

Calgary City Council Meeting April 9, 2024

**VOTE AGAINST LOC2023-0275 application to rezone DDO site to multifamily**

**VOTE AGAINST varying the Albert Park-Radisson Heights Area Redevelopment Plan**

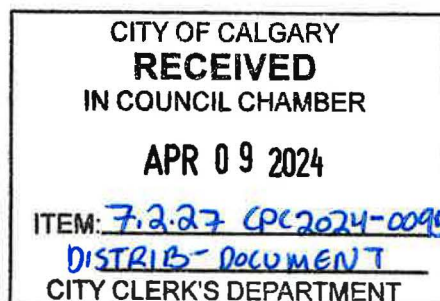
There are at least 8 reasons you should (a) add to a future agenda as soon as possible, and vote FOR, designating the DDO site as a municipal historic resource and (b) vote AGAINST this rezoning application LOC2023-0275 and the end-run around the Albert Park-Radisson Heights Area Redevelopment Plan ("APRH ARP") which is being brought by the city of Calgary's wholly owned subsidiary "Attainable Homes Calgary (AHC)" for the land which was the site of the David D Oughton (DDO) school located at the single municipal address of 1511 34 St SE and which the city of Calgary holds through its wholly -owned subsidiary Calgary Municipal Land Corporation ("CMLC"). Those reasons include:

1. **Liability concerns** – BEFORE you even consider voting in favour, get your OWN legal advice on your personal liability associated with approving LOC2023-0275 and varying the APRH ARP;
2. **Unfairness, conflicts of interest, bias, reasonable apprehension of bias, silencing of community, unequal treatment;**
3. **No consultation**, no one meaningfully listening to community or grappling with the concerns;
4. This area of the city and its **aging infrastructure including sewer, water, storm water, parking, roads and traffic, cannot sustain a multifamily development** on the DDO Site;
5. The application is **inconsistent with the APRH ARP**, which is there for good reason and which **protects the city and you;**
6. The application is **completely out of context** with the surrounding properties which are dominated by **single family bungalow** homes;
7. The **current zoning on the DDO Site is being inaccurately portrayed – the entire site currently is SPR** and does not validly contain any RC1 components;
8. The city and its wholly owned subsidiary(ies) are making **inaccurate and misleading** assertions, refusing to answer important questions including about the **donation of land and where the hundreds of children coming into this area of the city will attend school.**

The above are further outlined in the applicable headings below, though as the headings are related, discussion relevant to one heading may occur other other headings, so please read this full document.

Those with an interest in this matter or around whom a reasonable apprehension exists must not be involved in this matter in any way, must **leave the room when this agenda topic arises, and must not vote on or be involved in this matter.** That includes:

1. **Mayor Jyoti Gondek:** (a) sits on the Board of AHC, the applicant (<https://bm-public-calgary.escribemeetings.com/BoardDetails/BoardInformation/47>); AND (b) sits on the Board of CMLC, who apparently owns the DDO site, which is the land with respect to which this application is being made (<https://bm-public-calgary.escribemeetings.com/BoardDetails/BoardInformation/52>)



2. **Councillor Courtney Walcott:** (a) sits on the Board of AHC, the applicant (<https://bm-public-calgary.escribemeetings.com/BoardDetails/BoardInformation/47>); AND (b) sits on the Board of CMLC, who apparently owns the DDO site, which is the land with respect to which this application is being made (<https://bm-public-calgary.escribemeetings.com/BoardDetails/BoardInformation/52>)
3. **Councillor Jasmine Mian:** sits on the Board of CMLC, who apparently owns the DDO site, which is the land with respect to which this application is being made (<https://bm-public-calgary.escribemeetings.com/BoardDetails/BoardInformation/52>)
4. **Councillor Gian-Carlos Carra:** who is supposed to represent Ward 9 but has been evading requests from his constituents on this matter and who has many times indicated (without meaningful consultation with his constituents) that he supports this development, including and not restricted to statements posted on his website February 26, 2024 under “David D. Oughton Site Redevelopment”, at <https://www.gccarra.ca/ward-9-community-updates/2024/2/david-d-oughton-site-redevelopment>, providing only justification from AHC and not grappling with any of the concerns expressed by his constituents; he sits on the Calgary Planning Commission (“CPC”); his website includes statements which appear to be advocating on behalf of CMLC and AHC and may not be accurate:

The site **will** include a dedicated green space and municipal reserve that is anticipated to equate to approximately three acres of the total site, providing a balance of programmed green space that is accessible to the broader community and will serve as a complement to the new homes.

outreach from constituents on this project. In the interest of clarifying any possible **misinformation**

When the DDO development was first considered, then Mayor Nenshi and **Councillor Carra advocated to ensure this project was added to the portfolio of the CMLC**

There will be no apartments, no businesses, **no rentals** of any kind

Will the community lose access to the green space? No. ...

For more information about this development, including updates on upcoming community engagement, please visit the Attainable Homes Calgary project page [here](#).

If you have questions about the project, please feel free to email [questions@attainyourhome.com](mailto:questions@attainyourhome.com) [emphasis added]

5. **Councillor Chabot:** Concern has already been expressed to him directly via email about comments he made at an informational meeting hosted by AHC on December 12, 2023.

If others have an interest or a reasonable apprehension exists that they have an interest in this matter, they too must not be directly or indirectly involved in this matter in any way.

I hereby object to the involvement of the above individuals in any and all matters involving the DDO site, and to the involvement of any others who may benefit in any way from approving the application, including on the basis of bias and a reasonable apprehension of bias and unfairness ask that each such individual avoid all involvement in the DDO site, including and not restricted to not discussing this with

anyone and removing yourself from the council meeting when this matter is discussed. Providing submissions to the city is under protest and attempts to do so are not a waiver of the many concerns or the right to pursue all recourse should that be necessary.

**A crushing number of new multiunit developments are already planned or under construction in this area** including: 3 proposed high rise towers near the Franklin station; a proposed development at 1710 Radisson Drive; and a plan to put up multiple high rise buildings just south of 17th Avenue where the social housing used to be. This already **means an influx of thousands of people into a tiny and severely aging area of the city, and hundreds of children who will have nowhere to go to school. This lot was donated to be a school and that is the only sensible use for it to be put to.**

The city's website states that the agenda for the April 9, 2024 meeting will not be available until April 4, 2024. The deadline for submitting material and registering to speak is noon on April 2, 2024. Councillors are given very little time to review material and grasp the concerns with the DDO site.

**The city is making it hard to oppose this.** My registration on March 17, 2024 to speak on April 9, which stated that comments would be provided by email before April 2 at noon, was accepted. Then, by chance I noticed LOC2023-0275 now says the City clerk is to be contacted between March 21- noon on April 2. So there was an attempt to disqualify my March 17 registration. I had to register a SECOND time to speak. How many people are not being heard from because they submitted something before March 21?

Additionally, the letter I received from the city (post marked March 20 and received much later than that) states, under the heading "*Can I submit my comments to city council*", says "you may do so electronically or by paper" but that "submissions may be hand delivered, mailed, faxed to 403-268-2362 or submitted online at [Calgary.ca/PublicSubmissions](https://calgary.ca/PublicSubmissions)." "May" is permissive but notably the letter does not specifically state that email comments will be accepted. The city's own website states comments CAN be emailed to [publicsubmissions@calgary.ca](mailto:publicsubmissions@calgary.ca). Why does the letter not state this? Will those who submit comments by email not be heard from? [Calgary.ca/PublicSubmissions](https://calgary.ca/PublicSubmissions) only accepts a "Maximum of 6MB per submission (2 attachments, 3 MB per pdf document, word, excel, audio, image, video)." Submitting one photo could very well exceed that size. No such limit is placed on the applicant. **The city is erecting roadblocks to, and discouraging, thoughtful and in-depth opposition.**

I wanted to enclose various evidence substantiating the assertions made here; however the limited time provided for preparing this document has not been sufficient to allow for it to be assembled and included. Also, please see the Riley park municipal historic resource designation, IP2021-1506, here: <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=188673>

### **This Site was GIFTED FOR THE PURPOSE OF A SCHOOL (Riley Park 2.0)**

This land has its boundaries between 12 Ave SE, 16 Ave SE, 34 St SE and the alleyway between Radisson Dr SE and 34 St SE. Its **sole municipal address** is the address of the DDO school, which is **1511 34 St. SE**.

David D. Oughton was one of the original homesteaders, and a major land owner, in the Albert Park/ Radisson Heights area. Born in Ontario in 1864, he was the son of Irish and English immigrants. He grew up in Michigan. In 1901, he and his wife Jane travelled west with three children to settle in what is now Calgary. They had three more sons. David and his family lived in a farmhouse that they built here. He lived in the area for the rest of his life.

Mr. David Oughton served as a trustee for the local Bow River School Board when its school opened in 1906, and later became a Forest Lawn town councillor. During the pre- World War I boom, he subdivided part of his land as Oughton Estate. In 1935, the villages of Forest Lawn and Albert Park were dissolved and re-incorporated as the Village of Forest Lawn, with a strip of land annexed to connect the two communities. The village of Forest Lawn received town status in or around 1951- 1953.

After World War II, the population boomed and development increased. In honour of his 90th birthday and his lifelong commitment to education, **David donated the land** to the Forest Lawn School Board for a **much-needed new school**.

The school was named David D. Oughton Elementary, and was known as the “DDO” school. It sat on land David once farmed. The DDO school was built in 1952 and opened in 1953. 34 St SE used to be named “Oughton Street.”

A photo obtained from the U of C Archives shows Mr. Oughton standing on the steps of the newly built DDO school on **June 24, 1953**, while the manager of the contracting firm, C.H. Witman turned the keys to the new school over to the chairman of the Bow River School District, P.A. Airlie. The photo caption indicates that Mr. Oughton “donated the land for the school.” The keys to the school were not turned over to the school district until **AFTER** the school was built.



#### Forest Lawn school opening, Calgary, Alberta

Published In The Albertan, June 24, 1953, page 9. The keys to Forest Lawn's new David D. Oughton school, are turned over to the school board chairman, P.A. Airlie (centre), by manager of the contracting firm, C.H. Witman (right). David Oughton (left), pioneer rancher, who donated the land for the school, looks on.

#### ASK A QUESTION

#### About This Image

Date  
1953-06

Creator  
De Loria, Jack

Person(s) or Group(s)  
Airlie, P.A., Oughton, David, Witman, C.H.

Genre  
Negatives, Photographs

Place  
Alberta

Subject  
Calgary, Alberta - Schools, Forest Lawn district, Calgary, Alberta

The importance of Mr. Oughton’s extremely generous donation to this community cannot be understated. A long standing mural by Eldon Walls along 17 Ave SE between 30 Street SE and 31 Street SE depicted important pillars of the community. Mr Oughton’s face was first in the mural, and next was Mr. Patrick Airlie’s. The mural also included the Oughton House, which was the first house in Albert Park. The windmill was a familiar sight. Residents want his memory preserved.



David Oughton passed away in 1956 at the age of 92. In **December, 1961** the town of Forest Lawn was annexed into the city of Calgary. In **July 1962**, the Board of Trustees of Calgary School District No. 19 (the "CBE") acquired the 6.36 acre parcel from the Bow River School District.

The decision to close David D. Oughton School resulted from a process referred to as the "LEAP process." By no later than **1999**, and possibly much earlier, active discussions occurred among the province, the CBE and the City of Calgary about closing the DDO school and developing the land.

In **2001**, according to CBE documents, Albert Park and Radisson Heights recommendations went to the CBE Board of Trustees and "triggered an internal real estate committee."

**The DDO school was improperly, and not validly, closed. It was done without complying with the proper procedures and without the consultation that was required BEFORE making the decision.**

At its **April 1, 2003** meeting, the CBE received, in camera (in private, away from public scrutiny), a "report on the David D. Oughton and Albert Park Consolidation Business Case."

**BEFORE any public consultation**, on **January 27, 2004**, after an in camera discussion (in private, away from public scrutiny), the CBE passed resolutions in which it decided to replace the DDO school, but on a different site, thus leaving the DDO site without a school. It "directed" administration to "establish the terms and conditions," to "follow through with the requirements... with respect to the final... terms and conditions" and to develop communication plans to "advise and inform" the community.

Thus, the CBE decided to close the school with no community consultation. Rather, the communication was only in one direction, from the CBE, to "advise and inform" -TELL, rather than CONSULT.

Interestingly, on **May 18, 2004**, without any community consultation about school closure, the city of Calgary placed a 56 page caveat on the title to the DDO site.

At the **November 30, 2004** CBE meeting, a Trustee asked what was happening to the David D. Oughton school property. CBE administration advised that a letter of intent had been signed with a developer for a

replacement school to be built on the Sir Wilfrid Laurier Junior High School site and that the CBE considered that the City of Calgary apparently had a right of first refusal. Trustees were told:

Administration has requested clarity from the Ministers of Learning and Infrastructure with respect to the Closure of Schools Regulation. In the interim, work continues with the developer, and an application for a Building Permit is being made to allow for commencement of the pre-planning for the replacement school. [emphasis added]

On **March 1, 2005**, the CBE passed a resolution directing its Chair to “communicate with the appropriate Minister to request a specific direction regarding the disposal of David D. Oughton” school, which they hoped would “make Sections 4-7 of the Closure of Schools Regulation non-applicable.” **AFTER** the January 2004 decisions were made, the CBE was plagued by concern that it was required to consult with the community, but had not done so. It hoped to obtain advice that it was not required to consult.

However, at a meeting on **March 15, 2005**, CBE trustees were told that “P3 (Public-Private Partnerships) initiatives are very complex particularly when set beside the regulatory requirements of government.” During a long discussion, Trustees were told that the community was concerned about “development of the land, and the developer would be prepared to consult with the communities in that regard.” However, that consultation never occurred. At this meeting, trustees were told that the **CBE “must comply with provincial regulations** if the two schools are to be closed.” That did not occur. The minutes reflect an attempt to give the *appearance of consultation*, in a process that was to be completed “**before June 2005.**” The minutes include the following:

The City of Calgary **may** have **an interest in one site** in which case the development potential will fall under the regulatory control of the City of Calgary. If the other site is sold to the developer under the proposed P3 partnership, **it will be the developer's responsibility to undertake a development acceptable to the community. Such a development must follow the municipal process for building permits and land use within the City of Calgary.** The Calgary Board of Education's role is to perhaps **understand the development potential as much as possible and to share that with the community.** Ultimately, **the development of those sites will be subject to the municipal review process and the community will have opportunities to engage the City of Calgary about the redevelopment of those sites.** [emphasis added]

However, in the end the CBE refused to share the “development potential” with the community. In fact, in a meeting held on **May 16, 2005**, just before the June 2005 deadline, it said such discussion was “premature”. And the City has not in fact engaged the community in any meaningful way, even though the understanding that it would was an important consideration relied on in the school closure.

**AFTER** obtaining legal advice outside the CBE, at the **May 16, 2005** meeting, the CBE “advised and informed” the community and attempted to *give the appearance* of consultation. However, the way it did so differed markedly from its consultations for potential closures of other schools. Key questions were not answered including those going to bias and the terms on which the land was donated. At the May 16, 2005 sham consultation, the community was advised that

... the **creative opportunity** that is being considered **had to and must continue to follow all legislative and regulatory requirements; hence no fixed or binding agreements have been entered into to date**, and none can be until after the Board of Trustees has had opportunity to consider the overall proposal and have voted...

... there has been a great deal of non-binding preliminary work done to date - an example being that an application for a development permit has been made ...

... the disposition of the ... David D. Oughton School site., which would include the City's involvement and a public participation process in the possible site development.

... the School Act and the Closure of Schools Regulations require that this meeting be devoted to the issue of the closure consideration. It would be premature at this point to engage in any extensive discussion ... There are processes in place to ensure that if it comes to that point, community input will be sought.

... the City of Calgary has sent a letter expressing their interest in the site, for the purpose of developing a soccer field.

