

University Heights Community Association Input re the Draft ARP on SSC Redevelopment

1.

Concern: The vagueness and subjectivity of the descriptive words for the SSC redevelopment and therefore the excessive latitude they potentially provide the developer (Western Securities) in determining the ultimate level of density, scope and composition of the SCC redevelopment.

Evidence and/or examples of the concern: The underlined words in section 1 of the draft ARP –Vision

“The Stadium Shopping Centre will be redeveloped into an attractive, vibrant, mixed-use centre which provides employment opportunities, residential accommodation, and services that are complementary to the surrounding communities and institutions. Large surface parking areas will be replaced with a network of walkable open spaces, streets, sidewalks, and pathways fronted by high quality mixed-use development. A community gathering place will be easily navigable by foot, by bicycle, by transit, or by vehicle, and contribute to creating a sense of place and activity.” The community gathering place should be focused or oriented to the community not the development.

Remedy Requested by UHCA: The ARP submitted to the Calgary Planning Commission (CPC) include an acknowledgement of this vagueness/subjectivity issue and indicate that, to minimize the degree of the possible resulting controversy and distrust, the ARP requires the developer work with representatives of University Heights (as the most directly affected community) to design and implement a sustained collaborative process for the development of the site Master Plan (MP) and the subsequent Development Permit Application (DPA)

2.

Concern: The mandated purpose of an ARP is to “direct” development and not simply be a source of (vague) “principles and guidelines” for “shaping” and “assessing a future master plan. (see section 2: Scope and Intent. Because the purpose of an ARP is to provide “direction” and therefore reasonable clarity and reassurance to affected residents as well as the developer and City officials, the document’s provisions must be characterized primarily by mandatory “shall” and directive verbs rather than by ambiguous and unenforceable “should” verbs.

Evidence/Examples:

- a) Section 3.2 of the draft ARP states: “The Municipal Development Plan (MDP) supports the creation of Local Area Plans to help guide redevelopment in developing and established communities.” This statement is not accurate. What the City’s Municipal Development Plan, adopted by Council in Sept 2009, actually states, in section 1.4.4, is that: “ARP’s direct the redevelopment,

preservation or rehabilitation of existing lands and buildings, generally within developed communities.”

- b) In section 6 of the draft ARP (its core, constituting 11 of the document’s 17 pages), which deals with City policies with which the development must comply, the permissive verbs “should” or “are permitted or supported” are used 49 times while the mandatory “shall” is only used 10 times. Moreover, in almost all of the instances when “shall” is used, the nature of the issue requires its use, and in 4 of the 10 cases, a possibility of the developer obtaining a waiver from compliance undermines the significance of the “shall”.

This overwhelming use of the simply persuasive verb “should” is all the more unacceptable and worrisome because of the pivotal importance to affected University Heights residents of the policy issues dealt with in section 6 of the draft ARP:

- Land Use (including density);
- Interface and Edges (including Uxbridge Drive, the Northern Laneway, the Schoolyard and Park and 16th Avenue);
- Public Realm (including the Municipal Reserve, Open Space Network and Internal/External Streets);
- Form, Massing and Design of Buildings (including building heights, shadow minimization and building architecture) and
- Transportation (including Transit, Streets, Walking/cycling, Vehicles and Parking)

Just one specific example of the worrisome uncertainty generated for residents by the use of “should” is the following: “Portions of buildings above six stories **should** be located to provide new views, to minimize shadow impacts, to create a sense of place and identity, particularly along 16th Ave NW.” (Note also the uncertain meaning of the non-bold italicized words that then follow the “should”! By what objective criteria will the City determine that shadow impacts have been “minimized” and a “sense of place” created, especially without detailed input from residents of University Heights?)

- c) Moreover, the uncertainty engendered by the frequent use of the word “should” and the four references to possible waivers for compliance is not lessened by the provision of any details specifying the circumstances / threshold levels that will be considered by the City when a the developer fails to comply with the “should” so that the City can therefore make an informed and objective evaluation of the acceptability of that non-compliance by the developer

For example, the draft ARP adopts a minimalist approach to the amount of parking required by stating that “”Parking shall not be provided in excess of the minimum requirements established by the City’s land use bylaw IP2007”. The document then potentially compounds the potential problem of inadequate parking by then providing for the following waiver from even this minimum by stating: “Reduced provision of parking is encouraged where analysis by a professional engineer can demonstrate efficiencies due to:

- i) Sharing of parking spaces between uses with different peak periods

- ii) Encouragement of walking, cycling and transit, and
- iii) Support for carpooling and carsharing.”

(NOTE: Specifically how will be this supposedly independent and informed engineer determine if such subjective efficiencies will in fact be achieved, unless there is substantial local resident input?)

