

Community Association Letter



**MILlican-OGDEN
COMMUNITY ASSOCIATION**

6901 20A Street SE Calgary, Alberta T2C 0R5 | 403-279-3973 |

July 6, 2020

Distribution List

Re: Ogden United Church/Mustard Seed Street Ministry Development at 7401 – 23 Street SE,
Calgary
Land Use Bylaw Amendment - LOC2020-0013
Development Permit - DP2020-3072

This letter is to provide context relative to the application for a Land Use Bylaw Amendment currently before the planning commission and further to provide context, information and community sentiment with regards to the Development Permit currently in the Community Engagement Stage.

The Community Association, reflecting the values and concerns of the community at large and specifically in the immediate vicinity to the Ogden United Church, wishes to take the opportunity to make comment and provide context to the above-mentioned applications. It is important to note that the Association forms no opinion of its own; rather it collates the sentiment of the community at large as representatives of our constituents. That is to say, the Community is generally not opposed to the type of development described, rather the scale of the development in context with the surrounding community.

General Background and Demographics

The Community of what is now Millican-Ogden was created in 1912 and named after I.G. Ogden, then vice president of the Canadian Pacific Railway, and combined with the lands William Millican, who had sub-divided a quarter section into lots which sold for \$325-\$500 at the time. The Community itself has a long and storied history of working class Calgarians and is currently composed of many new families and many multi-generational families. As of 2019, Ogden has a population of 8,576 in 3,875 residential dwellings¹. As of 2015 (the most recent survey undertaken by the City of Calgary (the "City"), Millican-Ogden has between 201-600 Affordable housing suites² representing 6%-20% of the available housing.³ The national average for affordable housing is 6%, it should be noted from the report that one half of all Calgary Communities have little to no affordable housing at all.⁴

It is the position of the community that while affordable housing is necessary in our society, and that growth is inevitable, that there simply isn't the infrastructure to support an increase of 24 units out of context with the surrounding residential units.

¹ City of Calgary, *2019 Civic Census Results*, 2019 (Calgary, City of Calgary) at page 57.

² City of Calgary, *Housing in Calgary: an Inventory of Housing Supply, 2015/2016* (Calgary, City of Calgary) at page 30.

³ *Supra* at note 2, at page 32.

⁴ *Supra* at note 3.

6901-20 A Street SE Calgary, Alberta T2C 0R5 Phone: 403-279-3973 Fax: 403-279-5755

Email: mccaxprs@shaw.ca Admin office hours: 1-4 PM (Mon-Fri)

Website: www.millicanogdencommunity.com

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General Planning Principles

The City must be reminded that pursuant to Provincial Legislation and Common-Law decisions, that its deliberations are limited to approved planning documents. Throughout this planning and consultation period, both the City and the Developer have made reference to the Guidebook for Great Communities, and the Draft Millican-Ogden Area Redevelopment Plan. Neither of which are approved planning documents. The City must be reminded that the only approved planning documents are the Calgary Municipal Development Plan, and the Currently Approved Land Use Bylaw as amended from time to time.

The area in which the Development is planned is currently exhaustively zoned, R-C2, Municipal Parks or Parks Reserve⁵ (within 336m), including the lot in which the Church is currently located. It must be stressed that the current Church was there long before the current designation, or in fact long before designation was a concept within the City.

The Proposed Designation is DC based on an M-X2 construct with relaxations, both to building height and parking requirements which will be discussed in greater detail below. The Development seeks to expand the Permitted uses in M-X2, to some discretionary uses within the district and some not within that district.

The Land Use

The Property has been used since at least 1916, and probably as early as 1914, as a church, although it should be noted that the Happy Days Pre-School has been in operation within the Church's walls for at least 40 years and has seen as many as three generations of local families pass through its doors. Nothing in this submission should be seen to advocate to limit the use of the property for this purpose.

We can agree that while a Church is permitted in an R-C2 Land Use Designation, commercial childcare services are not. In order to determine conditions for relaxation we must, in fact, we are required to determine the context of the surrounding community.⁶ With the foregoing in mind, we must then turn to what an acceptable designation might be for a Church, with two (2) commercial childcare facilities, with an appropriate number of supportive housing units with "wrap-around" supports.

