



July 10, 2013

To: Members of Calgary City Council

**Subject:** Deficiencies in the community consultation process for Stadium Shopping Centre Area Redevelopment Plan

Your Worship Mayor Nenshi and Members of City Council

On behalf of the residents of University Heights, their Community Association has submitted to Council a detailed statement of our substantive and process concerns regarding the proposed Area Redevelopment Plan (ARP) for the Stadium Shopping Centre (SSC) site. (As you are aware, this issue is on Council's agenda for its July 22<sup>nd</sup> Public Hearing.) Through this present communication, we also wanted to provide you with two written examples of our sustained, good faith but unsuccessful efforts over the past several months to persuade City Administration to respond to our deep and well-founded concerns about the deficiencies in the ARP community consultation process and about the type of inappropriate high density development at SSC that it will encourage, contrary to the Municipal Development Act of 2009.

The first attached document is our April 22<sup>nd</sup> letter to Rollin Stanley, the City's General Manager of Planning. Having been submitted about three months ago, the letter illustrates how long we have been expressing our concerns, and how proactive we have tried to be. The letter reiterates our understanding that an ARP is meant to be an unbiased public process that rigorously links the uses in a land parcel to its size and compatibility with the surrounding community and the MDP. The letter then respectfully requests that Mr Stanley provide oversight to the ARP process and ensure it becomes an opportunity for informed and meaningful community engagement. In particular, it asks the City to ensure the timely distribution of the relevant information in its possession and require its Administration as well as the project proponent to proactively consult and involve the community in a timely, sustained and meaningful manner.

Because there had been suggestions that only the president and a small group of people within the University Heights Community Association were concerned about the density and form of the development at SSC endorsed by the ARP, in the letter to Mr.

Stanley we also outlined the results of a recent (high participation rate) opinion survey in the community. That survey indicated that 63% were willing to support a C-C1 type level of density with a maximum building height of up to 4 stories.(The current shopping centre is all essential only 1 story buildings.)

The second attachment is a May 8/13 email to Desmond Bliet and Mike Brescia who are our main contacts in the City and Western Securities for the ARP and SSC redevelopment issues. The purpose of that email was to formally request that they work with the University Heights Community Association “to put in place a process where interested residents of University Heights (as the community most directly affected by Stadium Shopping Centre redevelopment) would be able to collaborate with City Planning and the developer to try to forge, through informed compromise, a mutually acceptable draft of the Area Redevelopment Plan for Stadium Shopping Centre.” The letter then offered as one option a three staged process for the proposed collaboration based on a widely accepted legal definition of “adequate consultation.” (ie This definition places three legal obligations on the proponent: first, the provision of adequate information on the proposal to the affected community being consulted; secondly, the provision of reasonable time and opportunity for the community to develop and communicate its input/response, and thirdly, a substantive response by the proponent that demonstrates it has given full and fair consideration to the views and recommendations of the party consulted.)

In both cases the City recipients of these two communications acknowledged their receipt but otherwise did not substantively respond to the messages communicated by the Community Association. In the case of Mr Brescia of Western Securities, he rejected our request/offer of collaboration essentially on the grounds that the two “by invitation only” meetings with a couple of residents of each of the communities involved in the development of the South Shaganappi Communities Area Plan of 2011 constituted adequate pre-ARP approval consultation on SSC redevelopment with all of those communities, including University Heights.

In short, we believe these two letters illustrate the challenges and frustrations we have experienced in our efforts to invoke our community’s rights to “collaborative planning processes” as stated in the Municipal Development Plan. We understandably hope City Council will remedy this situation.

Sincerely,

Peter Khu, President  
University Heights Community Association

April 22, 2013

Mr. Rollin Stanley  
General Manager of Planning, Assessment and Urban Development  
Development and Assessment  
City of Calgary

cc: University Heights Community  
Dale Hodges, Alderman Ward 1

Dear Sir:

**Re: Stadium Shopping Centre (SSC) Discussion:**

**Relationship between South Shaganappi Community Area Plan  
and the Stadium Shopping Centre Area Development Plan**

The University Heights Community Association (UHCA) would like to highlight our concerns about the Stadium Shopping Centre ARP process. While we very much support the redevelopment of the site, we are concerned with the Planning Departments starting point. To that end we want to take this opportunity to ensure that you have background information that is the basis for our concerns, which are both substantive and procedural in nature. We trust that with this timely understanding of our deeply held concerns, you will work with the UHCA and representatives of other concerned communities to address them in the principled, constructive and evidence-based manner that characterizes this letter and its recommendations.

