As the owner and resident of 3305 20st SW Calgary I would like to formally express concerns with the proposed land use redesignation of 33rd AV SW (Item 10 CPC2019-0404 LOC 2017-0370 on the agenda for Monday 27th 2019) Bylaw 112D2019. My property backs on to the current commercial space along 33rd avenue and 20th street (directly behind the Circle K) I am concerned about rezoning this area to mixed use commercial residential for the following reasons:

-Parking- This area is already very congested and parking is at a premium, often users of the business block our garage and park in the no-parking area to the west of 20th street outside my home. Adding a denser land use to this area will further increase the issue and availability of parking in this area.

-Traffic- the intersection of 33rd ave and 20th SW is already very busy and can be dangerous for both pedestrians and motorists. This intersection is often very backed up and vehicles block the entrance and exist of both my alley to access my garage as well as the entrance to the commercial area along 33rd ave. Adding more residents and commercial properties to this area will make this intersection worse and compromise the safety of pedestrians and motorists in the area.

-Property Value. My property garage backs onto the current commercial space on 33rd ave. which is 1 storey high. This allows my property unobstructed views and sunlight making it very desirable. If a multistory complex is constructed this will decrease my property value by reducing privacy, obstructing views, blocking light and increasing traffic/congestion in the neighbourhood.

-Garage access and foundational stability during and after construction. If the proposed area is rezoned and adds multi-use commercial residential properties the existing property would need to be demolished and there would be several years of demolition and construction. Access to my garage backs onto the alley shared with the commercial properties on 33rd ave. during this time I may have limited access to my garage and the demolition and construction may have adverse effects on the stability, drainage and foundation of my property including my garage.

While I support development, it must be done with consideration to safety, respect for existing residents and their property and the best interest of the community and I do not think this proposal is in line with those considerations. The existing commercial space on 33rd is well used and does not need to be made into a commercial/residential mixed complex.

Regards,

Krystal Ludlow, P.Eng. PMP.
Development Engineer
(403)-296-6583
Cell (403) 880-1375
kludlow@suncor.com
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150 – 6th Avenue S.W., Calgary, Alberta, Canada, T2P 3E3 (siège social) / www.suncor.com
Application: LOC2017-0370

Submitted by: JL

Contact Information

Address: 47 Ave SW

Phone:

Email: jennalynn.pickering@gmail.com

Feedback:

I am BEGGING SOMEONE, ANYONE on this forum to please try and take the bus / walk / bike or drive down 33, 34th ave during rush hour. 33rd is now backing up past Richmond green golf course to access Crowchild / Marda Loop. I take the 7 / 107 route and turning from 33rd onto 20th St. is TYPICALLY a 3-4 light process - the stop light back ups from the 4 way stop. When I bike I am too afraid to use the 20th Street bike lane - Crossing 20th Street at 34th / 33rd is next to impossible with bus/ vehicle and pedestrian traffic. The cut through is now Flanders through THREE school / playground zones - a massive safety risk for elementary children.

Developers are obviously sponsoring Evan well - blanket rezoning despite SIGNIFICANT resident opposition. Corner lots now all being converted to 4 plex everywhere in Altadore / Marda Loop (where are people supposed to put TWELVE garbage / recycle / green bins on what used to be ONE LOT?)

This area has changed so significantly since I moved in only 6 years ago. No one from the city (Councillors, Planners, Engagement people) can answer or address concerns, many can't even be bothered to respond to emails. Hideous designs that are WAY overbuilt (and poorly constructed) block out all natural light (See the corner of 33/34 Ave and 20th street. Adding more density adds more cars no matter what you design. IS ANYONE LISTENING TO THE PEOPLE WHO ACTUALLY LIVE HERE?)
Hello,

I am writing in response to the Notice of Public hearing on Planning Matters that I received in the mail regarding subject application.

As an owner of a property that is directly adjacent to the area of proposed Land use amendment, I would like to submit my opposition to the proposed amendment at 33rd avenue and 21st street. My reasons for opposition are as follows:

1. The increase in allowable building height associated with the proposed amendment has a high likelihood of blocking the amount of sunlight that our south facing windows would be exposed to (a big reason why we purchased the home), which would have a negative impact on our enjoyment of our property. If the desire is to draw more people to the area, consideration must be given to the negative impacts on the satisfaction of the current residents who may consider leaving if the quality of enjoyment of their homes is compromised.

2. The increase in allowable building height also has a high likelihood of compromising the amount of privacy that our residence currently enjoys, and which we value greatly. If inhabitants of the proposed building have the ability to look down into our house and/or backyard it will have a negative impact on our ability to enjoy these areas.

3. Parking and traffic must be considered as a higher priority in this area. If no additional parking is planned for the additional residents, it will only serve to further exacerbate already crowded street parking where many residents already can’t even park in front of their own houses, as well as increase the traffic in the area, which is also already a concern (speeding, cutting through side streets, 2-way traffic attempting to access these narrow roads which are being blocked by parked cars on both sides etc.).

Thank you for your attention and consideration of our concerns.

Jennifer Roeske
3306 21 Street SW, Calgary
Council,

My name is Jessie Shire and I live across the avenue. I would like to voice my concerns over the following item: Policy Amendment and Land Use Amendment in South Calgary (Ward 8) at 2040 – 32 Avenue SW, LOC2018-0232, CPC2019-0431 Bylaws 38P2019 and 108D2019

I notice that there is an increasing trend to creep up the height of buildings in the Marda Loop area on an ad-hoc basis above the ARP. (The community association has brought forth this concern numerous times as well.) This is done before a Development Plan (DP) is in place so that the neighbours/community cannot dispute a change in designation as they don't really know what is going to be constructed. And then when a DP is proposed, the land use has already been changed, so the community cannot dispute the DP based on ARP or land use. Seems like a bit of a loophole developers have found to circumvent local feedback. This specific proposal seems to fall in this category.

