

Williams, Debbie D. (City Clerk's)

From: James Mazak <james.mazak@synplainc.com>
Sent: Monday, January 07, 2019 10:33 AM
To: Public Submissions
Cc: Tony Napolitano
Subject: [EXT] RE: Letter of Opposition Haskayne Bylaw 39D2019 - Land Use Redesignation All within the City of Calgary
Attachments: 2019Jan14-HaskayneBylaw39D2019.pdf
Categories: PublicSubmission

Dear Ms. Laura M. Kennedy,

RE: Letter of Opposition
Haskayne Bylaw 39D2019 - Land Use Redesignation All within the City of Calgary

On behalf of the Bears paw Tree Farm, Synergy Planning Inc. is re-submitting the following Letter of Opposition for your review and consideration with respect to the above mentioned Haskayne Bylaw 39D2019 - Land Use Redesignation, as the issues and concerns previously raised with Administration and the Applicant have not been mitigated.

Please note that the attached Letter of Opposition was previously submitted to respond to CPC2018-1429 (Item #7.2.10) for Outline Plan and CPC2018-1430 (Item #7.2.9) Policy Amendment, Road Closure and Land Use Amendment, since the original Letter of Opposition and email correspondences submitted to Administration several months earlier were not included or acknowledged in Administration's Report to Calgary Planning Commission.

We are respectfully requesting Council consider a Motion Arising that requires both Administration and the Applicant to engage and with landowners within the Haskayne Area Structure Plan in order to mitigate the outstanding issues and concerns related to the future extension and capacities of roads and utilities. In addition, we are also seeking clarity and direction from Council to ensure that the proposed Special Purpose - Urban Reserve (S-UN) District land use designation will accommodate both the future road and utility extensions to serve Neighbourhood 4 and the Haskayne Legacy Park.

Should you have any questions please contact James Mazak at 403.400.7958 or Tony Napolitano at 403.400.7959.

Thank you,

SYNERGY PLANNING INC.
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Any communication received in error or subsequent reply, should be deleted or destroyed.



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January 7, 2019

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The City of Calgary
700 Macleod Trail SE,
PO Box 2100, Station "M"
Calgary, Alberta T2P 2M5
Email: publicsubmissions@calgary.ca | Tel. 403.268.5861

Dear Ms. Laura M. Kennedy,

**RE: Letter of Opposition
Haskayne Bylaw 39D2019 - Land Use Redesignation
All within the City of Calgary**

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On behalf of the Bearspaw Tree Farm, Synergy Planning Inc. is re-submitting the following Letter of Opposition for your review and consideration with respect to the above mentioned Haskayne Bylaw 39D2019 - Land Use Redesignation, as the issues and concerns previously raised with Administration and the Applicant have not been mitigated.

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If you have any questions regarding the above mentioned, please do not hesitate to contact James Mazak at (403) 400-7958 or Tony Napolitano at (403) 400-7959.

Sincerely,

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December 12, 2018

The City of Calgary
Attention: City Clerk's Office and Members of Calgary Planning Commission
Administration Building (Municipal Complex)
313 - 7th Avenue SE
Calgary, AB T2G 0J1

Dear City Clerk's Office and Members of Calgary Planning Commission,

**RE: Letter of Opposition for LOC2017-0229 (Rowan Park)
CPC2018-1429 (Item #7.2.10) & CPC2018-1430 (Item #7.2.9)
Calgary Planning Commission (December 13, 2018)**

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On behalf of the Bearspaw Tree Farm, Synergy Planning Inc. is submitting the following letter of opposition, since our original letter of opposition that was submitted several months ago was not included or acknowledged within Administration's Report to Calgary Planning Commission. We respectfully request that this letter of opposition be considered and added to Administration's Report to Calgary Planning Commission.