... if the schools do close, then the community will need a committee for the land use and asked that people get involved. [emphasis added]

At the May 16, 2005 meeting, to put the genie back into the bottle, the CBE attempted to deny having made any decisions about the school closure; however it did not share with participants its **January 2004 resolutions**. They clearly state otherwise. **The community was told that the city's interest was only to "develop a soccer field"!** Nowhere is it evident that there was ever any "committee for the land use" or any meaningful consultation with the community. In a number of ways, the community was deceived. Behind closed doors, a decision had already been made to close the school and sell the land to the city of Calgary for the purpose of a residential development, yet the community was told otherwise. **The city's extensive involvement in the school closure and beyond really stinks!!**

True to form, on **June 14, 2005**, the CBE passed a resolution to close the DDO school, effective **June 30, 2006**, "or such later date as may be required by construction and renovation timelines." All along, the closure was expressly stated to be "as part of a P3 initiative."

In **June, 2006**, the David D. Oughton elementary school was closed.

The wrongful closure of the DDO school, and the city's involvement, have caused simmering resentment in this neighborhood. Property owners/residents are very determined to fight with all their hearts and souls to protect the DDO site and Mr. Oughton's legacy.

The provision in the APRH ARP (discussed under the relevant heading below), that the DDO site not be dealt with in a way that could preclude its return to a school site, is consistent with the agreement that Mr. Oughton extracted that his land be used FOR THE PURPOSE of a school.

In **December, 2008**, when the City of Calgary purchased (or thought it purchased) both parcels of the DDO site, the smaller 1.67 acre parcel was apparently transferred back to the City of Calgary for \$1.00, and apparently the remaining 6.36 acre parcel was sold for market value which based on title documents was exactly \$6 million. The CBE advised that the land was transferred in accordance with the Joint Use and Planning Agreement, a 1985 agreement between the City of Calgary and the local public school boards, which guides the use of school lands as between the City and local school boards.

However the joint use agreement does not bind others. It cannot create interests that do not exist. It cannot solve underlying problems. The City cannot develop, mortgage or sell what it does not have.

In **2015 or 2016**, the City quietly demolished the school.

Over the years, the DDO site has been discussed many times at various city council meetings, but always “in camera”. To this very day, the city continues to attempt to conceal those records. By **July 25, 2016**, again after “in camera discussions”, meaning in private and away from public scrutiny, the city apparently approved the sale of the DDO site to the city’s wholly owned subsidiary, CMLC.

An Agreement of Purchase and Sale was entered into “dated for reference **January 5, 2017**”, between The City of Calgary and its wholly owned subsidiary, CMLC (the “CMLC-City Agreement”).

In or around 2017, environmental activity was quietly happening on the south end of the DDO site.

In **March and June, 2017**, CMLC hosted limited community meetings on a totally different proposed development than the present one. Mr. David D. Oughton’s grandson, Calvin Oughton, who was an elderly lawyer in Calgary at the time, attended at least one of those consultations. That development did not go ahead and nowhere is it evident that any application was put before city council. The community expressed strong opposition and wanted the city to honour Mr. Oughton’s stipulation that the land be used for school purposes.

On **December 4, 2017**, the City of Calgary placed a caveat on the title to the DDO site, claiming an interest by way of “an unpaid vendor’s lien”, pursuant to the CMLC-City Agreement. This reveals that it was **the city of Calgary itself with tax payer funded money, and not its wholly-owned subsidiary CMLC, that paid to acquire the DDO site.**

On or around **December 15, 2017**, the DDO site (municipal addresses 1511 34 St SE) was “sold” to CMLC for **\$7,145,066.06 “for the development of multi-family residential units.”** A very exact price, down to six cents. Transaction MRER2017-02 and LAS2016-67. The transaction was apparently approved on July 25, 2016. Nowhere is it evident that CMLC has ever paid for the land that it and AHC are currently so keen to develop. Multi-family residential development had already been decided on, without any community consultation and in the face of significant community concerns.

In **2018**, the city removed the DDO site sports fields from the city’s sports field booking system. And then attempted to claim that the community was not using the site!

“Sales” between AHC and CMLC and the city are all self-dealings within the city of Calgary and its wholly owned subsidiaries.

The city’s development group has referred to this site under three addresses including 3345 12 Ave SE and 3416 16 Ave SE. **Those addresses do not exist.** After that was pointed out, it began referring to “multiple addresses.” Other city documents referred to another non-existent address: 3030 12 Ave SE.

## **1. Liability Concerns – for the City, and for Council Members who Vote in Favour**

The city of Calgary, and its wholly-owned subsidiaries AHC and CMLC, are hereby formally put on notice that the DDO site was donated by Mr. Oughton FOR THE PURPOSE OF A SCHOOL.

It has been TWENTY years since the CBE closed the DDO school. **Are YOU willing to be personally liable for this rezoning decision, if you vote in favour of LOC2023-0275, or the related proposal to do an end-**



**run around the ARP? Before you consider voting in favour of this, have YOU obtained legal advice from a lawyer fully apprised of the stipulations on title, who is not directly or indirectly associated with the city of Calgary?** The city's lawyers cannot advise you on your own personal liability because firstly, they may be in a conflict of interest as it is, and secondly, whether or not any conflict of interest exists, they advise only the City and cannot advise you personally.

Mr. Oughton had 2 parcels of land that are included in the DDO Site:

1. A 6.36 acre parcel, which was stipulated on title to be for a school; and
2. a 1.67 acre parcel, which was stipulated on title to be "community reserve (School) land".

**Documents registered on title in 1953 with the gifted transfer of land stated that the gift of land to the Bow River School District required a school.**

**The CBE, and the City of Calgary and its subsidiaries, can have no better title than did the Bow River School District. It took the land subject to the requirement of a school, and so did the CBE and the City of Calgary. The city cannot, by its own machinations (caveats and whatever else) create something out of nothing. It cannot convey a right it does not have. The moment that the City does anything to this land that precludes it from having a school on it, it has lost all right to the land. This is why the ARP contains the restrictions that it does.** The ARP's provision PROTECTS the City, and **PROTECTS YOU!**

Similarly, the 1.67 acre reserve parcel was stipulated on historical title documents to be **SCHOOL** reserve land. We are told that this very narrow rectangular portion was previously owned by the City of Calgary and that the City apparently transferred it to the CBE in 1967 for \$1.00. We are told that land transfers from a municipality to a school board for nominal fee require that these same lands will be given back to the City for an equal price if the school board no longer requires the land. Whether, and if so how and when the City originally apparently acquired this portion of the site, and from whom, is unclear.

On **May 18, 2004**, without any community consultation about school closure, the city of Calgary placed a 56 page caveat on the title to the DDO site. But a caveat can only protect an interest that already exists. **It cannot create an interest.**

**Liability attaches for placing a caveat on title to "protect" an interest that is not valid.** For example see this University of Calgary Faculty of Law blog article, "[Caveator Beware: Damages for Wrongfully Filing a Caveat Can Be Substantial](https://ablawg.ca/2009/10/09/caveator-beware-damages-for-wrongfully-filing-a-caveat-can-be-substantial/)" (<https://ablawg.ca/2009/10/09/caveator-beware-damages-for-wrongfully-filing-a-caveat-can-be-substantial/>) summarizing a 2009 Alberta court decision which is relevant here:

sends a clear message. All caveators should ensure that their caveat protects a valid interest in land when it is filed and at all times thereafter. This is particularly so when parties are engaged in negotiations which may have the effect of altering the nature of the initial property interest.  
[emphasis added]

In **December, 2008**, the land titles office originally refused, perhaps quite rightly, to register the transfer to the City of Calgary. Once **the province and the school board were indemnified from liability**, the transfer was registered.

When the CITY OF CALGARY demolished the school, at best, it put this land into a state of uncertainty. Certainly if you approve LOC2023-0275, "shovels in the ground by spring 2024", then **you will be acting in a manner wholly inconsistent with the nature of the initial property interest.**

An analogy may be drawn with Riley park in Kensington, which was donated FOR THE PURPOSE OF A PARK. Remember when developers wanted to develop part of Riley Park? Just as the Riley family said: "You want to develop this land? Then you are no longer fulfilling the purpose for which it was donated in which case we want our land back". And, so Riley Park was designated as a municipal historic resource to protect against this happening again.

The APRH ARP has for decades stated that City administration was to, in consultation with the community, examine opportunities for **redesigning the entire site for community related activities**. Significantly, **consistent with the stipulation included in the gift** of the David D. Oughton School Site, **any redesign was not to be of a nature which would preclude the return of the David D. Oughton School Site "to school use if the child population in the community returns to appropriate levels."**

Mr. Oughton had six boys, born over 100 years ago. With great and great-great grandchildren, there are many potential people who could come forward at any time in the future.

Are you tempted to turn to the city's lawyers to advise you of your personal liability? They cannot do so because the city itself is their only client, not you personally. Remember what happened at the Alberta Energy Regulator? Does this city council want similar problems? Just check this out:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiHraLKta-AAxXQHTQIHctrCC8QFnoECCAQAQ&url=https%3A%2F%2Fwww.ethicscommissioner.ab.ca%2Fmedia%2F2531%2Fjune-14-2019-allegations-involving-jim-ellis-ceo-alberta-energy-regulator-under-the-aer-code-of-conduct.pdf&usg=AOvVaw16NPC6mdwwHH6OKQFtA6HY&opi=89978449>

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiHraLKta-AAxXQHTQIHctrCC8QFnoECB8QAQ&url=https%3A%2F%2Falbertaviews.ca%2Fcrisis-of-confidence%2F&usg=AOvVaw24MnXJCfjir8eH\\_jCzBDWd&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiHraLKta-AAxXQHTQIHctrCC8QFnoECB8QAQ&url=https%3A%2F%2Falbertaviews.ca%2Fcrisis-of-confidence%2F&usg=AOvVaw24MnXJCfjir8eH_jCzBDWd&opi=89978449)

<https://documents.lawsociety.ab.ca/wp-content/uploads/2021/08/29162836/Johnston-Patricia-HE20210181-HCR-Public.pdf>

Please, deny the LOC2023-0275 rezoning application and the proposed amendment to the APRH ARP.

### **Don't let the tail wag the dog: Designate DDO Site as Municipal Historic Resource**

There are times, including fall 2001 – fall 2010 and now, when the development industry tries very hard to run Calgary city hall. Future city councils should not have to rely on a member of the public coming forward to inform them that placing a development on this land incompatible with a school being situated on it will likely cause the city and councillors who vote in favour significant liability.

Riley Park is a park in the NW Calgary community of Kensington. Like the DDO site, it too was donated by a prominent Calgarian for a certain purpose. The purpose for which it was donated was to be a park. It too is owned by the city. In December, 2021, following attempts to develop it, it was designated as a municipal historic resource.

While the city has owned the DDO site, it has progressively and systematically forced it into disrepair. This is the CITY's doing. This land was a beautiful community-oriented site where people gathered, played in the playground and played sports, and still do (to the extent the city is not preventing them from doing so). Residents have fought hard to preserve it. Just as Riley Park's original purpose is now protected, so too should the DDO lot's original purpose be protected through designating it as a municipal historic resource. Such a designation protects not only you, but also future city councils. To

facilitate this, and make this easy for you, a draft bylaw for such a designation is enclosed. Also enclosed is the Riley Park bylaw passed by city council so you can see it again for yourself.

**YOU bear the ultimate responsibility for the decision you make.** CMLC and AHC are WHOLLY-OWNED subsidiaries of the city of Calgary. They are like Imperial Oil is to Exxon: Exxon calls the shots. **The buck stops with YOU. YOU,** not CMLC, AHC, **call the shots.**

Do not let CMLC and AHC be the tail that wags your city council, future city councils, or you, the dog. YOU can direct THEM to IMMEDIATELY CEASE all development activities and as the ultimate owner, YOU can designate this property as a municipal historic resource. YOU can direct city personnel to immediately return it to the city recreation booking system, to properly maintain the grounds as a park and to maintain the playground and sports fields in good repair and to designate it as a municipal historic resource.

The DDO site has much potential to generate revenue for the city including through children and adults sports: soccer, flag football, basketball, pickleball and tennis courts, and a cricket pitch would be in line with the area's 'international avenue' and diversity theme. There are many revenue generating possibilities for the city without the massive problems associated with the proposed rezoning.

## **2. Unfairness, Conflicts of Interest, Bias, Reasonable Apprehension of Bias, Silencing of Community, Unequal Treatment**

The city's dealings in this site and this rezoning application are RIDDLED with conflicts of interest, actual bias, reasonable apprehension of bias, unfair to those affected and not consistent with freedom of expression or equality rights. The DDO Site has for over two decades now been plagued with back door secret meetings and unfairness.

The councillor for this ward, ward 9, has evaded requests to meet with him regarding the DDO site. At the 11<sup>th</sup> hour, just before the March 7, 2024 CPC meeting, he called a meeting on less than one week's notice, during working hours and during snowstorm. Tensions were running high and not only from the community. He is clearly championing this rezoning and development. Also he sits on CPC.

As indicated above, the DDO school was wrongfully closed, and the city was closely involved.

The city's self-dealings in this property are concerning and designed to silence opposition. The city is pushing to develop this site in part because AHC and CMLC are in financial trouble. They and the people associated with them are in an actual or perceived conflict of interest. The city is not hearing from the community because it has already decided to ramrod it through despite significant concerns, with the development group, CPC (though I hope not city council) pulling out their rubber stamps to give Mr. Tait of AHC what he wants and has been saying all along, his "shovels in the ground by spring 2024".

The city has been sharing community concerns with its wholly owned subsidiary applicant but has NOT been sharing in the other direction from the applicant to the community. This is but one of the many indicators of bias, a reasonable apprehension of bias and one of many ways of silencing opposition. There is a strong sense that the city just wants people to shut up. They don't care what concerns exist.

While it shares much information with its wholly owned subsidiaries, it shares NO meaningful information with those in the community affected. Notably, only one side gets to make submissions to CPC: (the city's wholly-owned subsidiary applicant which has a vested interest in it going ahead.

The development group asked us to contact the FOIP group to ask for information. Upon doing so, we were told that no information would be provided until I paid in excess of a THOUSAND DOLLARS, for just part of the information. The city admitted that there are **thousands** of pages that it is concealing from the public. "Freedom of information" is anything but free in this city.

At the meeting that was called just before the CPC meeting, a community member asked about the DDO space remaining as park space and being devoted to a "high quality" park in its entirety. Ward 9's councilor said this won't be so because the city has a new agreement with the CBE to share land and green space. When asked about this new agreement, the CBE said it knew nothing about any new agreements. The existence of a new agreement is a potentially very significant assertion, but I am unable to meaningfully assess it, or this application generally because it is being shrouded in secrecy.

The lower income working class neighborhood of Albert-Park/Radisson Heights is not being treated equally with high income exclusive neighborhoods including Upper Mount Royal, Roxboro and Elbow Park, where NO developments are planned. This rezoning application is part of a crushing and disproportionate effort by the city of Calgary and its developer friends to subject Albert Park-Radisson Heights, a working class neighborhood, to more than its fair share of development. Why is this neighborhood being asked to bear such a crushing number of new homes? Why is the city determined to subject this community to reverse-gentrification? The city is not equally dispersing projects. It is placing the burden of development on working class communities. It is cherry picking areas that are lower income. This reflects a disturbing city practice that does not reflect equality.

### **3. No Consultation, No One Listening to Community**

The city has had no process to allow the community meaningful input on this rezoning application.

I and others have asked for, but it has not shown us, the rezoning application.

I and others have asked for, but it has not told us, the criteria that must be met in order for this application to be approved. Are there even any criteria? Rather we were referred to **the entire city bylaw, of more than 1000 pages** and **vague "policy"**, the specific names and section numbers of which were not identified.

The city is refusing to meaningfully engage with residents. It is refusing to provide records that it has no jurisdiction to keep secret. It is thwarting freedom of expression by those who wish to meaningfully oppose this rezoning application.