As well, there is a push to increase density from duplexes to 4-plexes. This application also proposes this. My concern is that this style of building removes green space and creates a Baltimore projects style of home that is tall and just has a bunch of porches very near the sidewalk. I am not exaggerating by much as you can see by the below picture of said 'Baltimore Projects'. Having looked extensively at the the renderings of these 4-plexes, they look really nice on paper, but in actuality they are a cannibalizing of the neighborhood. They do this by eating up the beautiful greenspaces and artful landscaping that Marda loop has and replace that space with building and bare minimum easements. Aesthetically, Marda loop is very nice to walk through and enjoy the beautiful yards and landscaping of the single and duplex homes. In 4-plexes, only minimal space and thought is given to the outdoor aesthetic. Maybe a buzzword like 'community garden' will be thrown out and a cheap planter constructed at most. As more of these 4-plex, project style homes are put up, the neighborhood will feel more claustrophobic walking through, which is the opposite of the city's Mainstreets program goals. This specific proposal falls into this aformentioned cannibalization.

One final thing is that this application also proposes that parking not be necessary. Or rather that the parking amount be circumvented. As one can see from the application photo on page 3 of 8, street parking in the immediate vicinity can be sometimes tight. The addition of a 4-plex will exacerbate this issue.

Thank you for listening to my input and I welcome any feedback or further discussion.

Jessie Shire
My wife and I live at 2207 - 32nd Avenue SW, and as adjacent landowners we received letters giving a Notice of Public Hearing regarding the above bylaw. Our home will be directly affected by the proposed rezoning. We are therefore writing with respect to our concerns about this proposed Bylaw, and its proposed rezoning of multiple properties in Marda Loop.

We have lived in Marda Loop for nearly 20 years. While we appreciate change is inevitable, the building of huge multi story buildings is destroying the character and nature of what used to be a lovely and interesting neighbourhood. Keeping new buildings smaller, instituting architectural controls and controlling the number of new residential units would help retain some of the original character of what historically was a unique neighbourhood. Unfortunately, the buildings that the City has been approving to date have had little positive impact on the area, and rather have created problems for residents. The extent of this proposed rezoning will only exacerbate the problems the current projects are causing.

Specifically, traffic and parking in and around 33 Avenue SW are disastrous. It is not unusual for it to take us 10 minutes from the ramp off Crowchild Trail to make the turn North onto 21 Street SW to access our house on 32 Avenue, because of traffic. For reference it takes about 5 minutes to walk this same distance.

Parking in the area is terrible and causes dangerous situations. On our street of 32 Avenue SW, there are almost always cars parked up and down both sides. This effectively takes traffic down to one lane (and leaves no room at all for bicycles) and causes problems when two cars are going in different directions. The traffic and parking on 21 Street SW, between 33 Avenue SW and our road of 32 Avenue SW, are even worse. Because of the multitude of parked cars on both sides of 21 street there is a limited view when exiting the alley (where our garage and all other garages on the avenue are located). As a result, we have nearly been hit several times while entering 21 St.. Turning left from 33rd Avenue onto 21 Street is also dangerous because of the parked cars. There often is no room to get from 33 Avenue onto 21 Street if a car is there trying to turn or cross, and if one attempts to turn they can get stuck in oncoming traffic. This is one of the causes of the 33 Avenue SW traffic jams.

Despite developers’ claims that their buildings are designed for people without cars, the reality is Calgary is a driving city where a car is necessary. Thus, building projects that have hundreds of new residential units with limited parking is only going to add to the chaos that is Marda Loop traffic.

The buildings that have been built (or rezoning already applied for) on the North side of 33rd Avenue SW in the blocks between Crowchild Trail and 20 St SW, are so large that they are and will be impacting residents’ use and enjoyment of our properties. When we purchased our property many years ago, a South facing back yard was a key factor in our decision to buy. These new 4 to 5+ story buildings on 33 Avenue (one already built, others approved or pending) do and will block the sunlight from the South onto all of the backyards of the houses on 32 Avenue, including ours. Large
buildings also will result in us losing our privacy, as residents on floors above 3 will be “overlooking” into our backyard and into our master bedroom. While we appreciate no specific plans have yet been proposed directly behind our home, we expect (if this rezoning is approved) to face these same problems based on the previously approved projects on the North side of 33 Avenue SW, and the one project which has already been built on that North side of 33 Avenue adjacent to Crowchild Trail.

We also note that when this one finished project was built (which is the 4 - 5+ story building on the North side of 33rd Avenue immediately East of Crowchild Trail with approximately 135 units) it was represented as being built for sale to owners, but now that the developer was apparently able to sell none of their units, as a result they changed their marketing focus to be a rental apartment building (there are now large banners on the building noting this, with the “Lyfe” logo). Other new buildings in the neighbourhood have also been unable to sell their units and have been remarked as rental suites (eg. the building on the Southwest corner of 34 Avenue and 20 Street SW). Occupants of a rental property will obviously not have the pride of ownership of an owner. We have seen a rise in crime in the area, and bringing in transient renters with no financial or long term commitment to their residence is likely not going to help this.

We note in the past that residents’ concerns with respect to development in Marda Loop have been apparently dismissed by City Council and by our Ward 8 councillor, Mr. Woolley. We note that many of our concerns set out above, are simply echoing what other residents have overwhelmingly stated in previous consultations - see for example the Link (posted on your website https://engage.calgary.ca/33aveMS named “What we heard report, Fall 2018”). In this “What we heard” 13 page link document, we encourage Council to read all of the “verbatim comments” made by constituents at the consultation, rather than just the Summaries presumably done by City staff. These verbatim comments clearly show that the vast majority of the community residents oppose this rezoning plan. We sincerely hope that our Ward 8 Councillor Mr. Woolley and other Councillors, of adjacent Ward 11 and otherwise, exercise their judgment even-handedly and in good faith, and exercise their responsibility to represent the views of their constituents seriously and not favour developers over voting constituents. Please recognize that it is not just houses which will be affected by the proposed rezoning, it is people’s families and homes.