A Summary of our Client's Issues and Concerns

- Administration's Report to Calgary Planning Commission does not capture or mention our Client's requests, issues, and concerns that have been raised and documented with both The City of Calgary and Brookfield over the last 16 months plus, which are still outstanding.
- Several months ago, Synergy Planning Inc. submitted a letter of objection and identified a number of issues and concerns with the CPAG Team after reviewing the Applicant's incomplete application and inconsistencies, assumptions, and discrepancies with the population projections used within the Applicant's reports and studies. At our recent meeting on December 11, 2018 the CPAG Team acknowledged our issues and concerns and advised that the estimated population projections have been corrected and updated to reflect the maximum intensities approved within the Haskayne Area Structure Plan. However, what is concerning is that the CPAG Team has not yet received the finalized reports from the Applicant in order to verify that the calculations in determining demand for roads and utilities have been updated to reflect the correct populations projections, as well as the other input variables (consumption, rates, assumptions, etc...). Even though the CPAG Team has not received the finalized reports for approval, the CPAG Team assured our Client that the proposed utilities and roads will have sufficient capacity to support the maximum intensities approved for all the neighbourhoods within the Haskayne Area Structure Plan. The CPAG Team also assured us that there will be sufficient capacity to accommodate the maximum intensity of 130 jobs and people per net developable hectare on the Bearspaw Tree Farm parcel, in

accordance with the approved Haskayne Area Structure Plan, however we are still awaiting written confirmation regarding these matters.

- Brookfield's lack of engagement and lack of response (deferrals) to multiple requests from our Client over the last 16 month plus, has led to a last minute crisis, where everyone is now forced to operate under a significant time constraint trying to respond to unresolved issues and concerns, as well as comment on Conditions of Approval, which are based on an incomplete application with supporting studies and reports that are not yet finalized and have not been approved by City Administration. Notwithstanding the lack of collaboration demonstrated by Brookfield and within the time constraints provided, we have endeavoured to review, identify, and to summarize potential solutions for Calgary Planning Commission's consideration on a number of Outline Plan Conditions that are ambiguous and lack sufficient details, which we believe need to be amended/updated in order to address the outstanding issues and concerns.
- Our Client is concerned with whether or not the proposed Outline Plan Conditions adequately address utility capacities for sanitary, storm, and water, based on the new populations projections, which have only recently been verbally confirmed by City Administration.
- Our Client is concerned with the lack of details pertaining to the timing and implementation regarding the extension of roads and utility services within the Outline Plan boundary and adjacent to Neighbourhood 4.
- Our Client wishes to see Brookfield advance their Rowan Park application and hopes that they are successful in their endeavour, however this should not be at the risk or expense of adjacent parcels within Neighbourhood 4 and Haskayne Legacy Park from developing in a timely and feasible manner.

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Moving Forward

In the interest of moving forward and in order to avoid impeding the proposed Rowan Park development by Brookfield, please find below the summary highlights, proposed recommendations, and options discussed with the CPAG Team at our meeting on December 11, 2018, which Calgary Planning Commission will hopefully consider and approve, as follows (Figure 1: Snapshot of the Proposed Outline Plan is appended to the end of the letter for reference purposes on Page 7):

Outline Plan Conditions

Condition #6. Concurrent with registration of the final instrument for the newly consolidated lands, the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for Rowdale Road NW from Haskayne Drive to Blazer Estates Ridge, inclusive, for the purpose of ensuring legal access is maintained through the City of Calgary to adjacent lands.

[Please add "for future road and utility extensions/connections." When is the Developer required to construct the road and utilities to the Outline Plan boundary of Neighbourhood 4?]

