

BILD/NAIOP 2017 JUNE 22 LETTER TO CALGARY CITY COUNCIL



City of Calgary, Planning & Urban Development
The City of Calgary
PO Box 2100, Station M
Calgary, AB T2P 2M5

June 22, 2017

Attention: Members of Council

Re: SPC for PUD – June 14, 2017 | PUD 2017-0528:
Urban Design Review Panel Terms of Reference, Protocol and Implementation Plan

The item noted above comes before Council on June 26th as part of the consent agenda. On behalf of the members of BILD Calgary Region and NAIOP, we request that Council lift the item from the consent agenda for further consideration, so that

1. Our requests from our June 12, 2017 letter presented at PUD can be re-considered; and
2. The recommendation arising from that discussion regarding outline plans, be amended.

The specifics of these requests are detailed in the close of our letter.

Our members are supportive of a process that supports good urban design. We agree that having design discussions earlier in the process can be beneficial. However as presented, this item will add uncertainty, time and cost, and not achieve the mutual benefit of a collaborative UDDRP process. The changes we are requesting would serve to strengthen the original intent of this initiative, making the process easier for our members to adopt and ensuring that the UDRP process as envisioned will be of value in influencing better design.

A number of members from both BILD and NAIOP who followed the PUD meeting came forward afterwards, concerned that Committee did not get the applicant's perspective on the new UDRP process being piloted. Some things do work better: UDRP input shifted earlier in the process, and applicants are now allowed to present their projects to UDRP, where previously they were not. However, some issues remain which could be addressed fairly simply, and members did not want to miss this opportunity to ask for those considerations.

Feedback from those who recently experienced the new UDRP process noted that it still:

- Adds more cost than value to their projects;
- Promotes judgement of an application over discussion on design;
- Remains quite regimented (although better than previously when applicants could not present at all);
- Does not encourage applicants to take full ownership of their design story, sometimes leading to misinformed discussion amongst UDRP;
- Includes a question period, but questions appear more to be opinions and tend to be negative in nature;
- Provides little to no opportunity for constructive discussion, feedback or problem-solving between applicants and UDRP;
- Has a closed portion at the start of the meeting between Administration and UDRP only, specifically excluding the applicant;
- Has 'in camera' portions at the close of the meeting, followed by final comments and no ability for further discussion (except with Administration through the approval process, or future re-assessment by UDRP if allowed);
- Provides minimal value and little influence on the applicants' design endeavors.

However, most agreed that with the changes requested in the June 12, 2017 BILD letter, the opportunity exists to make this a value-driven process around design, rather than a process-driven mechanism that will increase costs without additional benefits.

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While we do not feel that the changes requested detract from the intent and purpose of UDRP as envisioned, we understand that asking for these changes may require additional discussion and consideration with Administration. Accordingly, we would support Council direction to refer the amendments back to Industry and Administration, to be brought back to the next Council meeting through PUD.

Outline Plans:

This issue is a critical one for our members, generating strong feedback. Members from both NAIOP and BILD feel that the recommendation put forward at Committee will trigger efforts costing all parties time, money and energy without achieving the intended effect.

Our members understand the importance of well-designed outline plans. All outline plans currently undergo a rigorous review process with Administration, which includes the City Wide Urban Design team. New outline plans conform to MDP principles and existing design policies, and many new outline plans have not had opportunities to be built yet. Outline plan design is primarily driven by policy, grading and servicing considerations, as well as alignment of priorities and requirements across departments (transportation, transit, parks, water resources, etc.). The current composition of UDRP would need to accommodate those skillsets, plus we would need re-assessment of the role/function of urban planners in CPAG, CWUD, and CPC across the approval process.

We are open to exploring and identifying what design gaps might be evident in current outline plans, and then addressing those gaps through an appropriate process. We do not believe that it should be a foregone conclusion that UDRP should be the tool that is used to address a currently undefined issue. We request that the proposed recommendation be amended to read:

“That Council direct Administration to bring back a report through the Standing Policy Committee on Planning and Development that identifies and evaluates what design gaps currently exist in new outline plans, if any, and determine, in conjunction with Industry and stakeholders, how best to address that gap, no later than Q1 2019.”

