

Community Association Response

Letter received on 2023 May 29



University Heights Community Association
c/o UHCA President, 3427 Utah Cres NW, Calgary, AB, T2N 4A9

May 29, 2023

ATTN: Lisette Burga-Gherzi

University Heights Community Association makes the following comments and observations on the application for a Land Use Amendment in the Direct Control (DC) District and the subsequent amendments to the Area Redevelopment Plan (ARP) for the former Stadium Shopping Centre.

Background:

The purpose of an ARP is to provide municipal authority and assurance to the affected stakeholders in the redevelopment of real property. A key position of University Heights, a major stakeholder, in the ARP process was to protect the community from institutional encroachment; in this incidence, Foothills Medical Centre. To this end the municipal authority, through the ARP, specified limits to medical use that could be incorporated into the development. On page 9 of the ARP it states: "no more than 11,148 square metres of gross floor area available for medical clinic uses." In response to the Detailed Design Review #1 (February 9, 2023) the developer estimated potential use areas of approximately 3716 square metres for Hospital – Overnight Stay use, 3716 m² for Health Services Laboratory – Without Clients, and 3716 m² for Post-secondary Learning Institution, which would be in lieu of 'general' office space. On April 27, 2023, this was revised to adding 20,000 m² for "Health Services – Overnight Stay" totaling 31,000 square feet of medical services. This request substantially changes the development. The vibrant mixed-use vision that is "complementary to the surrounding communities" is significantly diminished with less potential for retail, bakeries, banks, registries, lawyers, consultants, travel agents, accountants, etc., that would be expected to otherwise occupy the non-medical office areas of the development.

As there is no net community benefit for University Heights in such a change of use, this letter provides our tacit acceptance of the original proposed Land Use Amendment request which would limit amount of medical clinic use to the ARP limit plus the original ask of an additional 3716 square metres for Hospital – Overnight Stay use, and 3716 m² for health services laboratory – Without Clients for a total of 18,580 m². This, we believe would still provide sufficient alternate general office area to achieve the goals stated in the ARP while providing the developer with an additional 7432 m² (80,000 ft²) which is more than all the original retail space at the Stadium Shopping Centre. Our support of this is conditional on three stipulations:

- 1 - the ARP's required 5177 square meters of retail and services be 'predominantly' on the ground or at street level.
- 2 - that these services be oriented to Uxbridge Drive as per the ARP section 5.4.3.
- 3 - that any proposed Health Services Laboratory – Without Clients use be restricted from the ground floor as is common in the zoning bylaw 1P2007 with some uses.

Although we feel that these added requirements slightly impact the developer's flexibility in potential leasing, we believe the scale of the Land Use Amendment more than warrants these conditions and provides some potential that community services will be located in the development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patty Auger".

Patty Auger, CPA-CA, CFP
President, University Heights Community Association

Letter received on 2023 March 24



University Heights Community Association
c/o UHCA President, 3427 Utah Cres NW, Calgary, AB, T2N 4A9

March 23, 2023

University Heights Community Association (UHCA) Development Committee
Comments on LOC2022-0170 Address: 1941 Uxbridge Drive NW
Application Description: Land Use Amendment to accommodate a DC based in C-C2

O2 is proposing to amend the current Bylaw 183D2016 to add under **Purpose**:
d. Enable additional medical uses, including medical clinics with overnights stays and diagnostic testing. They are also proposing to add three additional discretionary uses: Hospital, Health Services Laboratory – without clients, and Post-secondary Learning Institution.

"The proposed DC (Direct Control District) is based on the rules of the Commercial - Community 2 (C-C2) District." The current DC is Bylaw Number 183D2016.

The bylaw 183D2016 states:

Purpose

- 1** This Direct Control District is intended to:
- (a) accommodate the redevelopment of the Stadium Shopping Centre;
 - (b) fulfill the vision of the Stadium Shopping Centre Area Redevelopment Plan; and
 - (c) establish setback, landscape and parking requirements reflective of Stadium Shopping Centre Area Redevelopment Plan. (p. 3)

Discretion of the Development Authority

- 14** (1) Except as otherwise provided in subsection (2), the **Development Authority** may relax the rules of this Direct Control District in accordance with the test for relaxation in Bylaw 1P2007.
- (2) The rules in sections 7 and 8 of this Direct Control District may not be relaxed. (p.5)

We note that subsection (2) above specifies the following rules in sections 7 and 8:

- Floor Area Ratio 7** The maximum **floor area ratio** is 3.0.
Building Height 8 The maximum **building height** is 46.0 metres. (p. 4)

The University Heights Community Association's objections to this proposed amendment are based on two contentions: first, the proposed amendment interferes with the intent of the bylaw to fulfill the vision of the Stadium Shopping Centre Area Redevelopment Plan (SSC-ARP). Second, the proposed amendment does not meet the test for relaxation in Bylaw 1P2007.