There has been no consultation. Current owner has NOT consulted on this particular project, AT ALL. What they plan to do is changing by the moment.

At best, the purpose of a meeting hosted by AHC on December 12, 2023 appeared to be to "inform" the community and NOT to seek their input, and at worst to bully the community into silence. Concern has previously been expressed to the city about this meeting. It did NOT constitute meaningful consultation.

The Calgary Planning Commission was provided with a letter from the International Avenue Business Revitalization Zone (BRZ). It is well known in the community that Alison McSwiney of the BRZ is a long time personal friend of Mr. Tait, who is "President and CEO" of AHC, the city's wholly-owned subsidiary which is making this rezoning application.

As indicated above, when the DDO school was closed, the community was told that if there was ever any plan to develop the lot, the community would be consulted. Consultation cannot be a sham; it must be meaningful. But there has BEEN NO MEANINGFUL CONSULTATION. As with closure of the school, the limited communications have been only in one direction: the community is TOLD (not consulted with). The councilor has for months been ignoring attempts to contact him and requests to meet with him. The city is denying our requests to see records so that we can understand how this got to the bizarre current situation. We expect consultation to be meaningful. It is not meaningful to say a zoning WILL be approved and a building WILL BE BUILT and we are consulting you only to ask if the door should be painted red or yellow. This is a lack of consultation. Community concerns are being ignored. The community is being silenced. This is setting the community up for serious long run problems.

#### **4. This Aging Area of the City Cannot Sustain A Development on the DDO Site**

The community cannot sustain a huge multifamily development on this site. The site has environmental problems. Sewer, storm water and water infrastructure in this area of the city is old and already failing. There is already not enough parking. The roads are old. No environmental study has been done. No sewer, storm water, water, road or parking studies have been done. There are concerns with airport regulations, no study has been done on that either.

Storm sewers admittedly insufficient but nowhere is it evident that any plan is in place to deal with this or that taxpayers will NOT be funding this.

Nowhere is it evident that anyone at the City of Calgary is doing a cumulative impact study of all planned and proposed developments in the Albert Park/Radisson Heights area and the area that comprises 3 blocks on either side of 17 Ave SE between Deerfoot tr. and 40 St SE. There are already a number of new multiunit developments under construction or being planned including: 3 proposed high rise towers near the Franklin station; a proposed development at 1710 Radisson Drive; and a plan to put up multiple high rise buildings just south of 17th Avenue where the social housing used to be. Without any development of the DDO site, these alone will already result in a massive influx of many thousands of residents, including likely hundreds of children. **Schools in the area are already at capacity. Where will those children go to school?** The DDO site is situated in the middle of these various developments and potential developments. It is critical to this community that it be preserved as recreational space that brings people together, and that as mandated by the ARP it not be put to any use that could preclude its return to a school once the population regenerates as it clearly is about to do. It should immediately be returned to the city recreation booking system. It could be developed to generate revenue through children and adults sports: soccer, flag football, basketball, pickleball and tennis courts, and a cricket pitch would be in line with the area's 'international avenue' and diversity theme. The city has many revenue generating possibilities without the massive problems associated with the proposed rezoning.

Nowhere is it evident that anyone is evaluating whether utilities (power, water, gas, storm sewers, internet, etc.) can support all of these developments and such a massive influx of people. I and others have been asking for but have seen no parking, traffic, safety, environmental or other assessment that combines the potential impact of all of these new developments, or at all.

It is well known among the community that this land is contaminated.

At CPC, storm sewer problems in this area of the city were acknowledged. Other infrastructure concerns, and traffic and parking concerns were not addressed.

## 5. Inconsistent with the APRH ARP

The proposed rezoning is inconsistent with the Albert Park-Radisson Heights Area Redevelopment Plan (APRH ARP). The ARP is there for good reasons, including to assure orderly development of communities. It ought not to be circumvented. Just because developers blinded by dollar signs in their eyes are salivating at the trough is not a good enough reason to do an end-run around the ARP.

Page 43 of the APRH ARP states, with regard to the DDO site: **“examine opportunities for redesigning the entire site for community related activities. Any redesign and renovation of the building should not be of a nature which would preclude the building’s return to school use if the child population in the community returns to appropriate levels.”**

**This restriction is in the ARP for good reason: Mr. Oughton donated the land to the school for the purposes of being used for a school.** The proposed rezoning and land use is entirely inconsistent with this. Please vote against LOC2023-0275.

The proposed development of the Franklin LRT lot will surely result in the child population returning to levels that will necessitate more schooling in the area, and this site was donated to the city ON THE CONDITION that it be used as a school.

When adjacent property owners attempted to communicate with the city about LOC2023-0275, we were told to also provide comments to the “GFL LAP Greater Forest Lawn Communities Local Area Planning” (GFL LAP) which had already closed. That will have been an entire waste of our time and entirely unnecessary if you allow the city’s wholly owned subsidiary to just do an end-run around established processes that aren’t sufficiently pleasing to them. That they are applying to do an end-run around the ARP, by seeking a direct exemption /variance from it only serves as further evidence of the bias, conflicts of interest, silencing and equality concerns.

As the APRH ARP appears to have been removed from the internet during the course of LOC2023-0275, enclosed are excerpts from the APRH ARP, so you can see it for yourself.

## 6. Completely Out of Context

As is plain from anyone who drives by the site, the proposed rezoning is completely out of context with the surrounding properties which are dominated by single family bungalow homes. Transit is NOT within the required distance, in part because the proposed development is along 12 Avenue SE, NOT the south end along 16 Ave SE.

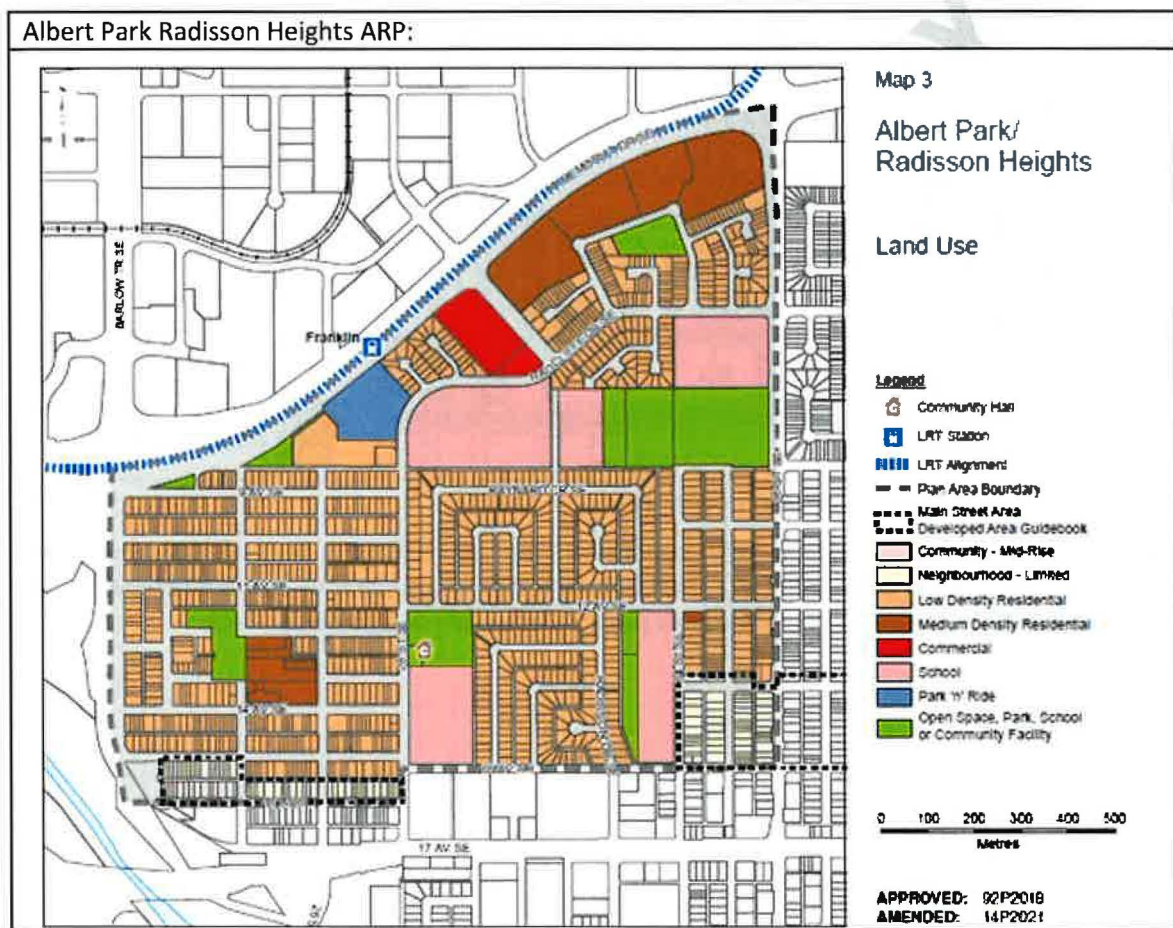
## 7. The Current Zoning on the DDO Site is Being Inaccurately Portrayed

A very significant point: **the portion of the land currently claimed to be zoned R-C1 is not validly zoned as R-C1. Its valid zoning is SPR.** The city development department has confirmed that:

- when the school was there, the DDO site was zoned solely as a **school and park**;
- while the school was on the DDO site, the previous Land Use Bylaw 2P80 was in place; it had been in place since at least as far back as 1980 and was in effect until May 31, 2008, when the new Land Use Bylaw 1P2007 came into effect which was on June 1, 2008 and “all parcels in the city transitioned to the new land use district names”;
- under the new land use bylaw, Residential Single – Detached (R-1) transitioned to Residential - Contextual One Dwelling (R-C1) District;

- there “has not been land use amendment application for the site since it became the park/school.”

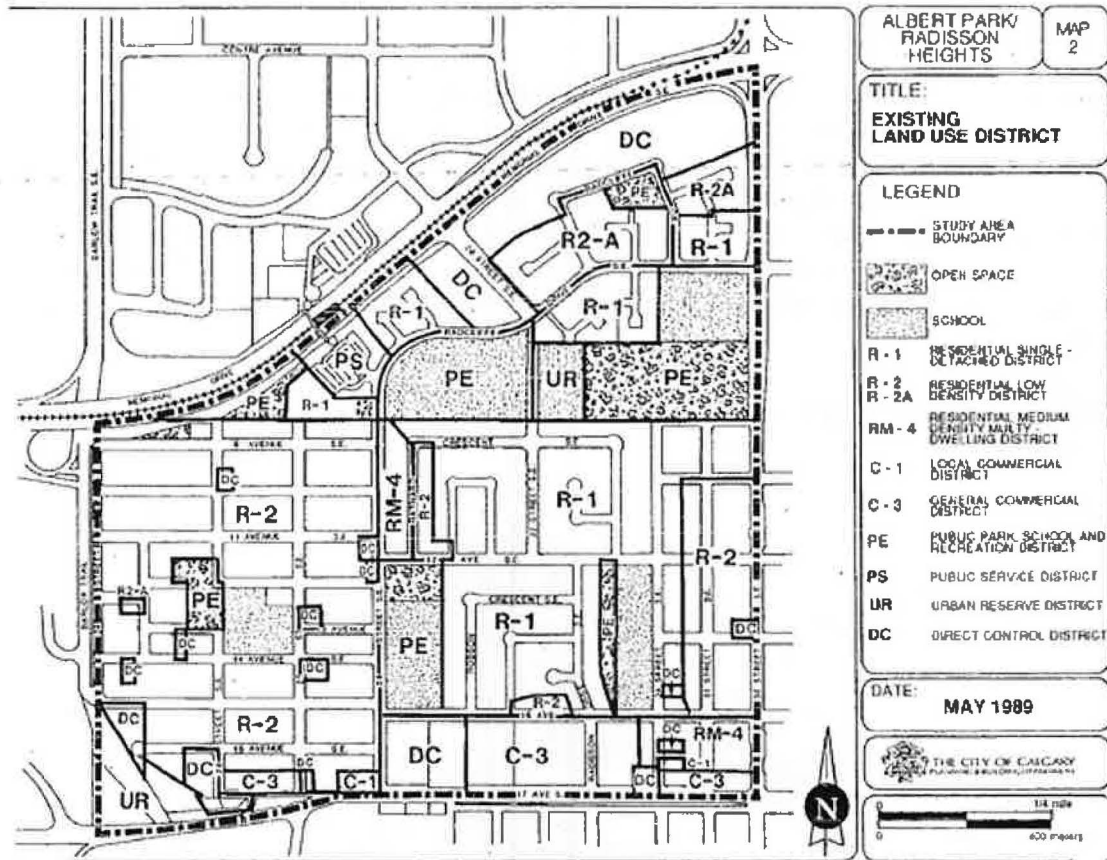
So a portion of the site was *apparently* rezoned from SPR to R-C1 without any application and without any consultation! This cannot be. Schools were “transitioned” to new “names” under the new bylaw to SPR. This land WAS NOT ZONED R-1 when the new land use bylaw came into effect and should never have “transitioned” to R-C1. There was no basis upon which to assert that this land is R-C1 and any such zoning on the DDO site is invalid. The portion currently said to be zoned R-C1’s proper zoning is SPR. Below is a map of the DDO site from city’s office consolidations of the 1991 December, 2003 April, 2008 June, 2013 January, 2018 December and 2021 April Albert Park Radisson Heights Area Redevelopment Plan (ARP):



As you can see, the vast majority of the site is zoned as school (pink) and the strip along the alley is zoned school/park/recreation (green). **NO PART is zoned R-C1** (low density residential).

Below is a map showing the land use designations on this site in May, 1989, which was provided to us in November, 2023 by the city’s development group. As you can see the vast majority of the land was designated as school property and the strip of land along the alley which was designated PE (park, school and recreation).