## Background

1. The South Shaganappi Community Area Plan (SSCAP) was approved by the Calgary Planning Commission in April of 2011 and approved by city council as non-statutory plan in July 2011. According to the City website it "is intended to provide a framework and level of strategic planning between the Municipal Development Plan (MDP) and subsequent Local Area Plans (LAPs), over a 30 year time line".
2. In the strategic objectives as outlined in the SSCAP plan the Stadium Shopping Centre is defined as a Neighborhood Activity Centre (NAC) as it is within the Municipal Development Plan (MDP). <sup>1</sup>
3. When the community consultation on the SSCAP was done in June of 2010 and January of 2011, it was done at a high strategic level; the consultation was framed around broad principles and not specifics.
4. Within the SSCAP, there are a number of site specific policies specific to Stadium Shopping Centre; these are called **SS1 Policies** (found on pg. 97 of the SSCAP). Meaningful community consultation did **NOT** occur for the SS1 policies. This lack of consultation is extremely significant because the SS1 policies identify 4 major points:
  - i) An explicit intention to follow the "purpose and intent of the current Land Use District (C-C2)", which is effectively an endorsement for 800, 000 square feet of density on the site, and a 46 m height restriction;
  - ii) An endorsement of discretionary uses in C-C2, including a hotel;
  - iii) A recommendation that the Municipal Reserve land adjacent to 16th Ave be incorporated into the development; and

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<sup>1</sup> To avoid confusion, the SSCAP was previously called the South Shaganappi Regional Context Study (SSRCS).

( <http://www.calgary.ca/PDA/LUPP/Pages/Current-studies-and-ongoing-activities/South-Shaganappi-Communities-Regional-Context-Study.aspx> )

The links below show the pubic panels and surveys for that study. In particular:

- Open House Panels, June 2010
- <http://www.calgary.ca/PDA/LUPP/Documents/Publications/south-shag-panels-2010-06.pdf>
- Open House Panels, January 2011
- <http://www.calgary.ca/PDA/LUPP/Documents/Publications/south-shag-openhouse-panels-2011-01.pdf>

- iv) The develop will have multiple access points. Given that the development currently only has one access, this would also lead to the incorporation of the municipal reserve to gain right of way access.
5. These points address issues that are at the very heart of redevelopment of SSC which in turn suggests they are the result of a very specific but not yet publicly announced development agenda for the SSC. Moreover, these points are directly at odds with the repeatedly expressed concerns and objections of a large majority of UH residents. Fundamentally, these points conflict with the core definition of a NAC in the MDP which emphasizes intensification that is moderate in nature and in a form that respects the scale and character of the neighbourhood:

#### **RELATIONSHIP OF THE SSCAP TO THE STADIUM ARP**

6. The apparent strategy by the City Planning Department is to use the SS1 policies in SSCAP as a starting point for the ARP and a justification of its controversial content. The City Planning Department argues that C-C2 zoning, discretionary uses such as a hotel, incorporation of the MR land, and multiple access points are a fait accompli because of council approval of the SSCAP. As a community, we are strongly of the view that this approach is misleading and incompatible with the City's stated commitment to the type of openness, transparency and community consultation that contributes to the trust-based, informed deliberations and orderly decision-making which benefits the City and its citizens.
7. The SSCAP was never intended to circumvent wide public consultation on the SS1 policies. Moreover, the ARP should be the proper forum to engage the public on key issues. Using the SSCAP as a starting point precludes the ability of the ARP to impartially and effectively address the four key issues of Density, Discretionary Use, Incorporation of MR Land and Multiple Access—and therefore the associated issue of zoning. Such a biased and unacceptable outcome very likely would result in a significant risk of a polarized and ultimately unsuccessful ARP process.

## DENSITY AND DISCRETIONARY USES

8. It is the UHCA's view that the C-C2 zoning for the site far exceeds the purpose and intent of both the Municipal Development Plan and the Building Bylaw 1P2007. The C-C2 zoning endorsed in the SSCAP allows for a massive development on a small site; the potential exists for 800,000 square feet of development, equivalent to 83 percent of Market Mall floor area, on 1/5 of the land area of the Market Mall site. The scale of the development is well beyond the intensity targets of Major Activity Centre (MAC), the highest category of intensification that the city uses. Moreover, discretionary use could allow for a 14 floor hotel immediately adjacent to two schools, creating intense safety concerns among parents. This possibility is causing safety concerns amongst parents of students at both Westmount Charter School and University Elementary School, as well as area residents generally.
9. The existing land use bylaw 1P2007 supports a more moderate development on the site. According to 1P2007, the site should have a land use designation of C-C1 and **NOT** C-C2 because it is 2.46 Hectare. 1P2007 says that C-C2 should not be used in cases where the land parcel size is less than 3.2 Hectares.
10. If the Stadium development were to be scaled back from the current concept plan to something consistent with C-C1 zoning, both the developer and the city would be able to enjoy increased density compared to the current configuration - and widespread community support.
11. A recent University Heights community survey indicates that 76% of the respondents would accept a density of C-C1 or less. In addition, the survey revealed that 97% would not accept C-C1 with a building height above 6 stories, with a majority of 63% willing to support C-C1 with no more than a maximum height of 4 stories. Moreover, at a recent general meeting attended by more than 100 residents, there was near universal consensus to support a development consistent with a C-C1 zoning with a 4 story maximum heights.