Remedy Requested by UHCA:

- a) Convert the “should” statements to “shall”
- b) Alternatively, if necessary, clarify the should statements by specifying the criteria to be used in judging the acceptability of a developer failure to comply with the “should”
- c) Strengthen the 4 waiver provisions in sections 6.1.1.3, 6.4.1.3, 6.4.3.1 and 6.5.5.2 by clearly specifying the preconditions measurable threshold that will have to be met before any waiver from City policy can occur.
- d) In 6.4.1.4 define what height is an acceptable height from Unwin Road to Ulster Road. Our recommendation is no more than 11m from grade at the north east corner.
- e) In 6.4.1.2 strength this restriction so that no building be allowed over 4 stories along the northern and western property lines with the possible exception at the west property line facing 16th Ave
- f) Frontage Design 6.4.3.1 does not make sense. Rephrase: Provide window at least 50% glazing between one half of a meter and three meters in height at a minimum along Uxbridge Drive and at all grade frontage along any internal roads, pathways or open space.
- g) 6.4.3.4: At least twenty five percent of at grade commercial retail units should have less than 225 square meters in use area.
- h) 6.4.3.5: At grade uses shall wrap around the corners of buildings to avoid creating abrupt transitions from an active frontage on a primary façade to a secondary façade. Internal facade shall be as articulated to the same degree as facades facing Uxbridge Drive and 16th Ave.
- i) 6.4.4.1: Add: Facade materials on the commercial and retail podiums (or first floor where the design does not include a podium (4m minimum)) shall be brick, stone, or a durable material that is acceptable to the University Height Development Committee.
- j) Add 6.4.4.5 The buildings within this development will be constructed to the City of Calgary green building Standards which call for the Canada Green Building Council LEED gold rating. Building must be certified LEED gold and sustainable site design is required for the overall master plan.
- k) Paving and sidewalk material shall be attractive and not just concrete, but shall include durable materials articulated with patterns.
- l) 6.5.2.5 Set back the building sufficiently along Uxbridge Drive to provide parking along Uxbridge without obstructing vehicle flow and provide sufficient future road width to add a south bound double left turn lane.
- m) 6.5.2.6 Construct traffic restrictions at where the school lane connects to the lane between SSC and the church so that the school lane can not be used as an exit from the shopping centre.
- n) 6.5.3.4 Add: Provide dedicated cycle lane along Uxbridge.

- o) Parking: 6.5.5.1 Parking shall only be provided for off-site users where it can be demonstrated that this will not increase the peak hour vehicle trips generated by the site beyond the level projected by an independent transportation impact assessment conducted.
- p) 6.5.5.4 Add: Other than curb side parking all surface parking lots shall be fully screened from view.
- q) Delete 6.5.5.6 B and add: Any above grade structured parking lots must be fronted with building uses (with exceptions for access and mechanical features). So that the parking is within the interior of the building. Visually such structures would appear to be a normal building.
- r) 7 Implementation add SB Uxbridge dual left turn lanes, TIA calls for two roundabouts on Uxbridge to make the densities proposed work.

3.

Concern: The Draft ARP does not meet the “Plain Language Policy” recently adopted by Calgary City Council. In adopting this new policy, the Mayor and several councillors explained that government exists to serve the public (especially municipal governments which are the government level closest to the people) and therefore their communications, by design, should be intended to clearly impart information, not obscure it. Council therefore wants City documents to be written so that its messages can be readily understood by people who are not trained in the field of land use planning, municipal policy and other academic fields typical of City staff.

Evidence/Examples: Some words needing a clearer definition include the following

- a) “a public realm concept”
- b) “a comprehensive transportation demand management strategy”
- c) “sustainable design initiatives”
- d) “Neighbourhood Activity Centre”
- e) “an active gateway to the site”
- f) “a sense of place and enclosure”
- g) “shared space streets (such as mews, woonerven, home zones)”
- h) “an active facade”
- i) “outdoor spaces for animation”
- j) “a sense of place and identity”
- k) “offsite users”
- l) “efficiencies” (ie that are relevant to determining parking requirements)
- m) “liner dwelling units”

Remedy Requested by UHCA: Add a glossary of definitions of such terms and concepts

4

Concern: Draft ARP’s inadequate description of the current SSC site and the few and obscure references to the potential mass/density of the possible redevelopment results in the average reader being given no accurate picture of the magnitude of the contemplated development plan and its extraordinary transformational impact on the site, the adjacent University Heights community and relevant transportation infrastructure.

Evidence/Examples: The draft ARP does not point out that the existing 2.28 ha site only has about 65,000 square feet of retail and restaurant development, almost all of which is one story in height, with adequate surface parking for SCC users, especially the elderly residents of UH. Then explain that the site's C-2 zoning could potentially involve an immense 1200% increase in development (ie to about 780,000 sq ft) and involve buildings of up to 14 floors in height, including a number of high traffic medical office buildings and a 200 room hotel, despite the already congested nature of local streets and intersections.

Remedy Requested by UHCA: Provide the above additional contextual information in the "Site" section. Also point out that this massive degree of intensification/development is proposed for the very unique site of University Heights that the Planning Dept's Calgary Snapshots document (2012) shows already has a greater level of density (ie 20.3 Units per Ha or 50.1 Units per Acre) than 125 of Calgary's 150 developed communities.