We love living in Marda Loop. However, having rampant development without respect for the traditional character of the neighbourhood is not the kind of progress that will draw people to the neighbourhood, nor keep longtime residents here.

Jeffrey Thom and Cynthia Martens
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To Whom it May Concern

City Council’s Application to rezone 33/34 Ave SW seems biased towards Developers. It serves no justice to the occupants of this glorious neighbourhood.

Six story buildings in a residential area block sunlight, create wind tunnels and shadows and certainly detract from an enjoyable outdoor experience in our own back yards. The density, parking and traffic in this area is becoming unmanageable and actually does injustice to all including the existing merchants.

Council certainly has not listened to the community or taken into consideration the November 2018 What We Heard Report on Zoning which clearly showed the our community is against rezoning and the new MU-2 zoning.

What is the point of the city doing these kinds of meetings within a community when it seems our not so effective council never bothers to listen?

Sincerely

Karen Sklar
I have lived in the South Calgary/Altadore area for over 20 years. I have enjoyed the neighborly feel of the Marda Loop area and the sense of community. In the last few years, we have been overwhelmed with multi unit developments being built. They are taking over the area. We do not need to have more in the area. The traffic is horrific, and is only getting worse. Many times I have seen people with kids and dogs almost get hit when crossing the street, with the crosswalk light ON.

The developers at the end of my street have destroyed our alley, and show no signs of fixing the mess they have made. We are sick and tired of this relentless street closures and failure for anyone in city council to give a damn.

I sincerely hope that someone in city council opens their eyes and maybe spend a day or even an hour sitting on a bench on 33rd or 34th Avenue SW and have a look at the chaos that is already present, without the addition of more density in the area.

Thank you

Jane Robertson
2, 2119 34 Avenue SW
Application: LOC2017-0370

Submitted by: Donna Rapp

Contact Information

Address: 1811 - 34 Avenue S.W., Suite 311

Phone: 403-616-6277

Email: desirapp@shaw.ca

Feedback:

Dear City Planning & Development

Re: Concerns about Land Use Redesignation in Marda Loop-Bylaw 112D2019

The City notified me by mail on May 10 of an application to amend the land use of a series of properties adjacent to my home (a condo building), and in the surrounding Marda Loop/South Calgary community area of 33rd and 34th Avenues. I contacted the Marda Loop Community Association and councilor Evan Woolley, and have now seen the final planning document.

While I fully support inner city development, and main street beautification and upgrades, I am very opposed to the area redesignation to Mixed Use-Active Frontage (MU1, MU2). In learning my comments must be submitted to the City by May 21, and that the public hearing is happening on May 27, this does NOT give me, or other concerned community members for that matter, ample time to build a thoughtful, researched case in opposition, gather collective voices of concern or circulate a petition.

The planning report does say three community consultations were held, and feedback was ‘taken into consideration’. I’m here to tell you I attended to the first one, and my feedback was never formally solicited. The event was a presentation of development plans and not a consultation. It was clear that this was a fait a compli. I never received invitations to the other two gatherings.

Like I said, I choose to live inner city and am all for density and growth, but this area is experiencing unprecedented development that does not feel planned or thoughtful. I’m referencing the 5-6 story complexes that fill city blocks with mixed use (residential, offices and ground floor retail). They're built flush up to sidewalks with imposing frontages, and blocking sunlight. It is going to make an already congested, loud neighbourhood even worse. These developments are creeping east down 33rd and 34th. And my building is right in the path. The charming vibe of Marda Loop is being ruined.

I hold no illusion that my one voice can change. But I couldn’t live with myself if I didn’t at least voice my concern. This plan is a huge disappointment. This area is my home.

Donna Rapp
To the City of Calgary and its representatives.

With regards to the proposed land use restriction in Richmond, South Calgary, and Altadore, there does NOT need to be a re designation of the land to allow for taller buildings to be developed as per the Bylaw 112D2019.

As it stands now, the traffic in this community either weekdays or weekend, extremely busy. There has been NO significant upgrades to the traffic flow in this area since we moved into the area in 2004 and the density has increased significantly.

People have bought their homes in this community and on 32nd Ave specifically, because of the beautiful street, the walk-ability, and the proximity to amenities. In the past 5 years, the height of development is preventing committed residents from enjoying their backyards without numerous eyes peering into their own private property. The loss of privacy in this community due to taller buildings being built is not supportive of the families who have bought homes in this community, and has detrimentally effected their property values.

Further, by increasing the proposed heights that developers can build buildings in this community, there is an increase in the length of shadows that are cast by these buildings. The longer the sun is shadowed from my backyard from October to March, the greater impact to my enjoyment of the property I have purchased.

I believe that the City Council’s Application to rezone 33/34 Ave. S.W. is biased towards developers. City Council has not taken into consideration the November 2018 "What We Heard Report on Zoning” clearly shows the community is against rezoning and especially against the new MU-2 zoning that was not contemplated at the time of the Report. The same commentary has been echoed and communicated to City of Calgary representatives at development town halls and community town halls. I have participated in numerous over the past 5 years, with little to show for it. When city representatives or developers have been asked about traffic movement in the community, the common response is "that is the responsibility of the traffic department". There is constant deflection and ignorance to the challenges of this community. The development, however continues to proceed.

I support reasonable development, and multi story development, but within the constraints of the current rules, laws and criteria that need to be met. There must be more consideration for the home owners in this community. They are the ones living here, walking the street talking their kids to the parks and making this the desirable community it is…..not the developers. The developers are in and out of the community and not concerned about their development impact to the residents. Please come and meet / talk with the home owners on 32 Avenue SW and let us tell you what we specifically think of development in this community. That will provide you with a more accurate reflection of our values as these proposed new buildings will impact us the most.

Audra Papp
To the City of Calgary and its representatives.

With regards to the proposed land use restriction in Richmond, South Calgary, and Altadore, there does NOT need to be a re-designation of the land to allow for taller buildings to be developed as per the Bylaw 112D2019.