BILD Calgary Region / NAIOP Joint Request

Administration has noted that no further changes can be accommodated without political direction. As a result, both associations are appealing to Council for a re-consideration of the process improvements BILD forwarded in the June 12th letter (attached) and presented to PUD, and ask that:

- 1a. The Urban Design Review Panel Terms of Reference, Urban Design Review Protocol and Implementation Plan, be amended per Attachment A, OR
- 1b. A referral of the item by Council, with direction to Administration to work with Industry on the proposed amendments in Attachment A; and
2. That the recommendation made at the June 14th Standing Political Meeting of Planning and Urban Development regarding outline plans, be amended as noted above.

Yours Truly,



Guy Huntingford
CEO, BILD Calgary Region



Chris Ollenberger
Chair, Government Affairs, NAIOP

c.c. Stuart Dalglish, General Manager Planning & Development, City of Calgary
 Matthias Tita, Director Community Planning

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ATTACHMENT 'A' – Urban Design Review Panel (UDRP) – recommended amendments

SPC for PUD – June 14, 2017 | PUD 2017-0528:

The following are recommended amendments and revisions to the Urban Design Review Panel Terms of Reference document, the Urban Design Review Protocol document, and the Implementation Plan. BILD CR and NAIOP believe that these changes will allow for smoother adoption of the UDRP process, leading to less frustration and better outcomes for all parties.

Please note that all amendments show black-line deletions, and additional text in red.

Requested amendments to the Urban Design Review Panel – Terms of Reference

1. Requested amendments to the Terms of Reference:

- a. In point 3.6 of the Terms of Reference, revise the second bullet point:

"Summarizes Panel commentary utilizing an established template and sends **directly** to the **applicant**, **with copies to the** Chief Urban Designer and the file manager within two days of the meeting."

- b. In point 7.0 "Record of Meetings":

"Comments of the Urban Design Review Panel are **directly conveyed to the applicant and** noted by the Chair or Deputy Chair and formalized within an established template after the conclusion of the meeting ~~with the assistance of Administration as required.~~

Reason for requested changes:

Better connection between UDRP and applicant. Allows for UDRP comments to be communicated directly to the applicant rather than streaming them through Administration. This would be particularly effective during the pre-application process and help reinforce the role of UDRP as an independent, 3rd party assessor. Comments would still be copied verbatim to Administration and kept on file.

2. Requested amendment to the Terms of Reference:

Under point 5 of the Terms of Reference "Code of Conduct"; add the following:

"Members of the Urban Design Review Panel will conduct their assessments in a collaborative and transparent manner with the applicant, without separate or in-camera discussions."

Reason for requested change:

Keeps applicant included in all aspects of their design review. Ensure that UDRP protocol is clear in expecting that assessments and work conducted through the panel is done in an open and transparent manner.

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ATTACHMENT 'A' – Urban Design Review Panel (UDRP) – recommended amendments - continued SPC for PUD – June 14, 2017 | PUD 2017-0528:

3. Requested amendment to the Terms of Reference:

Under point 3.7 of the Terms of Reference, "Attendance by Non-Members:

"The meetings are not open to members of the public; however, applicants are ~~encouraged~~ **required** to present and address questions of the Urban Design Review Panel (further detail of the conduct of Panel meetings is set out in the Urban Design Review Protocol). **In the case of a pre-application meeting, the Urban Design Review Panel will not assess the application without the applicant or their representatives present.**"

Reason for requested change:

Recognize the main purpose of UDRP is to influence the applicant and/or their representatives towards better urban design – thus attendance should be mandatory; otherwise the UDRP assessment is not a good use of the Panel's time.

4. Requested amendment to the Terms of Reference:

Under point 3.7 "Attendance by Non-members"

The Chief Urban Designer or designate (non-voting) will be available at Panel meetings to:

- ~~Present applicable urban design policy/guideline context to the Panel, relevant design documentation such as streetscape studies.~~ **Present relevant process considerations as applicable.**

The ~~File Manager/Project Planner~~ **applicant and/or their representative** (non-voting) will be available to:

- Present the relevant planning and physical context of the proposal, the project's history, the policy context, and relevant process considerations.
- Answer questions raised by the Panel.

