



IMPROVING PUBLIC ENGAGEMENT:



A COMMUNITY LEAGUE PERSPECTIVE USING DIRECT CONTROL ZONING APPLICATIONS



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WORKSHOP OVERVIEW

On September 22, 2018 the Edmonton Federation of Community Leagues (EFCL) brought together a diverse group of community league members to discuss the successes, challenges, and learning opportunities surrounding the Direct Control Zoning process in the City of Edmonton. Representatives came from the following community leagues:

McKernan (1) | Avonmore (1) | Parkdale/Cromdale (1) | Strathearn (1) | Belgravia (3)
Windsor Park (1) | Strathcona (2) | Oliver (4) | Holyrood (2)

The main objective of the workshop was to provide a forum for knowledge sharing amongst community league members and to synthesize all the feedback we received in anticipation of the City of Edmonton's workshop on September 26, 2018, which canvassed internal and external stakeholders for feedback on the Planning Coordination Public Engagement Charter. The Charter is intended to provide clarity to Edmonton residents, members of City Council, and City staff about how public engagement fits into the Planning Coordination Land Development Application process.

The following document provides a summary of the comments the EFCL received at our Direct Control Zoning workshop that was then utilized in our feedback regarding the Engagement Charter. All workshop participants had the opportunity to review the summary and provide their feedback, which was then integrated into the final document to be submitted to the City of Edmonton's project manager for the Planning Coordination Engagement Charter.

WORKSHOP OUTLINE

The Edmonton Federation of Community Leagues operates under the notion that community consultation and public engagement should be a key component to the planning process as it improves livability for all Edmontonians by helping to ensure development outcomes reflect the visions of a community's residents, which, in turn, contributes to enhanced urban sustainability.

Prior to the workshop, the EFCL called for submissions from community leagues who have had experience with DC2 developments in their neighbourhoods. What followed were 10 submissions from the following communities:

Belgravia (2) | Grovenor (1) | Holyrood (2)
Strathcona (1) | McKernan (2) | Parkallen (1)
Woodcroft (1) – received late, unable to analyze at the workshop

WORKSHOP PHASES

The workshop was organized into the following three phases:

1. Group discussion

- Workshop participants were asked the simple question, “why engage?” and their responses were recorded

2. Small group discussion analyzing the submissions

- Each table was presented with 3 of 9 submissions we received and asked to identify the positive and negative aspects of each
- They then collaboratively determined recommendations that would have improved the process and outcomes for each submission
- Participants who had experience with DC2 rezoning applications in their communities, but had not emailed a submission, were also encouraged to share their experiences orally

3. Large group discussion

- The final recommendations for each submission were presented and discussed amongst the larger group



[Image 1](#) – A small group of participants analyze community submissions.

WORKSHOP THEMES

Throughout the workshop, a few overarching themes emerged. Below these themes are organized into the five recommendations that the workshop participants feel could create a more balanced development experience for all stakeholders:

Recommendation 1 - Understand the value of local knowledge in the planning process

Much of our feedback honed in on the importance of engagement as a source of local knowledge. While planners and developers have formal knowledge, obtained from formal education or practice, community members have more informal knowledge, which is generated from daily interactions with their immediate environments. Because local residents live, work, travel, and play in their communities, they become experts in the fabric of their own neighbourhoods and understand the particular needs of their community. Community impact is at the forefront of their minds and they are often able to conceive of subtle nuances or intricacies that may not be readily apparent to someone who does not regularly interact with their particular neighbourhoods built form.

Our workshop participants all agreed that in the planning process there is opportunity for these sources of knowledge to interact to form a more holistic view, with outcomes that better serve the community because they integrate the expertise of professional practitioners with the contextual intelligence that local residents possess.

Recommendation 2 - Ensure engagement is early and ongoing

Engagement should not be periodic, reactive, or tokenistic in nature. Our participants repeatedly reiterated the notion that when they have been involved in successful development outcomes, which satisfied the community, developer, and were in line with overarching city policies, the engagement had occurred early and had been iterative. Participants also noted a desire for a change in the formatting of consultation meetings, with many sharing the sentiment that open-houses and town-halls are both frustrating for participants and challenging for city staff. Instead, participants suggested the use of interval engagement, with a variety of meeting styles such as workshops and “conversation cafes” replacing more traditional formats.

