



Community Bulletin July 26, 2013

******The Conclusion of the Stadium Shopping Centre Saga will be heard at the next Council Hearing which starts on Monday, July 29th, 2013 Please meet at the Foothills Mennonite Church at 8:30 am to carpool. The Church has allowed the use of their parking lot. Once the Council agenda is set, unless the stadium item is heard right away, expect to return by 11:00 am******

Dear Friends and Residents,

Thank you!! Thank you for taking the time to write emails, to donate, to attend meetings, to lend your expertise, to volunteer for speaking roles, to present at the hearing, and, most of all, to attend in person at Tuesday's hearing, or follow along at home.

If there has been a silver lining in the dark cloud of uncertainty, it is that our community has become closer. An active, engaged, thoughtful community is a gem we keep -- earned through effort, polished through volunteer participation, maintained through awareness.

We have become a better place to live simply because we care about our community and are not afraid to come together, despite adversity, to protect it. No matter the outcome, we have already won.

NOTE: A few residents have started an informal pub night on Wednesdays at the Keg Lounge starting at 8:30 pm. The next one will be on July 31, 2013. See you there!

Report of July 23rd, 2013 Marathon Hearing

Over 100 residents attended City Council, filling the main hearing room and an adjacent televised room, and spilled over to an upstairs televised overflow room.

There were 34 community presenters expressing specific concerns about the process and the proposed ARP. Their concerns included but were not limited to:

- poor consultation
- lack of adherence to the Municipal Development Plan
- flaws in the traffic analysis
- preferential treatment towards the developer

- costs to taxpayers for required upgrades (\$290 million)
- and concerns that the proposed swap of the municipal reserve is an opportunity for the developer and not for the city or community.

The tone and questioning by City Council members were difficult at times. A few community presenters, particularly Ted Morton, Jan Brawn, and Peter Khu faced aggressive and belittling comments from the Mayor and Aldermen. In contrast, the speeches by the community were all well organized, passionate, and persuasive.

What happened?

If you were confused about the bizarre outcome of Tuesday's hearing on Stadium Shopping Centre, you are not alone. Following the final speaker at 9:00 pm, there was a flurry of procedural motions amongst the mayor and Aldermen. The last minute information brought to the table by Alderman John Mar, just minutes before a vote, and discussed privately, shows how much political maneuvering takes place at the municipal level.

The ARP passed the first of three readings which the Mayor explained is an opportunity to amend the plan. There are many amendments proposed, along with questions for administration. These are listed in Appendix I.

The administration has been asked to provide answers to the Mayor's questions by the July 29, 2013 meeting of Council so that the ARP can be debated, and possibly passed, at that time.

A Broken System of Planning and Engagement

The Stadium ARP process uncovered a broken system of planning and community engagement. As Stephen Muir said on Tuesday, "In fact, today is our **first opportunity** to have a proper consultation of our views where there is **full and fair consideration.**"

Near the end of the hearing, when the proposed amendments and questions for administration were being read, Mayor Nenshi made the following observations:

"Frankly, this work should have been done before this ever came to council."

"These are the sorts of things I would have expected to have taken place between the applicant and stakeholders well in advance of this council."

"And I would have also expected that an ARP would have a lot more specificity than this one does."

"This is a bit of an experiment with a much less specific ARP to be followed by a much more specific master plan."

Next steps: “Where did the process go off the rails?”

Western Securities wrote to City Council in order to state their position prior to next Monday's (July 29th) regular Council meeting when City Administration will respond to the items Council identified in the ARP. A copy of their letter is included in Appendix II.

The Mayor is looking for feedback of “where the process went off the rails.” I suggest that you take an opportunity to provide feedback as this may help the planning process. Several residents have already sent written e-mail correspondence to the Mayor and City Councillors. Three resident letters are enclosed in Appendix III.

	Name	E-mail address
Mayor	Naheed Nenshi	naheed.nenshi@calgary.ca
Ward 1	Dale Hodges	dale.hodges@calgary.ca
Ward 2	Gord Lowe	gord.lowe@calgary.ca
Ward 3	Jim Stevenson	jim.stevenson@calgary.ca
Ward 4	Gael MacLeod	gael.macleod@calgary.ca
Ward 5	Ray Jones	ray.jones@calgary.ca
Ward 6	Richard Pootmans	richard.pootmans@calgary.ca
Ward 7	Druh Farrell	druh.farrell@calgary.ca
Ward 8	John Mar	john.mar@calgary.ca
Ward 9	Gian-Carlo Carra	gian-carlo.carra@calgary.ca
Ward 10	Andre Chabot	andre.chabot@calgary.ca
Ward 11	Brian Pincott	brian.pincott@calgary.ca
Ward 12	Shane Keating	shane.keating@calgary.ca
Ward 13	Diane Colley-Urquhart	diane.colley-urquhart@calgary.ca
Ward 14	Peter Demong	peter.demong@calgary.ca

Please send a copy of your correspondence to: president@uhcacalgary.org and our MLA Donna Kennedy Glans: calgary.varsity@assembly.ab.ca

Should I need to Attend?

The Stadium Shopping Centre ARP was unusual in many ways. It was unusual to have so many residents participate, and the 10 hour meeting set a new record for a land use public hearing. It didn't end with a conclusion so public support is still important until a decision is made. Please consider attending the meetings when the agenda is set and again when the item is heard.

Monday will be a new Council Meeting, with a new agenda. Just like last week, the agenda will be set, and the report from Administration and proposed amendments will be scheduled. We will not know until Monday what order the agenda items will occur. If you cannot come on Monday, I will attend on Monday morning and will send an email to indicate the order of the Stadium items. Later, I can send an email to let everyone know a few hours before the Stadium items are heard.

If you would like to go, please meet at 8:30 am on Monday July 29th to car pool from the Foothills Mennonite Church. The hearing starts at 9:30 am.

If you are driving, the address of the hearing is:

**The City of Calgary Hearing Room
Deerfoot Junction III Building
(Quasi Judicial Boards)
Main Floor, 1212 31 Avenue NE**

If you have any questions or would like to be added to our e-mail list, please do not hesitate to contact me:

Peter Khu
president@uhcacalgary.org
403-870-2782

Updated Critique of the Traffic Impact Analysis

By Dr. Wayne Davies

To: University Heights Community Association (UHCA) President and other parties (July 26th).

