done to address concerns in the current application? There are fewer proposed uses with the DC2, but issues around traffic and safety remain, nor were any of the concerns about impact on neighbours addressed. This document repeatedly uses the phrase "low-impact", yet this is absurd given the proposed uses, especially when proposed uses include convenience stores, markets, restaurants, and speciality food services. These potential uses are of particular concern to the closest neighbours, given that the proposed site plan has the waste/recycling area in the SE corner of the lot, and we have some very serious concerns regarding potential odor wafting into backyards and specifically up to the South-facing windows of our garage suite. Speaking to the neighbours to the other sides of the building, they have similar concerns regarding potential odor and noise related to waste removal also. One of us comes from a family who spent decades running a restaurant, and the stink of having rotting food in a dumpster, especially in the heat of summer, in a south-facing location, is a serious nuisance. Also, uses such as retail, restaurants, and food services cannot be successful without a certain amount of traffic that would definitely be more than low-impact to the neighbours.

On p.5, starting at the first new paragraph, "While the zoning changed..." and continuing to the "Land Use Compatibility" heading, it states that legal non-conforming status for continued commercial use has expired; resulting in the owner being unable to obtain licenses and permits from the City for whatever use he was after, followed by the City having to issue "compliance orders for an unlicensed business and illegal residential suites" being issued in 2017.

A pattern of non-compliance to current zoning should be considered when deciding whether a rezoning should be accommodated; and rezoning to accommodate previous illegal uses sets a precedent for enabling problem properties as it tells property owners that they can do whatever they want, even if in violation of bylaws, if you simply change the law for people who have violated them.

Our questions and concerns: does "changing the bylaws" when a property owner simply does not want to follow them a legitimate reason to change the zoning of a property that's right in the middle of a residential block? The city's own report states that the owner was operating an

unlicensed business AND has illegal residential suites on site. (By the way, there has been people living there recently, and I would assume the residential suites are probably no more legal now than they were in 2017.) Why does administration seem to think that the owners will comply with whatever is laid out in DC2 zoning, when there is a historical pattern of simply doing whatever they wish anyway? There is clear evidence that the approach has been “it’s better to ask forgiveness than permission”; the neighbours have ample reason to be distrusting of this property owner. Currently, there is still a 9 foot high fence on the east and south side of the property; previously this fence extended to the west side as well, encroaching on EPCOR property. This is obviously not in compliance with bylaws, nor were any permits obtained to build it, since no notice ever went up about such an “improvement” being made. The report also leaves out nuisance complaints that I know were made by other neighbours in regards to this property involving noise and also weeds completely covering the back part of the lot.

On p. 5, second paragraph after the “Land Use Compatibility” header, it states that “this property is generally where local commercial development is expected to be situated”. This leaves out an important acknowledgement made by City Planner Holly Mikkelson at the public hearing on the original proposal to rezone to CNC that occurred on March 11, 2019, where as part of her presentation she acknowledged that the proposed use would be a better fit if this property was on a corner, rather than in the middle of a residential block. In the 4th paragraph under the same header, it states “while the existing building does not comply with the setbacks for commercial development adjacent to residential uses currently regulated in standard commercial zones in the Zoning Bylaw”, which seems to acknowledge that as the neighbour on whose property line the building literally touches, this is of significant concern, there is nothing to mitigate the potential impact.

Simply listing neighbours’ concerns without actually addressing them demonstrates a bias towards approving this rezoning application, and prioritizing the rights of one owner over the objections of dozens.

Our questions and concerns: the administration’s own report lists some of the concerns raised by us and our neighbours, but offer no solutions, yet somehow concludes with a recommendation for Council to vote “yes” to rezoning. Is this the purpose of what the city considers public engagement? For dozens of people to voice their opposition, but then just have their concerns ignored?

On p. 6, last paragraph: “if the majority of the building is damaged, destroyed, or demolished, the zoning does not permit the commercial structure to be rebuilt on the property as it currently exists”, and the site, should new commercial development occur, have to comply with increased setbacks consistent with a CNC zone.

This building is in poor shape yet the city feels it should be allowed to be used as-is for commercial purposes, despite it being in gross violation of current commercial zoning limitations, especially in regards to setbacks. The purpose of setbacks, especially when there is a mixed use situation, is to protect neighbours; the building in question is not

just half a meter too close to one neighbour; it literally has no setbacks at all on 3 sides. What about the rights of those directly impacted by the fact this building sits right on people's property lines?

Our questions and concerns: Is this not an acknowledgement that the current location of the building, due to its complete lack of setbacks from the property line on the north, east, and west sides, is unsuitable for commercial use in its current state? Why are neighbours expected to put up with any commercial use at all, given that it hasn't been used commercially for many years? Why are the desires of one property owner all of a sudden more important than that of multiple other property owners on this block? The purpose of allowing non-compliant use (aka grandfathering) is to allow for continued use of a space when there has been a zoning change, but there are specific limits laid out in terms of when that expires, and at this location that non-compliant use expired a long time ago. Why would you "reinstate" such use when the purpose of grandfathering is to allow for transition to allowable use once the original use has expired?

On p. 7, the second paragraph lays out objective 4.2.5 of the neighbourhood study: "to reinforce the existing commercial facilities in Highlands, while ensuring that new commercial development and the intensification of existing commercial development, do not encroach into or negatively impact on residential areas", then states that "as this property has historically operated as a commercial site for the majority of the last seventy years, the proposed DC2 provision aligns with this objective. Its location on an arterial service road also ensures that there is minimal impact to, and no encroachment into, the core of the single detached nature of the neighbourhood".

The logic of allowing commercial use because "the majority of the past 75 years" is ludicrous, and directly contradicts the grandfathering already allowed by current bylaw.