Many participants also expressed the idea that engagement should occur *before* the design phase, with a draft DC ready to be presented at the initial open house, but with particulars of the design still open for discussion and debate. To combat the uncertainty for developers in this model, participants suggested developers could develop a term of reference that clearly states their “non-negotiables” that still enable the development to be profitable, while allowing ample opportunity for community wisdom to be infused into the design of the project. Furthermore, any negotiations that occur between city administration and the developer should always be taken back to the community for review. Not only would soliciting their feedback throughout the process produce stronger development outcomes, but it would also prevent the need for City Council to micro-manage DC2 applications at Public Hearings.

Some participants suggested to incentivize early engagement and negotiation, developers should be rewarded. For example, developers could be refunded their application fee if there are no intervenors at public hearing as the absence of persons speaking against a development would indicate general support within the community for their project, likely due to appropriate public engagement.

Some participants shared experiences where a breakdown in communication had occurred during community consultation for more contentious developments. One method described by participants to combat these failures could be to establish a process to understand the rights responsibilities of all stakeholders at the outset, with clear channels of communication also described in detail.

Recommendation 4 - Establish a hierarchy of city plans

A common theme throughout our discussions was the need for the hierarchy in city plans and policies to be clearly articulated. There is a sense that the administration of city policies is inconsistent across the city, which creates confusion for community members and leagues as to which takes precedence.

Furthermore, a number of city-wide plans have been created and the City has changed a great deal since many of the ARPs were created. There is a need for an update to these key planning documents, which should occur with the community. A development masterplan and vision for growth that is developed and accepted by all stakeholders could help address much of the conflict that arises in the direct control zoning process.

Recommendation 2 - Address the perceived bias and conflict of interest in the planning process

One of the more predominant themes throughout the duration of our workshop was a perceived conflict of interest regarding professional planners, although this was not a sentiment shared by all leagues present. Some participants were keen to share that they have observed many DC2 processes where the planner makes a good effort to foster a positive relationship with the community and the league and that these connections have facilitated great outcomes in their neighbourhoods.

Others expressed that they felt some planners are viewed as having more well-established relationships with developers than with the members of the community, which has led to the planner being viewed as an adversary and not an ally in the DC2 rezoning process. They felt that these deeper connections fostered amongst developers and planners has inevitably led to more developer influence than is appropriate in some cases, to the point where community voice is sometimes disregarded or even excluded.

While there was some disagreement about the role of the planner in the rezoning process, all participants agreed that they strongly believed a community representative should be at the table for all negotiations between administration and developers.

Based on the feedback we received, the benefits of positive connections between planners and community members are clear and cultivating these relationships should be a priority for administration.

Recommendation 5 - Need for a balance of power

The community is an important check against systemic weaknesses and oversights, but only when provided with the necessary tools to do the intense and thorough work that attends the direct control rezoning process. A large part of our discussion focused on the inability of communities to effectively carry out the aforementioned functions in the absence of resources and/or expertise, creating a power imbalance between the community and the interests of the developer. In those instances where a community member with technical expertise came forward, communities were much better equipped to deal with the process in a much more comprehensive way.

To address these asymmetries, participants wondered if the City should be providing resources to communities so that they might hire their own experts and/or advocates to both educate community members and to help them navigate the process. Many participants noted that citizens in their communities who have expertise tend to be excluded from, or unable to participate in, the process due to perceived conflicts of interest.