Note: Many of these points were made in a personal statement to the Council Public Hearing Tuesday, 23 July 2013.

Serious Problems in Document Justifying the Stadium Shopping Centre, ARP.

I am at a loss to understand how the problems that were mentioned in several presentations to City Council on the Traffic Impact Assessment (TIA) - written as background to the Area Redevelopment Plan (ARP) for Stadium Shopping Centre (SSC) - were not fully dealt with. It must be emphasized that ***the TIA is not an independent report*** since it was paid for by the developer. I accept that the City Traffic planners did have the opportunity to comment. But they seem to have ignored several key points as described below. In addition, the so-called ***peer assessment*** mentioned in the Council meeting must be dismissed. How can it be independent if the peer evaluation is chosen by the original engineering group? This breaches ALL the scientific guidelines about peer evaluation. ***Furthermore, the following points lead to the conclusion that the TIA report does not provide a justification for the ARP; it shows quite the reverse.***

1) **Traffic.** The figures in Table A show the huge increases in traffic predicted on the roads around the Shopping Centre, even though the TIA figures are likely to be underestimates. To take one example, it is stated (p.43) that the current daily volume of traffic for Unwin Rd. is at “the upper end” of the city’s Envir. Design threshold for collector roads. On the same page it is stated that the redevelopment of SSC is expected to generate more traffic, so “the estimated daily volume along Unwin Rd is expected to increase by approximately 200 vehicles in the AM. Peakand the PM Peak (p.43). Note that Table A, with information from the TIA, shows the actual figure to be over 300, which is 55.7% more! ***So how can a road approaching capacity NOW, be able to accommodate this increase?*** There is a reference to traffic calming measures but how are these relevant to the increased flow along this small road? ***Clearly the author of the report tries to reduce the impact of the changes by using words such as ‘approximations’, ignoring the evidence of actual numbers.*** There are many similar instances of this phrasing in the original report and its minor revisions.

Table A. Traffic near Stadium Shopping Centre: 2013- 2039

Vehicles at Peak PM time (in Feb.)↔Both way traffic. Peak AM figures show similar trends.

Unwin Rd and 16th Av are the main entry points from outside the community.

Locations	From Fig. 4	From Fig. 16	Changes: 2013-39
Unwin Rd*	587 Current	914 Future	+ 327 = 55.7% Increase
South Uxbridge	1,113 Current	1,564 Future	+ 451 = 40.5% Increase
16 th Av. Nr. Uxbridge Junction	2,513 Current	4,012 Future	+ 1,508 = 60% Increase
29 th Av North bound only	1,294 Current	1,256 Future	-38 = -2.8% Decrease**

*These figures actually ignore the additions of traffic from two intersecting roads and the entry to parking area for part of Broadwalk apartments.

** How is this possible with a 58% employment increase predicted in the Foothills Medical Complex?

2) Future Increases. The numbers shown in the table above also show major increases in predicted traffic of 40-60% along the key roads. They are drawn from the detailed figures in the TIA showing flows and turns along the roads around SSC. But these large increases are never identified clearly, as in the table above. One wonders why?

3) Congestion at 16th Ave/Uxbridge. It is puzzling how the various estimates for the Level of Service (a measure of intersection capacity/functioning that runs on an A to F scale) at Uxbridge/16th Avenue seem to be ignored by proponents of the ARP. **The CURRENT situation (Fig. 4) shows an E grade**, described as “*approaching capacity*” (p19), while many lanes (5 /10 of the various flows) are at E or F grades. The report then shows that adding *new turning lanes will get the junction to D on current flows* (but fails to mention that 4/10 are still at E and F), hardly a major change!

Table 11 (p.29) shows the **post development volumes**, with all the new turning lanes and extra lanes on both sides of 16th Ave. **This is estimated to give a Level of Service at E at peak PM** (without noting that 4/10 of the lanes are at E and F), although it is stated that the junction will “*continue to operate at close to capacity during the peak periods*”. Subsequent tables (13 and 14) show estimates of levels of service using, first signals, then roundabouts, that confirm that the intersection still gets a E grade, although Table 15 (with dual eastward turns) notes that the intersection “improves to an

E". Note the word "improves", despite the fact that this is still almost a congestion situation. It also does not comment on the fact that 5/10 flows are at F! ***So despite all the assumed and expensive road improvements on the junction it will still be almost congested, paralleling the situation today.***

This is an amazingly optimistic scenario, for there is no funding in place for the improvements. Moreover, many doubt that extra 16th Ave lanes can be added, especially eastwards, past the bridges over Crowchild Trail and University Drive where the roads on either side of 16th service Motel Village businesses to the north or local residents to the south. *Can these ever be part of an expanded 16th Avenue in this area?*

4) Future + 20% Land Use Increase. The likely future situation is, however, far worse. It has been emphasized that the planners increased the land use categories (at the last minute) in the ARP by 20%, for reasons that the community was not told of, or even informed. Now it is standard engineering practice to add a scenario adding extra stress into a system being analyzed. The TIA report does this. It shows in Appendix M that the ***Levels of Service are predicted to be an F*** grade at the 16th Ave/Uxbridge junction for land use increases of 20%, even in the three different scenarios for site access shown in the appendix.

This F grade is a failure condition for the 16th Ave/Uxbridge...again. So even if we assume - an enormous one - that all the traffic improvements are made, then the new 20% land uses increase puts ***the 16th Ave/Uxbridge junction in a worse situation than it is in now.***

How can anybody conclude that the TIA supports the position that the redevelopment of SSC will not cause congestion at this critical junction in the city and access to Foothills Hospital?