Our questions and concerns: since when is the logic of "this happened at this location for a majority of the past 75 years" an acceptable argument to reinstate commercial use of this property? Alberta did not have a seatbelt law until 1987. Based on this logic, for the "majority" of the past 75 years, there was no seatbelt law, so would that make it okay to get rid of the seatbelt law now? There are also numerous neighborhoods in which "the majority of the past 75 years" was farmland. Should one particular property owner be allowed to rezone their lot into an agricultural operation again based on this logic? This sounds ridiculous, doesn't it? That's because it is. It's ridiculous that this is part of the rationale for rezoning. Also, if we want to go all-in with the "but for the majority of the past 75 years" logic, the rezoning of this block to RF1 happened in 1985, so for the majority of the past 75 years, it has been a RF1 zone.

Further, the report states that because the property is located on an arterial service road that there would be minimal impact/encroachment into the neighbourhood, but the proposal and site plan shows parking for the business would be located in the back, via alley access. This means there's either an unaddressed concern over potential volume of traffic and parking in the front, or there are unaddressed concerns over directing traffic to this property down the back alley.

There are simply too many unaddressed concerns over traffic volume, safety, and parking, period.

On p. 8, under “Transportation”, it states that a “significant increase in traffic volume is not expected”.

If the city believes that all of the proposed uses would not result in significant increases in traffic volume, then it should probably take some introductory business management courses or at least a workshop on running small businesses. Any SUCCESSFUL business will necessarily increase traffic.

Our questions and concerns: how is this possible given the proposed uses? Also, in April 2015 the city denied an application at this location for discretionary use of religious assembly, citing traffic and negative impact on neighbours”. Nothing has changed since that time, so why is city administration now ignoring their own past judgments and is now entirely in support of the rezoning?

On p. 9 and 10, in tables summarizing what was heard in community engagement, “general non-support for rezoning this site” shows up multiple times.

This reads as though “general non-support” is meaningless to the city. If this is the case, then the city should be asking more specific questions rather than dismissing people. Many in this neighbourhood believe that they have stated clearly their objection. There is a difference between people being non-supportive for no specific reason, versus having multiple reasons to object, but the city report lumps all of that together and then is dismissive of it all.

Our questions and concerns: so the city heard from neighbours who have repeatedly objected to this rezoning, yet the administration is recommending this application be approved without addressing those objections? Does this mean the city’s attitude towards community engagement is to keep asking the same questions, and when they don’t get the answers they want to hear, they just move forward with pushing a rezoning application through? Most of the neighbours we spoke to about this voiced their disappointment and frustration with the fact that they feel they have communicated their objections but view the city as unwilling to address our concerns and want to push this rezoning through anyway.

In the “What we heard” reports, attached as appendices to this document, the first summarizes the in-person public engagement meeting held April 9, 2019, while the second summarizes the results of the online public engagement held between November 30 to December 21.

The omissions as to what occurred at the April 2019 meeting show a clear bias for the applicant’s wishes over the objections of the neighbours.

Our questions and concerns: We are disturbed by systemic bias in reporting what was heard, especially given the very brief first report compared to the much more comprehensive more recent report. During the 2019 meeting, at one point, one attendee asked for a show of hands for those in attendance who objected to rezoning and believed the city should keep RF1 in place; literally everyone except the applicant, his realtor, and the city staff raised their hands. In addition, at one point the property owner threatened everyone with “if you guys don’t want this then maybe I’ll just make it into a low-income rooming house,” to which the city planner responded with, “um, actually, you can’t do that”. Neither of these incidents are recorded anywhere in the report. Further, most of the bullets listed in the summary of the online engagement are clearly against the rezoning, yet the position of administration is to side with the applicant. Is this what public engagement means to the City of Edmonton? Make people fight to be heard, and then ignore what they say anyway?

The above questions and concerns address the city administration’s report only; we have one final piece we would like to address, regarding the bylaw regulating major home-based business use.

According to Edmonton Zoning Bylaw 12800, item 75 outlines the regulations that Major Home Based Businesses must follow. It seems obvious that the regulations are meant to protect the neighbours, including limits on exterior displays and advertisements, external noise, increase to pedestrian or vehicular traffic, parking, number of non-resident employees or business partners, and outdoor business activity. Given that the property being considered for rezoning is in the middle of a residential block AND lacks setbacks of any sort from 3 sides of the property line, why is the city even considering any use that would have greater impacts on the neighbours, above and beyond the limitations laid out for major home-based businesses? I believe it is unreasonable to ask those who live near this property to put up with anything beyond what would fall under the scope of a major home-based business. Given the history of what’s been going on at this property, especially with the non-compliant use and development and renovation without proper permits, keeping the current zoning intact and allowing the same uses that all of the neighbours are limited to, such as major home based businesses, is the fairest thing to do that still allows for “commercial activity” that’s consistent with the residential nature of the block.

**Correspondence: April 7, 2021 CCPH Item 3.2 MCCOY**

1 message

OCM OCC Internet Mail <city.clerk@edmonton.ca>

Fri, Mar 19, 2021 at 12:22 PM

To: [REDACTED]

----- Forwarded message -----

From: [REDACTED] >

Date: Fri, Mar 19, 2021 at 11:58 AM

Subject: Proposed zoning change

To: city.clerk@edmonton.ca <city.clerk@edmonton.ca>

Cc: Andrew Knack <andrew.knack@edmonton.ca>, bev.esslinger@edmonton.ca <bev.esslinger@edmonton.ca>, Jon Dziadyk <jon.dziadyk@edmonton.ca>, arron.paquette@edmonton.ca <arron.paquette@edmonton.ca>, sarah.hamilton@edmonton.ca <sarah.hamilton@edmonton.ca>, scott.mckeen@edmonton.ca <scott.mckeen@edmonton.ca>, Tony.Caterina@edmonton.ca <Tony.Caterina@edmonton.ca>, ben.henderson@edmonton.ca <ben.henderson@edmonton.ca>, tim.cartmelle@edmonton.ca <tim.cartmelle@edmonton.ca>, michael.walters@edmonton.ca <michael.walters@edmonton.ca>, mike.nickel@edmonton.ca <mike.nickel@edmonton.ca>, mohinder.banga@edmonton.ca <mohinder.banga@edmonton.ca>

Mayor and Councilors:

We are writing to express our concerns about the proposed Charter Bylaw 18711 changing the Zoning Bylaw from (RF1) Single Detached Residential Zone to a (DC2) Site Specific Development Control Provision for Lots 13-14, Block 36, Plan 2429HW.

