

Smith, Theresa L.

From: Smith, Theresa L.
Sent: Tuesday, October 27, 2015 1:15 PM
To: Williams, Debbie D. (City Clerk's)
Subject: FW: Land Use Amendment (1315 - 7 St SW) - #LOC2015-0046
Attachments: Msg to Matt Rockley-Apr 30 2015.pdf

Good morning Matt,

I sent you the attached message back in April in response to the first notice of Land Use Amendment to a building adjacent #LOC2015-0046 (1315 - 7 St SW) to a condominium unit I own on 14th Ave.

So far, I've heard nothing back from you regarding these questions, which is disappointing. And about a week ago, I received another notice regarding this land use amendment, and the process to file issues or concerns prior to October 29th. That doesn't give someone a lot of time, and having some feedback from you would be appreciated in order to possibly present a position objecting to this rezoning!

One of the questions I raised was whether the site being considered for rezoning was on a list of historic (or heritage sites). With some searching, I've found that the (former) Wesley United Church is on the Alberta site of Historic Places. I've clipped the information for reference below.

<http://hrm.cd.gov.ab.ca/ARHP/Map/#>



WESLEY UNITED CHURCH
1315 - 7 Street SW, Calgary

In December 1911, the Wesley Methodist Church at 14th Avenue and 7th Street S.W. in Calgary was officially dedicated. It was the third Methodist Church to be built in Calgary, replacing a 1906 structure built slightly to the west of the same city block. The Church is an excellent reminder of the Edwardian period in Alberta's history. When economic recession hit Calgary just prior to World War I, large construction projects were abandoned, and buildings such as this Church provided a constant visual reminder of the buoyant expansion of the pre-War era. (Site Information Summary)

And, it's also interesting that a search shows the Wesley United Church on the Calgary inventory of evaluated historic sites (<http://www.calgary.ca/PDA/PD/Pages/Heritage-planning/Discover-Historic-Calgary-resources.aspx?dhcResourceId=149>) I'm not sure what this means exactly, but obviously the building has some merit for heritage distinction.

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I'd appreciate it if you could respond by early next week. Thanks for your cooperation.

Darrell Joy

Darrell Joy

(Owner - #704, 812 – 14 Ave SW, Calgary)

Home address:
1008 Wentworth Villas SW
Calgary, AB T3H 0K7

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Darrell Joy

From: Darrell Joy
Sent: Thursday, April 30, 2015 9:23 AM
To: 'matt.rockley@calgary.ca'
Cc: 'Darrell Joy'; Tammy Clattenburg
Subject: RE: Application for Land Use Amendment LOC2015-0046

Hi Matt,

I've received the mail notice of the application for land use amendment for 1315 – 7 St SW, and I have a few questions.

Where would one obtain a copy of the "Beltline ARP"... I'm assuming that stands for Area Redevelopment Plan? Is it available on-line at Calgary.ca?

Also, are there any issues or concerns regarding this property and its possible 'heritage' designation? Given that Lougheed House is a couple blocks away, I'm curious whether the current performing arts centre (and former church) might fall within that category. I'm assuming that this issue has already been addressed?

Lastly, what are the limits for development (eg. number of floors permitted, possibility of commercial development, etc) within the proposed "Multi-Residential High Rise District" re-designation? Personally, I would not be happy having a building of greater than 7-8 stories adjacent to the building in which I own property.

Thanks for your follow-up. I'll look forward to your reply and more information regarding this application.

Cheers,

Darrell Joy Owner (812 – 14 Ave SW)

1008 Wentworth Villas SW
Calgary, AB
T3H 0K7

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2015 OCT 26 AM 7:35
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2015 OCT 29 AM 7:53

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October 29, 2015

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
P.O. Box 2100
Postal Station "M"
Calgary, Alberta
T2P 2M5

SUBMITTED VIA EMAIL: cityclerk@calgary.ca @ 7:50am

Dear City Clerk:

RE: PUBLIC NOTICE – NOVEMBER 9, 2015 – In the matter of Land Use Redesignation, Bylaw 190D2015, 1315 – 7 Street SW (Plan A1, Block 92, Lots 21 to 25) from DC Direct Control District to Centre City Multi-Residential High Rise District (CC-MH).

Please accept this letter as opposition to the above-noted land use re-designation application.