The TIA and ARP are reports/conceptual plans leading to congestion. What woeful initial planning, let alone evaluation! ***One wonders whether anybody really scrutinized the tables in the TIA.***

5) Other Problems. It is worth noting that many other problems have been identified with the TIA report, all of which lead to the conclusion that the TIA figures must be ***underestimates. So the future traffic situation described will probably be far worse.*** These problems have been mentioned by various people: lack of *seasonality adjustment figures* (or even adjustments by day of week because counts were taken in winter on Tuesday/Weds); *miscalculations* of the predicted parking requirements in revised TIA because the extra 20% land uses were ***not*** incorporated; ***the location of traffic cable*** count at Unwin end of Uxbridge underestimated flows at south end because it did not count traffic in and out of SSC; no figures for ***funding /timing*** of road improvements; no attempt to incorporate figures for flows other than those generated by employment, so ***students/visitors*** to the hospital in the area are basically ***ignored***, let alone the episodic flows from football games-athletic activities; no estimates of ***cross-***

cutting through U.Heights, likely to get worse with 20,000 extra people plus businesses on West Campus; no attempt is made to estimate possible **queuing** to get in and out of mammoth (2,400 parking stalls required) parking structure needed on city bylaw-parking standards; use of gross estimates for flows based on the large transport grids used by the city are not appropriate for the type of small area used here, so **micro-simulation models** are needed.

6) Use of Centre. The report claims (Table 4 p.15) that “95% of the trips to and from the centre are by auto.” This opinion was based on some ‘observations’. It must be stressed that UHCA’s interview survey of shoppers’ on the last Friday of April showed that almost 25% of the 210 people interviewed walked to the site, a figure than will be higher as weather improves. This 20% difference from the TIA conclusion shows **there is a high degree of walkability to the centre already**, which the TIA report obviously dismisses. There is a real danger that the scale of the development envisaged and the loss of existing stores - because they say they cannot survive if their customers have to pay for parking – **will lead to a reduction in degree of walkability to this centre**, the opposite of Smart Growth ideas that the city advocates.

7) ARP Use. I am surprised that the device of an ARP was used to deal with the SSC redevelopment. Surely an ARP should be an AREA plan, such as the one Montgomery has, not a plan for a SITE. To use it for a developer’s site is unfair. The whole of Univ. Heights and probably the rapidly growing area around should have been dealt with by an ARP, so other current and emerging traffic issues could have been taken into account. These are being ignored.

8) Resolution? Of course, it is possible that these conclusions drawn from the TIA are incorrect, although most come from facts in the report, not from opinions. *Surely it is up to administration to show that they are wrong, not to ignore them, which seems to be happening.* Why else is there any point in community consultation if the problems raised are not dealt with? The opportunity to discuss these issues *in a public forum* should have been made available. A real scrutiny of information backing the ARP should have happened, rather than probably boring Council with these technical issues, although the technical details are vital to understanding the nature of the problems involved. The fact that the Calgary Planning Committee refused to accept the UHCA problems with the TIA/ARP was just unbelievable to any rational person. Yes, the information was presented a few days late, but only because the Planning Dept. gave us an incorrect date. How is this fair? These concerns cannot be just swept aside.

These problems go beyond the issues of opposition to the ARP on grounds of NIMBYism. One hopes that some sensible redevelopment of SSC occurs, but based on recognition of the problems involved in the development on such a small site on a major highway. Also, there are also some very serious issues of accountability and scientific scrutiny here. Rushing through this ARP process, sadly, does not give one any confidence that these issues will be addressed.

W. Davies, 2924, University Place, N.W. 403-289-3478. Email: wdavies@ucalgary.ca

Appendix I

Questions for Administration - Stadium Mall ARP

This list was provided by City planners on the request of the University Heights Community Association.

What is Administration's Response to the following questions regarding the proposed Stadium Mall ARP?

1. Municipal Reserve Area

- a. Is it common practice for the City to move Municipal Reserve that's been in place for a long time to an alternate location as part of development?
- b. Is 10m a common width for a regional pathway corridor and greenbelt?

2. Land Use & Municipal Development Plan, SSCAP, and ARP designations:

- a. Given the longstanding Land Use designation of the subject site, is the ARP area more suited to be part of the Major Activity Centre rather than a Neighbourhood Activity Centre? Why was it identified as a Neighbourhood Activity Centre in the SSCAP?
- b. Would a CC-2 land use designation be recommended on this site if it was being done from scratch?

3. Transportation & Infrastructure

- a. Why was the land use increased by 20% between the draft and final proposed Area Redevelopment Plan?
- b. Can you explain the apparent discrepancy in the number of parking stalls in the TIA? Was there an error that occurred?
- c. Does the TIA take into account for development assumptions in the West Campus and other surrounding projects?
- d. What is Administration's opinion on research on the seasonal conversion factor?
- e. What is the best practice on using a micro-model versus the Regional Traffic Model simulation for a project of this scope?

- f. How much on-street parking would be lost as a result of completing the roadway changes?
- g. Should Unwin Drive have on street parking?
- h. Can the number of required disabled parking spots be increased to serve any medical office uses that may be on site?
- i. What elements of infrastructure upgrades in the area will be required regardless of what occurs on the Stadium Mall site?

4. Process

- a. How did the errors in communicating dates and the lateness in sharing information come about?

Questions on Record but were missed by the planners:

- a. Can we put any language around phasing to preserve the existing retail uses?
- b. Can we preserve a view corridor to the church?
- c. What is the appropriate time to do a traffic study and at which phase of the buildout.
- d. What is the impact of Should vs. Shall statements on the ARP?

Proposed Amendments to the ARP

The following is a list of proposed amendments read out by Mayor Nenshi near the end of the Hearing. An exact copy of this list was requested from City Clerk's and the Planning Department, but a copy was not available or provided. The following list is approximate and based on notes taken from various sources. This is essentially a news report, not an exact list.

Some, all, or none of the amendments may be passed. It will be decided next week.

1.. Replace the following text from section 5.1.1 (1) of the proposed ARP:

“Planning applications should meet the purpose and intent of the current Land Use District which permits 3.0 FAR and 46 m of height”

with the following text from section 5.3.1(a) of the Municipal Development Plan that describes the purpose and intent of the City on the issue of densification

“Land use policies:

Recognize the predominantly low density, residential nature of University Heights Residential Areas allowing moderate intensification in a form and nature that respects the scale and character of the neighbourhood.”

2. Require a more moderate scale of development that also limits building heights to 6 stories. (may not have the legal authority to do.)

3. Direct that a minimum of 50% of the permitted total floor space be composed of residential dwelling units, including a significant portion of units large enough to accommodate families.

