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Four page(s) by fax: (403)
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Originals Remain on File

The City of Calgary
3rd Floor, Calgary Municipal Building
800 Macleod Trail S.E.
P.O. Box 2100, Postal Station "M, IMC # 8108

Attention: Martin Siddles, Planner

Dear Sir:

Re: Request for Comments/MISSION ROAD and 34th Avenue S.W.

There was no reference number on the yellow notice posted on the property located at the corner of Mission Road and 34th Street S.W. However, the notice sign calls for comments in connection with a proposed re-designation (re-zoning) of the subject property —presumably to allow redevelopment of Mission Road. These are some of my preliminary comments concerning the proposed rezoning of the site.

The owners of properties on Mission Road from Macleod Trail to 34th Avenue have allowed their properties to fall into disrepair. The entire block now constitutes a blight on the neighbourhood. It is essentially a ghetto created solely by the landowners by failing to maintain their properties. Their motivation, presumably, is to influence residents to support redevelopment of the area —any redevelopment, regardless of quality.

Several years ago a community-based consultation process or "charette" was undertaken to discuss how to redevelop the area. It was an expensive process aimed ostensibly at securing citizen approval for comprehensive redevelopment of Mission Road. Several options were presented to City Council at the public land use meetings. The process was convoluted to a point where no reasonable person could understand the meaning of the by-laws under debate. In the end, the result of the process was re-designation of the subject lands to "DC" based largely on the proposals that the landowners prepared with the assistance or encouragement of our local Alderman (Councillor). The by-laws(s) were approved on the basis that there would be comprehensive redevelopment of the area taking into account the overall concerns created by such a large-scale project.

Instead of proposing comprehensive redevelopment based on the charette, one of the landowners recently proposed to redevelop only the most westerly parcels of the subject lands. In doing so, the landowner departed significantly from the by-laws. No comprehensive redevelopment was proposed, and the project which he proposed was deficient in many ways. The developer was reluctant to listen to concerns of those in the community about the adverse impact of his project. Instead, first he allowed the site to be used as a toxic waste-dump during the flood of 2013 irritating local residents, which raised concerns about the willingness of the developer to operate within the law. The site was illegal and was shut down, but only after the developer had had his way.

The developer then located a sales centre on the property without a development permit, and has been actively marketing condos for sale according to plans that did not have development approval. This too, I believe, was illegal or improper.

Certain members of the Stanley Park Community Association appear to have supported the developer's throughout . The Community Association appears to have refused to take into account the concerns of neighbouring resident. Accordingly, the residents most near the project appealed, and with the assistance of a neighbouring community association (the Erlton Community Association) the appeal was successful.

As a result, the Calgary Subdivision and Development Appeal Board recently declared the development permit for this site to be "null and void". A copy of the board's decision is attached. The SDAB is an independent expert body made up of people who listened to the concerns of residents and found them in this instance to be well-founded. Those who oppose the SDAB decision, apparently, believe that the SDAB ought NOT be independent and sensitive to the rights of local property owners but instead fully respectful of the developer's ambitions.

It is apparent from the SDAB decision that the concerns of residents were not insignificant —contrary to those who unconditionally supported the developer and found no merit in the concerns of residents. In the course of the hearing, the Development Authority publicly stated that the existing by-laws were deficient in that they did not anticipate the kind of *ad hoc* development proposed by this developer. I agree. It would be improper —perhaps illegal— to allow ad hoc development when the by-law anticipated comprehensive development of the entire block. The problem, I believe, is that if one part of the area to be redeveloped is asking to be given preferential treatment (relaxations which ignore traffic, parking, over-looking, mass, density, etc.) then if such relaxations are granted, they affect the remainder of the lands to be redeveloped. The remainder of the block (owned by others) will either be sterilized by virtue of those relaxations, be allowed similar relaxations which further exacerbate the adverse effects, or will be required to find development proposals that fit in with and accommodate the earlier approved project.

This dilemma underlies the SDAB decision. It is remarkable that other land-

owners in the area proposed to be redeveloped did not participate in the appeal — since their land rights might be diminished by the relaxations provided to one part of the overall area presumably at the expense of the other parts.
That alone suggests that a larger strategy by landowners is afoot. But that observation is, regardless of the educated basis for it, conjecture.

Currently, the developer appears to be seeking changes to the by-law to allow essentially the same project to be approved. In other words, instead of significantly modifying his plans to meet the by-laws, he is seeking to change the rules to suit his plans. Hence, the yellow sign on the corner property asking for comments to these propose changes.

Coincidentally, at the same time there has been an attempt to remove from the Erlton Community Association those people who properly considered the concerns of local residents to trump those of the developer. A new executive was elected in recent days to remedy what some in the community consider "anti-development" motives of the Erlton Community Association —which borders the subject property and the front of my property by to which I am not entitled to be a voting member.

Personally, I have been active in promoting redevelopment of this site on Mission Road for several years. The site is challenged by traffic along Mission Road, negative parking and over-looking on neighbouring properties, and by the strong slope on much the subject property. It is not an easy site to redevelop. Icy conditions render the corner of Mission Road and 34th Avenue treacherous at several times during the winter months.

I advocate for comprehensive re-development of Mission within a plan that will allow landowners to develop as much as possible with as little negative impact on the existing community as possible. I have attached copies of submissions that I have made to City Hall in this regard on earlier occasions.

The ambition to "animate" alley ways —which emerged quietly in the course of this redevelopment process— is intriguing. But one cannot realistically transform a gravel alley into a street without suggesting some serious mitigation measures required for city streets themselves. Like paving. Like crosswalks, etc. Such ideas should require considerable rear-yard set-backs to avoid dangerous conditions. The objective is to allow alleys to become the front of townhouses to make better use of inner-city real estate. The result could be a dangerous ghetto. The idea is premature, at least. The transformation of alleys requires a great deal more thought —much of which was missing from the charette process and from this particular redevelop proposal.

In my opinion, the charette was an expensive failure. It has allowed citizen participation and acceptance of an ambiguous land use by-law to be interpreted as a allowing developers to impose high-density projects which respect neither the rights of local landowners nor the character of the existing community nor

the by-law(s) itself. That was not the agreement. That was NOT in keeping with the charette process.

It was said by the developer at the SDAB hearings that neighbours do NOT have the right to a view, nor to prevent a neighbouring development to cast a shadow on their homes throughout the entire day. That may be true. But neighbours have ALWAYS had the right to opine as to the overall character of their neighbourhood. And the opinions and concerns of neighbours should ALWAYS be of concern to the SDAB.
The project for Mission Road & 34th Ave was rejected by the SDAB for a number of very good reasons. I participated in the recent appeal, and spoke in favour of it. I will continue to speak out strongly against any amendments to the existing by-laws which will allow ad hoc redevelopment which is not consistent with the rights of neighbouring land owners. I look forward to notice of the public meetings required in connection with a land use re-designation. I would appose any attempt to make administrative changes without such input.

I would go further to suggest to the City that it forthwith require the developer to remove the sales centre which the developer has constructed illegally on the subject property, and demand that he —like the rest of us— adhere to the existing rules for redevelopment. Penalties should be imposed where compliance is ignored, or delayed.

Citizens have the right to demand at least that!

Sincerely yours,

Wm. E. (Bill) Gagnon
cc. neighbours of 34th Avenue S.W. and environs