

Infrastructure Services Report to
Infrastructure and Planning Committee
2024 January 10

ISC: UNRESTRICTED
IP2024-0065

Summary of Public Advertisement Feedback and Request for Approval – Ward 11 (1630 90 AV SW & 8945 14 ST SW)

PURPOSE

The purpose of this report is to provide Council the public feedback received through a multi-phase public notice process pursuant to Section 70 of the Municipal Government Act (Alberta) (the “MGA”), as well as to request Council’s authorization to proceed with the disposition of 1630 90 AV SW and 8945 14 ST SW (the “Property”).

PREVIOUS COUNCIL DIRECTION

On 2019 May 27, Council approved UCS2019-0642 authorizing the terms and conditions of the proposed sale of the Property.

On 2015 February 09, Council adopted NM2015-02 directing Administration to work directly with the owner of the Glenmore Landing Shopping Centre to explore the disposition of surplus City-owned lands to be included in an overall comprehensive development.

RECOMMENDATIONS:

Review Date: 2039 January 30

That the Infrastructure and Planning Committee recommends that Council:

1. Authorize the Recommendations as outlined in Attachment 3; and
2. Direct that Attachments 8 and 9 remain confidential pursuant to Sections 17 (Disclosure harmful to personal privacy), 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

CHIEF ADMINISTRATIVE OFFICER/GENERAL MANAGER COMMENTS

The General Manager, Infrastructure Services concurs with this report.

HIGHLIGHTS

On 2015 February 09, Council adopted Notice of Motion 2015-02 directing Administration, among other things, to work collaboratively with the owner of the Glenmore Landing Shopping Centre (the “Shopping Centre”) to explore the disposition of surplus City-owned lands which would be included in an overall comprehensive redevelopment, including opportunities for the provision of non-market housing within the future development and directed Administration to report back to Council for approval of any resulting terms and conditions of the sale.

On 2019 May 27, after lengthy collaboration and negotiations with the owner of the Shopping Centre, Administration reported back to Council with the proposed terms and conditions of the proposed sale, which were authorized through UCS2019-0642.

In 2023 August, Administration was notified of an agreement registered on title to the Shopping Centre lands, regarding the use and maintenance of the Property (the “Agreement”). In the Agreement the Property is referred to as “Park Land”, and goes further to say, “the City undertakes to utilize the Park Lands only for park purposes”, creating ambiguity as to the Property’s designation. Under Division 8 Limits on Municipal Powers, Section 70 of the MGA, if a municipality proposes to transfer or grant an estate or interest in a public park or recreation or exhibition grounds, the proposal must be advertised. As such, out of an abundance of caution and transparency, Administration advertised the proposed sale of the Property. The public advertisement ran in the Calgary Herald on six (6) separate occasions between October 5 and

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November 11, with feedback submissions being received by November 20. A total of 2,698 public responses have been received, all of which have been attached to this report in confidential Attachment 8. Public responses have been kept confidential due to the privacy and protection of individuals' personal information, in accordance with the Freedom of Information and Protection of Privacy Act.

Administration is recommending that Council receive this report for the Corporate Record, consider the public feedback received per Section 70 of the MGA, and authorize the disposition of the Property.

DISCUSSION

The Property consists collectively of two titled remnant parcels; 8945 14 ST SW and 1630 90 AV SW, located adjacent to the Shopping Centre in the Bayview Community. Due to access constraints, a sloping topography, and presence of utilities and City infrastructure, the Property is considered undevelopable on its own and would yield the greatest value and development potential by being consolidated with the adjacent lands. The Property has been circulated in accordance with Real Estate & Development Services Corporate Land Management Framework and has been declared surplus to municipal needs and requirements, save and except for the most northerly portion of 8945 14 ST SW consisting of mature greenspace that will be retained in City ownership and consolidated with the greater Glenmore Park to the north, and any portions of the Property needed for existing transportation infrastructure.

Over the years, the Property has been maintained by the Shopping Centre owner as a requirement of the Shopping Centre's original development permit and land use application. This requirement of maintenance was protected through a caveat registered to the Shopping Centre title (Attachment 5), herein referred to as the "Agreement". The Agreement includes terms and conditions for the Property in the following areas: maintenance, pathway connections, transit amenity, utilization, and signage.

Acquired in 1983 and intended for a future interchange at the intersection of 14 Street and 90 Avenue, which is no longer required, the Property has functioned as a landscaped barrier between the Shopping Centre and 14 Street and 90 Avenue with various sign licenses being granted over the years. In 2018 as part of the Southwest Bus Rapid Transit project, a Biophysical Impact Assessment was conducted which describes a portion of the Property as "maintained lawn" and was not identified as being biophysically significant. The Property provides little in the way of Parks amenity or passive or active functionality and has never been included in Parks community open space requirement metrics.