4. Require that, before a revised ARP is drafted, the Traffic Impact Assessment be redone to consider the effects of the 20% increase in the floor space allocated to each of the Medical Clinic, Office, Retail and Restaurant land uses.

Note: This will create about 20,000 more square feet of high traffic generating medical clinics (for a new total of 119,996 sq ft instead of a 100,000 sq ft.) and 51,000 more sq ft of high traffic generating office space (for a new total of 305,996 sq ft instead of 255,000 sq ft)

5. Specify an adequate minimum number of surface vehicle parking spaces and require the site development to be so structured that its retail and residential components can and must be built in the first construction phase.

6. Preserve at least 50% of the current Municipal Reserve Lands as green space in place for a likely needed future interchange and / or use as part of a new linear park as applied for by the UHCA.
7. Clearly link the schedule of any future redevelopment activity at SSC to prior completion of all the 14 road and public transit infrastructure upgrades identified by the ARP and TIA as needing to be “in place” to accommodate the traffic impacts of the proposed development.
8. Specific request decreasing amount of office and hotel, increasing amount of residential and retail
9. limiting number of rooms of hotel
10. require some portion of the housing to be dedicated to senior housing or assisted living
11. reducing the square footage for medical uses
12. Use materials that reflect materials used in the community.
13. no above ground structured parking allowed.

Appendix II WESTERN SECURITIES

ESTABLISHED · 1932

July 26, 2013

Your Worship Mayor Nenshi and Members of Calgary City Council:

Re: Public Hearing – July 22nd & 23rd, 2013: Item # 8.3 - Stadium Shopping Centre Area Redevelopment Plan

First and foremost, thank you for your time and consideration in hearing Western Securities supportive position towards the proposed Area Redevelopment Plan (ARP) for the Stadium Shopping Centre lands during the July 23rd Public Hearing. We appreciate that the public hearing is now closed and that the matter has been given first reading.

We reiterate that we fully support the ARP as recommended by Calgary Planning Commission. We believe that the ARP, as it stands, provides robust policy and guidance that we, the landowner, can use to prepare a detailed masterplan to transform the Stadium Shopping Centre into an exemplary mixed-use centre.

As the Stadium Shopping Centre landowner and an active stakeholder in the ARP process over the past year, we believe in continuing to proactively communicate on the future of the subject lands. We specifically deem it important to offer feedback prior to next Monday's (July 29th) regular Council meeting when City Administration will respond to the items Council identified in the ARP.

Following is our summary and position on items noted from the July 23rd Public Hearing:

1. Uses and Mix of Uses. The ARP has included policy to ensure that future redevelopment be of mixed-use in nature by establishing minimum floor areas for retail and residential uses and maximum for medical office. Mixed-use development is significantly more complex and costly than single use development – this is why a majority of developers in Calgary hesitate to take on complex mixed-use projects. We feel that it is not the role of an ARP to allocate the specific areas of uses for future development, as determining the mix of uses requires detailed assessment of market demands, site and design conditions, phasing and absorption; all of which will be examined in more detail during the required detailed masterplanning phase. We do understand the community's expressed desire to have a significant residential component on the site. We feel this is addressed by the minimum requirement in the current ARP policy and that the actual residential component will be determined during the detailed design stage.

2. Replacing “Shall” with “Should” in policy language. We feel that the current language provides a high level of certainty that best practice design will be followed when preparing DP applications. We do not support replacing any instances in the policy where the word “should” is used with the word “shall”. The application of the proposed guidance must be tested during detail design. We are committed to achieving the intent of the guidance as set out in the ARP.

The current language gives the landowner / developer sufficient flexibility to be able to demonstrate to the City, as the development authority, when the guidance is not achievable. To make policy statements mandatory rather than directory removes this flexibility for both the applicant and the development authority.

3. Building Heights and Massing. We do not support amending this policy. We believe that the current specific policy of reducing heights in the north east corner of the site and requiring upper floor setbacks along the west, north and east property boundaries addresses the community's concern of ensuring a sensitive transition to the more residential character area of the adjacent neighbourhood.

4. Structured Parking. Council heard from a few University Heights residents who suggested that above-grade parking structures not be permitted. ARP Policy 5.5.5 provides very specific guidance on how structured parking should be treated to ensure that it has a positive impact on the public realm. Until we undertake detailed design, we are unsure if above-grade structured parking will form part of the parking strategy. We feel that it is not appropriate for the ARP to eliminate the possibility of structured parking.

5. Transportation. Many comments were made questioning the completeness and accuracy of the Transportation Impact Assessment (TIA). The TIA prepared by D.A.Watt Consulting Group Ltd. to support the ARP was based on a scope of work prepared in consultation with the UHCA and the City. The TIA followed the City's TIA Guidelines; was accepted by the City; and was peer reviewed by Bunt Engineering. We feel that the steps taken in preparation and review of the TIA ensures that it effectively addresses all pertinent transportation issues and any remaining questions will be answered by City Administration or D.A.Watt as required.

6. MR Lands / Greenspace. During the community presentations, we heard several viewpoints regarding the potential incorporation of a portion of MR (community reserve) into the redevelopment. It is apparent that there is still some confusion regarding the actual space that is being considered and how it would be incorporated into the redevelopment plan. The language found in the ARP suggests that a reserve swap is an option to consider. We support keeping this existing language as we feel it would be beneficial to continue the conversation with community and other stakeholders during the design process. This conversation will determine how the community's aspirations for improved public space along with maintaining a pedestrian corridor along 16th Avenue can best be achieved. The requirements found in ARP Policy 5.2.5 were created in response to community concerns regarding connectivity along 16th Avenue.

7. Phasing & Existing Retail. We see retail as a major component of the future redevelopment of Stadium Shopping Centre and value our existing retailers tremendously. All existing retailers have been informed of Western Securities' plans to redevelop the shopping centre. Although it is too early in the process to know the details, Western Securities intends to explore the possibility and feasibility of including existing tenants in the future development, including during

construction. Without a full understanding of the details of construction we cannot evaluate the feasibility of this potential.