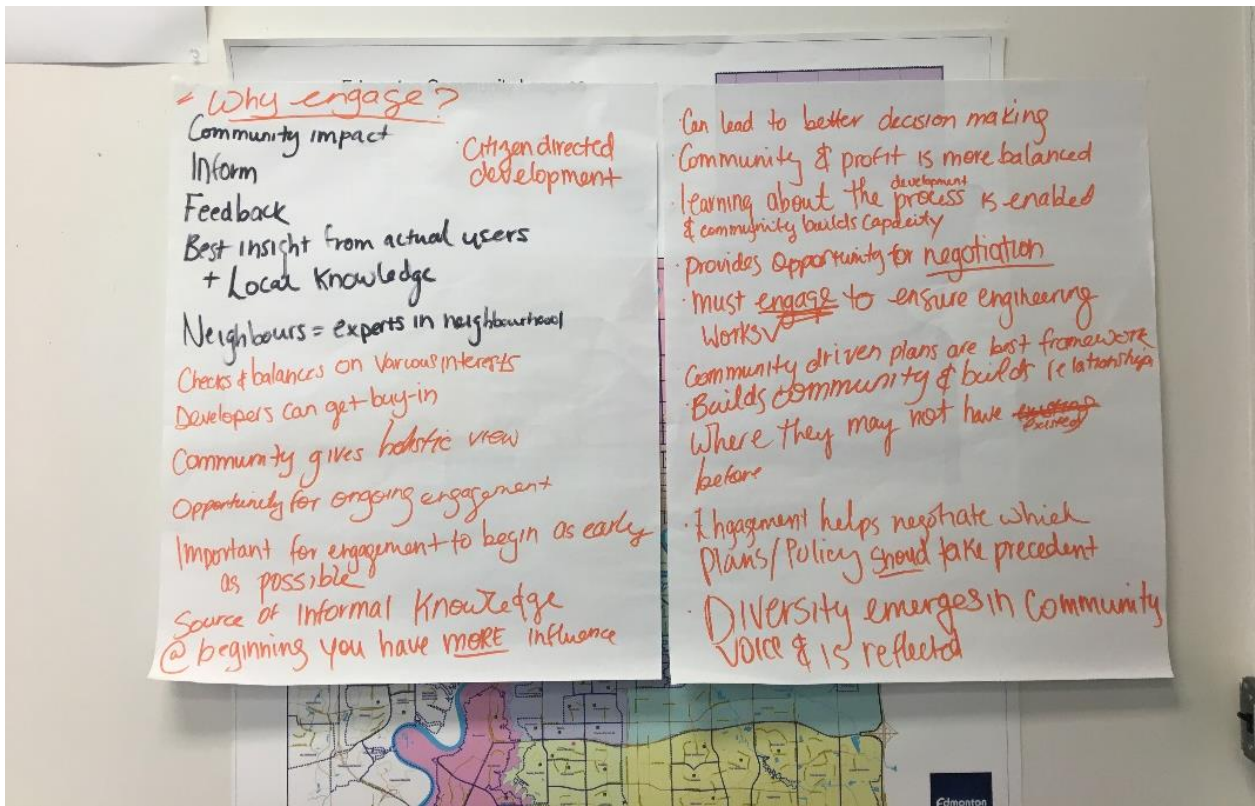


Image 2 – Sample of participant answers to the question, “Why Engage?”

COMMUNITY SUBMISSIONS

In small groups, each submission was analyzed by the workshop participants. They were asked to identify both the positive and negative elements of each submission and then to create a list of key recommendations they believed could have improved that particular DC2 process and its outcomes.

SUBMISSION # 1

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Community league had an in-house planner who was an expert in the process and could champion the interests of the community while also providing expertise.	The expectation, in the absence of a planner, puts so much pressure on volunteers and there is risk of burn-out.
Showed there was an opportunity for granular planning, which could correct for holes in higher level plans.	Disregard for ARP/ASP/NSP is possible in the face of a DC2 approval.
Development proposal took the ARP into consideration.	Open house format is inappropriate and does not capture the whole picture.
DC is a flexible tool, but you can still be confident in the final built form if the proposal is approved.	Developer may provide inaccurate information OR not have integrated administrations recommendations at all prior to the open house - often, the developer won't have a draft DC done at the open house.

Recommendations to improve the process for this submission

1. Communities need resources and advocates.
2. Developer should have a draft DC prepared and circulated to the community in advance of the open house.
3. Move away from the ineffective open house model and opt instead for interval engagement.

Summary

Overwhelmingly discussions around this submission focused on how inappropriate a developer-led open house model is for significant DC2 developments. Participants were also frustrated that developers often don't even have a draft DC ready by the time an open house occurs.

