



MILlican-OGDEN COMMUNITY ASSOCIATION

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August 5, 2020

Calgary Planning Commission
The City of Calgary
P.O. Box 2100 Station M
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cpc@calgary.ca

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

This letter is to provide supplemental 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 further 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.

This letter is meant to correct inaccurate information previously discussed and provide certain other statutory and environmental concerns regarding the project and should be read in concert with our communication of July 6, 2020.

General Planning Principles

Further to our previous letter, the Community Association would like to draw the commission's attention to the following sections of the *Municipal Government Act*, (the "MGA")¹

The MGA provides at section 617, that

"The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted... **without infringing on the rights of individuals for any public interest except to the extent that it is necessary for the overall greater public interest.** [emphasis added]

¹ *Municipal Government Act*, RSA 2000, c-M26

With this in mind, in the context of this application we remind the Commission that not all great developments are in support of the overall greater good, or at least in such a sufficiency to infringe on the rights of individuals. As we have addressed previously this will be the single highest above grade building in Millican-Ogden save for the Glenmore Inn and Convention Centre. There could be some discussion about the condo-complex located at 69th Avenue and Ogden Road but it depends from which side of the building you look. (Ogden Road or Crestwood).

We had previously noted that there was not an Area Redevelopment Plan for Millican-Ogden, while this is partially true, we have found that there is a Plan located inside the Millican-Ogden Community Revitalization Plan. The commission is reminded that this is a statutory document. This document lists the area in question as proposed Low-Density Conservation. As a result of this statutory document, and unless, and until the new Millican-Ogden ARP (in draft) is adopted as a statutory document by council it is clear a DC/MX-2 does not meet the context of the surrounding community.²

Environmental

There are concerns that the ground water beneath the church is contaminated by Trichloroethylene (TCE) resultant from operations in CP Rails Ogden Shops.³ There are a number of monitoring wells in the Millican-Ogden Area, the closest two wells to the project site disclose TCE levels of 17 ug/l (BH0625), and 26 ug/l (BH0911), both of these wells are within one block (+/- 150m) of the proposed development site.⁴ A search of the Environmental Assessment Repository at Alberta Environment and Parks discloses no such EA has been conducted on the proposed development site, although there are indications one may have been conducted and not reported to AEP. It is the position of the Community Association the before and Land-use amendment is considered that the land undergo at least a phase II environmental assessment to determine the health risk to the occupants of adjacent properties during construction of any type.

TCE has a number of associated health effects on animals and humans and is classified by Health Canada as "Probably Carcinogenic to Humans"⁵

Land Use Bylaw Considerations

While we accept that the primacy of this application is to conceptualize the Development Permit within the Land Use Amendment for the parcel, we would like to bring Section 35 of the LUB to the attention of the commission. Specifically, the Development Authority has an obligation to take into account "the compatibility of the proposed development with respect to adjacent development and the neighborhood." It is our submission that the current design, while taking into account the cost per square foot of building, is tone deaf on the impact to the surrounding rate payers.

Community Engagement

There has been no public consultation with relation to this project. The Landowner's agent approached the Community Civic-Affairs Committee on a number of occasions to discuss a redevelopment of the church, the vision has changed a number of times over the planning period. The Community Association was not however directly engaged by the Applicant until July 1, 2020 at which time the Applicant was argumentative and dismissive of the Communities concerns in favour of the "economics of the project."

² City of Calgary, *Millican-Ogden Community Revitalization Plan* Bylaw 8P99, as amended by Bylaw 22P2014, (Calgary, City of Calgary) December 1999

³ *An Assessment of Health Risks from Exposure to Trichloroethylene (TCS) in the Ogden Community*, CP Rail

⁴ Arcadis Canada Inc. *Canada Pacific Ogden Shops Contaminated Groundwater Plume Report*.

⁵ Canada, Environment Canada/Health Canada, *Trichloroethylene (Priority Substances Assessment Report)* 1993

The planned public open house for April 7, 2020 was postponed indefinitely in favour of an anonymous community survey hosted by the Mustard Seed Street Ministry, the results of which were never fully published to the stakeholders, and when they were partially published, they were buried as a side note within the Mustard Seed's website. Notwithstanding the invent of technology no open house, town hall or other type of community meeting was attempted by the applicant. In fact the only community type town hall meeting with relation to this project was held by Councillor Carra who attempted to explain the development process to an already enraged community.

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.⁶ And have failed in their duty to conduct meaningful public engagement, and what limited public engagement has occurred has been in bad faith.

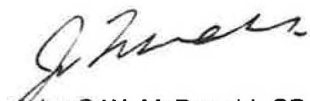
It should be made clear that the residents of Millican-Ogden recognize the need for supportive housing, of which our community contains between 6 and 20% which is well above the national average, the planned location for this supportive concept is simply out of context for the community. We could suggest 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 process⁷ 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 and in line with an M-X1 District. 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, and providing a base for further contextual moderate densification of Millican-Ogden in the long term.

All of which is respectfully submitted



John C.W. McDonald, CD
First Vice President
Millican-Ogden Community Association

⁶ 2020 CGYSDAB 2

⁷ *Supra* at note 12

For and with the consent of the Board of Directors