Below is a map obtained from a 1989 city document showing the land use designations of the DDO site as school and open space with NO residential component:



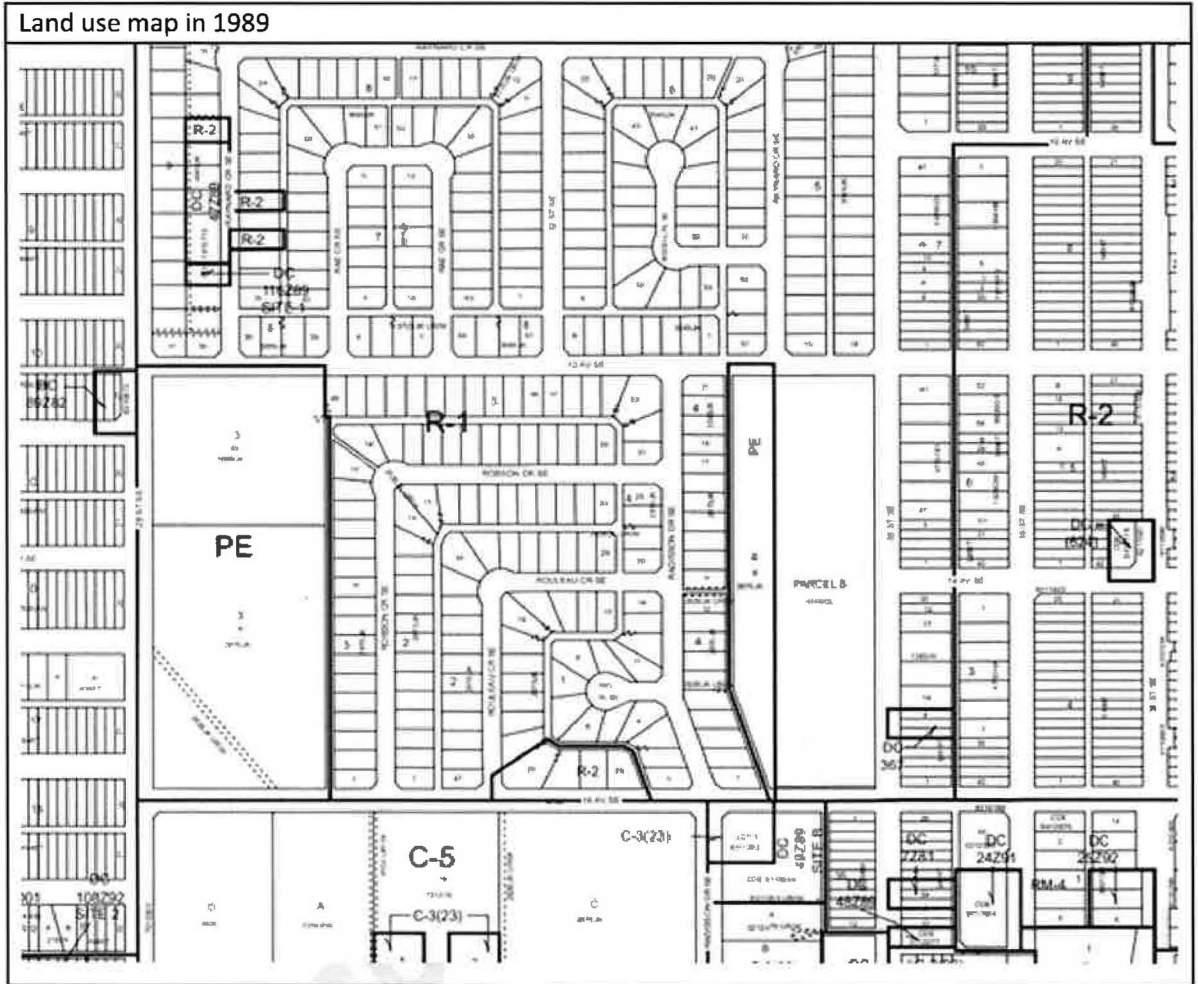
Albert Park Radisson Heights Supporting Information 1989

Below are two maps provided by the city, one from 1989 and one that the city's development group provided in the context of LOC2023-0275 which it suggested was apparently current; however it refused to explain how any portion of this site could possibly be validly designated as R-C1:

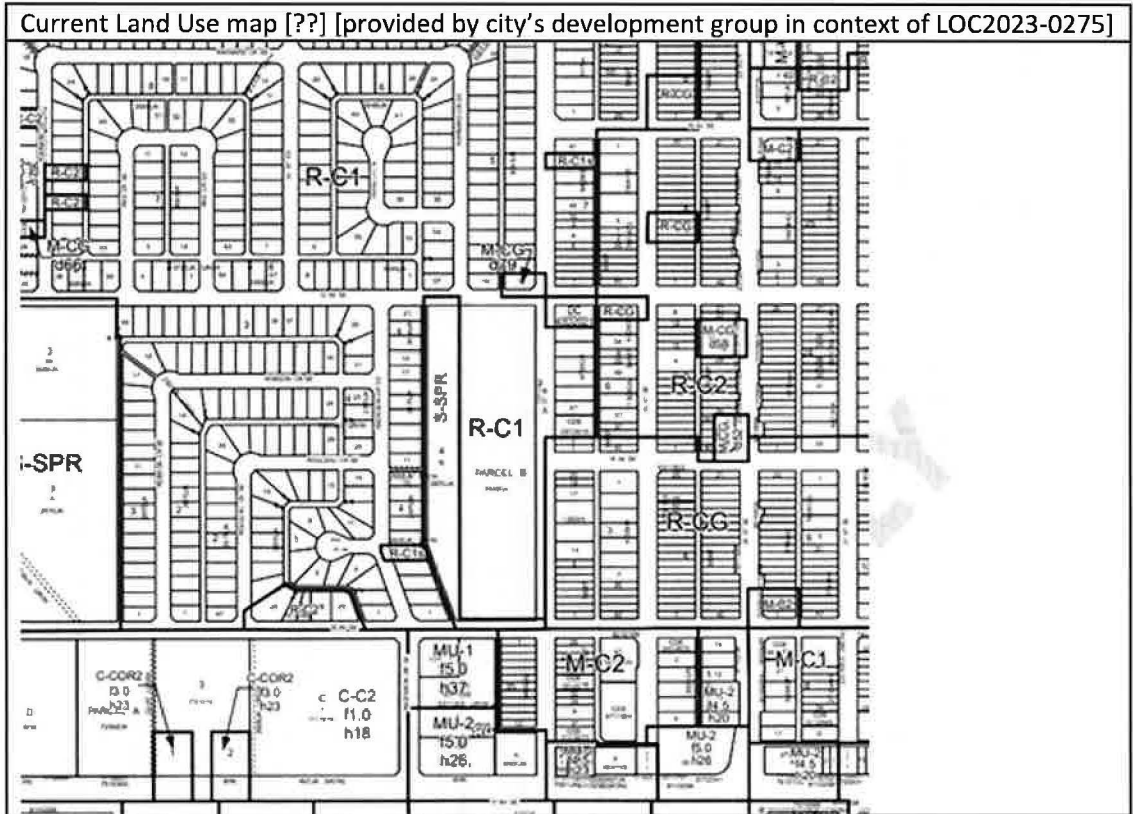
FOR DISCUSSION



Land use map in 1989



FOR DIS



How did the vast majority of this land *apparently* acquire the R-C1 designation, with no application and no consultation? The city is refusing to answer this. The answer is it didn't. Any attempts to zone any portion of the DDO site have not complied with zoning requirements, or the original grant, and are invalid.

Neighbours have asked for all records relevant to the current zoning of the DDO site but the city has refused to provide them.

Please immediately direct city officials to immediately correct all city records to show the accurate zoning of the DDO site which is SPR, NOT R-C1.

### 8. Inaccurate information, Questions Not Answered, Concerns not Addressed

The city and its wholly owned subsidiary are making inaccurate and misleading assertions, refusing to answer important questions including about the donation of land and where the hundreds of children coming into this community will attend school. Watch out for your questions too to go unanswered.

There were several problems with the information presented to CPC including:

- (a) the city person doing the presentation told CPC that the site is one block from 17 Ave SE. That is not correct, as the development is proposed to be built along 12 Avenue SE, not 16 Ave or 17 Avenue SE. Mr. Tait told CPC that he wished to locate it along 12 Avenue to cram in more homes. **CPC should have been told that the proposed development is 12 Ave, FIVE BLOCKS AWAY from 17 Ave SE, along a residential street more than 200 meters away from transit;**

- (b) CPC was told that “the park is moving” to the South side of the site. The whole site is now a park. I remember my children playing on the playground and teams playing on the sports fields though that came to an abrupt end when the city removed the sports fields from its booking system in about 2018. The park is not “Moving”. It is being cut in less than half. Though they tried to suggest some of the current site is **R-C1, they did not explain how that apparently became so.** In fact it did not: see “The Current Zoning” heading above. **The “green space” is not moving. It is being REDUCED to less than ½ and is planned to be devoted NOT to the community but to residents of the proposed development, and a fence around it was even discussed at CPC;**
- (c) CPC was not told the address of this proposed rezoning. Rather it was told that the DDO site has “multiple addresses.” This is false. It has only one address: 1511 34 St SE, the address of the DDO school. After it was pointed out that some of the addresses it was using did not exist, including including 3345 12 Ave SE, and 3416 16 Ave SE, the city’s development group started glossing this over and began omitting address references, and instead vaguely referred to “multiple addresses”. **This site has ONE address, the address of the former DDO SCHOOL;**
- (d) It was acknowledged at CPC that **storm sewers in this area of the city would require upgrading. However nowhere is it evident at what cost, or who will be paying this cost, or what if any conditions would assure sufficient upgrades before “shovels in the ground”. Nowhere is it evident that anyone is evaluating whether the infrastructure in this area of the city, including and not limited to sewer, water, roads, gas, storm sewers, power, internet and parking** can support all of these developments and such a massive influx of people. The community has been asking for but have seen no parking, traffic, safety, environmental or other assessment that combines the potential impact of all of these new developments, or at all;
- (e) Some CPC members asked about traffic; the city traffic person provided only PAST traffic information, and made **NO statements about how much traffic WILL INCREASE along 12 Ave and generally in the area as a result of the many developments** (including Radisson Dr, the street my property is on, which wasn’t even asked about) and nowhere was it evident that this has even been assessed;
- (f) one of the councillors asked about the donation of the land, which the city person doing the presentation **DID NOT answer.** CPC was told only that “it is no longer a school” and that there are “no documents on the city’s files” about any restriction on the land. CPC was not told whether anything else can be done with the site. It cannot. Stating that there are “no documents **on the city’s files**” is entirely misleading and implies that there ARE such documents elsewhere. Indeed there are: on the title. CPC should have been told that. **Through this document, unlike CPC, city council is advised of those documents;**
- (g) a question was asked about where children will go to school, which the city person doing the presentation **DID NOT answer.** Rather, CPC was told something along the lines of “Albert Park Radisson Heights has various schools, this school was closed and declared surplus, therefore that means there is no need to have a school there anymore.” Talking about what (improperly and invalidly) happened in the **PAST does not answer where all the FUTURE children, who will be living in all of the new developments surrounding the area, will be going to school, with schools in this area of the city already at capacity;** The city is also side-stepping whether this land can be put to any other use. It cannot;

- (h) One CPC member said 35 people were against, and “would have liked to have seen more people in favour”, then asked Mr. Tait from AHC about community engagement. He made statements to the effect that feedback was “very varied” and that “some wanted nothing there.” Nowhere is it evident that residents want “nothing” there. He continued that some wanted a community centre or seniors housing, some wanted an apartment and that there was “everything in between”. Nowhere is it evident that any residents want “an apartment” on the site. Indeed significant concerns exist with multifamily housing on this site. CPC was not advised that **the community is united in its opposition to the proposed rezoning and development.**
- (i) CPC was told that the “current owner” consulted. That is false. CMLC has NOT consulted at all on this particular project. No one has.

The city has not been heeding the purpose for which the land, as registered on title, was originally donated. It has continually attempted, and LOC2023-0275 includes a brazen such an attempt, to **alter the nature of the initial property interest.** This is a significant concern. See page 9 above.

CPC was given inaccurate information. Corrections include and are not limited to: the full SITE IS SPR and no portion of it is validly zoned RC1 currently; the current owner has NOT consulted on this particular project, AT ALL, the community has been unanimously opposed to the proposed rezoning (only AHC’s buddies at the BRZ are willing to state any support for it); and there has been NO MEANINGFUL, or ANY, COMMUNITY ENGAGEMENT. City administration had already made up its mind and it, and certain members of city council, informed the community of that, and even threatened them to “get on board.” Such communications are not engagement. As with the closure of the school, it was one big sham.

**This specific situation also reveals why the city-wide zoning that council is to be considering at its April 22, 2024 city council meeting is an ill informed idea that could cost the city, and you, greatly in terms of liability, legal fees, negative publicity not to mention votes in the next election.**

I own various properties in Calgary and have had my safety threatened including by previous tenants with guns. As a result, I do not wish my identity or the exact location of my property to be publicly known. Without revealing my identity or my property location, please ensure that this full document is released in response to any and all requests for information regarding the DDO site or the DDO school including and not restricted to FOIP requests. Nothing in this document constitutes legal advice. **Councillors are encouraged to seek their own legal advice independent of the city and its subsidiaries before considering voting in favour of the above matters.**

This was prepared under significant time restraints. Please overlook any typographical errors.

Sincerely,

A directly affected and concerned owner of a home adjacent to the DDO site

Enclosures:

1. Excerpts from APRH ARP
2. Excerpts from January, 2018 proposed APRH ARP
3. Draft bylaw designating the DDO Site as a municipal historic resource
4. Bylaw approved by City Council designating Riley Park a municipal historic resource

April 2, 2024 (submitted prior to noon)

**Calgary City Council Meeting April 9, 2024**

**VOTE AGAINST LOC2023-0275 application to rezone DDO site to multifamily**

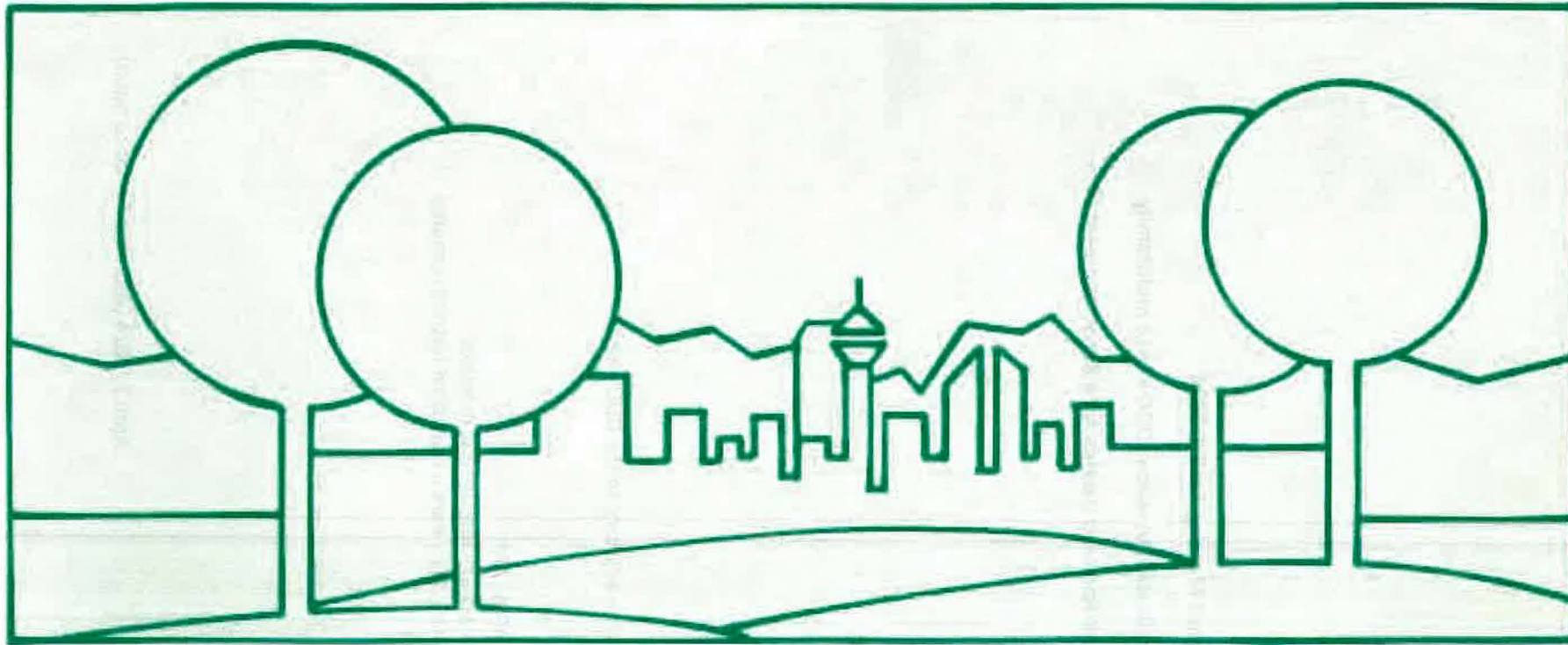
**VOTE AGAINST varying the Albert Park-Radisson Heights Area Redevelopment Plan**

Enclosures to Submissions of

A directly affected and concerned owner of a home adjacent to the DDO site:

1. Excerpts from APRH ARP
2. Excerpts from January, 2018 proposed APRH ARP
3. Draft bylaw designating the DDO Site as a municipal historic resource
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April 2, 2024 (submitted prior to noon)



# Albert Park/Radisson Heights AREA REDEVELOPMENT PLAN

The supporting information in this document is not part of the bylaw.

For the purposes of electronic publications the Supporting Information is identified by the footer “Albert Park/Radisson Heights - Supporting Information 1989”.