As it stands now, the traffic in this community in the morning on our way to work in the morning, and getting home at the end of the day is extremely busy. There has been NO significant upgrades to the traffic flow in this area since we have lived here...and there are constantly new buildings going up. The traffic gets even worse on the weekends as there are more and more people trying to get in and out of the community during the day.

People have bought their homes in this community because they like the walk-ability of the community, not so that 6 storey tall buildings can be built behind them and they can no longer enjoy their backyards without numerous eyes peering into their own private property. The loss of privacy in this community due to taller buildings being built is not supportive of the families who have bought homes in this community, and has detrimentally effected their property values.

Further, by increasing the proposed heights that developers can build buildings in this community, there is an increase in the length of shadows that are cast by these buildings. The longer the sun is shadowed from my backyard from October to March, the greater impact my mental health will have as the sun is key to bringing natural light into my home through our south windows on the back of our home.

I believe that the City Council’s Application to rezone 33/34 Ave. S.W. is biased towards developers. City Council has not taken into consideration the November 2018 What We Heard Report on Zoning which clearly shows the community is against rezoning and especially against the new MU-2 zoning that was not contemplated at the time of the Report.

To build taller buildings in the area will not have a positive effect on the property values of the homes immediately adjacent to, or behind the buildings the developers want to build. If the value of our property decreases because of the buildings that developers are putting up with permission from the City of Calgary, will the City be compensating home owners for the value of our property that has been impacted negatively by the construction of these buildings that 'we' did not approve?

I support reasonable development, but within the constraints of the current rules, laws and criteria that need to be met. But there must me more consideration for the home owners in this community. Please come and meet the home owners on 32 Avenue SW and let us tell you what we specifically think of development in this community. That will provide you with a more accurate reflection of our values as these proposed new buildings will impact us the most.
To the City of Calgary and its representatives.

My family and I bought a home in South Calgary in 2008 because we enjoyed the amenities in the community at the time. Ever since we moved in here, this community has been in a constant state of construction. There have been new homes built, new buildings built, and new businesses started in the community. What I wonder is when will this community be seen to be at the maximum capacity for dwellings and businesses in this community? How many more multi family homes and businesses do we need to have in the area before the infrastructure is not able to handle the growth any longer?

As it stands now, the traffic in this community in the morning on my way to work, and getting home at the end of the day is extremely busy. There has been no upgrades to the traffic flow in this area since we have lived here...and there are constantly new buildings going up. The traffic gets even worse on the weekends as there are more and more people trying to get in and out of the community during the day.

With regards to the proposed development on 33rd AVE and 22nd street SW, how tall does a building have to be? People have bought their homes in this community because they like the walk-ability of the community, not so that 6 storey tall buildings can be built behind them and they can no longer enjoy their backyards without numerous eyes peering into their own private property. When will this stop?

I believe that the City Council’s Application to rezone 33/34 Ave. S.W. is biased towards developers. City Council has not taken into consideration the November 2018 What We Heard Report on Zoning which clearly shows the community is against rezoning and especially against the new MU-2 zoning that was not contemplated at the time of the Report.

This needs to stop. The development in this community needs to stop. The residents have NOT had a say in this development.

Steven Papp
Dear City Council, I recently became aware that the zoning in our neighborhood is being changed to allow 6 story buildings from 4. This may not seem like a lot but it is a slippery slope. Please take a few minutes to read below. I know it reflects the views of all four of my immediate neighbors and believe it reflects the general view.

I am all for redevelopment and making communities better, safer and adopting an appropriate level of density which should change as our city grows. However continuing to increase density without fixing the serious traffic and safety problems is wrong. I believe the community has spoken out about these problems many times and mostly opposing large increases in density. And I know as councilors you have a tough job to weigh the benefits of development with the legitimate concerns of the people who live in the community. Please Listen to your Constituents rather than just the Developer. I did attend a meeting with the Developer of the units being constructed on 33rd near Crowchild. As you may recall the Developer promised that there would be very little traffic disruption during the construction of the units. Wrong! There have been major hold ups. So do not believe all that you are told by the Developer – their job is to promote their project – just like Tide promised get our clothes ‘Whiter than White’ – if you are old enough to remember that lie.

Some examples of what now happens on my street (32nd street between 20 and 21 avenues).

- Once the traffic gets blocked on 33rd (as it does most days) people short cut, often at unsafe speeds. For example, one week ago as I was walking home I politely motioned for a motorist to slow down (going about 60 kph). I got the finger as he sped up (yes it was a man) – and squealed rubber as he turned down 22nd street – which is often impossible for two cars to pass – and it is a favorite short cut to 26th street. So a very dangerous maneuver borne, I believe, out of frustration and anger at the traffic situation.

- My children have ‘left the nest’ but four of my immediate neighbors have small children (from babies to about 10). They play on the front lawns since they are open spaces because people have not built fences and I love that – it is a community. The backyards are private and fenced so BBQs and gatherings can happen with some privacy – again love that too. This means that the community front yards are narrow playgrounds with limited visibility. It is only a matter of time before someone gets hurt. The visibility from a child’s viewpoint is highly restricted because the street is bumper to bumper with parked cars. It is a dangerous situation. City Planning/Engineering and Councilors must take into account the safety of the community above all else.

- From a practical perspective parking is getting to be a major headache. Before density is increased please find some solution.

I could go on about the problems associated with increased density without adequate overall planning for traffic and parking and safety but this letter is already too long. To close: I bought my home in this area because it was a great neighborhood for me. Greater density with splashy buildings does not necessarily improve the neighborhood. It takes careful planning and consideration of the reasonable thoughts of the residents. I believe that the City Council is trying to make decisions that improve the neighborhood. Please know that the Developer is only interested in making a profit – that is his job and I salute him for it as does his shareholders. But do not be persuaded to make a wrong decision based on fancy presentations and big promises. Make your decision on behalf of your shareholders – the people who elected you.
I would be happy to speak to anyone about how our community is being adversely and positively impacted by change. Change is inevitable but it is the City’s job is to maximize the benefits and minimize the harms of change. The residents should not be ignored or placated – we live here and are directly impacted by your decision in this matter.