This is an amended version of a proposal turned down by council in March of 2019. As expressed in an earlier email to Mayor and Councilors it seems unfair that we have to once again go through this procedure. How often do we have to go over the same objections?

At an in-person meeting held before the last submission there was almost unanimous opposition to the proposal. Now we find the same proposal being made at a time when in-person meetings are impossible to be held due to the COVID pandemic. This in itself seems very suspect.

The potential uses of the building remain too wide and vague under the proposed amendment. The location of the building in the middle of a row of residential homes is inappropriate. Traffic in an alley already busy with the Day Care being run in the church on the corner will become even more congested. These alleys were not constructed with commercial traffic in mind, who will pay for repairs if heavy truck traffic causes damage?

We would support this property being redeveloped as a low density residential site but not for commercial use.

Robert and Vivien McCoy

[REDACTED]

Sent from [Mail](#) for Windows 10



Correspondence: April 7, 2021 CCPH Item 3.10 SHARMA

1 message

OCM OCC Internet Mail <city.clerk@edmonton.ca>

Mon, Mar 22, 2021 at 8:28 AM

To: [REDACTED] >

----- Forwarded message -----

From: **vishal sharma** <[REDACTED]>

Date: Fri, Mar 12, 2021 at 4:33 PM

Subject: Apr 7, 2021 Council hearing bylaw 19630

To: ben.henderson@edmonton.ca <ben.henderson@edmonton.ca>, OCM OCC Internet Mail <city.clerk@edmonton.ca>

Good day,

I live in Mckernan and we spoke several months ago regarding developments in our area. On Apr 7, Council will hear about [Reference File Number: LDA20-0111](#) and vote on rezoning to DC2.

Although it follows much of the ARP, it does not align with a significant guideline, namely, the FAR 3.0 maximum for a 6 storey building. In our conversation, and in my conversations with City Admin, FAR and height are important considerations for new developments. The CoE has removed many of the checks and balances regarding developments except for FAR and height.

I would like the developer to “stick to the rules” regarding FAR. This block is going to undergo major densification and the TIA predicts 3000 automobiles per day through our interior neighbourhood and alleys as a result. I don’t need to be a traffic engineer to conclude that this level of traffic intensity is too much for this area; because of this, I think that the FAR guidelines (3.0) should be strictly followed.

I think that this is fair trade.

Regards

Vishal Sharma

Sent from [Mail](#) for Windows 10



CRS Council Correspondence <ocmcouncilcorrespondence@edmonton.ca>

Correspondence: April 7, 2021 CCPH Items 3.11 & 3.12 MILLER

1 message

OCM OCC Internet Mail <city.clerk@edmonton.ca>

Tue, Apr 6, 2021 at 10:29 AM

To: [REDACTED]

----- Forwarded message -----

From: **Peter Miller** <[REDACTED]>

Date: Mon, Apr 5, 2021 at 12:00 PM

Subject: proposed Bylaw19599 and CharterBylaw19600

To: <city.clerk@edmonton.ca>

we support this rezoning



CRS Council Correspondence [REDACTED]

Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 DUNLOP

1 message

OCM OCC Internet Mail [REDACTED]

Wed, Mar 31, 2021 at 1:53 PM

----- Forwarded message -----

From: **mark dunlop** [REDACTED]

Date: Wed, Mar 31, 2021 at 1:35 PM

Subject: City Council Public Hearing April 7, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463
[REDACTED]

Wednesday March 31, 2021

City of Edmonton Office of the City Clerk

City Council Public Hearing April 7, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463

Mayor Don Iveson and City Councillors:

As a long-time resident of Garneau, I remain opposed to this development. Council's request, on November 03, 2020, for community consultation and adjustments to the proposed building were not addressed sufficiently. The building remains inappropriate in size and setbacks. The current design does not address the privacy concerns of the neighbours directly affected. It is an inappropriate building for this location and little was done to improve it.

I am disappointed that a proposal like this has advanced this far with disregard of the Area Redevelopment Plan (GARP). I'm further disappointed that this has all taken place during the COVID pandemic that makes community participation difficult. This proposed building represents a significant change to the neighbourhood and public consultation was in no way enough.

This proposal does not represent the positive changes that this community deserves. Please reject this proposal in favor of better designs that include community consultations.

3/31/2021

City of Edmonton Mail - Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 DUNLOP

Yours truly,

Mark Dunlop.

**Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 GARNEAU MANOR**

1 message

OCM OCC Internet Mail [REDACTED]

Wed, Mar 31, 2021 at 3:15 PM

----- Forwarded message -----

From: **Michele Mulder** [REDACTED]

Date: Wed, Mar 31, 2021 at 3:04 PM

Subject: Westrich rezoning application
[REDACTED]

Dear Mayor and City Councillors,

The board of the Garneau Manor Condominium Corporation would like to make our concerns known, and those of our 22 owners and our neighbours, regarding the plethora of Garneau rezoning applications before City Council.