## OFFICE CONSOLIDATIONS

1991 December,  
2003 April,  
2008 June,  
2013 January,  
2018 December,  
2021 April

# ALBERT PARK/ RADISSON HEIGHTS

**Bylaw 15P88**  
**Approved 1989 May**

**Area Redevelopment Plan**

**PUBLISHING INFORMATION**

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## ALBERT PARK/RADISSON HEIGHTS AREA REDEVELOPMENT PLAN

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




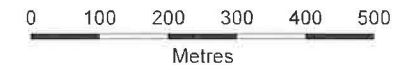
Map 3

## Albert Park/ Radisson Heights

### Land Use

**Legend**

-  Community Hall
-  LRT Station
-  LRT Alignment
-  Plan Area Boundary
-  Main Street Area  
Developed Area Guidebook
-  Community - Mid-Rise
-  Neighbourhood - Limited
-  Low Density Residential
-  Medium Density Residential
-  Commercial
-  School
-  Park 'n' Ride
-  Open Space, Park, School  
or Community Facility



**APPROVED:** 92P2018  
**AMENDED:** 14P2021

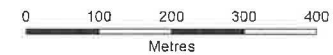


Map 4

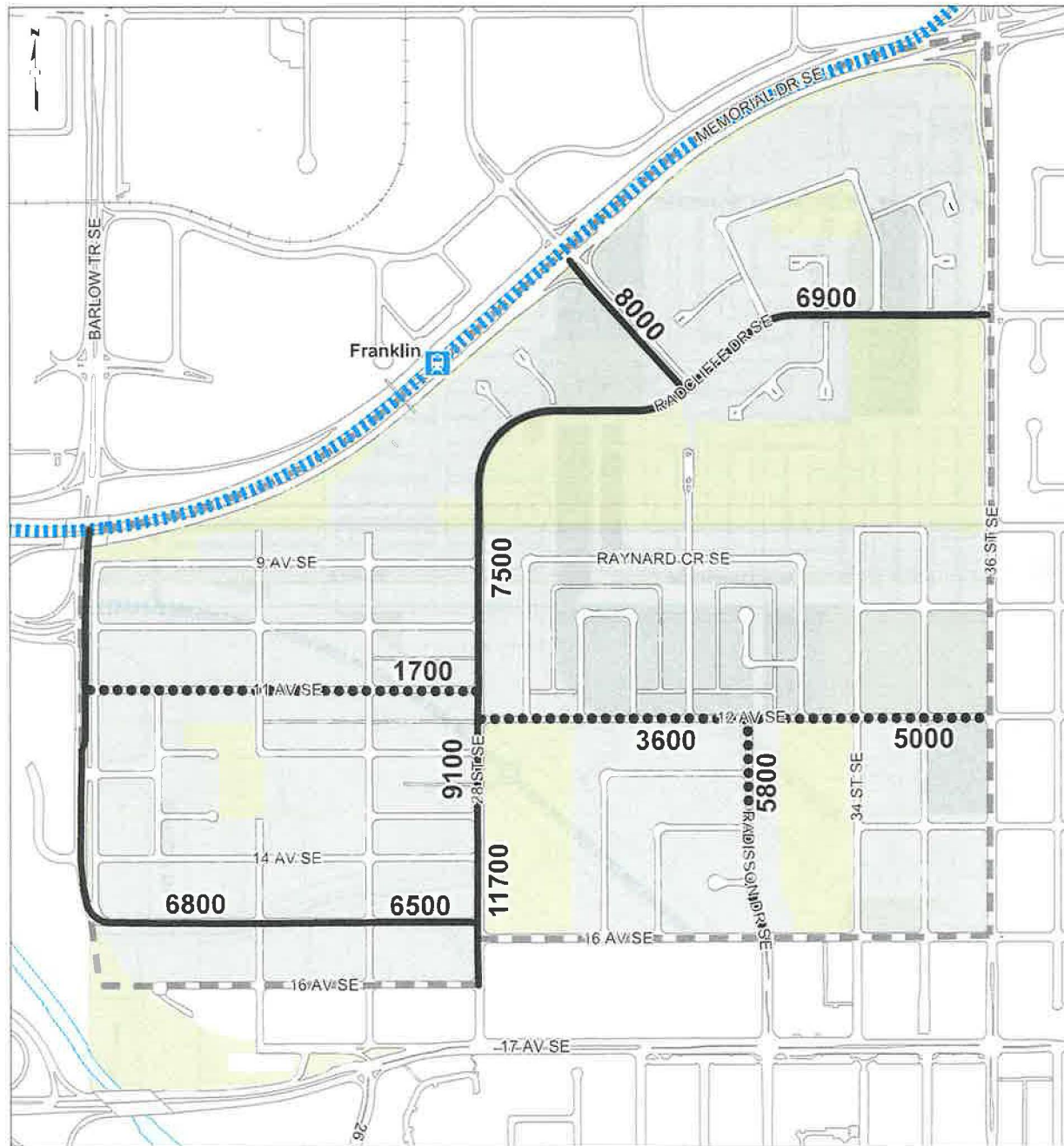
Albert Park/  
Radisson Heights

Residential Sites  
Requiring  
Implementation Action

- Legend**
- Plan Area Boundary
  - Open Space, Park, School or Community Facility
  - School
  - Special Policy Area
  - LRT Alignment
  - DC to R-2
  - RM-4 & R-2 to R-1  
R-2 & DC (RM-4/75)
  - R-1 to R-2

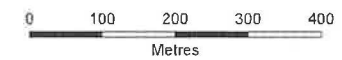


APPROVED: 15P88  
AMENDED: 92P2018



Map 5  
 Albert Park /  
 Radisson Heights  
 Traffic Shortcutting  
 Route

- Legend**
- Plan Area Boundary
  - Park or Open Space
  - Primary Shortcut Route
  - Secondary Shortcut Route
  - 9100 Vehicle Trips Per Day (1986) Traffic Volumes



APPROVED: 15P88  
 AMENDED: 92P2018

This map is conceptual only. No measurements of distances or areas should be taken from this map.

800

## 4.3 Policy

### 4.3.1 Radcliffe Crescent Park ( Site 21, Map 8 ) Bylaw 92P2018

This park is considered the first priority for improvements. A plan for this site should be prepared in conjunction with neighbouring residents, and should address the need for a multi-use court, park furniture, an irrigation system and a passive park area.

### 4.3.2 Upgrading of the Existing Parks

Other community parks in the area should be upgraded with:

- the development of passive recreation areas that include shade trees, tables, benches, and garbage receptacles (this improvement is considered a priority for community parks before other improvements);
- the installation of irrigation systems;
- the possibility of planting of trees and shrubs along the edge of the parks;
- the development of shaded areas for ball diamonds, bleachers, and pathways to facilitate proper park maintenance; and
- that the community association and individual residents or groups, through programs such as Adopt-A-Park, be encouraged to assume some degree of maintenance responsibility for certain appropriate parks.

### 4.3.3 David D. Oughton School Site (Site 25, Map 8) Bylaw 92P2018

1. In order to maintain an adequate distribution of open space in the south-east area of the community, the acquisition of a portion of the David D. Oughton school site and the possible reconfiguration of adjacent City-owned lands should be considered should the school site be declared surplus for school purposes.
2. The Civic Administration should consult with the school boards and affected community members regarding any possible school closures. The City should offer input to the School Board relating to planning policies, population trends and community impact of a possible closure.
3. Should any school be declared surplus in the future, the community, the City Administration and the respective school board should consult each other to examine opportunities for redesigning the entire site for community related activities. Any redesign and renovation of the building should not be of a nature which would preclude the building's return to school use if the child population in the community returns to appropriate levels.

#### 4.4 Implementation

To implement the open space and school policies, the following actions are required in the order of priority. Refer to *Map 8* for site locations. It should be noted that timing for park improvements should be in accordance with existing Parks & Recreation budgetary priorities and constraints and shall be reviewed and incorporated with respect to existing A.R.P. implementation procedures. **Bylaw 92P2018**

<u>SITE</u>	<u>LAND USE POLICY</u>	<u>ACTION REQUIRED</u>	<u>PRIORITY</u>
21	Open Space	Park plan for a multi-purpose park should be prepared in consultation with neighbouring residents within one year of approval of the Plan.	FIRST
22-25	Open Space	Passive recreation areas (shaded area, benches, tables and garbage receptacles) are to be constructed in each community park.	<ul style="list-style-type: none"> <li>• Albert Park (2629 - 12 Avenue S.E.) Site 23</li> <li>• Community Hall Park (1310 - 28 Street S.E.) Site 24</li> <li>• Father Lacombe Park (819 - 36 Street S.E.) Site 25</li> <li>• David D. Oughton Park (3030 - 12 Avenue S.E.) Site 26</li> </ul>
25	Open Space and School Site	<p>The City will consider acquiring a portion of the David D. Oughton School site for open space needs, if it is declared surplus.</p> <p>Upon acquisition, any portion of the site acquired with monies from the Reserve Fund, should be registered as reserve land.</p>	

## 6.0 COMMUNITY IDENTIFICATION PROGRAM

### 6.1 Context

It is generally recognized that certain parts of the community are in a state of decline due to inappropriate zoning, neglect of local parks and the shortcutting of non-local traffic. As well, there is a general perception that property maintenance in the community has declined.

### 6.2 Objectives

1. To establish distinctive community attributes.
2. To improve the perception of the community as a desirable place to live.
3. To enhance pride in the community on the part of residents.

### 6.3 Policy

The Albert Park/Radisson Heights community should, with the assistance of the Planning and Building Department:

- develop a community identification program which would include the assessment of improvements and associated costs (some examples of which are listed in the Supporting Information section [pages 82, 83 and 86]), a schedule for implementation and a public participation program;
- investigate alternative sources of funding for implementing such a program.

### 6.4 Implementation

The community identification program should be financed, implemented and maintained by the Community Association.

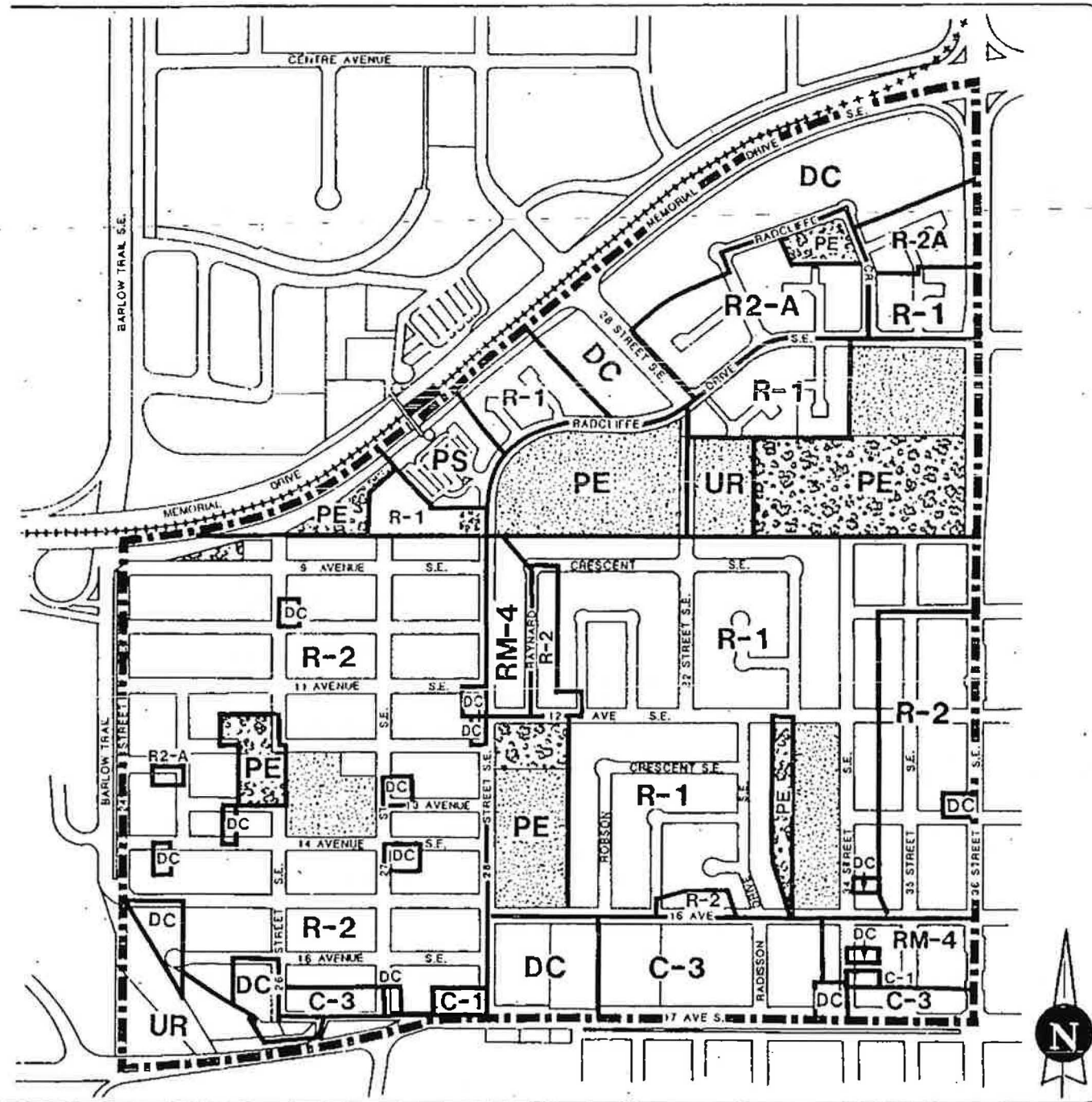
# **ALBERT PARK/ RADISSON HEIGHTS**

## Supporting Information

May 1989










ALBERT PARK/  
RADISSON  
HEIGHTS

MAP  
2

TITLE:  
**EXISTING  
LAND USE DISTRICT**

- LEGEND**
-  STUDY AREA BOUNDARY
  -  OPEN SPACE
  -  SCHOOL
  - R - 1 RESIDENTIAL SINGLE - DETACHED DISTRICT
  - R - 2 RESIDENTIAL LOW DENSITY DISTRICT
  - R - 2A RESIDENTIAL MEDIUM DENSITY MULTY - DWELLING DISTRICT
  - RM - 4 LOCAL COMMERCIAL DISTRICT
  - C - 1 GENERAL COMMERCIAL DISTRICT
  - C - 3 PUBLIC PARK, SCHOOL AND RECREATION DISTRICT
  - PE PUBLIC SERVICE DISTRICT
  - UR URBAN RESERVE DISTRICT
  - DC DIRECT CONTROL DISTRICT

DATE:  
**MAY 1989**

 THE CITY OF CALGARY  
PLANNING & BUILDING DEPARTMENT



013

### 1.2.2.3 Open Space, and School Facilities

It is generally felt that the amount of open space provided in the community is satisfactory. In a Needs and Preference Study residents have identified the following concerns: the lack of passive park areas (tree shade, benches, tables and garbage receptacles), the need to redistribute playground equipment and to upgrade the existing parks.

Although school closures are not anticipated in the near future, the disposal of the David D. Oughton school site for other than open space purposes would adversely affect park distribution in the south-east section of the community. Further, the 400 metre walking distance to a school could not be met in this portion of the community.

## 1.2.3 **Transportation**

### 1.2.3.1 Shortcutting of Traffic

Transportation and traffic related problems have been a major concern of residents for many years. These concerns relate primarily to the shortcutting of non-local through traffic on residential streets, and residential parking. This shortcutting problem is rooted in the accumulation of a number of historic decisions related to the roads which serve this community. These decisions include:

- the discontinuance of the Barlow Trail connection to Blackfoot Trail and 17 Avenue S.E.;

- the traffic flow restrictions on 36th Street S.E.;
- the physical layout of streets in the community; and
- the approval of sites for development adjacent to the community.

