

Repeal of Bylaw 28M2014 in Bowness Park for a Minor Alteration to Park Lands

EXECUTIVE SUMMARY

This report seeks to temporarily remove designation as a Municipal Historic Resource (under the Alberta Historical Resources Act) from Bowness Park (8900 48 AV NW) to allow for a minor land acquisition by Alberta Transportation and related amendments to the designation bylaw. Administration would subsequently report back to recommend reinstating designation of the park in early 2020.

To facilitate Alberta Transportation's construction and delivery of the Calgary Ring Road, The City of Calgary has been negotiating the potential sale of a small portion (0.13 acres/0.05 hectares) of Bowness Park at the property's westerly end to the Province of Alberta. While this arrangement is not anticipated to negatively impact Bowness Park's heritage character or value, to unencumber the needed land projected for sale, Municipal Historic Resource designation must be removed from that portion. Additionally, procedural amendments must be made to the existing designation bylaw (28M2014) following the projected transaction, requiring repeal and replacement. Through the recommendation, an updated bylaw would be brought forward by Administration as the new legal description of the land details become available (anticipated early 2020).

While specifics of the acquisition are currently being resolved between the City of Calgary and The Province of Alberta, Heritage Planning is supportive of the approach (including temporary bylaw repeal) in seeking to prevent delays to the projected sale closing date in 2019 November, and the Calgary Ring Road project.

ADMINISTRATION RECOMMENDATION:

That the SPC on Planning and Urban Development recommend that Council give three readings to the Bylaw to repeal Bylaw 28M2014, and recommend that Administration report back to the SPC on Planning and Urban Development and Council no later than Q2 2020 with an amended bylaw to designate Bowness Park as a Municipal Historic Resource.

RECOMMENDATION OF THE STANDING POLICY COMMITTEE ON PLANNING AND URBAN DEVELOPMENT, 2019 NOVEMBER 06:

That Council:

1. Give three readings to **Proposed Bylaw 46M2019**; and
2. Direct Administration to report back through the Standing Policy Committee on Planning and Urban Development and Council no later than Q2 2020 with an amended bylaw to designate Bowness Park as a Municipal Historic Resource.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2014 March 31 Regular Meeting of Council, Bylaw 28M2018 was approved, designating Bowness Park as a Municipal Historic Resource.

At the 2012 May 2 Regular Meeting of Council, the Cultural Landscape Policy (CPS2012-22) was adopted, directing "City-owned cultural resources, including cultural landscapes, will be legally protected via the Alberta Historical Resources Act".

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BACKGROUND

In 2014, through PUD2014-0196 (Bylaw 28M2018), Bowness Park was designated as a Municipal Historic Resource, supporting the 2012 Cultural Landscape Policy direction to legally protect City-owned cultural landscapes. Municipal Historic Resources have specific regulation on features that are most essential to conveying their heritage significance, and alterations to these 'Regulated Portions' must be approved by Heritage Planning. This requirement applies even in the case of City-owned heritage resources such as Bowness Park, and offers additional protection and oversight to public assets.

In 2018, the Director of Real Estate & Development Services authorized the sale of City-owned land in Bowness Park to the Province of Alberta through LAF2018-20 for the Calgary Ring Road project. In delivering this, the land proposed for sale must be divided from the balance of Bowness Park, and new legal descriptions must be created for both resulting parcels. As the existing Municipal Historic Resource Designation bylaw (28M2014) identifies Bowness Park in terms of legal description and property area, the designation must be repealed and replaced with a new bylaw reflecting the new legal description without the affected land.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The 0.13 acres of park land needed to help facilitate construction of the ring road was authorized for sale by The City of Calgary to The Province of Alberta as Alberta Transportation is responsible for the ring road's design, construction and management, and operation. The Calgary Ring Road is recognized in the Calgary Transportation Plan for its central role in goods movement to the Calgary region, and its significant role in the overall transportation network.

No negative outcomes for Bowness Park as a Municipal Historic Resources were identified by Heritage Planning as a result of de-designating 0.13 acres of the park. The small parcel of land does not contain specific regulated portions or features, and the integrity of Bowness Park as a historic place is not considered to be threatened by the associated Calgary Ring Road project. Future construction will occur adjacent to the existing elevated portion of Stoney Trail passing above the northwest corner of Bowness Park.

It is anticipated that the land acquisition resulting in new legal descriptions will have been completed by Q1 2020. Administration proposes to return to the SPC on PUD and to Council with a replacement bylaw to re-designate Bowness Park as a Municipal Historic Resource at this time, following a mandatory 60-day notice period per the Alberta Historical Resources Act.

Stakeholder Engagement, Research and Communication

In accordance with the Alberta Historical Resources Act, Calgary Parks was issued a Notice of Intention that The City of Calgary intends to repeal and subsequently replace the existing bylaw designating Bowness Park as a Municipal Historic Resource following a 60-day period. The Notice was received and signed for to allow the intended repeal of Bylaw 28M2014 at the 2019 November 18 Council meeting.

Strategic Alignment

The Calgary Ring Road network is a major capital project supporting Council's Priority of "A City that Moves". Alberta Transportation is an identified partner/stakeholder in the delivery of a section of the Calgary Ring Road. Adjusting the heritage designation to facilitate the delivery of the needed infrastructure is critical to the project's success.

Planning & Development Report to
SPC on Planning and Urban Development
2019 November 06

ISC: UNRESTRICTED
PUD2019-1404
Page 3 of 3

Repeal of Bylaw 28M2014 in Bowness Park for a Minor Alteration to Park Lands

Social, Environmental, Economic (External)

N/A

Financial Capacity

Current and Future Operating Budget:

N/A

Current and Future Capital Budget:

N/A

Risk Assessment

No significant risks have been identified for Bowness Park in repealing Bylaw 28M2014 for the intended construction of a section of the Calgary Ring Road. The subject land comprises a small westerly portion of the park below an elevated section of Stoney Trail, and does not contain unique heritage features of Bowness Park. Following re-designation, there are no anticipated negative impacts to Bowness Park as a Municipal Historic Resource.

Although the staggered timing between the recommended repeal of Bylaw 28M2014 and the soonest possible bylaw replacement date means that Bowness Park would be without designation as a Municipal Historic Resource for a short period, as Calgary Parks remains owner and manager of the resource and operate in accordance with the 2012 Cultural Landscape Policy, Heritage Planning has not identified any significant risk associated with the recommended approach.

REASON(S) FOR RECOMMENDATION(S):

The repeal of Bylaw 28M2014 is necessitated by the pending land sale approved with LAF2018-20. Updating and replacing the existing bylaw will allow continued protection of Bowness Park under the Alberta Historical Resources Act.

ATTACHMENT(S)

Attachment 1 – **Proposed Bylaw 46M2019**