While we are not against development, we feel strongly that:

1. zoning should remain as outlined in the Garneau Area Redevelopment Plan (GARP) which safeguards diverse, family-oriented, appropriately dense neighbourhoods, thereby protecting the integrity of Garneau.
2. developers should adhere to the agreed-to parameters included in GARP, as per Garneau community input. Specifically, developers should maintain appropriate set back meterage for all apartment/condo buildings; maintain building height not exceeding standard four stories, and maintain diverse neighbourhoods with appropriate density (e.g. three single family dwellings razed to make way for a building containing 97 units is not an appropriate increase in density)
3. developers are taking advantage of our current conditions (COVID) to ply city council with rezoning applications, while community members are increasingly frustrated with our lack of access to meet with developers, councillors, and each other to formalize our concerns (letters, the "engage" area on the city's website, and video presentations do not replace face-to-face opportunities)

In conclusion, I reiterate that the Garneau Manor board and owners are not against development, but we are in opposition to development that does not adhere to a planned community approach governed or guided by the GARP.

Thank you for forwarding these concerns to City Council.

Sincerely,

Michele Mulder, President, Garneau Manor Condominium Corporation



Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 HOLT

1 message

OCM OCC Internet Mail <city.clerk@edmonton.ca>

Tue, Apr 6, 2021 at 9:59 AM

To: [REDACTED]

On Thu, Apr 1, 2021 at 5:23 PM Kate Holt <[REDACTED]> wrote:

Dear YEG Councillors/Urban Planning Dept./anyone else who's listening,

We are writing on behalf of our household and our closest neighbours (Gray Swicegood, Gillian Stevens) to voice our strong objections to the proposed Westrich development at 110 street and 86 avenue.

The proposed development is incompatible with the existing Garneau neighbourhood; there has been zero community engagement; and this completely disregards the GARP. While this is an opportunity for a new development, any new structure should—in accordance with the GARP—be congruent with the streetscape and character of the neighbourhood, and—at the very least—not detract from, be incompatible or damage it. The group (are the financial backers' identities known?) has been unwilling to change anything; the *only* motivation here is profit for a single company or group of individuals.

The number of expected variances exceeds logic. The height of this building will be extremely detrimental to the surrounding neighbourhood, and shadow patterns have been falsified on the submitted diagrams—the planned structure will be considerably higher than the trees. The footprint is too large, while setbacks are too narrow or non-existent.

In contrast to the MacLab development, these “developers” have no interest in adding to or creating liveable spaces that complement and are consistent with the character of the Garneau neighbourhood. I am appalled that this proposal has gotten this far. This structure will not strengthen diversity in Garneau; on the contrary, it will drive out families, detract from the desirability and character of this neighbourhood, and cause hardship and considerable stress for scores of residents (all of whom have been paying municipal taxes for many decades) in the more immediate vicinity—which again is much too large. This number of residents should not be negatively affected by a single project in a residential, historic area.

As I perused the Engaged Edmonton site, I was confronted with an astonishing amount of feedback against this development. All of these were well-articulated and spoke to community, ethical, and legal concerns regarding this proposal.

There are better locales for projects of this scale (i.e. 109 Street, which already accommodates this zoning) that do not demand so many concessions and devalue a too-large number of neighbouring properties. In short: would you want this on *your* street?

Please—we must do better.

Respectfully,

Kate Holt & Michael Peng
East Garneau residents since 2006





Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 PINTO1 message

OCM OCC Internet Mail [REDACTED]

Thu, Apr 1, 2021 at 8:49 AM

----- Forwarded message -----

From: **Judith Pinto** [REDACTED]

Date: Wed, Mar 31, 2021 at 4:23 PM

Subject: Westrich Proposal 86 Avenue, Garneau Bylaws 19462 and 19463 Public Hearing on April 7, 2021

[REDACTED]

I am writing again to express my disappointment with and disapproval of the "revised" development request for this project.

Before I proceed any further, I would like to thank Councillor Henderson for his excellent representation of the Garneau community at the last public hearing. His thoughtful, articulate representation and feedback to Westrich/Stantec is appreciated.

Having said that, it is noted that none of the key motions put forward by Councillor Henderson at the previous City Council meeting have been addressed to any meaningful degree by Westrich/Stantec and it is quite objectionable that they should expect the community to offer any support given their disingenuous approach.

Westrich/Stantec's clear lack of interest in engagement with the citizens of the Garneau Community has been apparent from the start, stating outright at the initial "community meeting" (it could hardly be called a consultation) that they would just continue to repeat their request until they received City approval. They clearly were expecting a path to be cleared for them, even inferring that they had received tacit approval from City of Edmonton planning officials prior to the initial meeting with the community.

Their woefully inadequate response to Councillor Henderson's recent feedback only serves to reinforce my belief that they feel quite entitled to expect that their deeper corporate pockets will win out over the rights of the citizens of City of Edmonton and the interests of the Garneau community. This certainly has the potential to leave this citizen feeling cynical and disenfranchised.

I firmly oppose the current proposal and request that Westrich/Stantec adequately address the issues of setbacks, privacy, and size/scale of the project. Any development in this space should be expected to fit within current zoning and GARP guidelines.

Thank you for your time with this feedback.

Sincerely,

Judith Pinto (Pinto-Coy)



Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 UCHIDA-VEEZE1 message

OCM OCC Internet Mail

Thu, Apr 1, 2021 at 9:16 AM

----- Forwarded message -----

From: **laura veeze**
Date: Wed, Mar 31, 2021 at 4:58 PM
Subject: Garneau westrich development proposal

Dear Mayor Iveson, Councillor Henderson and all city Councillors

We would like to add our opposition to the development proposal from Westrich for 86 avenue in Garneau. We did so as well for the previous proposal for many reasons and almost none of these issues have been addressed by the developer in their new proposal.