Three routes through the residential community have been identified (Map 7) as primary shortcutting routes:

- a) A north-south route begins at Barlow Trail (south of Memorial Drive) and follows 15 Avenue and 28 Street to 17 Avenue. The Transportation Department estimates that of the existing 6,500 to 6,800 vehicles per day (v.p.d.) using this route, approximately 2,000 - 3,000 v.p.d. comprise non-local shortcutting trips.
- b) A second north-south route begins at Memorial Drive and uses 28 Street to connect to 17 Avenue. Of the approximately 7,000 to 9,000 v.p.d. on 28 Street north of 15 Avenue, approximately 1,500 to 2,000 are estimated to be shortcutting traffic.
- c) An east-west route begins at Barlow Trail and follows 11 and 12 Avenues to connect to 36 Street. The shortcutting component is estimated at 500 - 1,000 v.p.d. There is evidence that the existing traffic signals at the intersection of 36 Street and 12 Avenue S.E. are attracting through traffic into the community from Forest Lawn.

## 2.0 BACKGROUND TO RECOMMENDED POLICIES

### 2.1 Residential Land Use

#### 2.1.1 General Residential Land Use Policies

The residential land use policies presented in this Plan are intended to achieve a variety of objectives as outlined below:

- To Provide for a Variety of Housing Types

It is important to ensure that there are a variety of housing options available in the community. The provision of areas zoned R-1, R-2, R-2A, RM-4, C-3(23) and C-3(27) allow for the development of single-detached homes, duplexes, infill housing, townhousing and apartments. By providing these opportunities, it is hoped that a suitable living situation can be found by everyone wishing to live in the community.

- To Encourage Stability

The R-1, R-2 and R-2A districts provide for a stable low density environment. These designations along with other measures (a community identification program - see Section 2.6) will encourage physical and environmental improvements and community stability. While maintaining the existing low density residential uses, this Plan also recommends selective down-zonings to reflect the existing residential uses.

- To Encourage Compatibility

It is important that the relationship between existing detached and semi-detached dwellings and infill developments, between residential and commercial uses and between the “new” and the “old” be handled as sensitively as possible. The inclusion of development guidelines and special land use rules would encourage this compatibility.

## 2.4 Open Space and Schools

Albert Park/Radisson Heights residents have adequate open space for their recreational needs, according to City guidelines. However, the acquisition of a portion of the David D. Oughton School site, if it were to be closed and sold for non-open space purposes, would be required to maintain an equitable distribution of open space in the southeast part of the community.

Possible park improvements are outlined below and the Plan encourages the involvement of residents living in the vicinity of each park in the design.

- Radcliffe Crescent Park (27 Radcliffe Crescent) S.E.
  - irrigation
  - passive recreation area (tables, benches, garbage receptacles) (Figure 13)
  - tree planting
  - playground equipment and bicycle rack
  - multi-use court
  - signage
- Albert Park (2629 - 12 Avenue S.E.)
  - irrigation
  - remove existing curb and gutter and street foundations
  - passive recreation area (tables, benches, garbage receptacles and tree shade)
  - re-arrange playground equipment
  - tree planting
  - signage
- Community Hall Park (1310 - 28 Street S.E.)
  - irrigation
  - relocate the ball diamond, shade the infield and add bleachers and back stop
  - passive recreation area (benches, tables, garbage receptacles and tree shade)
  - tree planting
  - signage
- Father Lacombe Park (819 - 36 Street S.E.)
  - irrigation
  - passive recreation area (benches, tables, garbage receptacles and tree shade)
  - tree planting
  - signage
- David D. Oughton Park (3345 - 12 Avenue S.E.)
  - upgrading the P.E. portion of the site with a passive recreation area (tree shade, benches, tables and garbage receptacles)
  - improvements to existing tot lot equipment.

# 4.0 FINANCIAL CONSIDERATIONS

Outlined below is the estimated expenditures required to implement the policies outlined in this Area Redevelopment Plan. These preliminary costs are in 1988 dollars. The transportation, park and social service projects identified in Sections 4.1, 4.2 and 4.3 will be evaluated in the context of city-wide needs and implemented as civic budget constraints permit.

## 4.1 Proposed Transportation Expenditures

### 4.1.1 Lane Reduction Proposal (Barlow Trail)

- Permanent Installation \$66,000 - 100,000

### 4.1.2 Road Closure Alternative (Barlow Trail)

- Permanent Installation \$190,000

### 4.1.3 36 Street Upgrading

- Interim Upgrading (Re-alignment of the intersection at 36 Street and 8 Avenue S.E. and the elimination of parking during peak hours) \$28,000
- Ultimate Upgrading

Land Acquisition	2.0 Million
Road Construction	<u>4.5 Million</u>
TOTAL	6.5 Million

### 4.1.4 Lane Reduction Proposal (28 Street)

- Permanent Fixture \$66,000 - 100,000

### 4.1.5 Mixed Vehicle/Pedestrian Mall (28 Street)

- Temporary Fixture Costs \$39,000

## 4.2 Proposed Park Expenditures

### 4.2.1 Radcliffe Village Park \$100,000

### 4.2.2 Stage 1 - Passive recreation area improvements to Albert Park park, Community Hall park, Father Lacombe High School park and David D. Oughton park.

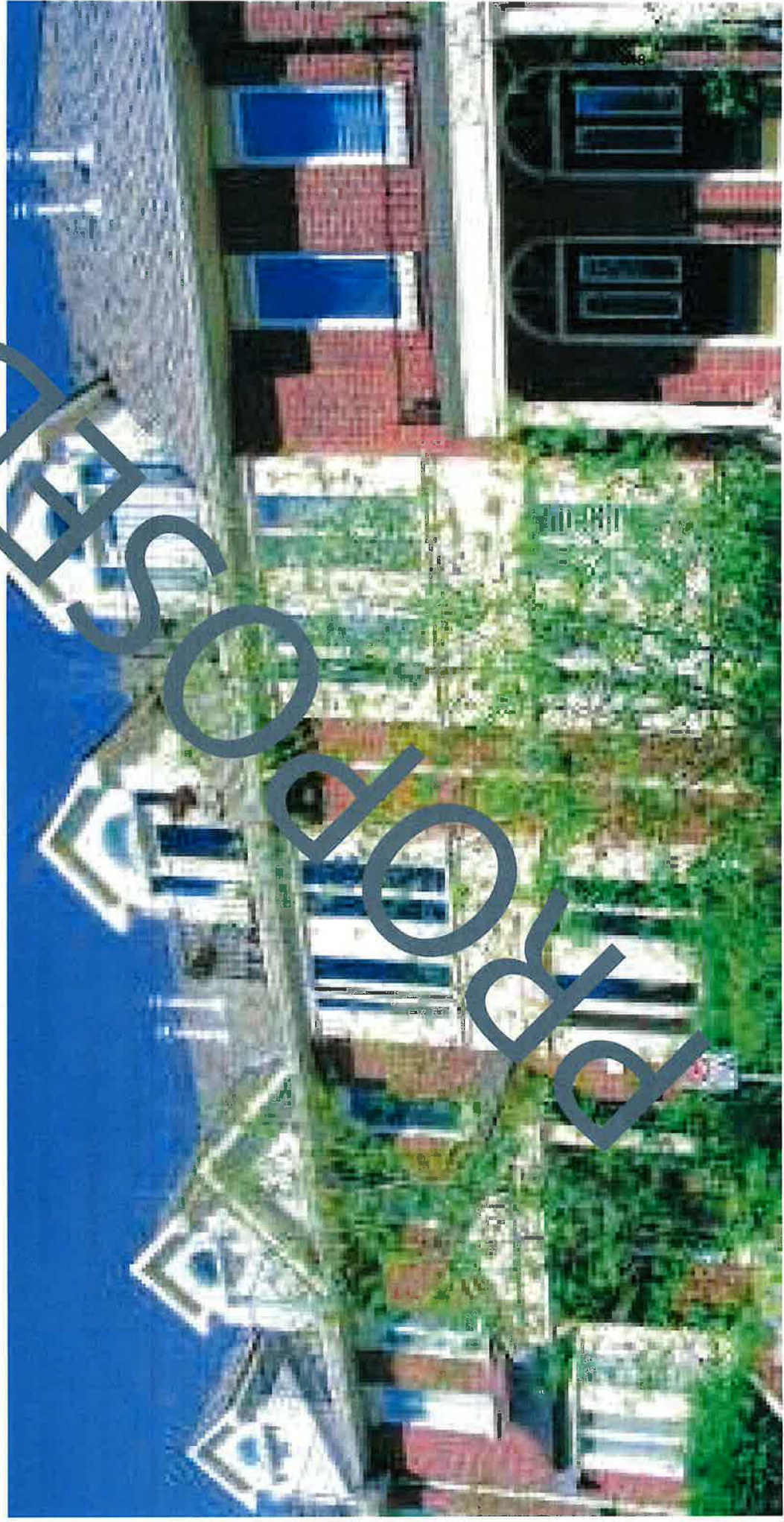
- install mini-parks (4X \$36,000) \$144,000

### 4.2.3 Stage 2 - Park Improvements (tree planting, landscaping and irrigation systems).

- Albert Park park \$ 40,000
- Community Hall Site \$ 82,000
- Father Lacombe \$110,000
- David D. Oughton \$ 22,000



# Albert Park-Radisson Heights Area Redevelopment Plan



<b>Amendment</b>	<b>Bylaw</b>	<b>Date</b>	<b>Description</b>
------------------	--------------	-------------	--------------------

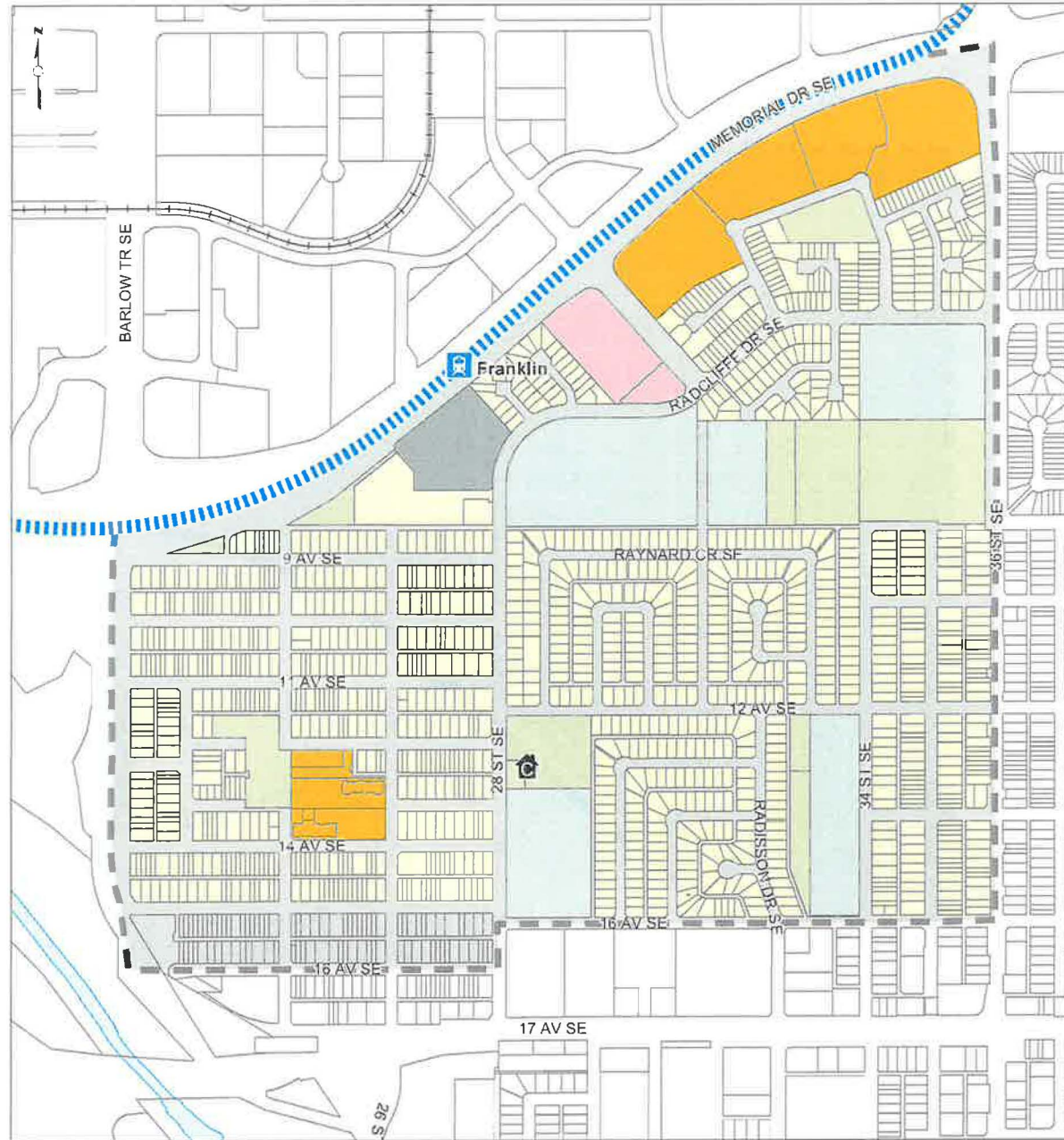
Amended portions of the text are printed in *italics* and the specific amending Bylaw is noted.

Persons making use of this consolidation are reminded that it has no legislative sanction, and that amendments have been embodied for ease of reference only. The official Bylaw and all amendments thereto are available from the City Clerk and should be consulted when interpreting and applying this Bylaw.

- **Area 4 (Northern Part of the Community Centered Around Radcliffe Drive)**

Developed in the late 1970's, this area utilizes a street system of crescents and cul-de-sacs and has a wide range of dwelling units including single-detached dwellings, duplexes, townhouses and apartments. While it is newer and generally well maintained, there are some initial signs of deterioration, lack of vegetation and insufficient property maintenance.













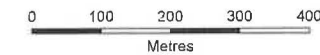


**Map 1**  
 Albert Park /  
 Radisson Heights

**Land Use**

**Legend**

-  Plan Area Boundary
-  Community Hall
-  LRT Station
-  LRT Alignment
- Land Use**
-  Low Density Residential
-  Medium Density Residential
-  Commercial
-  School
-  Park 'n' Ride
-  Open Space, Park, School or Community Facility



Approved: 15P88  
 Amended: 3P2013

This map is conceptual only. No measurements of distances or areas should be taken from this map.