5.

Concern: Density. The ARP must be more clear about what the actual proposed density will be. Telling us that what City plans and policies apply does not make it sufficiently clear.

Evidence/Examples: The draft ARP does not make it clear that the SSC site is now classified as a Neighbourhood Activity Centre or NAC (ie up to 100 jobs and people per ha) but that the likely development under C-2 zoning will inflate it past a Community Activity Centre or CAC (ie up to 150 jobs and people per ha) to an immense Major Activity Centre (over 200 jobs and people per ha) if we compare it to West Campus whose 8.5 million sq ft of development will be spaced over an immense 160 acre parcel of land that is not surrounded by many other MAC's as is University Heights its resulting FAR is only 1.3. In short, this draft ARP effectively circumvents the MDP by such a multi-levelled mushrooming of the development level within the SSC. The reclassification of the SSC site status as an NAC to a MAC are clearly not the intentions of the MDP and nor the South Shaganappi Community Area Plan. The ARP is to assist in planning an area within its existing typology, not changing the fundamental typology of the site as defined in the MDP. If this were the case the planner should be looking at rezoning the site to C1. As this is not the case the densification should be consistent to the MDP which states: "Smaller commercial sites located throughout established areas have the potential to provide a diverse mix of uses that fit with the **scale and character** of the surrounding neighbourhood. Because many residential communities where NACs exist do not have potential for significant intensification, smaller commercial sites provide a good opportunity for **moderate** mixed-use intensification and new housing forms not available within the community"

Remedy Requested by UHCA: Clarify what density level the City will not allow to be exceeded at SSC given the City's policies, existing area constraints and the foreseeable unmitigatable and residual local impacts of redevelopment of the proposed level.

6.

Concern: The ARP is not clear about the maximum building height it will allow although the City has acknowledge that there are “Concerns that maximum allowed height will negatively impact area.” The City simply confidently states that these concerns will be “addressed with transitions, spacing, step backs and shadow management .”

Evidence/Examples:

- a)The only height reference is “buildings above 6 floors”.
- b) The sample photos of other developments that the City has provided reassuringly show mostly 3 or 4 story buildings, but when this is pointed out to City reps, they usually are quick to add that there are in fact some much higher buildings in the background of those photos) --If the city is supporting the C-C2 zoning, then the max building height has remained unchanged at 46 meters,or about 14 stories.

Remedy Requested:

- a) Identify the maximum height in meters and how many approximate floors will that be.
- b) Clearly state if the city is supporting the maximum building height allowed under C-2 zoning: 46 meters, or about 14 stories.
- c)Also identify the maximum square footage that will be allowed in any one building.

7.

Concern: The Timing and Certainty of the actual completion of road and transit infrastructure needed to mitigate the traffic congestion predicted to result a C-2 level of development. The fear is that a large development will be approved but that approval and funding for the mitigating infrastructure will be delayed or rejected, resulting in catastrophic traffic impacts from unmitigated development.

Evidence/Examples: Section 7 of the ARP refers to 10 “infrastructure investments that will be required to realize the vision of this plan” but makes no reference to a requirement that SSC development plan approval be conditional on pre-approval and funding by Council of the essential mitigating infrastructure.

Requested Remedy: Incorporate the requested pre-condition.

8.

Concern: The draft ARP does not inform the readers of the very pertinent fact that a large majority of the residents of University Heights, the community in which the development is located and most directly affected by SCC redevelopment, opposes the extremely high level of densification that is potentially permissible under the site’s C-2 zoning (ie 780,000 sq feet, with buildings up to 14 floors in height).

Evidence / Examples: In a, April 2013 opinion survey, 76% of the respondents indicated they would accept a density of C-C1 or less- that is, no more than 270,000 square feet. 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. In other words, the community of University Heights is saying “Yes” to a Garrison Woods-type of development but, “No” to a very dense, mini downtown- like the commercial and office complex proposed

Accordingly, at the subsequent April 14, 2013 general meeting of the UHCA, attended by more than 100 residents, there was a near universal consensus to support, given the small size of the land parcel and community impacts, a development consistent with a C-C1 zoning with a 4 story maximum height. Such a reasonable development scale is also compliant with the Municipal Development Plan (MDP).

Moreover, at this UHCA meeting, there also was unanimous motion for the community to keep that municipal reserve in front of the Wendy’s-Keg-Redwater Grill, Block 159JK, in its current location and to integrate in it to a linear community park that would connect with the West Campus site and be useable by students from the two adjacent schools in University Heights as well as by community residents.

Requested Remedy: That the introductory local context section of the ARP be made more complete by informing readers of the strong consensus view of local University Heights that the density of SCC redevelopment be moderated and limited in the manner described above, to ensure that it continues to be “reasonably compatible with neighbouring uses” and in compliance with the MDP.