For the reasons below, I reject the Applicant's response that rezoning is required before undertaking a lengthy expensive study on use of the current structure. I believe it is the Planning Commission's and City Council's obligation and responsibility to know what the plans are for this historical resource first and foremost, prior to approving any rezoning applications.

As noted in the Calgary Planning Commission's Report to Council ("Report") the Wesley Church has been designated a historic resource. The Report opposes four previous opposition letters on the basis that they assume the Applicant will demolish the resource and furthermore cites that the Applicant is required to give 90 days-notice to the Province in advance of any destruction, disturbance, alteration, restoration or repair.

In my research I have learned that the Wesley Church is not a Provincial Historic Resource, but rather a Registered Historic Resource, which does not have the same protection under the *Historical Resources Act*. The Applicant does not require approval from the Province to alter the resource in any way, nor does it even have to present to the Province a study indicating they've considered preserving the resource.

My understanding is that since discontinuing the use of the Registered Historic Resource designation in 2005, Alberta Culture has reviewed all Registered Historic Resources for possible upgrading to the Provincial Historic Resources status. Given the designation for this resource has not changed, it would appear that the Applicant has not consented to such change.

The property is also currently on the City's historic inventory list for Municipal Historic Resource designation, which tells me the Applicant has also not consented to that designation.

I understand that rezoning is required for the Applicant to take advantage of certain incentives, grants, exceptions, available in lieu of retaining some/all heritage, however, after receiving approval for rezoning there is no obligation on the part of the Applicant to actually do so.

In several recent rezoning applications, applicants have worked with the Heritage Planning Department and signed legal agreements which, if nothing else, offer some goodwill faith to the City that the applicant intends to do what they can to preserve at least some heritage of a resource.

A recent example of this is the Nimmons House. The owners of the Nimmons House, which also has the Registered Historic Resource designation, were willing to preserve the heritage of the property and signed a legal agreement adhering to certain conditions in exchange for redesignation to a high density mixed use development. My understanding is they received zoning approval after signing the agreement and ended up keeping the Nimmons House intact and building their townhomes around the structure.

Another example is the McHugh House. The owner was not able/interested in preserving the home and so it entered into a legal agreement prior to rezoning approval to sell the house to the City and have it moved to another location.

In the Burkinshaw Residence case the owner was asking for redesignation to update the zoning to better reflect the property's current use and also agreed, by way of a legal agreement, to preserve the residence prior to receiving approval for rezoning.

It appears on the face, that if the Applicant was interested in retaining any/some of the heritage of the Wesley Church they would enter into a legal agreement stating such and make the effort to proceed with the study prior to applying for rezoning. It is my understanding that a legal agreement can be altered should a study counter any clauses in the legal agreement.

By not conducting the study and providing details to the Planning Commission or City Council on the Applicant's intent with respect to the property and not consenting to any heritage designation or entering into a legal agreement to preserve at least some aspects of the heritage, it clearly brings into question the Applicants' intent for this property and should be a cause for concern of the City Council.

Thank you for time and consideration.

Leslie Lawson

Albrecht, Linda

From: Shara Rosko [shararosko@gmail.com]
Sent: Wednesday, October 28, 2015 10:44 PM
To: Albrecht, Linda
Subject: Fwd: Land Use Amendment for 1315 7 St SW from DC to CC-MH

Dear City Clerk,

I live in Calgary's inner city and want to register my thoughts on the church that is currently named the Arrata Opera Centre. This building is unique to this area as an AGLC-approved entertainment venue, host to many arts events and unique in the Beltline as a cultural space. A central gathering space is integral to bringing a community together, especially as density increases, as we are seeing in many neighbourhoods with new high rise condos for example. This change is positive, but we need to preserve gathering spaces for people to meet each other, get involved in their neighbourhood while appreciating the variety of arts presented in such spaces. In this way, the church continues to exist as an important landmark in the Beltline community, analogous to Lougheed House, Tomkins Park, and further east Memorial Park Public Library, The Masonic Hall, as well as St.Mary's Cathedral. These are visually unique buildings that, also serve as historical texture and preserve knowledge about our city, and protecting them is important.

I support any move by the City of Calgary which will help preserve this building as a vibrant historical element in the Beltline. I trust that working with developers in a mutually beneficial way is possible.