Map 7  
 Albert Park /  
 Radisson Heights

Sites Requiring  
 Transportation  
 Improvements

Legend

- Plan Area Boundary
- LRT Alignment
- Park or Open Space
- Lane Reduction (Barlow Trail)
- Bike Path
- Parking Restrictions
- Lane Reduction (28 Street)

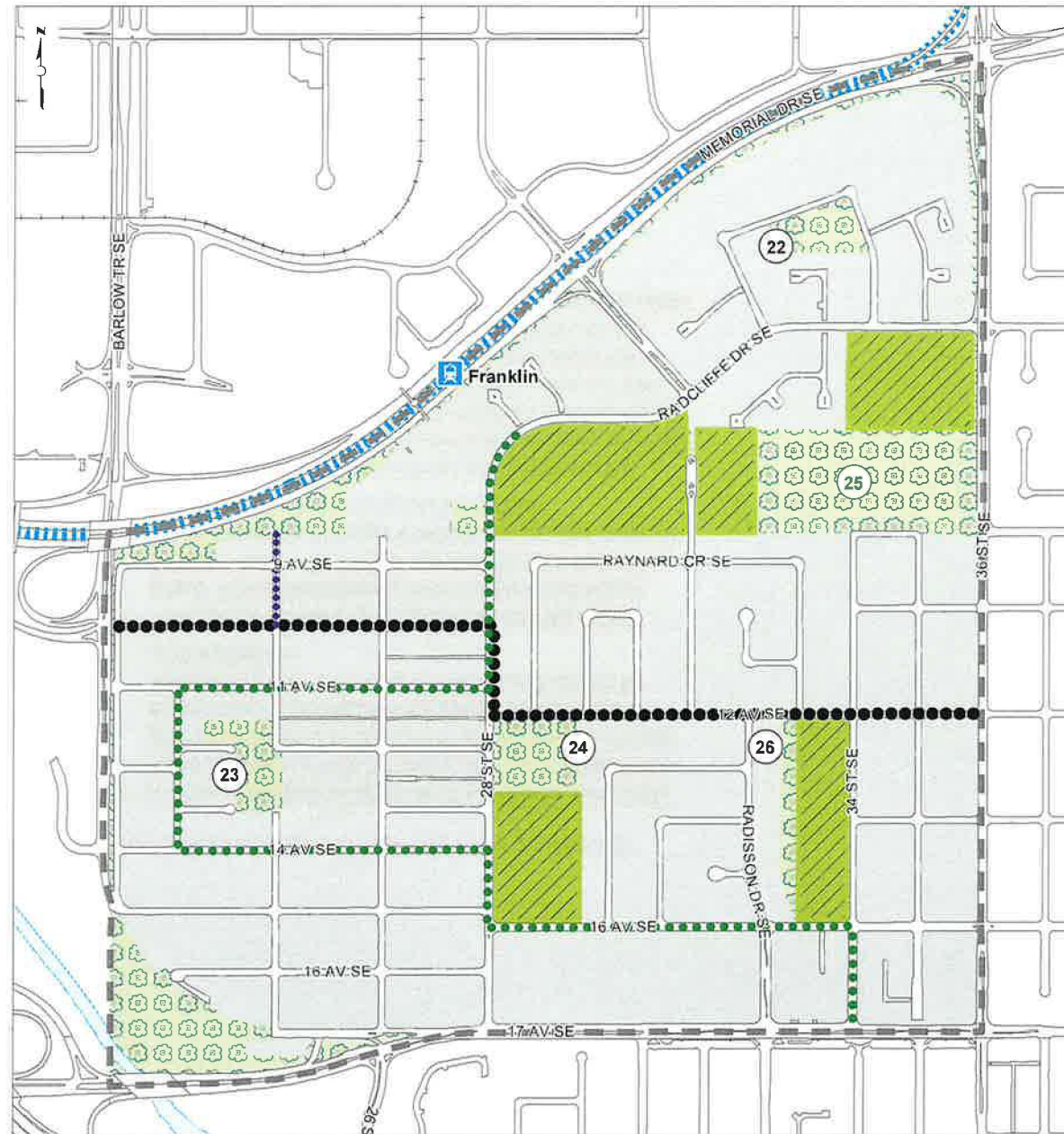


Approved: 15P88  
 Amended: 3P2013

[A new site 5 was added. Remainder of sites on maps 1, 5, 6, 9 and 10 were renumbered (Bylaw 18P9.1)]

This map is conceptual only. No measurements of distances or areas should be taken from this map.

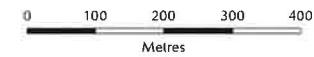
Map 8: Open Space Sites Requiring Implementation Action



**Map 8**  
Albert Park /  
Radisson Heights

Open Space Sites  
Requiring  
Implementation  
Action

- Legend**
- Plan Area Boundary
  - ▬ LRT Alignment
  - Bikeway
  - Pathway
  - ◆◆◆◆◆ Proposed Bikeway
  - ⊞ Park or Open Space
  - ▨ School
- 22 → 26 Sites Requiring Implementation by Priority



Approved: 15P88  
Amended: 3P2013

[A new site 5 was added. Remainder of sites on maps 1, 5, 6, 9 and 10 were renumbered (Bylaw 18P91)]

This map is conceptual only. No measurements of distances or areas should be taken from this map.

#### 4.3.3 David D. Oughton School Site (Site 25, Map 8)

1. In order to maintain an adequate distribution of open space in the south-east area of the community, the acquisition of a portion of the David D. Oughton school site and the possible reconfiguration of adjacent City-owned lands should be considered should the school site be declared surplus for school purposes.
2. The Civic Administration should consult with the school boards and affected community members regarding any possible school closures. The City should offer input to the School Board relating to planning policies, population trends and community impact of a possible closure.
3. Should any school be declared surplus in the future, the community, the City Administration and the respective school board should consult each other to examine opportunities for redesigning the entire site for community related activities. Any redesign and renovation of the building should not be of a nature which would preclude the building's return to school use if the child population in the community returns to appropriate levels.

IP2024-\_\_\_

**Proposed Wording for a Bylaw to Designate David D Oughton School Site as a  
Municipal Historic Resource**

**WHEREAS** the *Historical Resources Act*, R.S.A. 2000 c. H-9, as amended (the "*Act*") permits the Council of The City of Calgary to designate real property as a Municipal Historic Resource whose preservation the Council considers to be in the public interest because of their heritage value;

**AND WHEREAS** the City of Calgary, directly or indirectly through its subsidiaries, is the Owner(s) of the David D. Oughton School Site;

**AND WHEREAS** the Owner(s) of the David D. Oughton School Site may give sixty (60) days written notice of the intention to pass this Bylaw in accordance with the *Act*;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:  
SHORT TITLE**

1. This Bylaw may be cited as "City of Calgary Bylaw to Designate David D. Oughton School Site as a Municipal Historic Resource".

**LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE**

2. "David D. Oughton School Site" comprises:

a) 8.03 acres more or less, of land which comprises the parcel; and

b) Is situated between 12 Ave SE, 16 Ave SE, 34 St SE and the alley between Radisson Dr SE and 34 St SE. Its sole municipal address is the address of the David D. Oughton school, which is 1511 34 St. SE, as shown on attached Schedule "A" and legally described as:

PLAN 2870JK  
BLOCK4  
LOT B (COMMUNITY RESERVE, SCHOOL)  
EXCEPTING THEREOUT THAT PORTION OF THE SAID LOT B WHICH LIES TO THE SOUTH  
OF THE NORTHERLY 300 FEET CONTAINING 1.67 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

-AND-

PLAN 4649GL  
PARCEL B  
CONTAINING 6.36 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

-AND-

PLAN 2870JK  
BLOCK4  
THAT PORTION OF LOT B COMMUNITY RESERVE (SCHOOL) WHICH LIES TO THE SOUTH  
OF THE NORTHERLY 300 FEET THROUGHOUT THE SAID LOT B  
CONTAINING 1.67 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

3. "David D. Oughton School Site" is designated as a Municipal Historic Resource as defined in the *Act*.

4. The specific elements of the David D. Oughton School Site possessing heritage value include those identified as "character defining elements" in the attached Schedule "B". Those specific elements identified as "character defining elements" in the attached Schedule "B" are known as the Regulated Portions ("Regulated Portions").

5. The David D. Oughton School Site possesses heritage value including as identified as the "character defining elements" in the attached Schedule "B". Those specific elements identified as "character defining elements" in the attached Schedule "B" are known as the Regulated Portions ("Regulated Portions").

#### **PERMITTED REPAIRS AND REHABILITATION**

6. The Regulated Portions of David D. Oughton School Site shall not be disturbed, altered, rehabilitated, repaired or otherwise permanently changed in any manner as could preclude the return of the David D. Oughton School Site to school use if the child population in the surrounding community returns to appropriate levels, other than routine preservation and maintenance work, without prior written approval from the City of Calgary Council, or the heritage planner appointed by the City of Calgary Council as the Approving Authority for the purposes of administration of Section 26 of the *Act*. Any alteration, rehabilitation, repair or change to the Regulated Portions must be in accordance with the terms of the Parks Canada 2010 publication Standards and Guidelines for the Conservation of Historic Places in Canada, ("*Standards and Guidelines*"), as referenced and summarized in the attached Schedule "C".

#### **COMPENSATION**

7. No compensation pursuant to Section 28 of the *Act* is owing.

#### **EXECUTION OF DOCUMENTS**

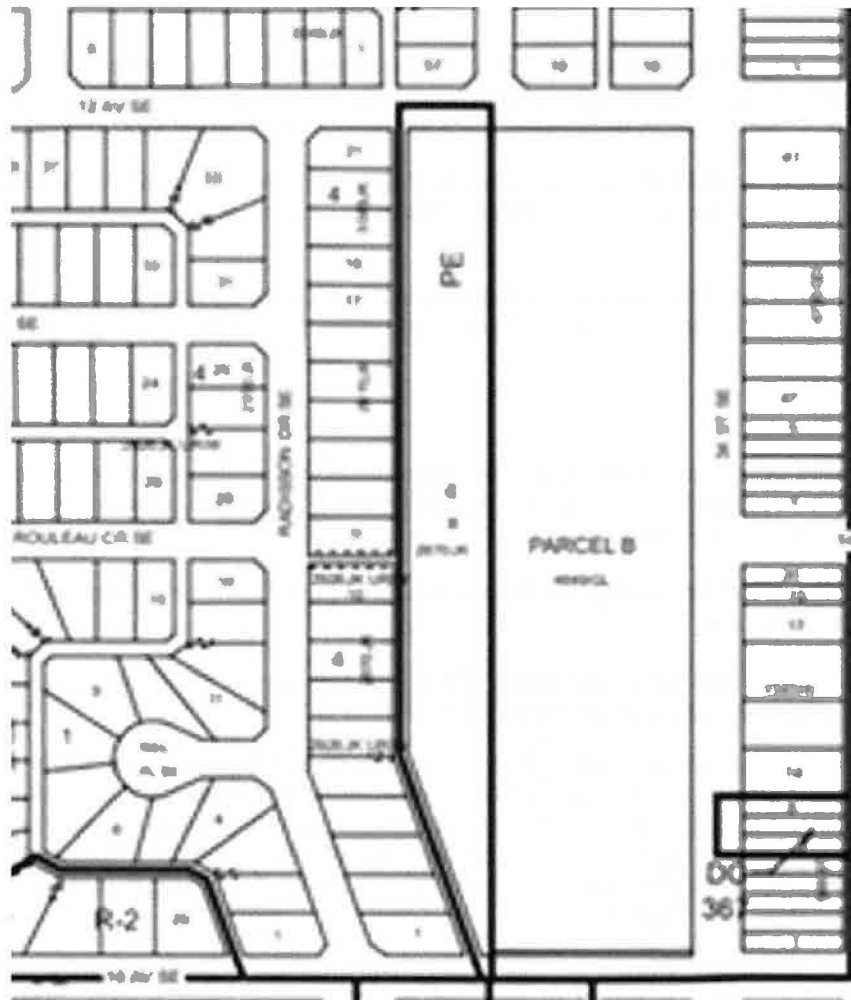
8. Any employees of The City of Calgary who exercise land use and heritage planning powers and duties are hereby authorized to execute such documents as may be necessary to give effect to this Bylaw.

#### **SCHEDULES**

9. The schedules to this Bylaw form a part of it.

SCHEDULE "A"

1511 34 St SE



## SCHEDULE "B"

### Description

David D. Oughton School Site is a large 8.03 acre site in the community of Radisson Heights. The site dates from 1953 and is comprised of areas for a school, a playground, parking lot and sports fields.

### Heritage Value

The Heritage value lies in the association with David D. Oughton. Mr. Oughton donated the land to the Bow River School District, which was at the time chaired by Patrick A. Airlie, on the stipulation that it be used for a school. Documentation to this effect was included with the gift of land and registered on title.

Due to this stipulation, the Albert Park-Radisson Heights Area Redevelopment Plan ("APRH ARP") has for decades required that the David D. Oughton School Site be preserved for school purposes, including by acknowledging that:

- (a) If the David D. Oughton School Site was disposed of for non-opens pace purposes, then the distribution of open space in the southeast area of the community would be adversely affected; and
- (b) In order to:
  1. Provide for the maintenance and improvement of the community open space and recreation facilities through the development of small passive recreation areas in existing parks and the upgrading of existing parks;
  2. To ensure that an appropriate level of open space is maintained to meet the needs of the community; and
  3. To minimize any potential negative impacts on the community if the school David D. Oughton School Site was closed and declared surplus for educational needs,

The APRH ARP has for decades provided, among other things, that City administration was to, in consultation with the community, examine opportunities for redesigning the entire site for community related activities. Significantly, consistent with the stipulation included in the gift of the David D. Oughton School Site, any redesign was not to be of a nature which would preclude the return of the David D. Oughton School Site "to school use if the child population in the community returns to appropriate levels."

David D. Oughton was a prominent figure in Calgary's early history. He was one of the original homesteaders, and a major land owner, in the Albert Park/ Radisson Heights area. Born in Ontario in 1864, he was the son of Irish and English immigrants. He grew up in Michigan. In 1901, he and his wife Jane travelled west with three children to settle in what is now Calgary. They had three more sons.

Oughton and his family lived in a farmhouse that they built there. The Oughton house was the first house in the community. Its windmill was a familiar sight. Oughton lived in the area for the rest of his life.

Oughton was deeply involved in community development, education advocacy, and entrepreneurship. He had a passion for education, which was exemplified by his donation of land for a school, which became the David D. Oughton Elementary School, located on the David D. Oughton School Site.

Mr. David Oughton served as a trustee for the local Bow River School District when its first school opened in 1906, and later became a Forest Lawn town councillor. During the pre- World War I boom, he subdivided part of his land which became known as the Oughton estate. In 1935, the villages of Forest Lawn and Albert Park were dissolved and re-incorporated as the Village of Forest Lawn, with a strip of land annexed to connect the two communities.



After World War II, the population boomed and development increased. In honour of his 90th birthday and his lifelong commitment to education, Oughton donated the David D. Oughton School Site to the Bow River School District, for a much-needed new school.

On June 24, 1953, Mr. Oughton stood on the steps of the newly built school and watched while the manager of the contracting firm, C.H. Witman, turned the keys to the school over to Patrick A. Airlie, who was chairman of the Bow River School District at the time.

Keys to the school were not turned over, and the land was not transferred, to the school district until after the school was built.

Notably, documents registered on title to the David D. Oughton School Site in connection with the June 24, 1953 transfer of land stipulated that the gift of land to the Bow River School District required a school.

Similarly, Mr. Oughton stipulated that the 1.67 acre reserve parcel was to be "community reserve (School) land".

The school was named David D. Oughton Elementary, and was known as the "DDO" school. It sat on land Oughton once farmed. The DDO school was built in 1952 and opened in 1953.

The street which ran along the front of the DDO school was called "Oughton Street". This street is now known as 34 Street SE.

In or around December 29, 1952, Forest Lawn acquired town status. The Bow River School District became the Forest Lawn School District.

David Oughton passed away in 1956 at the age of 92. In December 1961 the town of Forest Lawn was annexed into the city of Calgary. In July, 1962, the CBE acquired the 6.36 acre portion of the David D. Oughton School Site from the Bow River School District.

The David D. Oughton School Site included the DDO school, an adventure playground, three baseball diamonds and two soccer fields.

In January, 2004, after an in camera discussion, the CBE passed resolutions in which it decided to replace the DDO school, but on a different site, thus leaving the DDO site without a school. It "directed" administration to "establish the terms and conditions," to "follow through with the requirements... with respect to the final... terms and conditions" and to develop communication plans to "advise and inform" the community.

David D. Oughton elementary school was closed in June, 2006.

In 2015 or 2016, the City demolished the school.

A significant number of new residents are now expected to be moving into this area of the city, as a result of several multiunit developments already planned, proposed or under construction in the area surrounding the DDO site, including and not restricted to: 3 proposed high rise towers near the Franklin transit station; a proposed development at 1710 Radisson Drive; and a plan to construct multiple high rise buildings just south of 17th Avenue SE. This already means an influx of hundreds of children for whom existing school capacity is insufficient. As such, the child population in the surrounding community is anticipated to return in the near future to appropriate levels for the DDO site to be designated as a historic municipal resource dedicated to school use.