Intent and Vision of the ARP

The Stadium Shopping Centre is envisaged as an attractive, vibrant, mixed-use centre which provides employment opportunities, residential accommodation, and services that are complementary to the surrounding communities and institutions.

1

(Stadium Shopping Centre Area Redevelopment Plan (SSC-ARP), Office Consolidation 2014 December, p. 4)

Planning history of developing the ARP

Per the Municipal Development Plan (MDP), the Stadium Shopping Centre site was envisaged as a Neighbourhood Activity Centre (NAC) with characteristics as follows:

"The Neighbourhood Activity Centre (NAC) is a neighbourhood-scale centre providing opportunities for residential intensification and local jobs, retail, services and civic activities. NACs exist either in older residential communities or within new communities. ... Smaller commercial sites located throughout established areas have the potential to provide a diverse mix of uses that fit with the scale and character of the surrounding neighbourhood." (MDP excerpts, 3.3.4, p. 95 of 2020 version)

In the South Shaganappi Communities Area Plan (approved by Council in 2011): *"Stadium Shopping Centre has been identified as one of the proposed Neighbourhood Activity Centres where high quality mixed use development is encouraged."* (p. 98) Policy SS1 elaborates: *"Stadium Shopping Centre will be redeveloped as a vibrant high quality mixed-use development with a broad range of uses and activities with retail uses on the ground floor and appropriate uses above."* (p. 97)

Our community supported the businesses in the former Stadium Shopping Centre from its inception. The loss of many of those business in the 2015 fire, and eventual demolition, has meant that residents must go further away for services formerly housed in UH including restaurants/pub, drug store, postal outlet, bank, convenience store, uniform store, bakery, florist, cat store, dry cleaner, various personal and health services, fish market, meat market, etc. The services were complementary to the surrounding communities and institutions. From the inception of the ARP process our community was in favour of retail services being a major part of any redevelopment. What we were promised was that it would be to built it back better. We were to accept certain less desirable aspects of the development with the beneficial aspect. Our concern with this proposal is that we are being asked to lose many of the beneficial aspects of a mixed use project.

UH residents main concern was to prevent the redevelopment from becoming a mere annex to the U of Calgary and Foothills Medical Centre. The intent of the ARP was to have a redevelopment with community-based services. To assure this, the ARP allocated a specific mix of uses and defined those uses with maximum floor area targets:

Density policy: 5.1.2.1 In alignment with the Municipal Development Plan, the South Shaganappi Communities Area Plan, and Land Use Bylaw designations dating to 1970, the Transportation Impact Assessment undertaken as part of this plan assessed the impact on the surrounding transportation network using the following land uses and densities:

A. Retail and consumer service: 8,138 square metres;

- B. *Eating and drinking: 2,676 square metres;*
- C. *Residential: 372 dwelling units, assisted living units, or live work units;*
- D. *Office: 28,428 square metres; and*
- E. *Hotel: 240 guest rooms (SSC-ARP, p. 11)*

To protect the community from institutional encroachment, the ARP further specified limits of medical use. On page 9 of the SSC-ARP it states:

"The Plan area should include a mix of uses intended to meet local needs and support nearby institutional uses, by including:

- A. *at least 5,177 square metres of gross floor area available for retail and consumer service and eating and drinking uses;*
- B. *at least 225 dwelling units, assisted living dwelling units, or live work units; and*
- C. *no more than 11,148 square metres of gross floor area available for medical clinic uses."*

This clause was added to put a limit on how much of the office area could be used for institutional (medical uses). We find the proposed change in uses violates these intentions. We are concerned that the proposed land use amendments are moving the development away from the original goals of these mixed use targets of the originally conceived Neighbourhood Activity Centre, in favour of an overwhelming institutional destination. The allocation of office use was not seen nor presented as more medical-related use. In fact, the limitation of office uses for Medical Clinic was to assure the community that medical-related uses would not dominate the development and lose its vision of mixed use.