Reason for requested change:

Reduces red tape, requires applicant/representative ownership and accountability on the urban design story related to their project, and uses the majority of the Panel's time on design discussion, not policy matters (which should be owned by the City Wide Urban Development Team and addressed through the approval process). Current process creates inefficiencies and incurs unnecessary costs– requiring the applicant to inform staff to inform UDRP, when the process could more efficiently facilitate direct discussion between applicant and UDRP.

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ATTACHMENT 'A' – Urban Design Review Panel (UDRP) – recommended amendments - continued SPC for PUD – June 14, 2017 | PUD 2017-0528:

Requested amendments to the Implementation Plan

BILD Calgary Region requests that Administration include the additional items in the Implementation Plan as outlined further below, as they will help provide indicators of success or identify areas for improvement.

1. Requested revision to the Implementation Plan:

Under Section 2.3.1 "Stakeholder outreach - development industry, "what they need" – add:

- a. The differentiated value, roles and responsibilities of UDRP/CWUD/CPC as they go through the process;
- b. The selection criteria (what applications get selected for UDRP and why)
- c. The process (what happens when selected, expectations of each group within that process)
- d. How to successfully get through to an approval
- e. The cumulative value/impact to industry (through monitoring and reporting)

Reason for requested change:

These have been identified as "what the development industry needs" in terms of understanding and adopting the new UDRP process.

2. Requested revision to the Implementation plan:

Under Section 3 "Metrics & Monitoring" – add:

- a. Impact of UDRP on decisions/revisions made by applicant;
- b. How often the pre-app option is utilized by an applicant;
- c. Impact on timelines:
 - i. with/without pre-app
 - ii. with/without UDRP review
 - iii. which targets are being met
- d. How many applications get 'endorsed' in the pre-app, vs. 'endorsed with conditions', vs. 'another UDRP review required' (if applicable – see requested changes to Protocol document)

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ATTACHMENT 'A' – Urban Design Review Panel (UDRP) – recommended amendments - continued SPC for PUD – June 14, 2017 | PUD 2017-0528:

Requested amendments to the Urban Design Review Protocol document:

1. Requested amendment to the Urban Design Review Protocol:

Under Section 5.1 Administration roles and Responsibilities – Presentation – add:

Planning File Manager / City Wide Urban Design:

- The Planning file Manager will be available at Panel meetings to present an overview of the **application if requested by the applicant or UDRP**, including relevant planning policy and any issues raised previously by CPAG or the Community **that were not raised as part of the applicant's presentation and require UDRP consideration.**

2. Requested amendment to the Urban Design Review Protocol:

Under Section 5.2 – Conduct of Panel Meetings – delete as shown:

2. The City Wide Urban Designer has five minutes to present ~~urban design policy considerations~~, comments previously given to the applicant and outline urban design-related reactions and concerns.

Reasons for requested changes:

Allow the applicant to take direct responsibility for presenting their design story to UDRP, reinforce UDRP's role in commenting on design outside of City policies. Emphasize the City's role in commenting on whether design meets policy through the approval process rather than at UDRP meetings.

3. Requested amendment to the Urban Design Review Protocol:

Under Section 5.2(6) – delete and add:

"Following the presentations and discussion with the applicant and Administration, the Panel will review drawings and discuss merits and issues of the project ~~"in camera".~~ **with all members present.**

Reason for requested changes:

While the Municipal Government Act provides for opportunities for Council and Council committees to meet "in camera", it is perceived that deliberations of the UDRP, when made in public, serve to support the Panel's primary role in providing design guidance to applicants. Applicants benefit from the deliberations of the Panel. Comments from the Panel are not binding for any party. As the Panel is providing recommendations to both the CPC and to the applicant, all parties benefit from the transparency provided by a public forum.

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ATTACHMENT 'A' – Urban Design Review Panel (URDP) – recommended amendments - continued SPC for PUD – June 14, 2017 | PUD 2017-0528:

4. Requested amendment to the Urban Design Review Protocol:
~~Remove section 5.2(6) "A vote is held at the end of each project review to determine the Panel's position on the project. The vote only relates to the design issues discussed during the review and is not connected to The City's development approvals process."~~

Reason for requested change:

Voting whether to endorse a project or not creates the impression that the URDP is in the position to tacitly approve or deny projects. Under section 1.1, the purpose of the URDP is to provide "input to the application review process by contributing additional expert opinion to the design discussion." This can be accomplished by providing comments and feedback to the applicants instead of voting to endorse the project.