Kind regards,

David Stenning, P.Eng.
2114 32nd Avenue SW

Dave

David Stenning, P.Eng.
dave.stenning@outlook.com
+1(403)606-0884 (cell)
Dear Sir/Madam,

Attached please find our letter in objection to the Land Use Amendment from R-C2 to R-CG in our neighbourhood for the Public Hearing on May 27, 2019.

We would also like to express our objection to the new MU-2 zoning of 33/34 Ave SW. City Council's Application to rezone 33/34 Ave. S.W. is biased towards Developers. City Council has not taken into consideration the November 2018 "What We Heard Report on Zoning" which clearly shows that the community is against rezoning including the new MU-2 zoning.

Sincerely,

Boguslaw and Agata Nowak.
May 20, 2019

RE: BYLAW 112D209 Application for Recusal of all City Councillors on this Vote on the Basis of Substantial Bias and Lack of Independence

Applicants:
Stacy Miller 2235 32 Ave. S.W.
Joshua Wong 2235 32 Ave. S.W.
Judy Jamieson 2237 32 Ave. S.W.
Lisette Perreault 3304 22 St. S.W.
Garth Babcock 3304 22 St. S.W.

Dear Mayor and City Councillors:

Your application to rezone 33/34 Ave. S.W. is in direct conflict with the feedback described in the What We Heard Report of November 2018 wherein over 90% of the comments are not in support of rezoning and especially not to an MU-2 6-storey limit. The November 2018 What We Heard Report can be found here https://www.calgary.ca/_layouts/cocis/DirectDownload.aspx?target=http%3a%2f%2fwww.calgary.ca%2fengagement%2fDocuments%2f6.2-Engagement%2520Report%2520Back%2520Template%2520-%2520What%2520we%2520heard%252033%252034%2520Fall%25202018.pdf&noredirect=1&sf=1.

Your continued bias towards Developers and development is clearly shown in this instance and in previous rezoning applications for 33/34 Ave. S.W. You have ignored the community’s serious concerns regarding parking, density, traffic, shadowing, height, and floor area ratio. Even now with no construction going on and with the current density, the traffic and parking is unreasonable to say the least.

You are supposed to be an Impartial Party and abide by Procedural Fairness when making decisions on these matters. Even without the many dissenter’s who have given up on Open Houses and On-Line Feedback forms due to the obvious bias, the community is not in favour of rezoning and especially not to a 6-storey limit. The aforementioned “feedback opportunities” are simply opportunities to provide feedback on decisions that have already been made as any reasonable person could ascertain from attending one Open House or from reading the questions on the on-line forms.
Furthermore, the notice to respond to this application is egregious to property owners. We’re not in the business of property development. We pay property taxes to the City so that they will be impartial adjudicators and not use the system against us. We’ve had to drop everything to respond to these short time constraints and we are not able to attend this Hearing.

Also, the lot behind us where RNDSQR was expected to begin developing in April is now empty. If it were the case that RNDSQR was unable to follow-through with their plans it seems it would put the City in a position where they might want to package 33/34 Ave. to interested Developers with a complete rezoning to allow for higher-profit developments. If this is the case, you are again biased towards Developers.

And we will point out that you may have put recent RNDSQR Property Owners outside of CY33 in a difficult position if it were the case that RNDSQR is now in financial difficulties in part because you aggressively approved CY33.

It’s unusual to say the least, and against what any reasonable Calgarian would expect, that the City is putting their own application in to rezone 33/34 Ave according to their own newly-created zoning standards. These 6-storey developments would clearly, “unduly interfere with the amenities of the neighbourhood, [and/or] materially interfere with or affect the use, enjoyment or value of neighbouring [dozens if not hundreds] parcels of land.” This is in contravention of Section 640 of the Calgary Land Use By-Law. Your impartiality to Developers precludes your powers to contravene this By-Law.

Our question to Kevin Barton, Urban Strategy Lead, Main Street Initiative regarding how and when the MU-2 zoning was changed remains unanswered. He refused to answer the question and was away on Friday, May 17, 2019. As stated above the approval of this application would contravene Section 640 of LUB yet the City doesn’t take it seriously enough to have someone willing or able to answer our questions in the egregious time-limit set.

Relevant to this application and in further support of your bias I am attaching Stacy Miller’s submission to the SDAB appealing DP2018-0091 from January 10, 2019 (attachments found here https://www.dropbox.com/sh/v3r2i6sgnhlsjr/AAA9eN5OJ9H8jv65Zigmft02a?d=0) outlining many more instances of breach in Procedural Fairness. These include but are not limited to allowing RNDSQR to conduct their own What We Heard Report/City of Calgary Engagement Process when they were clearly in conflict of interest and also preventing any dialogue as promised in your Engagement Policy found here https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.cgy-engage.files/1314/6376/8116/Engage_Framework.pdf Stacy elaborated on the City’s refusal to follow the Engage Policy previously and it applies to this new application as well. City Council voted unanimously on DP2018-0091 for RNDSQR’s CY33 illustrating why they should all be recused in this instance.

We are requesting that the entire City Council recuse themselves from this vote and any further decision-making on 33/34 Ave. S.W. zoning. We request that an Impartial Party be put in place to review the City’s recent approvals, enforce true Engagement (consistent with your own Engagement Policy) with the community and be in charge of any new zoning approvals in this area.