Kind regards,
Shara L. Rosko
Artist, Administrator, Consultant

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SUBMITTED VIA EMAIL: cityclerk@calgary.ca

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2015 OCT 29 AM 8:05

RECEIVED

October 28, 2015

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
Calgary, Alberta
T2P 2M5

Dear City Clerk:

Re: PUBLIC NOTICE – November 9, 2015 – In the matter of Land Use Redesignation, Bylaw 190D2015, 1315 – 7th Street SW (Plan A1, Block 92, Lots 21 to 25) from DC Direct Control District to Centre City Multi-Residential High Rise District (CC-MH)

I am opposed to the proposed Land Use Bylaw Amendment at 1315 – 7 ST SW from DC to CC-MH for the following reasons.

This proposed Land Use Amendment will directly impact the enjoyment and use of many surrounding properties, in particular, the building right beside on the west which is known as Eighttwelve, a 7-storey apartment building built in 1979. It features a lovely rooftop patio which is much utilized and enjoyed by the residents and guests (see attached pictures). The proposed re-development of 1315 – 7 St SW will create shadowing and impact the sun exposure that residents and guests have been enjoying for over 35 years.

The Wesley United Church (the church) has been a Registered Historic Resource in the Province of Alberta since October 1996. Built in 1911, the third Methodist Church to be built in Calgary, it has both heritage and architectural significance.

The church is an excellent reminder of the Edwardian period in Alberta's history and provided a constant visual reminder of the buoyant optimism of the pre-War era when economical recession hit just prior to WWI.

The church is a unique and distinguished building. It was built unlike many large churches of the period and its size, harmony and solid construction reflect the prosperity and confidence of the time.

Ironically although contemporary high-rises now surround the church, they do not dwarf it; however, if this proposed zoning change is allowed, then the proposed building will dwarf the current surrounding buildings.

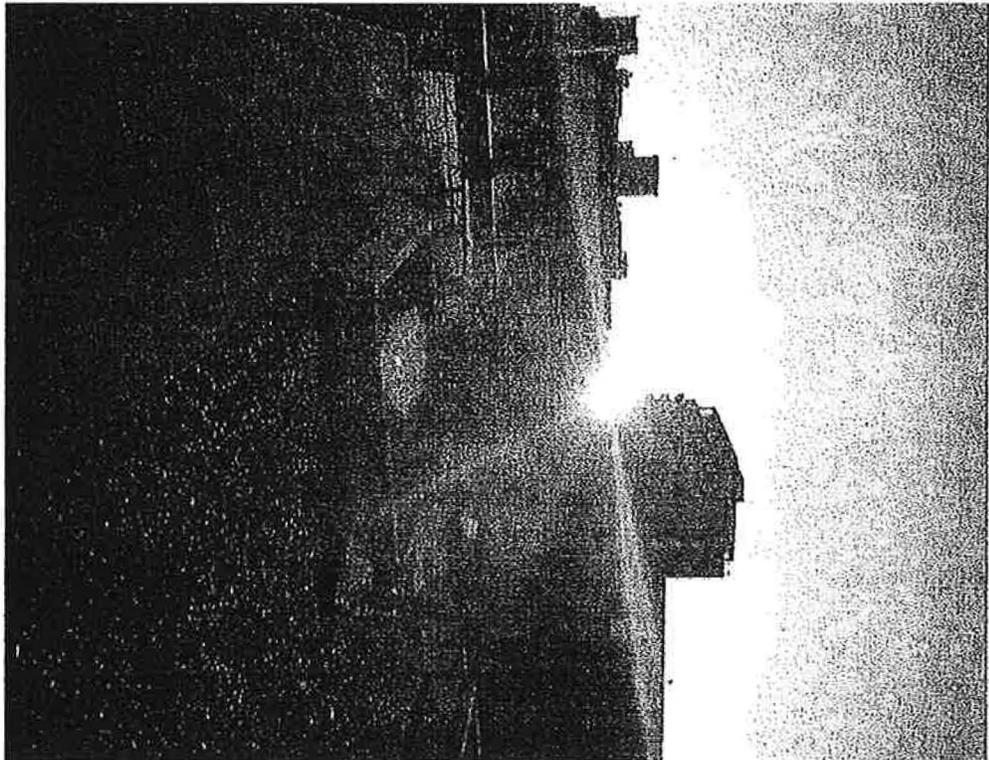
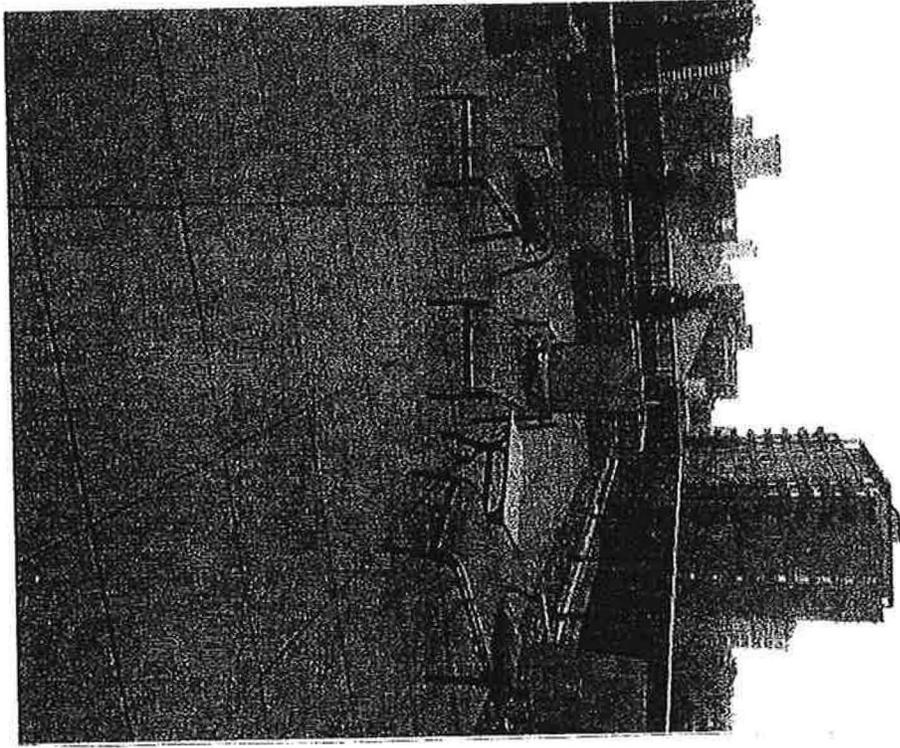
There will obviously be increased parking and traffic congestion issues.