Quoted from our Neighbour David Buchanan:

Westrich disrespects the people of Garneau and the city of Edmonton by paying little heed to either. Neither the proposal nor the “adjustments” should be understood as a constructive compromise; it is a poorly designed project ill-suited to the location and without the consent of local residents because it will negatively impact everyday life in Garneau.

We hope council will remain true to its own previous position and recognize that neither councils requirements nor residents concerns are addressed, and reject this proposal.

Thank you
Laura and Robert Uchida-Veeze

Sent from my iPhone



Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 WIEBE

1 message

OCM OCC Internet Mail

Wed, Mar 31, 2021 at 4:07 PM

----- Forwarded message -----

From: **Leonard I Wiebe**

Date: Wed, Mar 31, 2021 at 3:57 PM

Subject: Garneau 86th Avenue Rezoning (LDA19-0297) - Public Hearing April 7, 2021

Dear Mayor Iveson, Ward 8 Councillor Henderson; City Councillors, Mayoralty Candidates (with e-addresses);

The physical and social integrity of our community has been severely challenged by the Westrich proposal to develop an inappropriate monolith in our midst. Presentation of this proposal has all the earmarks of an uncaring, even contemptuous, heavy handed, autocratic tyranny. This began, for the community, with a last-minute meeting at which Westrich presented their proposal as a fait accompli. The Developer's misjudgement of our spirit and local demography seemed to be based on the decades old image of Garneau - a mess of slum landlords, obnoxious students and decrepit houses. They hadn't done their homework, and with a fast forward to today's deliberations, they still haven't done their homework. Their proposal reflects disregard for local development rules and continuing ignorance of the fact that Garneau today is a community of home owners, professionals, families (yes, with young children), and students who like the neighborhood, living in single- and multiple-dwelling homes, apartments, and houses listed on the city's heritage registry. New infills and multiple-unit buildings have been designed to blend architecturally with the heritage nature of the area. We all support neighborhood renewal, including upgrading and modernizing concepts of modern inner city living. We anxiously anticipate the city's community renewal program beginning right now, to fix streets and side-walks, helping our neighborhood showcase the University of Alberta, the University of Alberta's extensive medical facilities and the Province's Jubilee centre. Garneau is already a thriving, high density community.

However, Stantec/Westrich continues to pursue a request for zoning changes that are outside of the community's longer term development plan and definitely in conflict with the best interests of the community and environs. Their action reflects a company whose only interest is financial - not financial through creating a positive image, but financial through disregard. They have not demonstrated any community spirit - neither empathy for neighborhood and community, appreciation for architecture, nor a concern for basic logistics. Theirs is an exploitative 'lions' plan - it's all for us!

Our community wants residential development that includes units with ample room (not just # of bedrooms, but generous living space, square metres, per unit) to attract long term residents, an innovative and attractive facade, and a footprint that is compatible with access constraints including visitor and resident parking, garbage services and deliveries (all of which come via a crowded courtyard in the present plan). This building, located in the middle of the block, will simply overload the back lane with heavy traffic. **This brings us to one of our major concerns:** how can the developers, in all consciousness, want variances on set-backs? And in a responsible evaluation, how can the City DEVELOPMENT SERVICES | PLANNING COORDINATION officers support the developers position? **And we reiterate:** We're not dummies! We know that the Developers have influence, and that City DEVELOPMENT SERVICES | PLANNING COORDINATION says it has no responsibility for these things; if the latter is true, DEVELOPMENT SERVICES | PLANNING COORDINATION is a superfluous cost burden on taxpayers and should be closed.

The Developers have failed to address in any substantive way, the concerns raised at the previous Council meeting (November 2020; which sent several questions back to be addressed). The submission before today's Council totally ignores some of these issues, and those that have been acknowledged have been handled in a 'trust us' manner. It's not a matter of trust, surely it's a requirement to lay out the plan in sufficient detail to enable authorities to make a reasonable evaluation. **How can DEVELOPMENT SERVICES | PLANNING COORDINATION support this project to City Council in such circumstances?**

All we are asking for is responsibility in making the City the best it can be. This proposal will not meet that standard..We implore City Council to do the job that DEVELOPMENT SERVICES | PLANNING COORDINATION has not done - please stand up for Garneau and stand up for Edmonton's inner city of which we are a part.

Thank you for hearing us out.

Sincerely,

Grace and Len Wiebe

--

Grace E Wiebe, PhD
Leonard I Wiebe, DSc, PhD

[REDACTED]

[REDACTED]

--

[REDACTED]

31 March 2021

To: Edmonton Mayor and City Council
Sent By: email
City Clerk
From: Victoria A. Jones

Revised Application for a DC2 on 11023 - 11045 86 avenue NW in The Garneau

I write regarding the revised application for a DC2 rezoning of lots 11023 - 11045 86 avenue NW in The Garneau.

I live on 86 avenue one block to the east of this proposed development. I near daily walk my dog along the block of this proposed development.

At the Public Hearing on 3 November 2020, City Council referred the proposed development to Administration to facilitate further engagement regarding specific parts of the proposed development.

Of the referral, those of particular interest to me are the:

- potential setback and stepback in the front, and
- potential additional articulation and breaks in the long facade facing 86 avenue NW

The developer has not fundamentally changed the design at street level. As this is the level that I will most interact with for this development, this is of particular concern to me.

Directly to the east of this proposed development is a five storey building that has no street activation whatsoever. It is an unpleasant building to walk along but it does not take long to walk along it as it does not occupy that many lots (though they do have a tree my dog finds particularly interesting which does add some time).

However, even though the building immediately to the east of the proposed development

is not that long, it does block out the sun from the sidewalk. Because the sun cannot reach the sidewalk directly in front of the building, it creates a walking hazard and is not passable by those less ambulatory than I.



