

Hi Mike, Brian and Ryan

One of the actions which I said I would follow up on after last Tuesday's design charette and the subsequent core project team meeting was the issue of the redesignation of the MR land.

Below is a summary of my conversations with Thorn Mahler and Martin Siddles on this issue.

Who Redesignates?

This would be initiated by Western Securities rather than The City. If Western Securities want to include the MR land, it would require a land use redesignation submitted by Western Securities which would ultimately be approved by Council. The City has been clear that we would support this redesignation and which also has in principle support from JUCC. We may also ask for a minimum development density and/or mixed use in the land use for the lost MR lands. If there was no exchange of MR but a straight disposition, a standard land use district and possible ARP would be sufficient as there is less need for certainty of benefits.

The overall beneficiary of MR disposition is clearly not The City, regardless of cash in lieu. The normal way we structure these kind of deals is a private interest wants to buy it subject to MR disposition and land use to which they take the risk on by making the application. If it doesn't get approved, we don't sell it. We generally don't reconfigure sites with land use so we can potentially sell them unless it is actually our land and we develop the whole thing (east village, industrial subdivisions, etc.). Otherwise we are generally not in the development business.

What uses are not included in the C-C2 district

As to the assisted living aspect, if they want to protect themselves from CPC/Council interference on their overall land use they could leave that out for now until they know which specific blocks and do a land use to add to a specific site later. Or, if the land use bylaw team did a text amendment by adding this use into all the districts that it should be OK in, that would deal with it too.

It is also worth pointing out that C-C2 allows for dwelling units, but does not allow for multi-residential development, i.e. C-C2 is primarily a commercial district first and foremost with rules preventing stand alone residential buildings or dwelling units on ground floors. Nothing wrong with adding assisted living to any district that allows for dwelling units, as long as the same basic form is followed so as not to diverge from the purpose of the district (not stand alone or on ground floors).

If stand alone residential complexes are proposed that don't have a significant commercial component at grade, it wouldn't necessarily require a land use, but it would at least require some relaxations.

Which part is redesignated?

Only the MR parcel would need to be redesignated, rather than a new land use for the whole site. The MR would be redesignated from MR to C-C2? I think Martin was suggesting a possible DC for the whole site but from the applicant's perspective I can see the significant risk of this, particularly given the ward alderman and the fact they already appear to have land use for their site, even though they were suggesting on Tuesday that the only use they don't have which they would like which is not allowed in C-C2 is assisted living.

DC redesignation for the whole site?

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However, there is really very little risk for redesignating the entire site as a DC, as if it did run into problems, they still have their existing land use. The real risk is if Council and CPC decide to "weigh-in" on the details of a DC or the plan in general. Again, I see this as low risk given the developer, community and Administration support, but we understand the applicants concerns on this. Our ultimate objective here is to make sure their future DP's and subdivision applications are as clean and simple as possible. If a well written DC is the best way to do that, we shouldn't rule out that option.

Risks

A concern was raised at the with the potential for redesignation of the lands and the risk that the whole site could be sold by western securities and a new landowner submitting a scheme which didn't have the same vision as the current concept.

To minimise this risk I think there are a number of options and tools to adopt a belt and braces approach as follows:

1. We have a Council adopted policy for the site which sets out some generic policy of what is currently being envisaged for the site.
2. The land use redesignation would be submitted at the same time as the outline plan. The project group has discussed the need for a more detailed version than the current Calgary outline plan. This would be more like a design and development outline plan for the site outlining more than just blocks and road network, but indicative block sizes and scale of development of each block. Tentative plans would then be submitted for each phase. I presume DPs then follow each tentative plan?
3. The development and design outline plan could also be turned into a statutory document (mini ARP) at the same time, just to give it statutory Council status and to provide an additional safeguard. The SSCAP policy for the site would be deleted at this stage.

If you require any further information please do not hesitate to contact Martin or Thorn

Cheers

Brian

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