In consideration of the aforementioned I am asking that the above captioned Proposed Land Use Amendment be abandoned and that Council legally initiate statutory designation for 1315 – 7 ST SW as a Municipal Historic Resource.

Thank you for your time and consideration in this important matter.

Tim De Jong

EIGHTWELVE ROOFTOP PATIO



Albrecht, Linda

From: Chris Edwards [cbedwards@shaw.ca]
Sent: Thursday, October 29, 2015 9:48 AM
To: Albrecht, Linda
Subject: Land Use change for 1315 7th St SW, from DC to CC-MH
Attachments: wesley notice.jpg

Please note, I have not referenced a file # as the notice did not include one (photo of the notice attached)

Please accept our comments regarding the proposed land use change for 1315 7th St SW, (Wesley Church site) from a DC to CC-MH

We acknowledge the CPC's recommendation for approval due to the inability to perform a density transfer from a DC site, however we have some concerns:

- 1) The existing Wesley Church is not only an inventoried city resource, but also is Provincially registered, indicating province-wide importance. We would ask Council and Planning to perform the utmost care in approving any future developments which might negatively affect the historical value of the site
- 2) As mentioned above, we acknowledge the comments from CPC that although a DC is required to allow the entertainment venue use, heritage density transfer cannot be done from a DC site. We would ask Council to work to eliminate this zoning 'catch 22', that is, increased density further incentivizes the demolition of historic sites, but a change in land use which may increase density is required to unlock the heritage density transfer which incentivizes retention. We strongly suggest changes be made to the appropriate bylaws or policies, so that a DC site can fully participate in density transfer.
- 3) The existing building is an important cultural space for the community, we would ask that Council strive to maintain the music and arts permitted use into the future, past the move of the existing opera centre use, and we would also suggest that the land use bylaw should be changed to allow all innercity churches (and perhaps all churches in general) to allow cultural entertainment as a permitted use. As church attendance drops, hosting non-church cultural events and shows is an important safeguard for their continued viability, particular historic churches in communities facing development pressure.

Sincerely

Chris Edwards
Vice President
Calgary Heritage Initiative Society
www.calgaryheritage.org

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2015 OCT 29 AM 9:57
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NOTICE

LAND USE BYLAW AMENDMENT

An application has been made to redesignate this site municipally known as:

Address
1315 7 ST SW

From DC
To CC-MH

Any person claiming to be affected by this amendment may make written representation to the City Clerk, City Hall, Calgary at cityclerk@calgary.ca before 10:00 A.M. on October 29, 2015.