This picture was taken on 19 March 2021 around 13h30.

The sidewalk lake appears every day and freezes into incredibly slippery ice every night.

The boulevard also becomes impassable as the ice is not able to melt until the late afternoon sun is able to reach it. But then it freezes almost immediately as the sun sets.

My concern with the proposed development as it currently is designed is that there will now be an almost complete wall along this block where the sun will not be able to penetrate through to the sidewalk. The entire block's sidewalk will now become a hazard for the large number of pedestrians that traverse through The Garneau.

A break in the facade of the proposed development will allow the sun to reach the sidewalk and a lake and ice pack the length of the block would not be able to form.

The City Plan is geared to encourage more walking. The developer of this proposal is clearly aiming their development at the amazing walkability of The Garneau neighbourhood. But if an entire block is a lake for a large part of the year, that defeats both the City Plan and the developer's aims.

The developer has not changed the setbacks at the street level. The facade along 86 avenue NW is right at the property line. This is significantly different than the other buildings on this block. It will give the impression of a wall right against where I walk.

I am not alone in being followed through The Garneau neighbourhood by people in a manner that makes me feel unsafe. Having such a small setback means that I will no longer

have the ability to have a wide berth around which I can dodge such a person. In order to do so with the current proposal, I would need to run into the street; something that is both illegal and not safe.

Having such a small setback means it will be more difficult to see someone coming toward me and be able to properly assess whether I need to make a change in my walk plan for safety.

The community asked for better activation of the street so that these types of safety concerns can be alleviated. The developer has not activated the street in a way that improves on the safety as it exists with the current houses on these lots.

Additionally, having such a small setback means that it will be more difficult for two wheelchairs or strollers to manoeuvre around each other as the front lawn of the development will not exist for such events.

I do not want a development that ignores the experience and safety of those that will be walking and rolling along it. Better setbacks and street activation can improve this development for those that will experience it from the sidewalk. The revised proposal does not address this at all.

The revised proposal also includes blue parts to the facade. It is my understanding that this is meant to provide the look of two different buildings. While the eastern half of the building is fine in look, the western half with the blue just doesn't fit the aesthetic of The Garneau. Based on the eastern half, the developer has demonstrated that they are able to design a better looking western half that accomplishes looking like two different, yet complimentary, buildings.

The developer has not adequately addressed City Council's and the community's concerns about the referred elements.

The developer did not consult with the community regarding the referred elements.

City Council should expect developers to, in good faith, address the elements they have referred and not to disregard the directions of City Council.

I ask City Council to deny the DC2 zoning.

Thank you,



Victoria A. Jones



Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 ARMSTRONG

1 message

OCM OCC Internet Mail <city.clerk@edmonton.ca>

Tue, Apr 6, 2021 at 10:16 AM

To: [REDACTED]

>

Please also see attached.

----- Forwarded message -----

From: **ellen armstrong** [REDACTED] >

Date: Mon, Apr 5, 2021 at 11:33 AM

Subject: Re: City Council Public Hearing April 7, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463

To: OCM OCC Internet Mail <city.clerk@edmonton.ca>

Monday April 5, 2021

City of Edmonton
Office of the City Clerk

Re: City Council Public Hearing April 7, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463

Dear: Mayor Don Iveson and City Councilors

As a resident in Garneau, this is my letter of objection to the revised rezoning application. While I am supportive of some redevelopment at this site, the applicant has not adequately addressed Council's motion passed at the November 3, 2020 Hearing.

Community engagement has not occurred regarding the changes requested by the city at the hearing:

- Potential setbacks on the front, rear and side.
- Potential privacy screening to improve overlook conditions
- Potential additional articulation and breaks in the long façade facing 86 Avenue NW.

From what I can see very little has been changed in this re-application. Adequate setbacks are still not addressed, and the minimal change to the façade does not offer adequate breaks to the buildings massive front. Even the City Administration in the final report states, "It is Administration's opinion that the applicant **minimally addressed** Council's November 3, 2020 motion." (pg 294 of the Agenda).

The setbacks are so minor as to not be improvement to the application. We agree with the Administration report that this does not adequately satisfy the motion of City Council (pg 298 of the Agenda). The combination of the height and the lack of an adequate rear setback would unfairly impose on the residences located on the opposite side of the lane. Additionally, stepbacks or some form of built form variation should be provided to the façade facing 86 Avenue to allow the building to fit with the character and context of the neighborhood.

In addition to the application not addressing the requests made by the city, I think the overall question of destiny needs to be addressed for Garneau. There are 4 other rezoning applications nearby with a planned

increase of over 500 units. There is not enough parkland for children to play and inadequate parking. While I support all the city has done to upgrade and support this neighbourhood as a walk-able place to live, when you add all these units together it is too much for the neighbourhood to bear. This will have a negative impact on the quality of life of all who have invested in and live here. There is already a glut of available units in this neighbourhood and the city's goals of increasing density could be met by using empty lots and keeping with the GARP plan of 4 stories.

Sincerely, Ellen Armstrong



Letter to City Westridge.docx

19K

Monday April 5, 2021

City of Edmonton
Office of the City Clerk

Re: City Council Public Hearing April 7, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463

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In addition to the application not addressing the requests made by the city, I think the overall question of destiny needs to be addressed for Garneau. There are 4 other rezoning applications nearby with a planned increase of over 500 units. There is not enough parkland for children to play and inadequate parking. While I support all the city has done to upgrade and support this neighbourhood as a walk-able place to live, when you add all these units together it is too much for the neighbourhood to bear. This will have a negative impact on the quality of life of all who have invested in and live here. There is already a glut of available units in this neighbourhood and the city's goals of increasing density could be met by using empty lots and keeping with the GARP plan of 4 stories.