Participants also noted that communities often don't have the resources, expertise, or energy to keep pace with the DC2 process and the burn out of well-intentioned volunteers is inevitable. In this submission, this community had a semi-retired planner who had the time and know-how to approach this process, but that is not the norm.

SUBMISSION # 2

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Process was tested.	Relationship between admin and developer is established early on and leaves community out. For example, some league representatives told us their community league has a good relationship with administration, but this isn't always the case.
It became clear to council through this rezoning application that improvements to the rezoning process are necessary.	Lack of formal requirement for early consultation in the DC2 process leaves community members feeling like that have no influence.
The meeting the developer conducted with the community league was recognized as mandatory even though they were not actually legally bound to conduct this meeting.	Lack of formal opportunity for citizens to engage in gap between development license and zoning.
When the developer attempted to sue a community member for going to SDAB, it alerted us to holes in the legislation.	Development officers make too broad of interpretation of the Zoning Bylaw.
	Onus on community to invest a lot of time and money if they wish challenge these developments.
	Changes are negotiated between the developer and admin, NOT the community.

Recommendations to improve the process for this submission

1. Planners and development officers assigned to a project or area must make relationships with community members and community leagues. To start building positive building positive relationships, the City and developers both must promote community involvement in the process and schedule it in a way that relates to the review process.
2. Should be a legal requirement for public consultation prior to the design phase.
3. The DC2 rezoning process should require more engagement and negotiation with the community. Further to this point, participants agreed that negotiations should not occur between administration and developers, but rather between the community and developers, which should then be taken back to administration for input.
4. If the terms of the DC2 change in negotiations between administration and the developer, these changes should always be taken back to the community and league for feedback prior to going to City Council.

5. Any changes to the DC2 wording should use a “track change” function so it is easier to understand additions, deletions, and their meaning.
6. Citizens need protection e.g. enact anti-slapp legislation.

Summary

Overwhelmingly discussions around this submission focused on the need for administration to develop relationships with the community league and community members. Some league representatives said they have a very good relationship with their planners. This should be the norm across communities.

Participants also noted a disconnect between planner-developer-community and felt that they are often excluded from discussions and believe they should have a seat at the table in all planner-developer conversations.

Participants also repeatedly mentioned that consultation is only meaningful if it happens very early in the process – many even said they should be consulted PRIOR to the initial design phase. In addition to early consultation, they also felt that in order for engagement to “count” it should be ongoing. They felt all changes to the DC2 should be ran by the community.



Image 3 – Participants debate possible recommendations to improve the process for DC2 rezoning applications.

SUBMISSION # 3

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Significant changes to the design were made possible with the involvement of the EDC and community.	Power imbalances were evident and felt insurmountable.
Once failure became clear, new planners on the project tried their best to be more supportive.	There was a lack of community resources and many volunteers were fatigued by the drawn-out process.
	The community largely felt the design was poor, which could have been mitigated if the community was included earlier in the process - engagement occurred way too late to be meaningful.
	The disconnect between land use planning and transportation planning was evident.
	The disharmony between city plans was clear from the outset and the community had no idea which took precedent (i.e. conflict between TOD and infill guidelines). The conflicting policies without an established hierarchy created much confusion - who decides which takes precedence?
	The administration of city policies is not consistent and city administration cherry picks whichever suits their narrative at the time.

Recommendations to improve the process for this submission

1. DC2 rezoning's are an opportunity for everyone. The community league is often in reactive mode to a developer's plan for a site. Why not be proactive and ask the community what opportunity they envision for a site? Encourage the development community to take some responsibility for public engagement and demonstrate the reward.
2. Public servants are under pressure to not participate. Allow them to participate fully in the process! They are such valuable assets to the community because they have both passion AND technical expertise.
3. Give communities more resources (advocates, funding for expertise, education, etc).
4. Council and administration should work to clarify a hierarchy of policies and guidelines, particularly with regards to residential infill guidelines and TOD guidelines. They must also be clear how much of a divergence from the ARP is acceptable.

Summary

Participants were very frustrated with what they perceive as being no hierarchy in city plans. They feel there is a disconnect between the expectations of the residential infill guidelines and TOD guidelines and these disharmonies need to be rectified to eliminate uncertainty in the DC2 process. Early consultation could have saved time, money, and headaches that occurred later in the process.