## MUNICIPAL RESERVE LAND AND RIGHT OF WAY ACCESS

11. As you stated during the recent walkabout with our community, creating a right turn in and right turn out access to 16th Avenue through the Municipal Reserve Land is not technically feasible. Moreover, the idea of moving or selling municipal reserve in order to privilege a private development is a bad precedent that is inconsistent with MDP policies for municipal school and environmental reserves and protection of ecological networks. Due a prior widening of 16th Avenue, University Heights currently has already lost significant portion of its municipal reserve along with several hundred mature trees. As well, consistent with Policy 2.6.4 regarding interconnected ecological networks, University Heights is very eager to maintain a continuous green belt along 16th Avenue.

## SUMMARY

Our community has grave concerns about the current ARP process. Our understanding of an ARP is that it is meant to be an unbiased public process that rigorously links the uses in a land parcel to its size and compatibility with the surrounding community and the MDP.

Because the ARP will become a statutory document, its provisions will remain assigned to the Stadium Site, regardless of the identity of any future land owner. As such, the use instead of a non-statutory document like the SSCAP, which appears to preferentially serve the current developer/landowner, is not a reasonable or legitimate starting point from which to launch the ARP process.

This ARP is the community's first true opportunity to engage in the process of development at the Stadium site. Many Community members have genuinely come to believe that the City Planning Department is presenting preconceived solutions in an engagement process not designed to ensure meaningful input by affected and concerned residents, We would appreciate it if you could ensure that this ARP process becomes a opportunity for informed and appropriate community engagement.

Given its power over affected communities, we genuinely believe that the City of Calgary has a moral if not legal duty to act in good faith in its dealings with University Heights as an affected community on an issue so crucial to it as SSC redevelopment. University Heights requests that the City, when exercising its decision-making authority on planning and development matters relating to Stadium Shopping Centre, adequately respond to our community's legitimate expectations that it will ensure the timely distribution of the relevant

information in its possession and require its Administration as well as the project proponent to proactively consult and involve the community in a timely, sustained and meaningful manner. In this letter, we are offering an alternative approach that we believe will be constructive and effective.

We look forward to your response.

Sincerely,

University Heights Community Association Board of Directors



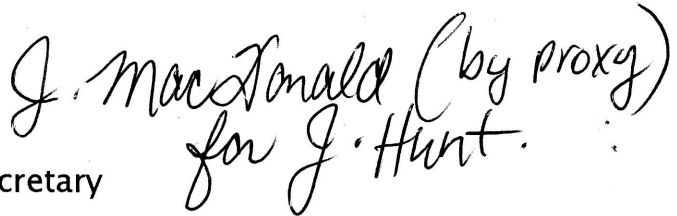
Peter Khu, President



Edgar Yajure, Vice President



Jane MacDonald and Joanne Hunt, Secretary




Michelle Nowak, Director



Patty Treasurer  
Anger



May 8, 2013

To: Mike Brescia, Western Securities  
Desmond Bleik, LUPP, City of Calgary

cc: Dale Hodges, Alderman Ward 1  
UHCA Executive and Development Committee

Dear Mike and Desmond,

At the last SSASPG meeting on 1 May 2013, I indicated UHCA's desire to have the City staff and Western Securities to work with us to put in place a process where interested residents of UH (as the community most directly affected by SSC redevelopment) would be able to collaborate with the City and developer to try to forge, through informed compromise, a mutually acceptable draft of the ARP for SSC.

Having had a chance to reflect a bit on how this proposal could be implemented, I would like to formally request that the City do the following as part of a meaningful and timely public consultation process with UH:

1. Schedule a pre-advertised and jointly planned public (UH) meeting on about May 21, so that it is a week after public input is received at the planned May 14 open house/public meeting and two weeks before the June 6 CPC Meeting.
2. The City and WS, in advance of this meeting, would provide UH residents through (the UHCA) with relevant information that is in sufficient detail and in a user-friendly form so as to allow UH residents to prepare their views on the ARP and SSC redevelopment issues.

3. The City and WS would then provide UH residents with a reasonable period of time to prepare and submit their views re the issues (I suggest 6 days, that is, by Monday May 27.

4. By Monday June 3, the City and WS would email me as UHCA President separate reports demonstrating (with appropriate details) that they have given full and fair consideration to the views and recommendations they heard from UH residents on May 21<sup>st</sup>.

I would request a timely written response from both the City and WS to this consultation request .

Regards,

Peter Khu, on behalf of the  
University Heights Community Association