The partnership between the Mustard Seed Street Ministry and the Ogden United Church resulting in the Development has been described as similar (if not exactly) to the Marlborough Park Neighbor Centre and as such one of the arguments in its favour is that it has been done before. It must be noted, however, that the Marlborough Park Neighbor Centre is located at 6060 Memorial Drive NE, in what is commercially known as Madgen Centre, a commercial endeavor best described as a "strip mall", as such it is designed in a manner consistent with commercial property development and contextually based within the confines of what was pre-existing in the community.

Proposed DC within a MX-2 Context

The project as proposed is Direct Control, closely aligned to MX-2 with Relaxations in mass, parking, and uses. It is imperative that before we discuss the impact of a DC/MX-2 on the surrounding community we must first determine the context of the community surrounding it.

⁵ City of Calgary, *Land Use Bylaw 1P2007 Land Use District Maps, Section 25S* (Calgary, City of Calgary) January 13, 2020

⁶ *Jankovic v Development Authority of the City of Calgary*, 2020 CGYSDAB 2020

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R-C2 – Residential Contextual One/Two Dwelling District⁷

R-C2 is a low-density residential district within the meaning of the Land Use Bylaw. Its use is intended for "The Residential – Contextual One / Two Dwelling District is intended to accommodate existing residential development and contextually sensitive redevelopment in the form of Duplex Dwellings, Semi-detached Dwellings, and Single Detached Dwellings in the Developed Area.

R-C2 is contextually envisioned for Residential buildings, certain home-based businesses, emergency services, parks, secondary suites and signs. Discretionary uses within the district in due, but are not limited to Assisted Living, Duplex Dwelling, Bed and Breakfast, Small place of worship. With a maximum building height of 10 meters.

It is clear that a designation of DC – R-C2 could be considered with a relaxation for the purposes of commercial childcare.

M-C2 – Multi-Residential – Contextual Medium Profile District⁸

M-C2 is a multi-residential designation in the developed area that is primarily for 3-5 story buildings. One key element of M-C2 is that at Para 595 (b) of the LUB is that it will "typically have higher numbers of Dwelling Units and traffic generation than low density residential dwellings and the M-CG and M-C1 Districts," and is "typically located at community nodes or transit and transportation corridors and nodes."

M-C2 has permitted and discretionary uses similar to R-C2 with the addition of childcare services (commercial vice home based) and live work units and has a maximum height of 16 meters from grade.

The Project

The project as planned calls for a maximum building height of 17 meters inclusive of commercial at, and below grade, and 4 stories of residential supportive housing, complete with "wrap-around" supports for residents and ostensibly the community at large. The proposed project contains provisions for various forms of social support including but not limited to early intervention care.

Specific Planning Considerations – The Municipal Development Plan:⁹

We are again reminded that the Municipal Development Plan (MDP) is the only currently approved planning document, the MDP is a Statutory Plan with meaning as described by the *Municipal Government Act* (MGA)¹⁰. This analysis will give specific attention to Volume 1, Sections 2.3.2, 2.3.7, 3.4, 3.5, and Volume 2, Part 3 (Bylaw 19P2017, as amended by Bylaw 82P2018).

Section 2.3.2 Respecting and enhancing neighborhood character:

We are reminded of the objectives of the MDP in this context, specifically, "Significant change can impact adjacent low-density residential neighborhoods. Attention must be paid ensuring that appropriate local context is considered." Bylaw 19P2017). The MDP also makes the following policy statements respecting Section 2.3.2,

⁷ City of Calgary, Bylaw 1P2007, *Land Use Bylaw*.

⁸ *Supra* at note 7.

⁹ City of Calgary, Bylaw 24P2009, as amended by Bylaw 82P2018, *Municipal Development Plan*.

¹⁰ *Municipal Government Act* (AB) RSA 2000 c. M-26

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- "a. Respect the existing character of low-density residential areas, while still allowing for innovative and creative designs that foster distinctiveness.
- b. Ensure an **appropriate** [emphasis added] transition of development intensity, uses, and built form between low-density residential areas and more intensive multi-residential or commercial areas."

Note c, and d do not relate to the application at hand as c. deals with infill development and d. deals with Local Area Plans (while a local area plan exists in draft form for Millican-Ogden it is not an approved statutory document).