Sincerely, Ellen Armstrong

To: Mayor and Council, City of Edmonton
From: David Buchanan
Re: Westrich Proposal 86 Ave, Garneau | Bylaws 19462/19463 Public Hearing 7 April 2021
Date: 31 March 2021

On 3 November 2020 Council requested that Westrich review the project design with a view to making changes in several areas. The results are:

- Westrich **did not** address the issue of *setbacks*.
- Westrich **did not** address the issue of *privacy screening*.
- Westrich **did not** address the issue of the *façade* in a convincing manner.

Westrich made a conscious decision to ignore both community concerns and a direct request by Council. This is evident not only in the above noted failures but also by the fact that Westrich has made no attempt to engage with the community since the hearing in November.

Approval would send several alarming messages:

1. Council accepts weak projects (as critiqued in the Administration report) consistently opposed by the community and pursued by opportunistic developers;
2. Developers need not take seriously the requests of elected officials;
3. Residents negatively impacted by the proposed building do not have a significant say in the development of their own community; and
4. Community plans (i.e., the Garneau Area Redevelopment Plan) are not a priority.

In short, the process of city development and the legitimacy of Council are at stake.

As regards the proposal itself, this is not simply a case of ‘not in my backyard.’ The development of Garneau has been continuous over the past 70 years, with substantial investment in moderate and high-density housing as well as commercial expansion. Garneau recently supported the larger Maclabs project only one block away; however, that project is located on an arterial road, includes a productive combination of mixed-residential and commercial, and resulted from significant collaboration between the developer and the community.

The difference is critical:

- Garneau is not opposed to either new development or increased density when the project is sensitive to local concerns and enhances the neighbourhood.

The report by Administration resulting in “on balance” approval that favors a vague interpretation of the new city plan over local guidelines and community interests—with no district plan in place—is unfortunate at best.

As described in a CBC article published on 31 March 2021, the city intends to repeal outdated area development plans. The GARP is nearly forty years old and would seem to fall under this category. But it has been updated over the years, and more importantly, as city planners recognize, it is not out of step with a city plan that makes Garneau the center of a major node.

The key point is:

- Respect for the GARP and the voices of local residents is respect for the community.

Westrich disrespects the people of Garneau and the city of Edmonton by paying little heed to either. Neither the proposal nor the “adjustments” should be understood as a constructive compromise; it is a poorly designed project ill-suited to the location and without the consent of local residents because it will negatively impact everyday life in Garneau.

Finally, the ramifications of approval extend beyond the community of Garneau:

- If the project is approved, Council supports this process, and the unwillingness of a developer to make reasonable adjustments, not just the project itself.

The implications for Garneau, with the loss of space, light, privacy, peace, and enjoyment will be immediate and lasting. The consequences for the city, as each decision sets a precedent and encourages a mood, will be no less impactful. A city planning for development into the twenty-second century should be mindful that the ends will reflect the means.

I respectfully request that Council reject the proposed DC2 rezoning.

Sincerely,

David Buchanan





Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 CARRINGTON 1/21 message

OCM OCC Internet Mail [REDACTED]

Thu, Apr 1, 2021 at 2:23 PM

----- Forwarded message -----

From: **JUNE CARRINGTON** [REDACTED]

Date: Thu, Apr 1, 2021 at 11:15 AM

Subject: ref. Westrich Hearing LDA19-0247
[REDACTED]

Sir:

1. the construction is out of scale (too large)
 - allows 149 cars on single track back lane: confusion for service vehicles etc
 - other road traffic density for area, school, etc, encourages through traffic
 - visually detracts from established area. Reduces visual green areas, valuable avenue of full grown trees
 - destroys the character of one of Edmonton's very few historical areas

sincerely

June Carrington
[REDACTED]



Correspondence: April 7, 2021 CCPH Items 3.13 & 3.14 CARRINGTON 2/2

1 message

OCM OCC Internet Mail [REDACTED]

Thu, Apr 1, 2021 at 2:23 PM

----- Forwarded message -----

From: **JUNE CARRINGTON** [REDACTED]
Date: Thu, Apr 1, 2021 at 11:32 AM
Subject: Westrich Hearing LDA19-0247
[REDACTED]

Sir

In my opinion the proposal is inappropriate:
visually too large a mass
encourages increased traffic: through to main roads
over one hundred cars in a back lane of single car width
inappropriate in one of the city's areas of historical value

June Carrington
[REDACTED]

The Garneau Community League Planning committee

To: Mayor and Council, City of Edmonton

From: Megan Rich, Chair

Re: LDA19-0297 -Garneau-86 Avenue

The Garneau Community League Planning Committee (GCLPC) has reviewed the “changes” to the project proposed by Westrich Pacific (LDA19-0297 -Garneau-86 Avenue) and continues its opposition to this development. We speak for the broader Garneau community and all members of the planning committee.

Since the City Council meeting November 3rd, 2020, neither Westrich Pacific nor any representative for Westrich Pacific has contacted the Garneau Community League to discuss these changes or ask for input. There has been no meaningful consultation done with the community since the tower idea was changed to a 6-story building.

The GCLPC has carefully reviewed the “new” project design proposed by Westrich Pacific. In our opinion, the changes are minimal if not non-existent and do not respond to the concerns raised by neighbours and the GCLPC. These “changes” also do not respond the direction of City Council from the November 3rd 2020 meeting. Council requested three things of the developer and, if these were addressed, they were addressed inadequately.

1. The setbacks and stepbacks requested are not addressed. Council and the Community requested front, rear, and side not just one corner of the second story.
2. The promise of “adequate privacy screening” does not address this issue as no details have been provided. The only way to implement adequate privacy screening is through larger setbacks, as was originally requested by the community and the Council motion.
3. While a little bit of articulation with different materials on 86 avenue was added, the building length is excessive and breaks along the façade are expected. Not only was this a request of Council, but also follows City design guidelines.