Sincerely,

Stacy Miller

Joshua Wong
Judy Jamieson

Lisette Perreault

Garth Babcock

cc/Integrity Commissioner of the City of Calgary

Minster of Municipal Affairs, Province of Alberta
January 10, 2018

Stacy Miller
2235 32 Ave. S.W.
Calgary, AB
T2T 1X2

RE: Appeal SDAB2018-0174

Mr. Chair and Board Members,

My evidence will show that the City of Calgary acted in bad faith throughout the Application and Approval process in passing DCBylaw 257D2018 [Att 36]. As described in Att 37 in an academic article by Charles Loopstra Q.C., “…to set aside a municipal by-law on the basis of “bad faith”, you must show that the council acted unreasonably and arbitrarily and without the degree of fairness, openness, and impartiality required of a municipal government.” (page 5, para. 8)

In approving a Direct Control District when an MU-2 designation would have sufficed, the City’s continued bias is demonstrated towards the Applicant by trying to deny our Right to Appeal.

1. Right to Appeal

A) Relaxations

DCBylaw 257D2018 [Att 36] did not deal with Balcony Size Bylaw Discrepancies, Loading Stall Bylaw Discrepancies and Bike Parking Bylaw Discrepancies pointed out in the SDAB2018-0174 [Att 3] materials on page 164 and 165. Therefore, these discrepancies must be dealt with in the City’s Land Use Bylaws. [DCBylaw 257D2018 Section 2 “Compliance with Bylaw 1P2007” where it states, “Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.” And under Section 7 “Bylaw 1P2007 District Rules” where it states, “Unless otherwise specified, the rules of the Mixed Use- Active Frontage (MU-2) District of Bylaw 1P2007 apply in this Direct Control District.”]

The Balcony Size needs to have no minimum dimension less than 2.0 m according to Section 557 (8) of the LUB. The Loading Stalls are short by 1 and the Bicycle Stalls Class 2 are short by 7.

These three items would therefore need relaxations which opens the door for an Appeal under the Alberta Municipal Government Act Section 685 (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use Bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).
B) Contravention of Section 20.3 of the LUB

The City did not provide “a written statement indicating why, in the applicant’s opinion, a Direct Control District is necessary and why the same results can not be achieved through the use of a land use district in this Bylaw” as required under Section 20 (3) of the LUB. The Applicant asked for an MU-2 designation throughout the entire application process and the MU-2 designation is the designation contemplated in the Area Redevelopment Plan. The written statement should be easy to provide but never has been.

2. Procedural Fairness

In regards to Procedural Fairness, the academic article I provided in Attachment 1 by Jeff G Cowan one of Canada’s leading Public Law litigator states, “Courts may find that the duty of procedural fairness has been breached if the administrator’s actions were not procedurally fair…if the decision maker has shown bias, or if there was undue interference in the decision-making process.” (page 9, paragraph 2).

Much like the Application to quash a zoning by-law in H.G. Winton and Borough of North York 1978 where in it states, “When a by-law is being attacked on the ground that it is arbitrary and discriminatory, it must be borne in mind that every zoning by-law is by its very nature discriminatory. However, it is still open to attack a by-law on the basis of discrimination in the sense that the by-law has been enacted in bad faith. Bad faith is not to imply or suggest any wrongdoing or personal advantage on the part of any of the members of council. Rather it is to say that the municipal council acted unreasonably and arbitrarily and without the degree of fairness, openness and impartiality required of a municipal government.”

A) Subversion of the City’s “Engage Policy”

The City subverted it’s entire “Engage Policy” so central to the Administration and the City’s identity to RNDSQR/CivicWorks who are both biased third parties and clearly in conflict of interest.

From Loopstra’s article again, “For example the adoption of a policy and procedures manual as to how to carry out a certain function, amounts to a policy decision. The failure to carry out a duty prescribed in the policy and procedures manual may constitute evidence of a negligent operational decision.” [p. 2 para. 1 Att 37]


Nowhere in the Engage Policy does it contemplate subverting the engagement process to a biased third party. In fact it says in Section 3 “Transparency” that, “The City communicates to citizens and stakeholders: what was heard – sharing input received, and how input was considered, or why input was not used, in decision making.”
The Engage initiative along with the “What We Heard Report” is central to the City of Calgary’s identity and marketing. It’s one of eight headlines on their Main Page as shown in Att 9. They define Engage as “meaningful dialogue, informed decisions.” [Att 10] Entire City of Calgary websites are dedicated to the Engage Initiative with definitions, resources and detailed explanations of who oversees the Engage Initiative. [Att 12, 13 & 14]

ii) Misappropriation of the Engage Initiative by RNDSQR/Civicworks

The Applicant used the website engagecourtyard33.com in their Application. It clearly states in their Vision Brief 5.0 that they used that website and also in my attachments it shows that they continue to use that website to redirect to their new website cy33.com. [Att 17, Att 18, Att 19] And they continue to misappropriate the Engage Initiative in their engagerndsqr.com website. [Att 20]

I complained to Desmond Bliek, Senior Planner at the City, on May 14, 2018 about the Applicant’s use of the Engage Initiative. [Att 23] I said that it’s very confusing to the public to figure out what is RNDSQR and what is the City and asking how that came about. Mr. Bliek responded that it’s standard practice at the City. [Att 24] As previously stated, nowhere in the City’s Engage Policy does it contemplate subverting the responsibility to a biased third party. In fact, the Definition in that Policy is, “‘Engagement’ at The City of Calgary is defined as: purposeful dialogue between The City and citizens and stakeholders to gather information to influence decision making.”

iii) RNDSQR/CivicWorks in Conflict of Interest in the Application Process

The Applicant as a Developer is clearly in conflict of interest and therefore not an impartial party so should never have been given the authority to report back to the City on citizens’ concerns. The higher the building they build the higher the profits. As shown in Att 15 and 16 (their respective “Work” webpages) neither RNDSQR nor CivicWorks has every worked on behalf of citizens but only in the interests of their own developments.