That portion of Millican-Ogden can best be described by built form as neighborhood-limited, restricted to low-density residential development. The development is not located on a Neighborhood Main Street nor a transit corridor and is currently 153m at best from the closest transit route. It is recognised that in the future there may be an LRT station within 336m of the development, but it is not yet capital funded.

It is our view that the developer has intentionally failed to consider the Municipal Development Plan and MGA in favour of the draft Guidebook for Great Communities and Millican-Ogden ARP¹¹ as those documents, tend to support the type of development that is proposed, rather than the statutory document which tends to indicate that it is not.

Section 2.3.7 Foster Community dialogue and participation in community planning:

The policy with regards to community participation is articulated in the MDP state that the City must

"Provide for **effective** [emphasis added] community consultation and participation in projects of significance to the City and local communities. "

We accept that the (not so) unprecedented circumstances of COVID-19 have precluded in person face to face consultation, however we submit that many technologies exist for that consultation to continue. We are aware that the Mustard Seed Street Ministry undertook a survey regarding the development in lieu of a public meeting, which is laudable, the development partners have neglected, or otherwise refused to publish, publicly the results of that survey. Further we are advised that a parking study has been undertaken, the results of which, while provided to the planning commission have not been provided publicly. The developer's comments at a meeting on July 1, 2020, where such that the community could access the information by way of a FOIP request. This is considered by the community as an attempt to avoid transparency knowing that less than five (5) business days existed between that meeting and the end date for public comments. It is clear to the community at large and the immediate vicinity residents that a gross-lack of disclosure, and an intentional lack of transparency will result in an intentional suppression of their concerns, such that 117 members of the community within a one-block radius of the proposed development have circulated a petition in opposition of the project¹². It is clear that meaningful engagement has not occurred in relation to the proposed project. The petition highlights that even if the draft ARP was a statutory document (which it isn't) the contemplated development is out of scope.

¹¹ "Ogden Family Housing." Accessed July 6, 2020. <https://theseed.ca/ogden-family-housing/>.

¹² "Petition of Affected Persons" July 5, 2020

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Section 3.4 Main Streets:

Section 3.4 further defines main streets and should be read in concert with Map 1. Map 1 clearly shows that there are no Urban Main Streets within Millican-Ogden, there are two (2) Neighborhood Main Streets. These neighborhood main streets are identified as follows:

Those portions of 18 Street SE proceeding North from Glenmore Trail to 76 Avenue SE; and
the Entirety of Ogden Road from Glenmore Trail North to the Bonneybrook Bridge.

The overarching policy objectives of the MDP are to intensify density along Main Streets as defined in the MDP, neither 23 Street SE nor 74 Avenue SE are considered to be main streets. In fact, 74 Avenue for the majority of its length within the community has been a playground zone for over 40 years.

Section 3.5 Developed Residential Areas:

Section 3.5 should be given a broad reading and consider the context in which it is written. We have highlighted certain key points of the Land Use Policies contained therein:

"a. recognize the predominantly low-density, residential nature of the Developed Residential Area and support retention of housing stock, or **moderate intensification** [emphasis added] in a form and nature that respects the scale and character of the neighborhood." And "d. for multi-family housing, encourage parking that is well integrated into the residential environment."

Given that we have not had the benefit of an opportunity to review the purported parking study we are unable to give comment, or otherwise put, as a result of a lack of disclosure the developer has withheld the opportunity to provide comment on the parking study. As such we are restricted to comment only on the parking requirements provided in the LUB¹³. Our estimations show a parking requirement of the proposed development of 56 spaces, where only 23 exist (taking into account 6 onsite parking spaces). While we are cognizant that the East Village has recently had a relaxation to this requirement, we must also implore you to consider that the East Village and a residential street adjacent a park is not the same, and in fact are not the same built form. Further, the development proposes that a relaxation may be in order due to the location of a proposed LRT Station (the "**Ogden Station**") it is submitted that while the station is planned it is not yet finally approved, nor capital funded, and cannot be used to plan a reduction in parking that is transit oriented.