8. Consultation. We are also very aware of the issues that were raised surrounding consultation, transparency and collaboration. It is important to note that we agree that there are definitely lessons learned for all parties involved. We believe that we can all improve upon the process in the future. Looking back, we found the South Shaganappi Area Strategic Planning Group (SSASPG) meetings to be a very productive forum for discussion, allowing all area communities and stakeholders to provide monthly input into the development of the ARP. During SSASPG meetings, participants were very supportive of the ARP consultation process. We feel that the views expressed during the public hearing on July 23rd did not provide a true indication of the support provided by other area community representatives and stakeholders during the preparation of the ARP.

We again would like to thank all involved in this Stadium ARP for their dedication to creating a great framework to move this process forward to the next phase. We are pleased that Council passed first reading of the ARP and look forward to successful passage of second and third readings.

Thank you for your time and consideration on these matters. If any members of Council require further information from Western Securities, please contact the undersigned at your convenience.

Best regards,

WESTERN SECURITIES LIMITED



Mike Brescia
Vice President



Ryan O'Connor
Principal

Copies:

City of Calgary Planning Staff (Attention: Desmond Bliet / Thom Mahler / Paul Donker)

City of Calgary Law Department (Attention: Jill Floen)

University Heights Community Association (Attention: Peter Khu)

APPENDIX III

Resident Letters answering “How Did the ARP Go off the Rails”

1. Matt Law’s Letter

July 24, 2013

Your Worship, Members of Council,

Thank you for the opportunity to present to Council at the Public Hearing for the Stadium Shopping Centre ARP yesterday. I have a few observations and recommendations to make as a result of that experience.

Late in the proceedings, Alderman Carra made the comment that the policy prescriptions of the City (which I interpret primarily as the Municipal Development Plan) and the Land Use designations of the City are not in alignment; this was one of the most significant statements made during the hearing. That misalignment, a Neighbourhood Activity Centre zoned as CC2, is the fundamental basis for the failure of this ARP process. I am a believer in the MDP and the PlanIt process and directions for the city, but this misalignment threatens to emasculate the vision for Calgary as contemplated in the MDP. In the Stadium Shopping Centre case, either the property should be developed as a Neighbourhood Activity Centre with the esthetics and neighbourhood continuity as envisioned in the language of the Municipal Development Plan, or the site should be redesignated as a Major Activity Centre, with the citizens of Calgary having an opportunity to comment and influence that redesignation. Council unfortunately appears to be on the way to choosing neither route.

It was stated countless times at this hearing that Land Use redesignation was not in the purview of Council. Late in the hearing, I was astonished to hear your Counsel explain that in fact Land Use redesignation to a lower intensity can be undertaken by Council, with or without the agreement of the landowner. As a citizen, I feel I have been sorely misled by the members of the Calgary Planning Commission, and by the members of Council, and have had my rights to a fair hearing on this issue severely damaged. I understand the unusual nature of a land use redesignation to a lower intensity, and I can understand the reticence to undertake such actions, but to be willfully prevented from even having that discussion is a violation of my rights as a citizen of Calgary and a flaunting of our democratic process. I can live with any result of a fair hearing on this issue. I cannot accept not having a hearing at all.

I object in the most strenuous of terms to the insulting tenor and aggressive language used by some Council members in addressing some of the presenters at this hearing. It leads to a perception that the Council member has already made his or her mind up prior to hearing all the evidence, and is insulting and degrading in the highest degree. In particular, the tone of several of the Council members who questioned Mr. Khu was aggressive, inappropriate, and in the case of Alderman Lowe and his comment of using

“small words”, unconscionable. As Mr. Khu is my community representative, I take that insult personally and request that Alderman Lowe retract that comment and apologize in writing to Mr. Khu and the residents of University Heights. Mr. Khu has done his best, and indeed an admirable job of representing the views of a sometimes strident community, views which I daresay at times conflicted with his own. I appreciate Mayor Nenshi’s accolades for Mr. Khu’s energy and enthusiasm as a community representative, but it does little to mask what I believe is the true opinion of many members of Council, and that opinion, in flagrant view, belittles the democratic process we have all agreed to undertake and live by.

Indeed, it is a disappointment to me that because of the breakdown in the consultation process, I and other members of my community did not have an opportunity to influence in a meaningful way, the nature of this significant redevelopment. A Council hearing is no place to have that kind of intercourse as indeed there is no opportunity for discussion between both sides. Because the land use designation and the Municipal Development Plan (as detailed in the South Shaganappi Strategic Area Plan) were at odds, this process was doomed from the start. To be clear, through no fault of the landowner or the community, this process was doomed. The landowner hung his hat on the CC2 land use designation, which he is legally allowed to do, while the community stood behind the designation of this site as a Neighbourhood Activity Centre, and all the supporting language of the Municipal Development Plan, which the City has rolled out as the overriding development policy. Understanding and resolving that conflict was necessary prior to any discussion about the nature of the redevelopment.

A revisiting and resolution of this major conflict between policy and land use would, in my opinion, lead to a much more effective and valuable consultation process between the landowner and affected Calgary citizens, and I encourage you to consider this option for the Stadium Shopping Centre prior to approving this ARP. Regardless, identifying other sites in the city which exhibit this conflict, and resolving that conflict through public discourse to either change the land use designation, or designate the site as Community Activity Centre or Major Activity Centre, in line with it’s land use designation prior to any proposed redevelopment is essential if Calgary citizens are to continue to have faith in the vision so eloquently detailed in the Municipal Development Plan.

I look forward to continued discussion with Western Securities about the shape and structure of the redevelopment of Stadium Shopping Centre, with the support of the Calgary Planning Commission. I remain,

Yours truly,

Matt Law
Calgary Resident

Cc: Rollin Stanley, Donna Kennedy-Glans, Western Securities, Peter Khu

2. Dr. Nao Kawamura' s Letter

July 26, 2013

To His Worship, Mayor Nenshi, and Members of Calgary City Council:

Re: July 23, 2013 Public Hearing Regarding
Proposed Stadium Shopping Centre Re-Development

In the weeks leading up to the 101st "Hell or High Water" edition of the Calgary Stampede, there was a terrible flood that ravaged the City of Calgary. In the days that followed, it seemed that the leadership of our municipality reigned supreme and guided us skillfully through the state of emergency. I was like many Calgarians; I felt helpless, but supported. I built faith and trust in the Municipal Administration. Sadly, recent municipal proceedings have destroyed any good feelings I may have had.