Persons who wish to address Council may do so at the Public Hearing on this Bylaw in the Council Chambers commencing at 9:30 A.M. on November 9, 2015.

For the ongoing status of the application as well as basic information see: www.calgary.ca/applicationmap.

For further information on this matter, call Development & Building Approvals at 403-268-6774.

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
P.O. Box 2100, Postal Station "M"
Calgary, Alberta T2P 2M5

The Public Hearing on Submissions made regarding this Land Use Bylaw amendment is subject to the provisions of the Alberta Planning and Development Act and the Municipal Government Act. The amendment may be included in the public hearing agenda of the Council and at least one public hearing is held in the subject area. If you have any questions regarding the amendment, please contact: 403-268-6774 or the City Clerk, Office of the City Clerk, 700 Macleod Trail SE, Calgary, Alberta T2P 2M5.

Albrecht, Linda

From: Laura Reid [laurajeanreid@gmail.com]
Sent: Thursday, October 29, 2015 9:16 AM
To: Albrecht, Linda
Subject: feedback on proposed land use redesignation (BELTLINE BYLAW 190D2015)

Dear Council,

I am writing in response to the proposal to redesignate 1315 – 7 Street SW from DC Direct Control District (Bylaw 11Z2006) to Centre City Multi-Residential High Rise District (CC-MH). This is in response to the plan for the current tenants of the building, Calgary Opera, to move into new facilities on Stampede Park which will leave the building vacant. I understand that the current designation restricts the use to an Opera Centre with such specificity that it prevents almost any creative reuse of the space, but the concern I have is in the application for a rezoning designation that seems very wide-reaching. I would like to see a plan that remains sensitive to the needs of the arts community in Calgary and commits to a plan that retains the use of the space as an arts venue.

I am a freelance violinist in the city, and have experienced this facility as a rehearsal and performance space, both as a performer and an audience member. The importance of this space as a dedicated public arts centre cannot be understated. The particular aesthetic details and high quality of acoustic capabilities of this former church space, in addition to the work that has been done to technically upgrade the facility (lighting, sound equipment) make it a unique venue for presentations of all genres of music and artistic disciplines. A difficult economic climate currently faces everyone in the province and has been especially felt by independent musicians/dancers/actors/artists and established arts organizations alike. With this dire financial situation combined with the well documented dearth of available performance spaces in Calgary, independent artists and arts organizations face a substantial challenge to find large spaces of good acoustic quality that are affordable and accessible. There are several ongoing venue construction projects and newer venues in the city (Festival Hall, National Music Centre, Decidedly Jazz), but the huge cost of these ventures is always passed on to facility renters. To illustrate the difference in cost of a night's rental of the Mamdani Opera Centre in comparison with a newer venue like Festival Hall, the fees are \$700 and \$1100 respectively, and the capacity comparison is 300 and 200 respectively, so there is also that difference in the potential opportunity for a presenter to make up their costs in ticket sales. There is a need for a prudent approach to maintaining existing structures in Calgary.

In Calgary Opera's own press release concerning the renaming of the facility, the centre "is a [sic] more than just a home for Calgary Opera; it is a community hub that supports over 40 groups, such as Decidedly Jazz Danceworks, Spiritus Chamber Choir, Red Deer Symphony and One Yellow Rabbit Theatre that utilize the Centre for rehearsal and event space every year. 'This building has a rich heritage but also plays an important role in providing much needed facility space for today's cultural community,' said Calgary Opera General Director & CEO, W.R. (Bob) McPhee C.M." I was happy to see this statement from Mr. McPhee, as the new named sponsor is the CEO of Strategic Group, the real estate company that is in control of the building and behind the application for redesignation, so this does indicate some awareness from the company of the importance of the facility to the arts community at large. I have had communications with CADA, and through CADA have had some clarification of plans from Strategic Group regarding long term plans, and my skepticism remains high that future plans will indeed be sensitive to the interests of Calgary's arts community or proactive regarding historic building protection. There are mixed messages about the plans to work towards a historical designation for the building, as despite a representative from Strategic writing in an email to CADA "The plan is to firstly rezone the property appropriately given the location; Secondly enter into an agreement with the City for a density transfer in exchange for legally designating Wesley Church a Historical Resource; Thirdly, after consultation with stakeholders, to again rezone the newly Designated Wesley Church with the appropriate range of uses that ensure its ongoing economic feasibility, its adaptive re-use, and respects its new-found status as a legally designated Heritage Resource," the statement from the Sept 24 planning report reads:

“Our plan is to undertake a study of the Wesley Church that includes adaptive re-use of the existing structure, insitu re-use of the existing church, and internal redevelopment utilizing the existing structure's exterior walls. This study will commence upon completion of the land use and will take about 2 years. Such a study is expensive and time consuming, taking up both capital and significant company resources. The study makes no sense in the absence of a land use that reflects highest and best use of the site and is contextual to the Area Redevelopment Plan.”... “Planning Department comments include inquiring whether or not the owner would be willing to legally protect the Wesley Church as a historic resource. Our response is we will not know until we have concluded our study which we are not at liberty to commence until such time as we have a contextual land use to work with.”

If I am understanding the position correctly, this planned "expensive and time consuming" study only makes sense if there is a redesignation in place to recoup costs (I assume the density transfer would be the goal in that) and there is no commitment to legal historic protection unless a study can be done, which seems to take away Strategic's responsibilities in moving ahead with the plan. I would like to see a statement of a clear commitment for both historical preservation of the building and preservation of function as an arts facility.

I also believe there is a responsibility for council to look at the record of Strategic Group's work with both historical and artistically significant properties and the reputation of Strategic Group and Riaz Mamdani within the context of ethical business practices in general. The two examples of particular relevance are the sordid and disappointing trajectory of the Barron Building, which the Strategic Group currently owns, and the recent and ongoing real estate fraud case involving Platinum Group and Strategic Group.

As I am sure the council is aware, historical designation was ultimately denied for the Barron Building after initial government support was rescinded and the ground-level black granite and marquee has been demolished. This followed years of significant historical designation efforts from the public at large and architectural and historical preservation representatives and years of Strategic Group embroiled in lawsuits, including being sued by both Platinum Group (the owner preceding Strategic) for \$3.5 million and Newel Post Developments (the company that had run the Uptown Theatre) for \$750,000. As presented in a May 29, 2014 article by Jason Markusoff in the Calgary Herald, "Without the facade alterations and design proposed by Strategic's New York-based architect, the developer warned redevelopment wouldn't make financial sense. The company would lose tens of millions of dollars of value and would fetch 25 percent lower lease rates, CEO Riaz Mamdani said."

This prioritization of profit at the expense of a historical resource of a significance that had been repeatedly justified by a variety of experts and previously championed by the developer himself demonstrates a lack of genuine care by Mamdani for the value of historical structures. I believe that this lack of will does not bode well for the future of the Wesley Church structure; the applicant points out that future development of the **Church site must** "ensure its ongoing economic feasibility" and given the Barron Building record of what Strategic Group considered necessary for feasibility, I don't see why the Wesley Church scenario would be seen any differently from their perspective. I sincerely plead for council to take the lead on historical designation projects such as these and prevent a debacle like the Barron Building project from repeating.

As for the ongoing fraud case, I realize that it has tangential bearing on the Wesley Church application, but I believe it is important to frame the ethical standards of the applicant. It seems reasonable to expect council to consider the reputation of a company when making decisions that have public ramifications. Strategic Group and Riaz Mamdani have been specifically named with Platinum Group among defendants in a class action lawsuit with allegations including: undertaking a conspiracy to unlawfully benefit themselves, negligence and breaching terms of agreement with investors, and making misrepresentations in the offering memoranda given to investors. The claim involves an estimated 2200 investors losing an estimated \$200 million between 2002 and 2012. I realize that the lawsuit is ongoing and unresolved, but I believe that the severity of the allegations alone causes much concern about the reputation of Strategic Group, their business model and their professional partnerships.

I believe that the combination of the information, or lack thereof, provided in the initial application for land use redesignation of the Wesley Church site, combined with the reputation and history of the Strategic Group in their general business dealings and their specific background in flagrantly undermining and disrespecting the value of historically and artistically significant buildings should result in council denying the application and continuing to find a designation for the structure that reasonably limits the capacity for redevelopment by protecting the physical and functional resources of this building.

Thank you very much for your consideration of this matter and your attention to my concerns. I look forward to positive action and dutiful scrutiny of this application.

Sincerely,
Laura Reid