Given the above, the proposed sale of the Property was not previously advertised pursuant to Section 70 of the MGA as the Property was considered a strategic land holding for future municipal infrastructure, which: 1) would be temporarily maintained as a landscape buffer in accordance with the Agreement, 2) was described in the Direct Control land use from the original 1983 shopping centre development (114z1983) as "berming and landscaping... designed to screen the large areas of car parking from adjacent major roads", and 3) was not considered a functional public park, recreation, or exhibition ground. However, it was recently brought to Administration's attention that within the Agreement, the Property is referred to as "Park Land", and the City agreed to use the lands for park purposes, creating ambiguity as to its use. After further review of this, and in consultation with the Law Department at The City of

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Calgary, it was decided to publicly advertise the proposed sale of the Property in order to avoid any confusion, and to ensure that due process is followed.

A public notice was published in the Calgary Herald on six (6) separate occasions (2023 October 5 and 12, 2023 November 2, 4, 9, and 11). 2,698 responses were received. All responses received have been included in confidential Attachment 8. The majority of the responses received were in opposition of the proposed sale as an enabler to the proposed redevelopment; two separate and distinct processes. On 2023 May 12 the owner of the Shopping Centre submitted a land use and outline plan amendment application in support of a comprehensive redevelopment plan. As part of this application, a public hearing will occur prior to Council rendering a decision on the merits of the land use and outline plan application. The public hearing process provides the public with the opportunity to speak directly to Council in support or in opposition to the development proposal. This report and all information in it is solely about the public advertisement and feedback related to the disposition of the Property.

Of the 2,698 responses received, 1,902 of them were signed statements both physical and online which stated opposition for the following reasons:

- Selling public parkland to a private developer without a public hearing is wrong;
- No parkland in Calgary should be surplus – given our Mayor called a climate emergency;
- The proposed nine (9) high-rise towers and the forecasted 3000+ residents and workers will have serious impacts on Glenmore Reservoir Parklands and surrounding communities; and
- Increased traffic flow from this redevelopment will cause unsafe emergency access and exit conditions due to traffic congestion; only one way out of Glenmore Landing traveling both east and west

The remainder of the responses were of similar rational, and highly focused on opposition to the actual proposed redevelopment. Some common oppositions include;

- Consider the Property as Park Land;
- Development will create access and congestion issues;
- Concerns with the process;
- Concerns with the overall design, density, and height of the proposed development and the potential negative impact to the surrounding neighborhoods; and
- Concerns with the provision of Affordable Housing

Six (6) responses were received in support of the proposed sale. The feedback received in support sees the proposal as a positive opportunity for transit-oriented development, affordable housing and better access to pathways and amenities.

Considering previous direction of Council related to the Property, Administration is recommending that Council receive this report for the Corporate Record, consider the public feedback received, and authorize the disposition of the Property.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|---|--|
| <input type="checkbox"/> Public engagement was undertaken | <input type="checkbox"/> Dialogue with interested parties was undertaken |
| <input checked="" type="checkbox"/> Public/interested parties were informed | <input type="checkbox"/> Public communication or engagement was not required |

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Under Division 8 Limits on Municipal Powers, Section 70 of the MGA, if a municipality proposes to transfer or grant an estate or interest in a public park or recreation or exhibition grounds, the proposal must be advertised pursuant to Section 606. A public notice was posted in the Calgary Herald on six (6) separate occasions (2023 October 5 and 12, 2023 November 2, 4, 9, and 11). 2,698 responses were received. All responses received have been included in Confidential Attachment 8.

IMPLICATIONS

Social

Pertaining to the public advertisement and feedback related to the disposition of the Property, no social implications have been identified.

Environmental

Pertaining to the public advertisement and feedback related to the disposition of the Property, no environmental implications have been identified.

Economic

Pertaining to the public advertisement and feedback related to the disposition of the Property, no economic implications have been identified.

Service and Financial Implications

Pertaining to the public advertisement and feedback related to the disposition of the Property, no service and financial implications have been identified.

RISK

Risk Analysis included as Confidential Attachment 9.

ATTACHMENTS

1. Previous Council Direction
2. Site and Context Maps
3. Recommendations
4. Notice of Motion
5. Park Agreement
6. Schedule A to Agreement
7. Copy of Public Advertisements
8. CONFIDENTIAL - Public Responses to Public Advertisement
9. CONFIDENTIAL - Risk Analysis
10. Presentation
11. Public Submissions

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Michael Thompson, General Manager	Infrastructure Services	Approve
Campbell Berry, Director	Real Estate & Development Services	Approve

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