Revised Condition #6. *Concurrent with registration of the final instrument for the newly consolidated lands, the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for Rowdale Road NW from Haskayne Drive to Blazer Estates Ridge, inclusive, for the purpose of ensuring legal access is maintained through the City of Calgary to adjacent lands, including Neighbourhood 4, to allow for future road and utility extensions/connections.*

Condition #23. The developer, at its expense, but subject to normal oversize, endeavours to assist and boundary cost recoveries shall be required to enter into an agreement to:

- a) Install the offsite sanitary sewers, storm sewers and water mains and construct the offsite temporary and permanent roads required to service the plan area. The developer will be required to obtain all rights, permissions, easements or rights-of-way that may be required to facilitate these offsite improvements.
- d) Construct the onsite and offsite storm water management facilities (wet pond, wetlands, etc) to service the plan area according to the most current City of Calgary Standard Specifications Sewer Construction, Stormwater Management and Design Manual and Design Guidelines for Subdivision Servicing.

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[Please amend items a) and d) as they appear to apply only to service the plan area and our concern is how these two (2) separate items will ultimately be interpreted with regards to the extension of roads and utilities up to the boundary with Neighbourhood 4 within the plan area, but not inherently required “to service the plan area.” What does “to service the plan area” mean? We are concerned that the wording of this Conditions could allow the Developer to stub the roads and utilities inside the outline plan area, thus stopping the roads and utilities from reaching the boundary with Neighbourhood 4, since the Developer would argue that items a) and d) are not required to service the plan area. Recognizing that the Developer agreement allows for oversizing and endeavours, where are the items pertaining to extending the roads and services to the boundary with Neighbourhood 4?]

Revised Condition #23. *The developer, at its expense, but subject to normal oversize, endeavours to assist and boundary cost recoveries shall be required to enter into an agreement to:*

- a) *Install the offsite sanitary sewers, storm sewers and water mains and construct the offsite temporary and permanent roads required to service the plan area and extend roads and servicing up to the Outline Plan boundary adjacent to Neighbourhood 4. The developer will be required to obtain all rights, permissions, easements or rights-of-way that may be required to facilitate these offsite improvements.*
- d) *Construct the onsite and offsite storm water management facilities (wet pond, wetlands, etc) to service the plan area and extend roads and servicing up to the Outline Plan boundary adjacent to Neighbourhood 4 according to the most current City of Calgary Standard Specifications Sewer Construction, Stormwater*

Management and Design Manual and Design Guidelines for Subdivision Servicing.

Condition #27. Prior to endorsement of the initial tentative plan (unless provided through earlier road closure process), the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for Nose Hill Drive/Haskayne Drive from the east boundary of the Outline Plan area through the intersection with Rowdale Road, inclusive.

[Please amend this condition to eliminate the ambiguity. Is the initial tentative plan in Condition #27 the same initial tentative plan in Condition #28? This condition is only for registering a Road Plan, so when will it be constructed? Please create a separate and new condition indicating when the Developer shall construct Nose Hill Drive/Haskayne Drive? What is meant by inclusive in this context? Definition found means “including all the services or items normally expected or required”. Does this mean including all the utility services, including the servicing and road extensions required up to the Outline Plan boundary to service Neighbourhood 4 and Haskayne Legacy Park?]

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Condition #28. In conjunction with the initial tentative plan (unless provided through earlier road closure process), the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for Rowdale Road from Haskayne Drive to Blazer Estates Ridge/Rowden Road, inclusive.

[Please clarify if the initial tentative plan in Condition #28 is the same initial tentative plan in Condition #27? This condition is only for registering a Road Plan, so when will it be constructed? Please create a separate and new condition indicating when the Developer shall construct Rowdale Road? What is meant by inclusive in this context? Definition found means “including all the services or items normally expected or required”. Does this mean including all the utility services, including the servicing and road extensions required up to the Outline Plan boundary to service Neighbourhood 4 and Haskayne Legacy Park?]

Condition #33. In conjunction with the first applicable tentative plan through which any of the following roads are designated: Rowdale Hill, Rowdale Place, Rowdale Court; the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning, for Haskayne Drive from Rowdale Road to the west boundary of the Outline Plan, inclusive.