As a concerned citizen and resident of University Heights, I attended the public hearing on July 23, 2013 related to the proposed Stadium Shopping Centre Re-Development. I was appalled by the blatant disregard for professionalism amongst many who spoke on behalf of City Council. In particular, the manner of questioning of the first few speakers from our Community and the hostile and irrelevant interrogation of our Community Association President were especially distasteful. It would seem that many of our elected representatives either never learned, or clearly forgot, how to be polite or how to speak in a socially respectful manner.

The mixed and large representation of people from our Community in attendance included, and was not limited to, a new mother, many retirees - some requiring physical aids for mobility, a concerned student, an amputee, and various professionals from all walks of life. All of these citizens, both current and future taxpayers, form a part of the electorate that has assisted the members of Council to attain the positions that the public servants now hold. All of the Community members came as unpaid volunteers and gave up their time to enhance a public hearing. A great many of them moved medical appointments, arranged childcare, or put their professional lives on hold to be present for an unspecified length of time in order to participate. They came because they felt it was their only opportunity to be heard.

Council members, in contrast, were present as a duty to their elected positions. It is clear from the handout provided on-site entitled, "Citizen Information for Council Meetings," which describes "Meeting Recess and Adjournment Times," that members of Council came to this meeting aware of their time commitment and the duration of the meeting. Additionally, unless there is a situation of which I am unaware, I presume that all members of Council who were present also will receive financial compensation for their involvement related to these proceedings. And yet many of these same Council members felt it acceptable to interact with the concerned volunteer public in a demeaning, aggressive and derogatory manner. Alderman Lowe's disdainful and condescending comments about "short words and simple sentences" were exceedingly insulting to a Community with a tremendously large proportion of highly educated

electorate. Alderman Farrell's objection about "having to listen to these complaints" was in extremely bad form, considering the respective situations of the populations that were present. Is it not an aldermanic responsibility to listen to the citizens at public hearings? Participation at public hearings should neither be taken for granted nor be endured and begrudgingly tolerated; participation should be fostered to strengthen democracy.

The question was asked, "Why are we here?" I suggest that the answer to the question is: because there is a difference between *meeting* and *engaging*. The Community input from two *meetings* in 2011 was significantly diluted by the insertion of multiple bodies sympathetic to the developer; this fact is inherently obvious by a simple inspection of the list of attendees. By rights, these *meetings* should not be referred to by the landowner or included in this ARP discussion as they occurred prior to the December 2012 start of the ARP process. The *Community engagement* which was supposed to happen during the subsequent process of the development of the ARP did not occur; this is obvious both from the number of Community members present at the public hearing and the content of the material presented by the speakers against the ARP. You *meet* someone in an elevator; you *engage* someone in conversation.

The electorate of the entire City of Calgary looks to the municipal administration for leadership and guidance: **Please do the right thing.** Take Mayor Nenshi's challenge, and "Do 3 things for Calgary":

- 1) Preserve the Municipal Reserve Land which should never have been on the table for negotiation. It is a well-loved park by members of our Community. It is integral to the many award-winning Outdoor Education Programs and Mobile Classrooms of Westmount Charter School. It constitutes a safe and beautiful pedestrian route for children of neighbouring Communities to access our schools. The Municipal Reserve land is not currently, and should never be, subject to the privilege of the developer, especially under the inappropriate and disproportional C-C2 land use zoning of the adjacent property.
- 2) Restrict the Stadium re-development to something that the City Budget, the traffic stresses and the Community can accommodate. At the very least, make the development conditional upon and proportional to infrastructure upgrades.
- 3) Require the developer to increase the proportion of residential accommodation for the Community needs: in particular, increased residential accommodation for families and assisted living.

Please resist the inclination to submit to the unreasonable expectations of a developer in order to set a weak start to a fledgling ARP process. University Heights may be only one small Community, but it is one of many to be engaged (or, as in our case, not to be engaged) in this ARP process.

Until there is an eventual alignment of the MDP and land use, there will be much angst in your collective municipal public futures. I believe it is your job to see that this alignment eventuality occurs sooner, rather than later. It would be wise to use this

Stadium Shopping Centre ARP as an opportunity to do the right thing and to do 3 positive things for Calgary.

And it would be wiser to do it politely.

Respectfully yours,

Dr. Nao Kawamura

cc: Mr. Peter Khu, President, University Heights Community Association
Ms. Donna Kennedy-Glans, MLA for Calgary-Varsity

3. Dr. John Rowse's Letter

Sent: Friday, July 26, 2013 12:30:18 AM
Subject: SSC ARP Consultation: Off the Rails?

Your Worship and Members of City Council:

At the City Council Hearing on July 23, Mayor Nenshi asked (not exactly his words): Where did the public consultation process with University Heights (UH) residents on the Stadium Shopping Centre (SSC) Area Redevelopment Plan (ARP) go "off the rails"? Here I address this question. I believe my statements are correct, but all interpretations are mine alone and others might reach different conclusions. There is also some duplication in what I write below because I want to draw a pattern of behaviour by City planners. I group my comments in several sections. Then I conclude these remarks with my impression of what they mean for the Transforming Planning initiative, currently underway, to try to improve trust among City planners and stakeholders involved in the conduct of essential City planning processes.

First, section 2.3.7 on page 2-28 of the Municipal Development Plan (MDP) is titled "Foster community dialogue and participation in community planning." The following words appear there: " d. Local planning studies will ensure the necessary resources and time frames to undertake community planning projects in a manner that is responsible, thorough, transparent and includes participatory community planning and consultation." This MDP characterization of community participation should be borne in mind when evaluating the City planners' public engagement process with UH residents regarding the SSC ARP.

MY ASSOCIATION WITH THE UNIVERSITY HEIGHTS COMMUNITY ASSOCIATION (UHCA)

I cannot speak to what happened prior to February 28, 2013, because I was not closely involved with the UHCA at that time. I only became more closely involved with UHCA as a result of the process followed by City planners during their Feb. 28 and March 13 and 14 public presentations, and by their subsequent treatment of UH residents.