SUBMISSION # 4

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Both the developer and the community saw the need for redevelopment.	EPCOR and city transportation staff did not coordinate the 109 street infrastructure renewal with the 109 street plan or the proposed new development.
Developer was committed to providing a good development and treated the community as a source of knowledge.	Adjacent neighbours were unhappy with the size and density.
Developer contacted the league early and expressed a desire to build what the community wanted within the context of the 109 street plan.	City discouraged the developer from doing the streetscape improvements because the city's streetscape plan for 109 street had not yet been approved.
Only needed two public meetings and updates from the developers and planners were provided to the league in a timely manner between meetings.	
The developer respected community input and made changes that reflected this - added commercial, honored 6m rear setback in 109 street plan, created an alley, and provided a stepdown of stories as a transition to the low scale of the neighbouring property.	
League provided an identifiable group to negotiate with the developer.	
The broader community trusted that the league committee would work in the interest of the community.	

Recommendations to improve the process for this submission

1. Planned neighbourhood improvements should occur after construction of approved developments.

Summary

In general, this was a very positive process for this community, despite a lack of buy-in from the immediately adjacent neighbours. The development saw an increase in density along 109 street and a mixed-use building that could potentially be utilized by everyone in the neighbourhood.

The developer was open and receptive to community feedback and respected their input, as evidenced by changes to the initial design to satisfy both the community and zoning restrictions. The community was also respectful and fairly reflected their concerns to the developer in the early stages, allowing the developer to incorporate their desires in the initial plans that went to the city, instead of having frustrating conversations later in the process.



[Image 4](#) – Participant shares group feedback to the wider group.

SUBMISSION # 5

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The community was able to get organized and informed quickly via the community league who distributed communication.	The developer failed to engage early.
Knowledgeable community leaders stepped up to educate community members on the technical aspects of the plans.	The mandatory pre-application public meeting did not go well - the community felt it was obvious that the developer did not intend to make any changes.
<p>Strategies that worked:</p> <ul style="list-style-type: none"> a) Asked Council to refer back to the proposal for more work, b) Asked for a referral to the Urban Design Committee (now all DCs are referred here) c) Talked to all council members and made specific requests that were tied to Councilor's interests d) Used the media e) Referral back for more work forced the developer to get everybody at the table together to improve the project f) Community remained strong and continued advocating for more changes all the way until the Public Hearing and were successful in at least some of their demands g) The City hired outside engagement professionals after the project was referred back for more work 	The initial planner working on the project told the community that the place for their input was at the Public Hearing. The planner failed to listen to the community needs or supply information prior to the hearing.
	The process felt very political.
	Even after referral back for more work, the developer refused at one point to negotiate.
	No terms of reference were provided to the community committee and no support was provided from the City to a strike a committee at the start of the process.
	Despite the countless volunteer hours spent by the community working to improve this

	project, the validity of their voice appeared to be challenged by some council members.
	Inaccurate and misleading information was provided to both the community and to council. Decisions were made at council based on inaccurate information and when citizens tried to correct inaccuracies, they were disregarded.
	Agreements between the developer and city planner were made well in advance to meeting with the community. There is a potential for conflict of interest and in this case, the planner appeared to always side with the developer.
	The process overall was extremely divisive and caused a great deal of confusion and anxiety in the community.

Recommendations to improve the process for this submission

1. Recognize the Public Hearing is too late for negotiations. There is a need for an intermediate forum between negotiations of developer/city/community and final Public Hearing.
2. In more contentious developments and/or larger DC2 applications, provide 3rd party technical support to leagues to explain the development process and its laws. In all rezoning applications, City staff should be available to support leagues and the greater community in the process via education on the process and opportunities for negotiation.
3. Create incentive for developers who are willing to engage early and in good faith.

Summary

This project was very divisive in this neighbourhood. The community felt undermined by closed-door conversations between the developer and city staff and felt that they were treated unfairly by city councilors, despite the many hours they put into the project.

They were successful in implementing some key design changes, but largely remain underwhelmed by the final product. However, through their efforts a variety of strategies emerged that can be shared with other leagues to help guide them through large DC2 rezoning in their neighbourhoods.