According to the information currently on the UXBorough website, the square footage allotted to medical clinic uses in the Medical Office Building currently under construction is 118,000 sq.ft. which is close to the allotted 119,996.07 sq.ft. (converted from sq.m.) in the ARP. When O2 Design and Western Securities representatives attended our UHCA Board meeting on September 28, 2022 they indicated that they were not intending to reduce the amount of retail space on the site. Any impact on space for eating and drinking uses was not mentioned. Since the construction of the medical office building was well underway, it was stated that the proposed specialized uses of Hospital and Health Services Laboratory – without clients might not be allowed there due to more complex building requirements. We therefore assume that these two uses would need to be situated in a purpose-built building (i.e., future office building).

If the proposal is to allow the allocation of Institutional (medical) use, this moves from 15% to 25% of total buildout. In addition, they proposed adding another 5% for post-secondary which could be medical-related. This then totals 30% of buildout. If we added in the hotel, which would be primarily marketed to hospital patrons then the percentage moves significantly up. In addition, the proposal has only suggested requesting 5% (3716 sq.m.), suggesting it could be more. This proposal does not reasonably meet the intention and vision of the ARP as a mixed use redevelopment.

3

A "hospital" is distinct from the land use category of "Health Care Service." The ARP caps "medical clinic" use (now Health Care Service use) but makes no mention of "hospital" nor was the idea of a "hospital" discussed during the ARP process. "Hospital" and "Health Care Service" are aligned under the "Care and Health Group" in the Land Use Bylaw (LUB). Hospitals are typically in the S-CI district and the use is not discretionary for C-C2.

We are concerned about the response to City comment #9 (Detailed Design Review #1 – Feb 9/23): *"The intention is to have future "Hospital" uses accommodated within ground floor retail areas or the future office building ..."* as this could have a detrimental effect on ground floor availability for retail and consumer service and eating and drinking uses (ARP 5.1.1.5) which are supposed to be at grade or on the mezzanine floors. This would represent a significant departure from the vision laid out in the ARP. The current leasing brochure for UXBorough also indicates *"Main Level Retail Units, Food & Beverage, and Potential Financial Institution Space"* which is in keeping with the ARP.

Health Services Laboratory – without clients is *not* listed as a discretionary use for C-C2. It is discretionary in CR20-C20/R20 and only allowed on the 2nd floor. We do not have specifics on what kind of service is being considered or whether such a service would be allowed in proximity to the residential areas immediately east of the UXBorough site or the schools to the west. In response to the DDR #1 City comment #9 this facility could be housed either in the Medical Office Building or the Office Building but with flexibility. Our residents were not in favour of "industrial" uses on this site. Furthermore, this use should not be on the ground floor.

The Post-secondary Learning institution fits within the discretionary category for DC based on the C-C2 zoning. We would not support this use being on the ground floor taking up valuable commercial space.

Part 2, Division 5, Section 36 on the LUB (page 49) Discretionary Use That Does Not Comply has criteria that need to be passed in order for Hospital and Health Services Laboratory – without clients to be included in the proposed revised DC. The ARP would also need to be amended for all changes occurring as a result of any land use change. Our community would not be in favour of changes that do not keep sufficient retail, restaurants and other commercial services on the ground floors of the buildings.

In closing, we cannot support this land use amendment as we do not see how the proposed changes meet the intent, flavour, or vision of the ARP. We are particularly concerned with losing ground floor retail, restaurants and other community services. Although we are generally opposed to these amendments as proposed, due to their heavy orientation to medical-related use, we could see some reduced uses on non grade floors, and we would be happy to discuss this with the applicant. In addition, we also do not see how this proposal meets the "Test for a Relaxation" namely:

2. (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
3. (b) the proposed development conforms with a use prescribed by this Bylaw for that land or building.

Clearly, this amendment will affect the envisioned amenities of the ARP, and “materially interfere with or affect the use, enjoyment or value of neighbouring properties.” It is unclear to us how this would be in conformity with 1P2007.

Respectfully submitted,

David Richardson, Chair, UHCA Development Committee, UHCA Director at Large
Patricia Muir, member UHCA Development Committee, UHCA Director at Large