The importance of Mr. Oughton's extremely generous donation of land to the Albert Park-Radisson Heights community cannot be understated. A mural by Eldon Walls, which long time residents will remember along 17 Ave SE between 30 Street SE and 31 Street SE, depicted important pillars of the community. Mr Oughton's face was first in the mural, and next was Mr. Patrick Airlie's. The mural also included the Oughton house and its familiar windmill.

Patrick A. Airlie, the person for whom another nearby school is named, the Patrick Airlie School, and into whose hands Mr. Oughton entrusted the keys to the newly built DDO school, also played an important role in this area of Calgary. Airlie became a resident of the Albert Park area in 1911. He dedicated 37 years of service to the Bow River School District Board, including numerous years as its chairman. As Chair of the Bow River School District board, he acquired keys to the DDO school.

In summary, the heritage value of this property is multifaceted, encompassing both the tangible elements and intangible legacies of two individuals whose contributions have left a permanent mark on the city of Calgary and the educational landscape of Calgary. David D. Oughton's commitment to education, community service, and cultural inclusivity serves as a testament to the rich heritage of the Albert Park-Radisson Heights community and warrants protection, now and in the future.

### **Character Defining Elements**

Key elements that define the heritage character include:

- the existing 8.03 acre David D. Oughton School Site that is rectangular in shape;
- the division of this rectangular site into two rectangular parcels, including:
  - the 1.67 acre long and extremely narrow rectangular plot which was historically designated as the school reserve land and is currently zoned SPR; and
  - the 6.36 acre long and narrow rectangular Parcel B which was historically designated for school use and is currently zoned SPR;
- the playground;
- the baseball backstop fencing; and
- the sign which was attached to the school, which has been preserved by the Albert Park Radisson Heights community association.

## SCHEDULE “C”

The primary purpose of the *Standards and Guidelines* is to provide guidance to achieve sound conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and form the basis for review and assessment for the approved rehabilitation program.

The *Standards and Guidelines* were developed by Parks Canada and were formally adopted by The City of Calgary in 2005. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and cannot be altered.

The *Standards* listed below and the referenced *Guidelines* shall apply to the Regulated Portions and any rehabilitation or maintenance work undertaken with respect to them at any time.

### The Standards

Definitions of the terms in italics below are set forth in the Introduction of the *Standards and Guidelines*. In the event of a conflict between the italicized terms below and those in the *Standards and Guidelines*, the latter shall take precedence. The Standards are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards for any given type of treatment must therefore be applied simultaneously to a project.

#### General Standards (all projects)

1. Conserve the *heritage value* of a *historic place*. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* which, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other *historic places* or other properties or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character defining elements*.
6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any *intervention*. Respect *heritage value* when undertaking an *intervention*.
8. Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible and identifiable upon close inspection and document any *intervention* for future reference.

#### Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where *character-defining elements* are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.

11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to a *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the *historic place*.

12. Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

#### **Additional Standards Relating to Restoration**

13. Repair rather than replace *character-defining elements* from the restoration period. Where *character-defining elements* are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

#### **Guidelines**

The full text of the *Standards and Guidelines* is available online through [www.historicplaces.ca](http://www.historicplaces.ca), or from:

Parks Canada National Office  
25 Eddy Street  
Gatineau QC, K1A 0M5

## Proposed Wording for a Bylaw to Designate Riley Park as a Municipal Historic Resource

**WHEREAS** the *Historical Resources Act*, R.S.A. 2000 c. H-9, as amended (the "Act") permits the Council of The City of Calgary to designate real property as a Municipal Historic Resource whose preservation the Council considers to be in the public interest because of their heritage value;

**AND WHEREAS** the Owner(s) of Riley Park has been given sixty (60) days written notice of the intention to pass this Bylaw in accordance with the *Act*;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

### SHORT TITLE

1. This Bylaw may be cited as "City of Calgary Bylaw to Designate Riley Park as a Municipal Historic Resource".

### BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

2. "Riley Park" comprises:
  - a) 82,379.64 square-meters (20.35 acres) more or less, of land which comprises the parcel; and
  - b) Is located at 800 12 ST NW as shown on attached Schedule "A" and legally described as:

MERIDIAN 5 RANGE 1 TOWNSHIP 24 SECTION 21 THAT PORTION OF THE SOUTH WEST QUARTER DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTHERLY LIMIT OF THE LANE LYING NORTH OF BLOCKS "R", "S" AND "T" AS SAID LANE AND BLOCKS ARE SHOWN ON PLAN 5609J WITH THE WESTERLY LIMIT OF MORLEYVILLE ROAD AS SAID ROAD IS SHOWN ON THE SAID PLAN THENCE WESTERLY ALONG THE SAID NORTHERN LIMIT OF SAID LANE 1261.5 FEET MORE OR LESS TO THE INTERSECTION OF THE NORTHERLY LIMIT OF SAID LANE WITH THE EASTERLY LIMIT OF OXFORD STREET AS SAID STREET IS SHOWN ON SAID PLAN THENCE NORTHERLY ALONG SAID EASTERLY LIMIT OF OXFORD STREET AND ITS PRODUCTION NORTH THEREOF 705.5 FEET MORE OR LESS TO A POINT DISTANT 66 FEET SOUTH FROM THE BOUNDARY LINE BETWEEN THE NORTH AND SOUTH HALVES OF SAID SECTION 21 THENCE EASTERLY PARALLEL WITH SAID BOUNDARY LINE, 1262.2 FEET MORE OR LESS TO THE WESTERLY LIMIT OF THE SAID MORLEYVILLE ROAD THENCE SOUTHERLY ALONG SAID WESTERLY LIMIT 699.6 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT CONTAINING 8.215 HECTARES (20.3 ACRES) MORE OR LESS TO THE POINT OF COMMENCEMENT EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

3. "Riley Park" is designated as a Municipal Historic Resource as defined in the *Act*.

4. The heritage value of Riley Park is described in the attached Schedule "B".
5. The specific elements of Riley Park possessing heritage value are identified as the "character defining elements" in the attached Schedule "B". Those specific elements identified as "character defining elements" in the attached Schedule "B" are known as the Regulated Portions ("Regulated Portions").

#### **PERMITTED REPAIRS AND REHABILITATION**

6. a) The Regulated Portions of Riley Park shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently changed, other than routine preservation and maintenance work, without prior written approval from the City of Calgary Council, or the heritage planner appointed by the City of Calgary Council as the Approving Authority for the purposes of administration of Section 26 of the *Act*. Any alteration, rehabilitation, repair or change to the Regulated Portions must be in accordance with the terms of the Parks Canada 2010 publication Standards and Guidelines for the Conservation of Historic Places in Canada, ("*Standards and Guidelines*"), as referenced and summarized in the attached Schedule "C".  
  
b) All portions of Riley Park which are not specifically described or identified as a Regulated Portion are hereby known as the Non-Regulated Portions ("Non-Regulated Portions"). The Non-Regulated Portions are not subject to the *Standards and Guidelines* and may be rehabilitated, altered or repaired, provided that such rehabilitation, alteration or repair does not negatively impact the Regulated Portions, and that all the other permits required to do such work have been obtained.

#### **COMPENSATION**

7. No compensation pursuant to Section 28 of the *Act* is owing.

#### **EXECUTION OF DOCUMENTS**

8. Any employees of The City of Calgary who exercise land use and heritage planning powers and duties are hereby authorized to execute such documents as may be necessary to give effect to this Bylaw.

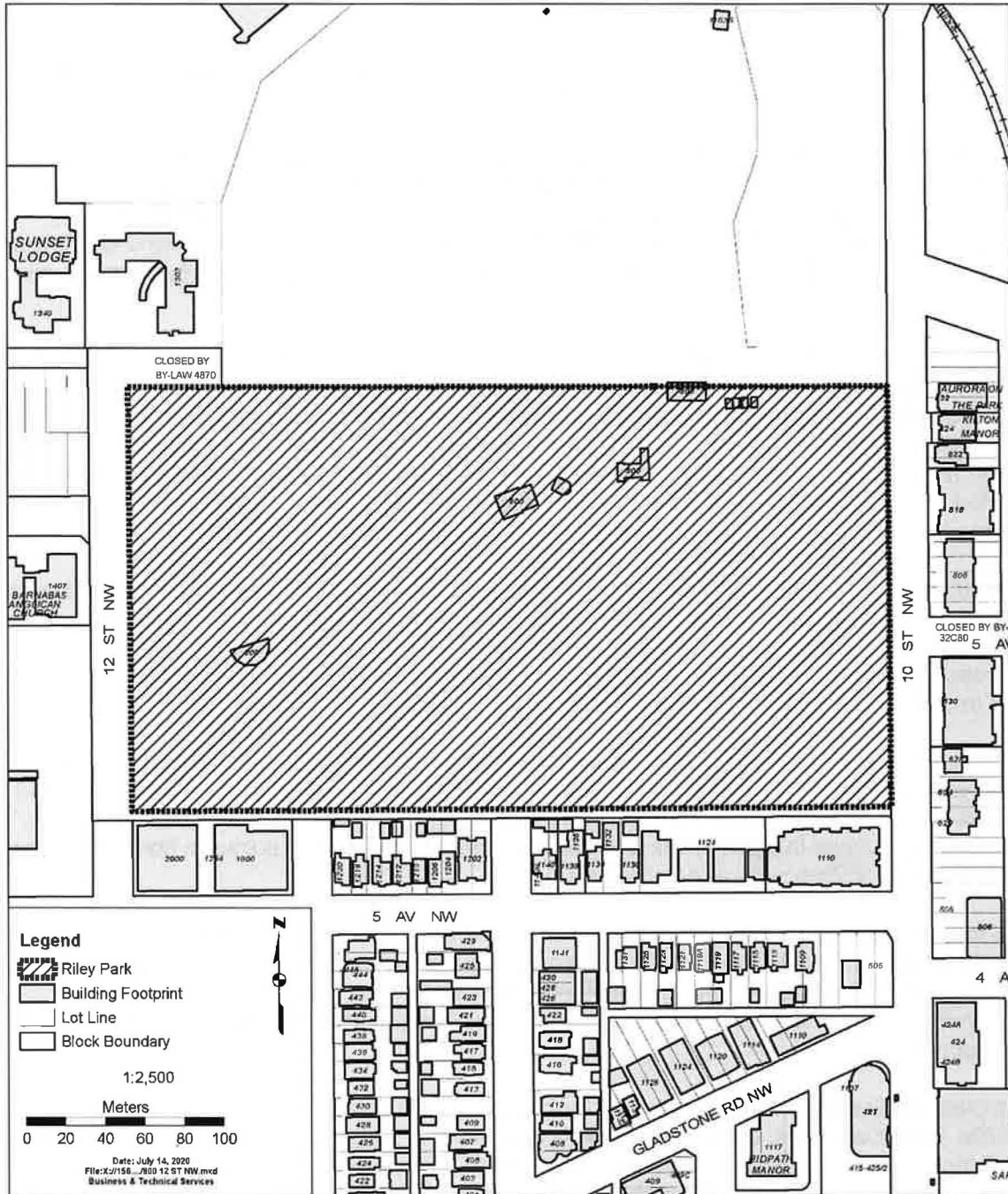
#### **SCHEDULES**

9. The schedules to this Bylaw form a part of it.

SCHEDULE "A"



800 12 ST NW



## **SCHEDULE "B"**

### **Description**

Riley Park is a large 8.23 ha (20.35 acres) Park in the community of Hillhurst. The park dates from 1911 and is comprised of an ornamental area along 10<sup>th</sup> Street NW, a wading pool, a large informal curved pathway, and a variety of recreational areas, including cricket pitches.

### **Heritage Value**

The Heritage value lies in the association with Ezra Riley and William Reader; the planting design in the park, and the recreational activities available in the park.

Ezra Riley was a prominent figure in Calgary's early history. Ezra came to Alberta in 1888 to homestead a quarter section of land with his family. By the early 1900's the Riley Family had over 10,000 acres. Riley was a member of the legislative Assembly of Alberta for the Conservative Party from 1906-1910. In 1910 Ezra Riley subdivided the family land and created the community of Hillhurst. Riley donated part of the land to the City of Calgary to create the park that now bears his name.

William Roland Reader was Calgary's Superintendent of Parks and Cemeteries from 1913-1942. This was an important time in the development of Calgary as there was much migration and subsequent construction. Reader's goal was to develop Calgary into a destination of the west. His vision of Calgary was as a great city with high quality open space, including public parks, recreation facilities, and streets lined with trees and developed with landscaped areas, planted with ornamental shrubs and flowers. Riley Park was primarily designed and developed by Reader.

Reader's floral/planting design along 10<sup>th</sup> Street was influenced by the City Beautiful Movement in urban development/planning. The movement supported beautification, monumental grandeur, and formality to encourage order and harmony. Advocates of the movement believed the approach would promote a harmonious social order that would increase the quality of life and help to reduce undesirable behaviour.

Early in his career in Calgary William Reader adopted this approach to beautifying the city. The intent was to illustrate that Calgary was a city with high quality public spaces. He wanted to ensure Calgary was a City where individuals would like to migrate. Reader's work included showpieces such as the Riley Park floral display which incorporated colourful floral displays with vibrant mixtures of annuals and perennials.

The majority of the park design (excluding the 10<sup>th</sup> Street floral display) was influenced more by the picturesque movement where an emphasis was placed more on informal, natural in appearance, and curvilinear design elements; the natural shape of the wading pool, the curvilinear pathway, and the natural in appearance planting along the edges of the park reflect this approach.

The planting along the west, south and north edges of the park is typical of park design from the 1910's, 1920's and 30's. During the early development of Calgary (and into the 1940's) parks were thought of as refuges from the rest of the City. There were typically dense plantings around the edges of parks to keep the dust and noise out of the park, and people in the park. This approach is in marked contrast to the way parks are designed today. Contemporary park design includes an emphasis on inviting people into the park and having transparency from the



street. The dense shrub and tree plantings on the three edges of Riley Park illustrate typical park design in the 1910's, 1920's, and 1930's.

The park is also significant for the wide variety of leisure activities. Leisure and recreational areas are important in the establishment of a city as they allow citizens opportunities to gather for leisure and social engagement. Play structures were erected as early as 1912. The wading pond began construction in 1913; 1914 included a substantial toboggan run; 1917 a playground shelter. In 1919 three cricket pitches were developed along with a clubhouse (although it is noted that The Calgary and District Cricket League began playing in Riley Park prior to that). Specific Cricket tournaments worth noting include the 1922 Interprovincial Cricket Tournament, 1961 Canadian National Cricket Tournament, 1965 International Cricket Match – Canada vs. the United States.

#### **Character-defining Elements**

Key elements that define the heritage character include:

- The existing 8.23 ha (20.35 acres) park land that is rectangular in shape;
- The formal geometric floral display along the 10<sup>th</sup> Street edge;
- The informal, natural in appearance, edge plantings along the west, north and south edges of the park;
- The wading pool location;
- The cricket pitches;
- The curvilinear pathway pattern; and
- 1949 ornamental gate at the 11<sup>th</sup> Street Entrance.

## SCHEDULE "C"

The primary purpose of the *Standards and Guidelines* is to provide guidance to achieve sound conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and form the basis for review and assessment for the approved rehabilitation program.

The *Standards and Guidelines* were developed by Parks Canada and were formally adopted by The City of Calgary in 2005. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and cannot be altered.

The *Standards* listed below and the referenced *Guidelines* shall apply to the Regulated Portions and any rehabilitation or maintenance work undertaken with respect to them at any time.

### The Standards

Definitions of the terms in italics below are set forth in the Introduction of the *Standards and Guidelines*. In the event of a conflict between the italicized terms below and those in the *Standards and Guidelines*, the latter shall take precedence. The Standards are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards for any given type of treatment must therefore be applied simultaneously to a project.

### General Standards (all projects)

1. Conserve the *heritage value* of a *historic place*. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* which, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other *historic places* or other properties or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character defining elements*.
6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any *intervention*. Respect *heritage value* when undertaking an *intervention*.
8. Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in

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