SUBMISSION #6

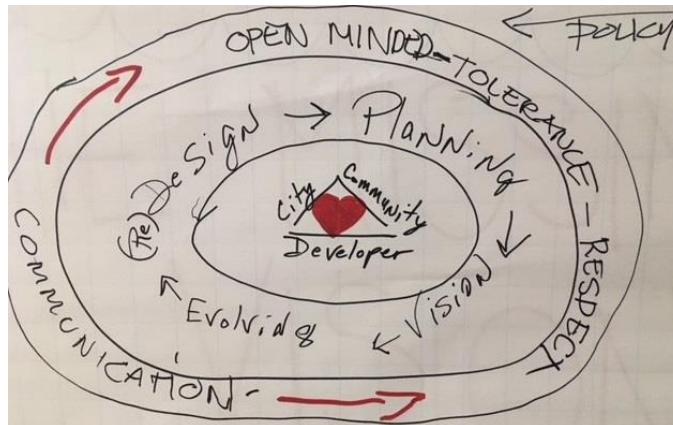
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Meetings occurred very early with the leagues civics committee - 2 years prior to going to council.	ARP and Overlays carried no weight.
Initial proposal was not supported by the broader community, leading the developer to pull back.	City did not use and report on the league survey even though there was a representative sample of responses - nearly double the response the City got for their infrastructure survey which they did use. Each sticky-note in the City's engagement was given much more weight than the community survey responses.
League did a survey which received nearly 500 responses and produced valuable qualitative data.	

Recommendations to improve the process for this submission

1. Community generated data should be used and recognized as valid.
2. When a league works hard to rally its members, their concerns should not be dismissed as inconsequential. Council members must be responsive to citizens in the rezoning process.

Summary

This development created large divisions in the community. While some were excited about the new vision for 99th street, others were left concerned that they won't recognize their neighbourhood anymore. Many community members felt the process was flawed and were extremely disheartened that their hard work was dismissed by the City.



[Image 5](#) – Diagram of ideal planning process as described by one group of participants.

SUBMISSION #7

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Rezoning creates changes in neighbourhoods and presents the opportunity for collaboration!	The lines of communication were not set at the onset of the process. The community was not viewed as a valued stakeholder.
	Senior plans not followed.
	Pre-consultation: the developer had already completed design plans at the pre-consultation meeting. These plans never changed even through subsequent meetings and requests for changes. Questions were not addressed.
	Rather than make changes to the plans, the developer instead offered to replace some community infrastructure to make the development more palatable for the community. This approach creates the perception of illicit negotiations and devalues all the volunteer hours put into the process.
	Inaccurate methods were presented at the public hearing, including materials not shared with council OR the public prior to the hearing. This creates much confusion and citizens feel powerless.

Recommendations to improve the process for this submission

1. Collaborative efforts must begin at the earliest point possible in the process. Communities are stakeholders in the design of the city, adding a diversity of solutions. They must be given equal opportunity to participate as partners in the process.
2. Ethical standards of the process must be addressed.
3. The City must work to establish a hierarchy of city plans and recognize senior plans as important and vital as they set frameworks for a design path and provide direction for all.
4. When changes are negotiated by city administration and the developer, they should be taken back to the community for comment.

Summary

By and large, the community felt very excluded in this process. Much of the design was negotiated between city administration and the developer, with the only recourse for the community being to attend the public hearing to raise their concerns and ask for concessions, leading to an extremely drawn out meeting with council. If the

community had been included from the outset and had the opportunity to comment on the changes negotiated with Council, it would have saved time for every party involved.