At the three public presentations in 2013 by City planners up to March 14, UH residents expressed a desire to speak publicly with City planners and receive answers in public, but were shut down because speaking publicly was "counterproductive" in the words of one City planner with whom I spoke. Counterproductive for whom? Obviously, the planners. City planners also declined later invitations to confer in person with UHCA members. Why?

The three public presentations and City planners' approach to collecting feedback while denying participants the right to speak publicly alarmed some if not most UH residents. It appeared that the basic democratic freedom to speak publicly was being suppressed, a peculiar way for planners to engage in collaboration with a community to create an ARP. Most persons who attended these presentations have substantial life experience, many have professional backgrounds and none were used to being treated this way. Not surprisingly, around this time community sentiment rose against this treatment by City planners and FOIP requests resulted.

The walkabout with Mr. Rollin Stanley on March 13 was potentially fruitful, because he asked UH residents to send him ideas about how the UH community could be made better. We did, but our substantive ideas about redevelopment seemed to get no attention.

CONCERNS OF UH RESIDENTS IGNORED

It was the planners' ignoring of the concerns of UH residents that was most disappointing. For instance, City planners did not post on the City's website the results of a legitimate UHCA-conducted survey of UH residents about their opinions on SSC redevelopment. However, the contents of sticky notes filled out by individuals at several City planners' public presentations were posted.

HIGHLY COMPRESSED TIMELINE FOR SOLICITING AND INCORPORATING UHCA FEEDBACK

On April 12, UHCA agreed to the July 22 City Council meeting to discuss the Stadium ARP and therefore knew that the turnaround time for feedback would be short. However, UHCA could not have foreseen how City planners would proceed in their consultation process with the UH community.

Starting early in May, City planners followed a public consultation process that was highly problematic for UHCA. Effectively, in what followed with the Traffic Impact

Assessment (TIA), the Draft ARP and the Proposed ARP, UHCA concerns were sidelined by tight feedback deadlines and wrong information on two critical feedback deadlines. One wrong deadline caused UHCA to miss the actual deadline for submitting UHCA comments on the Proposed ARP to the Calgary Planning Commission (CPC) Hearing on June 6. CPC later voted not to accept the UHCA submission because it was late. I attended the CPC Hearing and was disappointed that there was no public acknowledgement that the lateness of the UHCA submission was due to the file manager. All CPC members were informed by Alderman Dale Hodges that the lateness was due to misinformation provided by the file manager.

Furthermore, the well-considered critical comments from the UHCA about the TIA, including ad hoc assumptions utilized but not justified by the consultant who prepared the TIA, were ignored. Given the compressed time frame, there was no time for the legitimate criticisms of the TIA by the UHCA to be incorporated into a revised TIA. Preparing the TIA was so rushed that public discussion of the Revised TIA (finished on June 27, 2013) only occurred on July 2, nearly one month after the CPC Hearing. The TIA was an essential document supporting the Proposed ARP, which was discussed and voted upon at the CPC Hearing.

CRITICAL INFORMATION NOT SHARED

City planners did not respond to the UHCA request for a listing of what changes occurred between the Draft ARP and the Proposed ARP. Not knowing the changes caused UHCA to miss the 20% increase in land uses that occurred when going from the TIA to the Proposed ARP, because the process was so rushed. We learned subsequently from a FOIP email that Mr. Mike Brescia of developer Western Securities (WS) had noted the differences in the Proposed ARP and contacted the file manager to find out about the changes. In an email dated May 30, the file manager answered his questions about the changes, but the file manager did not send this same information to the UHCA, denying the UHCA critical information about SSC redevelopment. It would have been logical to assume that, if the landowner did not know, then UHCA wouldn't know either and would like to find out. But the information was not shared.

Most alarming, we learned City planners had decided to make the land uses in the Proposed ARP essentially their new base case for planning redevelopment. But this new base case was the old base case of the TIA increased by 20% according to the sensitivity analysis, making it the high traffic case of the TIA. There was no further study in the Proposed ARP of what might go wrong if site traffic at a redeveloped SSC were higher than their new base case for planning: no new sensitivity analysis explored what would happen to traffic congestion with site traffic higher than in the new base case. This is an important point. The approach of the Proposed ARP constitutes imprudent planning because, if more congestion emerges than is foreseen, there is no focus on the resulting traffic problems. Obviously much greater traffic congestion will result and UH residents will be the most affected. But so too will be the residents of St. Andrew's Heights and all commuters along 16th Avenue.

INFORMATION LEARNED THROUGH FOIP REQUESTS

The information gained under our FOIP requests was concerning to UH residents and depressing to me personally. I will mention two of the many emails.

The first is an email from planner Thom Mahler to Rollin Stanley on December 13, 2012. Part of his email states: "Alderman Hodges seems to be supporting the Community Association at this point (i.e. slow it down and do more analysis), but all the other local communities and stakeholders are quite supportive of the project. I think a strategy discussion with you and Mac Logan and our key staff would be beneficial on how to manage Alderman Hodges."

When these words were made public at the City Council Hearing on July 23, they were greeted with laughter because of a belief that Alderman Hodges is not someone who can be managed. Nevertheless, these words are troubling. Mr. Mahler states that Alderman Hodges seems to be supporting the UHCA and that this appears a problem because he might be representing the interests of his constituents; that is, doing the job he was elected to do. I view the email as intending to explore how to work around Alderman Hodges and push ahead with the priorities of City planners, which evidently were not compatible with the concerns of the residents of University Heights. Finally, if I were a City Council member, I would not like the thought of a City planner trying to manage me.

An email from Mike Brescia of WS to city planners on March 4 also concerns me and other UH residents. When this email was made public at the City Council Hearing on July 23, Mayor Nenshi's observation at City Council Hearing was correct that there was no smoking gun regarding City planners' close entanglement with WS. Yet this email and a number of others demonstrated troubling coziness between planners and the developer. Given the freedom that Mike Brescia felt he had on March 4 to suggest to City planners what they should do, UH residents were justifiably worried that City planners and the developer acted together and that UH residents were sidelined in the public consultation process. Reality may have been different, but the email was alarming.