At the very least if the Applicant was allowed to use the Engage Initiative, they should abide by it. Specifically, the definition of “purposeful dialogue”. [As defined by the Merriam-Webster Dictionary a dialogue is, “a. a conversation between two or more persons, b. an exchange of ideas and opinions, c. a discussion between parties to a conflict that is aimed at resolution.”]

a) The only communication from the Applicant

Att 25 shows the only communication I received from the Applicant. There’s no mention of dialogue. Like all of the Applicant’s engagement, everything goes into the biased “What We Heard Report” with no further discussion.
b) The Applicant’s misrepresentation of facts

Ben Bailey from CivicWorks indirectly responded to only one of my many concerns through Evan Woolley’s office. That concern was about the underground stream going under my house at 2235 32 Ave. S.W. and my neighbour’s at 2237 32 Ave. S.W. Att 21 shows his response from February 21, 2018 saying there are no concerns. But in fact the Geotech Study had not been completed for a 2 level parkade, only a 1 level parkade as described by Al Devani on February 14, 2018 on a Developer Forum. [Att 22]

Consistent with the Applicant’s one-way communication strategy, there was no validation of the misrepresentation even though it turned into a huge issue in the Application Process. [Att 8 p. 67, Att 3 p. 235-277 of SDAB Report Geotech Study Feb 2018, Technical Memo Apr 2018, Technical Memo May 2018] And again no dialogue.

c) The Applicant’s What We Heard Report

Engagement and Communications Strategies [p. 57 Att 5, Vision Brief]

All of the strategies are either one-way disseminations of information or rely on the Applicant to report back in the What We Heard Report. Again, the Applicant is not impartial and as above, has already misrepresented their findings.

Reporting on Positive and Negative Comments

All of the comments and emails reported in the Applicant’s “What We Heard Report” are anonymous. Given the bias and misrepresentations already made by the Applicant and the huge number of people involved in the Application, it’s very doubtful that these were gathered in good faith.

For example, p. 69 of the Vision Brief [Att 5] shows the Verbatim Comments with 33% negative comments.

However, an Actual What We Heard Report from the City on Land Use 33/34 Ave. S.W. from November 2018 [Att 5] shows 92% negative comments (57 negative comments of 62 total comments) in regards to all zoning except RC-G Residential Zoning.

And censored Facebook comments I gathered on Open Houses in Marda Loop from February and April 2018 concerning further development show 70% negative comments and 83% negative comments respectively. [Att 26 & 27, numbers were calculated based on the people that made comments rather than the actual comments themselves, comments that were just tagging others were not counted]

B) The City’s unreasonableness, bias, lack of impartiality, lack of fairness and ultimately bad faith in the Application Process
i) 2017 Mayor’s Urban Design Awards

The City’s bias started with the Award of an Honourable Mention in the category of Conceptual/Theoretical Urban Design Projects [Att 6]. The Application requirements [Att 7] did not require the project to adhere to the Area Redevelopment Plan also showing the City’s bias against following ARP’s.

ii) Subverting the Engagement Process

Furthermore, the email from Desmond Bliek above shows that the City does not recognize that the Applicant is in conflict of interest and should not be the party in charge of reporting back on citizens’ concerns. The City did not oversee the Engagement Process nor the What We Heard Report resulting in serious inconsistencies compared to What We Heard Reports and comments provided in an impartial manner. As defined by the City, the Engagement Process by definition must include “purposeful dialogue”. The Applicant did not engage in dialogue whatsoever.

iii) Evan Woolley’s Bias

Even though the Applicant sent Evan Woolley’s office a misrepresentation of facts as above, the Office did not follow-up with me. I’ve included a response sent by Brieanne Biblow of Woolley’s office on May 14, 2018 to a concerned citizen on another project. This represents a response that would be expected by my City Councillor’s Office. It shows again the anomalous and biased way the City and Evan Woolley’s office has treated this Applicant. Judging by the Facebook comments, I’m not alone in believing that Evan Woolley’s office is biased towards development.

iv) Censoring Facebook Posts

The City censors Facebook posts so the community can’t see the negative feedback on Marda Loop Development. As shown in Att 28-33 I had to ask the Facebook Administrator for the links to these Facebook comments but when I asked for the link on the Development Guidebook with comments even more negative, he/she stopped responding. An easy solution would be for the City to create a Forum if they’re serious about Engagement.

v) Conduct of the Council

In regards to the entire intent of the Alberta Municipal Government Act as described in the Preamble, “WHEREAS Alberta’s municipalities, governed by democratically elected officials, are established by the Province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities,” the City has not demonstrated accountable governance by acting in bad faith.
Furthermore the Alberta Municipal Government Act stipulates that 146.1, “A council must, by Bylaw, establish a code of conduct governing the conduct of councillors.” (146.1 (1)) And in BYLAW NUMBER 26M2018 “Being a Bylaw of the City of Calgary to Establish a Code of Conduct for Elected Officials” the applicable codes of conduct that the City Councilors are not adhering to by acting in bad faith are as follows.

10. A Member must in the discharge of their office:

(b) consider all issues consistently and fairly, and in light of all relevant facts, opinions and analyses of which the Member should be reasonably aware [Alberta Municipal Government Act and Calgary’s Land Use By-Law IP2007]

(d) act competently and diligently.

As well as the following.

11. A Member must respect and comply with the law and avoid conduct that, in the eyes of a reasonable Calgarian, undermines, or has the potential to undermine, public confidence in City governance.

In summary, due to the City’s bad faith during the Application and Approval process in this matter, I would like the DCBylaw 257D2018 to be struck, the ARP to revert back to pre-October 9, 2018 and the entire Application Process to be conducted again in an impartial manner.

Sincerely,

Stacy Miller
Dear Sir/Madam:

Re: Bylaw 112D2019. (In the area of 33 Ave and 34 Ave SW from 18 St to 22 St SW)

Regarding the proposed land use changes, I am totally opposed.

I have lived in the area for over 25 years. It used to have a charming atmosphere with sunny quiet streets, lots of mature trees and landscaping, an interesting mix of lower height buildings and houses, appropriate building setbacks, and a great place for sunny patios and good walks.

Over time, more and more bigger buildings, higher and higher buildings crammed onto lots with reduced landscaping and reduced setbacks from the streets. I have not met any neighbours, existing property owners and tax payers that are in agreement with these changes and all feel that they and their concerns are being totally ignored.