SUBMISSION # 8

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<p>Showed there is an opportunity to provide context for project work and ensure that impacted parties (citizens and developers) have a terms of reference and process framework at the earliest point in the process.</p>	<p>Utilized an unmanaged process of alerting and notifying community in ways that respect the mechanisms for community to respond.</p>
<p>When the project came back, the questions and suggestions of the community were welcomed.</p>	<p>Developer had no “playbook” therefore many mistakes were made.</p>
	<p>General feeling that city council is unresponsive to citizens on these issues.</p>
	<p>Process exhausted citizens - it is not constructive and there is a general feeling voices aren’t heard, and nothing gets done.</p>
	<p>Concerns raised by the community were summarized and reported to administration by the applicant as opposed to City staff who might have been more objective.</p>

Recommendations to improve the process for this submission

1. Establish clear lines of communication from the outset. Ensure the community has ample time to respond and a variety of channels to do so.
2. Developer led consultation can be problematic - especially if the City is not present to record feedback.
3. The “What is Zoning?” brochure is well-read and to improve transparency could include TOD guidelines and how LRT transportation routes can override the regulations set forth by the Mature Neighbourhood Overlay.

SUBMISSION # 9

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Impacted parties want rules and principal plans to follow for certainty in the work.	Spot zoning is not smart, planned growth.
Healthy cities are well-designed and utilize information from a variety of sources.	No shared vision for growth.
Direct control zoning promotes regrowth and also adds civic responsibility to communities. The city as a whole is in revitalization mode.	<u>No guarantees</u> to direct control rezoning because so much weight lays in the outcomes of the Public Hearing, which is at the very end of the process.
The process itself invites questions and rethinking about community and neighbourhoods.	Citizens forced to accept that there is no guarantee for good design and planning in the DC process.
	The purpose and point of public engagement has been reduced to a check mark in a box.
	The LRT overlay (TOD guidelines) may be setting unfair expectations for developers who look at the area and feel that higher density can built, but on closer inspection realize real barriers exist.

Recommendations to improve the process for this submission

1. Eliminate spot zoning and replace it with smart, planned growth.
2. Re-examine the Transit Oriented Development guidelines to reflect areas where there are barriers and restrictions to implementing higher density.

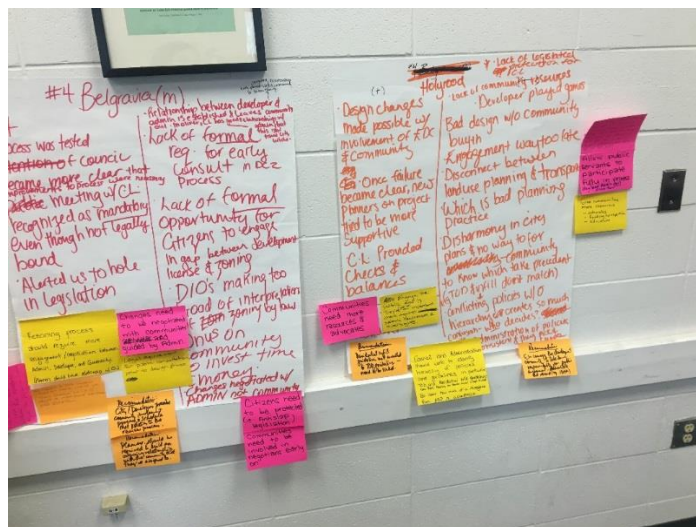


Image 6 – Example of participant feedback for two community submissions.

NEXT STEPS & RESPONSIBILITY OF THE EFCL

Workshop attendees also developed recommendations for ways in which the EFCL can work to empower leagues not only in the rezoning process, but in planning issues as a whole:

1. The EFCL must work to develop shared resources and strategies for leagues to enhance their civics capacity, such as:
 - a. Support in creating realistic “asks”
 - b. Education about the development process and how to evaluate proposed rezoning applications
 - c. Methods of generating data
 - d. Strategies to bring diverse community groups with various priorities together who have a shared goal of working together for the sake of the community (e.g. “red-teaming” where two groups with different perspectives work in coordination for the benefit of the community)
 - e. Develop messaging that leagues can *and* do deal with more than just recreation and social programming to encourage more memberships in civics committees
2. The EFCL must recognize the value of volunteer time and give communities more notice and time to prepare for workshops
 - a. Improve methods of communications with leagues to improve diversity in league voice and workshop turnout
 - b. Host multiple iterations of the same workshop in various corners of the City to ensure barriers to mobility are not preventing league members from participating
3. The EFCL must work to improve its relationship with administration and council to more effectively advocate for community interests



[Image 7](#) – Sample of participant responses.