UHCA PRESIDENT AND SOME EXECUTIVE MEMBERS AS OBSTACLES TO MEANINGFUL PUBLIC ENGAGEMENT

In a February 9, 2013, email to City planners, Mike Brescia expressed his frustrations as follows: "As we have mentioned several times, we feel that the president of the UHCA (and specifically a couple other members) DO NOT represent the greater sentiment from surrounding communities and stakeholder groups." In a later email, dated March 4, 2013, he expressed his frustrations further in his thoughts about the Feb. 28 public presentation by City planners (which was also a general meeting of the UHCA):

" 1. Tone of UHCA Executive's pre-forum messaging (fear tactics and spreading of misinformation)

Clearly disappointing given the amount of time, effort and money we have put into collaboration and consultation. I would hope that both the City and other members of the SSASPG will make an attempt to discuss this with the executive and draw on previous experiences showing this to be counterproductive."

Those are Mr. Brescia's opinions, and -- my view only -- he may well believe that the public engagement process went "off the rails" because of the behaviour of specific individuals associated with the UHCA. Yet I don't know any UH resident who feels misled by Peter Khu and other members of the executive, although perhaps some residents do feel misled. Most UH residents I know, and I too, regard Peter Khu as courageous for his stand consistently supporting UHCA interests.

PUBLIC ENGAGEMENT PROCESS NEVER "ON THE RAILS"

I have no answer to the question of where the public engagement process went off the rails because, in my opinion, the City's public engagement process with UHCA was never "on the rails". The two closed-door invitation-only meetings UH volunteers had with WS in 2011 did not constitute genuine public engagement with the UH community. Moreover, the three public presentations that City planners held about SSC redevelopment from Feb. 28 to March 14 generated anxiety, frustration and upset among community members and led to comments among residents such as: "Why are they treating us this way?" There was no collaboration with UHCA at any of these presentations. Finally, any consultations that City planners and WS had with UHCA through the SSASPG were at too high a level to constitute meaningful public engagement with UHCA on its priorities regarding SSC redevelopment.

THE TRANSFORMING PLANNING INITIATIVE

Here I offer a few comments about the City's Transforming Planning initiative currently underway. I attended the June 5 session at the request of Peter Khu, who had another engagement. I decided that the initiative is not likely to succeed because of these observations: City planners have the power, community associations have little to none, and from my own experience City planners refused to share. The file manager participated at this session the evening I attended. I review next how he and other City planners treated UH residents during Feb. 28 - June 6, while the Transforming Planning initiative was in progress, then draw some conclusions.

- Controlled the dates, number of public events and the nature of public engagement, generally reasonable given City planning responsibilities.
- Refused to allow public discussion at their public engagements.
- Decided not to post useful information from UHCA on the City website (legitimate UHCA survey results) even though they posted information from individuals who filled out sticky notes at City planning information sessions in several different locations.

- Declined to accept UHCA invitations to speak publicly with the UHCA about SSC redevelopment.
- Provided misinformation about two critical feedback submission dates.
- Caused UHCA to miss the date for feedback to CPC, making the UHCA submission late, and causing it to be declared late by CPC and therefore inadmissible.
- Provided no public acknowledgement at CPC that the reason for lateness of the UHCA submission was misinformation that the file manager provided.
- Provided short feedback deadlines extremely difficult for the UHCA to meet.
- Essentially ignored legitimate and specific UHCA criticisms of the TIA.
- Made the Draft ARP available to SSASPG (not UHCA) on May 17, only six days before feedback was due, and declined to provide an electronic version of the Draft ARP on the City's website until less than one day before the feedback deadline, despite having been asked to do so by the UHCA President on May 17.
- Provided a Draft ARP on May 17 that was 17 pages long, with no diagrams to help interpret what was in the Draft ARP, and a feedback deadline of May 23, SIX DAYS later.
- Provided a Proposed ARP to UHCA on May 27, FOUR DAYS after the deadline for UHCA feedback on the Draft ARP. The Proposed ARP was 40 pages long, contained much more information than the Draft ARP and diagrams for interpreting the provisions of the Proposed ARP.
- Provided the Proposed ARP only ONE DAY before the actual deadline for feedback to CPC on May 28, although UHCA was informed that the deadline was June 5.
- Emails between the developer and City planners and among City planners found using FOIP requests raised concerns among UH residents about a possible cozy relationship between the developer and City planners that appeared to sideline UH interests. The email by one City planner about the possibility of managing Alderman Dale Hodges because he apparently favoured the UHCA also alarmed UH residents and raised fears that their concerns were being sidelined.
- Declined to share critical information with the UHCA about land use changes between the TIA and the Proposed ARP, although he provided this information to the landowner.
- Made the decision to include as land uses in the Proposed ARP the high-traffic case of the TIA, but did not examine what would happen if site traffic rose beyond this high-traffic case, leading to imprudent planning for future redevelopment at SSC.
- Claimed at the CPC and City Council Hearings that the planners' public engagement process was satisfactory.

These are just the circumstances and decisions I know about. In my view, the treatment by City planners of the residents of University Heights regarding the SSC ARP does not satisfy or even approximate the MDP-mandated community participation discussed in the quote above. Nor is it consistent with reducing/eliminating distrust among stakeholders involved in the planning process. If there had been no opposition to City planners by UH residents, the SSC ARP would likely have been passed by City Council by now. In the absence of determined and organized opposition by a community organization, City planners have the power to steamroll over community associations and thus community interests. This fact suggests to me that this type of behaviour may well have occurred in the past. Consequently, the UH experience with engagement by City planners while the Transforming Planning initiative was in progress is not hopeful

for community associations who might look to the Transforming Planning initiative as a way to reduce distrust among stakeholders and facilitate collaborative planning.

As part of my presentation to City Council on July 23, I asked that City Council, at a later date, take steps to prevent City planners from ever treating a community the way that University Heights has been treated. My comments here show the pattern of behaviour of City planners toward UH residents that, I believe, supports my request.

Perhaps, if there are to be future negotiations among the UHCA, Western Securities and City planners on the SSC ARP, it will be done in a different atmosphere that allows public engagement consistent with MDP-mandated community participation.

Thank you for your attention and consideration.

John Rowse, Resident of University Heights

Cc: Rollin Stanley
Donna Kennedy-Glans
Western Securities
Peter Khu