There also does not seem to be any consideration for traffic and parking. 33 Ave and many connecting streets are grid locked for longer and longer periods of the day. It is becoming next to impossible to get out of driveways in the commercial areas. Drivers are taking more and more chances and conflicts are increasing.

There appears to be no maximum for traffic volumes and parking needs. The new, large apartment building on the East side of Crowchild and the North side of 33 Ave. only has access off a back lane. That lane ends in a residential street cul de sac to the west and to 22 St to the east which has restricted access. Another new building, even higher is now planned immediately to the east of that same 22 St again with restricted access and very little opportunity for parking and access.

It seems that traffic is going to be exponentially worse for visitor and service traffic to these buildings. I predict the next step is going to be parking restrictions and permits. What a shame.

When the City used to consider traffic volumes and congestion, when Garrison Woods was planned, the north side of 22 St was restricted to southbound right turns out onto 33 Ave to ensure the intersection would not fail. In addition, the interchange at Crowchild was modified to allow only one Eastbound through lane to restrict the traffic volumes on 33 Ave. Now, none of this seems to matter.

It is disheartening and demoralizing to see what is happening to this area. It is becoming more and more like being on a downtown street in a valley of high buildings right up to the sidewalk with no landscaping, minimal sunlight and no neighbourhood feel any more.

Thank you for considering my comments. The majority of my friends and neighbours in the community feel the same way. It is a shame that none of this matters to our Ward Councillor or to City Council or anyone in City Hall.

Sincerely,
Robert Berry

bob.berry@shaw.ca
403-669-7208 (c)
From: Bob van Wegen [mailto:bob@visitmardaloop.com]
Sent: Sunday, May 19, 2019 4:52 PM
To: City Clerk ; Ward8 - Michael Mooney
Cc: Bliek, Desmond ; Barton, Kevin ; McMahon, Patrick S. ; Shelley Anderson ; MLCA Development ; 'development@richmondknobhill.ca'
Subject: [EXT] May 27 Public Hearing item LOC2017-0370 re. Marda Loop

For public hearing. Comment re. Marda Loop land use re-designations and ARP amendment

Bob van Wegen
Executive Director
Marda Loop Business Improvement Area

1638 30th Ave SW
Calgary, AB T2T 1P4
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403.685.5667
www.visitmardaloop.com
May 19, 2019

Regarding LOC2017-0370, Policy Amendment and Land Use Amendment (City-Initiated) in Marda Loop

To: Members of City Council
    via City Clerk
    Councillor Evan Woolley, Ward 8

The Marda Loop BIA has been pleased to participate in Main Streets consultations, and now to see the results. In our view, the consultation has been both robust and well-attended, and we want to thank the planners involved.

We support the policy amendments and land use designations being proposed, which will align the land use with the 2014 Marda Loop ARP (updated with reference to the current situation and recent Main Streets consultation) and accompany planned street scape improvements.

It is our desire to see the Marda Loop BIA continue to develop as an attractive, walkable, commercial and residential area, where it’s a great place to live, work, shop and run a business. This item is part of a series of actions that acknowledge the recent growth of Marda Loop and lay out a plan for the future.

Sincerely,

Bob van Wegen
Executive Director

P.S. I am sorry I can’t be with you today at the Public Hearing.

cc. Desmond Bliek, Kevin Barton and Patrick McMahon, Urban Strategies Area Community Associations
Hello,

I've lived on 32nd Ave for six years and in Calgary my whole life. I understand the need for densification, housing diversity and the benefits of both. However, the developments in Mardaloop area in the last five years appear to have very poor planning on the long term impacts to traffic safety, parking, congestion and the well-being of the community. You NEED to have the proper infrastructure to support the kinds of developments that are going up. It's become increasingly congested, huge parking issues for residents have arisen and pedestrian safety is a major concern.

WE NEED THOUGHTFUL developments that take into consideration the residents who LIVE in these neighborhoods. To continuously re-zone to increase density will continue to diminish the community. Beyond safety, traffic, and parking - we are trying to create desirable, walkable communities and being surrounded and towered by 6 story complexes does not accomplish this.

Please listen to the community and residents, these community hubs are critical to the city. We are requesting that city council recuse themselves from any further decision making on 33/34ave zoning and an impartial party be put in place to review the recent approvals.

Thanks for your time,
Jenelle Peterson
Council,

My name is Jessie Shire and I live across the avenue. I would like to add an additional comment regarding the change from the entire Marda Loop/Richmond area's 4 story limit to 6 stories. It has been brought to my attention that there was a public ENGAGE process done in November 2018. Almost unanimously, the community said they did not want increased height. It seems insincere on the city's part to ask for feedback and then completely ignore it. Approving these height increases and architecturally impoverished eyesores in the name of density will not create or maintain the jewel of a community that Marda Loop is. In fact, very few areas have the diversity and beauty that this area has. There is a lot of history in this area and to turn it into another auburn Bay type suburb would be a small tragedy. Density can be done properly and respectfully. But all space must not just be used for physical buildings, ie) developer sq ft to sell:

**There must be space allotted for bigger sidewalks** for a better pedestrian sphere.  
**There must be MORE space given to greenspaces.** Why does the city not buy/annex some of these empty lots and make new greenspaces such as the empty lot on 21st st sw and 33rd ave. The planning seems to be bent on creating a 6 story wall on 33rd that completely isolates the rest of the community. Some breathing room in the plan would be very nice.  
**There also must be consideration given for vertical space** and how it affects the atmosphere of the area. Allowing a 6 story plex next to a 2.5 story duplex isn't the best option. There is a reason that 4 stories is the max.

Council, please allow the Marda Loop area to grow more organically within the bounds of a 4 story limit and also do not allow any more 4 plexes on crowded lots. A few are quirky, but having more takes away, rather than adds to the greater Marda community.

thanks,

Jessie Shire