[Please be advised that Condition #33 is unacceptable and we respectfully request that this condition be revised to ensure that upstream development is not negatively impacted. Based on Condition #33, the Developer could effectively choose to delay or never proceed with the first applicable tentative plan and hold Neighbourhood 4 hostage and ultimately impact the legal access to Haskayne Legacy Park within the community by not extending the required road and services. Effectively, the option of postponing this condition to the first applicable tentative plan creates uncertainty and an opportunity to leave the upstream parcels held in abeyance pending the submission for the first applicable tentative plan, as described above. This

condition is only for registering a road plan and should not be contingent upon the first applicable tentative plan, as described.

Our client's concerns and issues were discussed at great length with the CPAG Team at our meeting on December 11, 2018.]

***Revised Condition #33.** In conjunction with the initial tentative plan (unless provided through earlier road closure process), the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning, for Haskayne Drive from Rowdale Road to the west boundary of the Outline Plan, inclusive.*

[The initial tentative plan noted in Revised Condition #33 above would occur at the same initial tentative plan mentioned in Conditions #27 & 28.]

Condition #34. In conjunction with the first applicable tentative plan through which any of the following roads are designated: Rowdale Hill, Rowdale Place, Rowdale Court; the Developer shall construct Haskayne Drive from Rowdale Road to the west boundary of the Outline Plan, inclusive.

[Please be advised that this condition is unacceptable and we respectfully request that this condition be revised. The same comments provided in Condition #33 apply here as well. The timing of construction of Haskayne Drive should be dependent upon the requirement for Neighbourhood 4 or the first applicable tentative plan, whichever occurs first.]

***Revised Condition #34.** In conjunction with the requirement for Neighbourhood 4 or the first applicable tentative plan through which any of the following roads are designated: Rowdale Hill, Rowdale Place, Rowdale Court, whichever occurs first; the Developer shall construct Haskayne Drive from Rowdale Road to the west boundary of the Outline Plan, inclusive.*

Options Discussed with CPAG Team for Consideration regarding Condition #33

As previously mentioned, we had collaborative discussion with the CPAG Team at our meeting on December 11, 2018 regarding the outstanding issues and concerns, as well as potential options for Condition #33, as follows:

1. Legal access for future roads and utilities be dedicated by Road Plan prior to decision of the 1st tentative plan, to ensure legal access is secured through to adjacent lands (Neighbourhood 4) for future road and utility extensions/connections.
2. Registered Easement & Right-of-Way Plans be registered to provide legal access for future roads and utilities prior to decision of the 1st tentative plan, to ensure legal access is secured through to adjacent lands (Neighbourhood 4) for future road and utility connections/extensions.
3. Registered Instrument (i.e. Restrictive Covenant or Caveat) to create a blanket easement, expressing the interest and requirement to provide legal access for future roads and utilities prior to decision of the 1st tentative plan, to ensure legal access is

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secured through to adjacent lands (Neighbourhood 4) for future road and utility connections/extensions.

4. All the above may be applicable, since the final servicing studies and transportation reports, as well as design details required by the Applicant, are still being finalized and pending review and approval by The City of Calgary.

Our Client wishes to see Brookfield advance their Rowan Park application and hopes that they are successful in their endeavour, however this should not be at the risk or expense of adjacent parcels within Neighbourhood 4 and Haskayne Legacy Park from developing in a timely and feasible manner.

We trust that you will find the above mentioned requests to be both suitable and appropriate. Thank you again for your time and consideration regarding this matter.

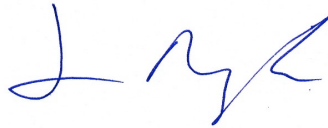
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Haskayne Drive NW
Conditions #23, #33 & #34

Rowdale Road NW
Conditions #6, #23, & #28

Servicing Junction, what are the servicing strategies; both up-stream and downstream?
Condition #23

Haskayne Drive NW
Conditions #5, #23, & #27

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