A project of this size impacts the entire community, not just the surrounding houses. We have many new major projects applying for permits in our area and, as such, we do not want the poor design of this site to be a standard for the rest of our neighbourhood.

The GCLPC is not anti development but we are opposed to irresponsible development. We consider this proposal to be irresponsible development. Any projects approved should enhance

or at a very minimum complement the neighbourhood, not only for our current residents but for those moving into the new buildings.

Yours truly,

Megan Rich

To: Mayor and Council, City of Edmonton
From: Wayne Jackson on behalf of Neighbouring Residents
Re: Westrich Proposal 86 Avenue, Garneau (Item 3.14)
Bylaws 19462 and 19463 Public Hearing on April 7, 2021
March 31, 2021

This project's first public hearing was on November 3, 2020; Council requested Westrich to review the project design with a view to making changes in several areas.

In our view the design changes brought forward are minimal and do not adequately respond to City Council's motion or to the concerns raised. We respectfully request that Council reject the proposed DC2 rezoning.

- At the first hearing, and in the earlier discussions with Westrich, numerous concerns were raised relating to the proposed minimal setbacks and to the need for a reduced footprint. Neighbours emphasized the overwhelming impact of the proposed 3m setback on the 85th Avenue single detached homes across the lane to the south, on the condominium apartment units directly to the east, and on the low rise dwellings on the north side of 86th Avenue.
- The first bullet in the Council motion refers to potential setbacks and stepbacks on the front, rear and side. No changes have been proposed for the south setback or for any other setback dimension. Furthermore, the only introduction of a stepback is a very minor one on a very limited portion of the NE facade. It is a total disappointment that Westrich did not see fit to respond to this critical element.
- The second bullet of the Council motion relates to potential privacy screening. The revised DC2 - Schedule B now refers to "adequate privacy screening on south, east and west balconies." This vague direction will now be in the hands of the Development Officer to implement when the detailed design is submitted leaving nearby residents with no certainty. Furthermore, such screening would be so much more effective if the above mentioned setbacks/stepbacks had been introduced.
- The third bullet of the Council motion relates to potential additional articulation and breaks in the long facade. The neighbours recognize the additional projections introduced along the 86 Avenue facades and the introduction of a greater variety of building materials, colours, and facade designs. Again however, these represent minimal change. The neighbours are still concerned about the impact of the excessive building length. We understand that City design guidelines suggest two buildings on a site of this width allowing for additional sun, light and green space to benefit both the buildings' residents and the surrounding area.

Garneau is our home. A project such as this should enhance the liveability of our community, not detract from it. We had hoped for a more robust response from the proponent. We had even thought that Westrich, while not required to do so, might reach out in an effort to find common ground; it seems this was not their game plan.

Administration's review of the Westrich response is that it is mediocre at best. It is our view that the adjustments proposed do not reflect the spirit, intent, or direction of Council's motion or reduce the impact on neighbouring residents.

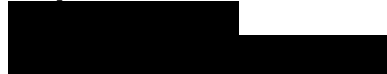
Council: this is a 1955 photo of Garneau – the neighbourhood was comprised almost entirely of detached dwellings on 33x132 foot lots. Our community is now one of the two densest in the city; it has certainly done its share to accommodate high density development and limit sprawl. Major apartment projects do not fit well on 132 foot lots - adjustments have to be made to minimize impacts on surrounding properties and residents.



This submission is on behalf of the residents of 24 Garneau households located in close proximity to the Westrich project, as well as on behalf of the residents of an additional 50 households in surrounding blocks, all of whom authorized me to speak at the November 3, 2020 public hearing. Council may receive additional submissions from individual Garneau residents and from the community league/planning committee.

Thank you.

Wayne Jackson



Wednesday March 31, 2021

City of Edmonton
Office of the City Clerk

Sent via email: city.clerk@edmonton.ca

Re: City Council Public Hearing April 5, 2021, Agenda Items 3.13 and 3.14, Bylaw 19462 and Charter Bylaw 19463

Dear: Mayor Don Iveson and City Councillors

On behalf of Garneau Estates condominiums on 86 Avenue and 108A Street NW, and the governing board of which I serve as President, this letter is a formal objection to the revised rezoning application. While we are certainly not opposed to redevelopment on the site, the applicant has simply not adequately addressed Council's motion passed at the November 3, 2020 Hearing.

We note that at the Hearing of November 3, 2020 the rezoning application was referred back to City Administration to facilitate community engagement regarding proposed built form changes to address:

- Potential setbacks and stepbacks on the front, rear and side.
- Potential privacy screening to improve overlook conditions
- Potential additional articulation and breaks in the long façade facing 86 Avenue NW.

Community engagement has not occurred regarding the expected built form changes, and to quote the City Administration final report, "It is Administration's opinion that the applicant **minimally addressed** Council's November 3, 2020 motion." (pg 294 of the Agenda, emphasis mine).

Regarding setbacks and stepbacks the only minor improvement to the application is to add 0.9m stepback for the easterly 3.7m of the north façade above the second storey. We agree with the Administration report which states that this does not adequately satisfy the motion of City Council (pg 298 of the Agenda). This is our most serious concern regarding the application and the basis to reject the application. The combination of the height and the lack of an adequate rear setback would unfairly impose on the residences located on the opposite side of the lane. Additionally, stepbacks or some form of built form variation should be provided to the façade facing 86 Avenue to allow the building to fit with the character and context of the neighborhood.

Sincerely,

Greg Miazga, P.Eng.
President of Garneau Estates

cc Ben Henderson