Volume 2 Part 3 – The Developed Areas Guidebook: (as amended by Bylaw 82P2018)¹⁴

Specifically, Section 3.1.2(c)(2) "Multi-Residential development should be designed or planned to: b. Locate within Activity Centres and Main Streets, while ensuring it is strategically planned throughout the community. It must be made clear that Activity Centres do not yet exist within Millican-Ogden, and even the one that is planned is entirely centred around the former Royal Canadian Legion site on Ogden Road, we have

¹³ *Supra* at note 7

¹⁴ City of Calgary, Bylaw 82P2018, *Municipal Development Plan Volume 2 Part 3, The "Developed Areas Guidebook"*

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established that the proposed development does not exist on either a current, nor planned main street of any definition.

Conclusion and Recommendations:

The Millican-Ogden Community Association, guided by the sentiment of the locally affected residents within "arms reach" of the proposed development, are of the opinion that not only will market values of surrounding homes be negatively affected by the development that given the above planning considerations and statutory guidance provided above, the project is out of scope, and frankly out of touch with the surrounding community. The Developer and or the development partners, have chosen to rely on documents that have not yet been approved and, as a result, cannot be relied upon for decision making.¹⁵

It should be made clear that the residents of Millican-Ogden recognize the need for supportive housing, of which our community contains between 6 and 20% which is well above the national average, the planned location for this supportive concept is simply out of context for the community. We could suggest at least two alternate locations, the old Ogden Legion Site, although we are convinced the current landowner has no appetite to accommodate, the vacant land adjacent to the Number 9 Firehall, or a set of vacant lots along Ogden Road directly adjacent to Victory Manor currently owned by Urban Star Capital.

The people of Millican-Ogden are not opposed to a redevelopment of the Church itself; but respectfully submit that it must be done in a contextually sensitive manner to the existing community. We must stress that we represent the entire community of Millican-Ogden, including the Ogden United Church whom we have enjoyed and will continue to enjoy a deep and meaningful relationship with.

It is clear that the residents feel unheard in the entire process¹⁶ and while the Community Association doesn't ordinarily oppose or endorse, for that matter, any development within our boundaries, usually opting not to take a position, it is important in this case that we represent our constituents in the same manner as any member of council would.

It is recommended that the development be scaled-back to a less imposing structure with a maximum height of 3 stories, stepped-back in a contextually sensitive manner to the immediate neighbors. This would serve two (2) purposes, maintain, generally, the look and feel of the developed low-density residential area with a low-rise multi-family, mixed-use facility, while maintaining suitable traffic and parking patterns and without overloading the existing infrastructure.

All of which is respectfully submitted



John C. W. McDonald, CD
First Vice President
Millican-Ogden Community Association
For and with the consent of the Board of Directors

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¹⁵ 2020 CGYSDAB 2

¹⁶ *Supra* at note 12

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Distribution List

Action:

Office of the Mayor
The City of Calgary
P.O. Box 2100 Station M
Calgary, AB. T2P 2M5
Attn: His Worship, Mayor Naheed Nenshi themayor@calgary.ca

Office of the Councilors
The City of Calgary
P.O. Box 2100 Station M
Calgary, AB. T2P 2M5
Attn: Gian-Carlo Carra, Councilor Ward 9 ward09@calgary.ca
Attn: All members of Council via fax (403) 268-8091

Calgary Planning Commission
The City of Calgary
P.O. Box 2100 Station M
Calgary, AB. T2P 2M5
Attn: George Chahal, Councilor Ward 5
Attn: Evan Wooley, Councilor Ward 8
cpc@calgary.ca

The City of Calgary
P.O. Box 2100 Station M
Calgary, AB. T2P 2M5
Attn: Melanie Horkan melanie.horkan@calgary.ca

Information:

Bob Harrod
Jane Wachowich, Youth Centers of Calgary jane@youthcentersofcalgary.com
Casola Koppe Architects
Vickie LaFleur vickie@ckarch.ca
Hans Koppe hans@ckarch.ca
Bill Weaver, Ogden United Church ogdenminister@shaw.ca
Taylor Kawaguchi, the Mustard Seed Street Ministry taylorkawaguchi@theseed.ca
The Board of Directors of the Millican-Ogden Community Association
generalmanager@millicanogdencommunity.com