

Engagement Summary Report: What We Heard

Project overview

In 2016 March, Council directed Administration to prepare a Terms of Reference in consultation with key stakeholders that would guide the process for developing a new “Development in Proximity to the Railway Corridor Policy” (Railway Policy).

The goal of a new Rail Policy will be to create an improved approach for both The City and industry by providing more clarity and certainty, while balancing safety and development potential. This work will include establishing methodologies and approaches to achieve the following objectives:

- Protecting building occupants and citizens in close proximity to the buildings;
- protect buildings; and
- facilitating emergency response to a railway incident.

These objectives reflect the issues brought forward by key stakeholders, but with a need to also consider the full development potential of land and buildings as outlined by the Municipal Development Plan (MDP), City policy and Land Use Bylaw. The key stakeholders reviewed and understood these objectives.

Engagement overview

For this project, The City has hosted six workshop sessions, which included representatives from Calgary’s development industry (associations and private developers), CP Rail and representatives from internal business units of The City of Calgary. Attendance at these workshops has ranged between 18 and 24 attendees. This report reflects feedback received at these workshop sessions.

Workshops were held on the following dates:

- September 19, 2016
- October 5, 2016
- October 26, 2016
- November 23, 2016
- December 14, 2016
- January 12, 2017

At the workshop sessions, attendees included landowners, industry stakeholder groups and developer organizations. The attendees were asked to review, consider and provide feedback on the following:

- Railway Corridor project schedule
- Current approach
- Background report

Risk and use parameters

- Economic analysis approach
- Policy framework
- Risk management strategy
- Sensitive uses framework
- Baseline assessment RFP

What we asked

Attendees at the workshop sessions were asked to consider the documents, policies and discussion topics areas. At each session, the Project Manager would provide a brief presentation on each discussion topic and then open the floor for a free flowing discussion amongst the attendees. All questions, comments and feedback were captured on flip charts and through detailed meeting minutes by project team members.

What we heard and what we did

All of the feedback collected was organized into the following specific themes, outlined in the chart below. Based upon the feedback themes expressed by workshop session attendees, the project team agreed to respond to this feedback. The responses are expressed below in the chart.

	Stakeholder feedback (“What we heard”)	Project team commitments (“What we did”)
1	The objective of the policy should focus on economic impacts.	<p>The objectives of the Policy work were seen by the stakeholders to be the following:</p> <ol style="list-style-type: none">1. Provide safety for people living and working along rail corridors2. Protect buildings3. Mitigate potential impacts on surrounding residents, workers and businesses in the event of a railway incident4. Support the full development potential of land and buildings as outlined by the Municipal Development Plan (MDP), City policy and Land Use Bylaw5. Promote a flexible building program and innovative design in alignment with site specific risk that considers local context and is evidence based.

	Stakeholder feedback (“What we heard”)	Project team commitments (“What we did”)
2	More clarity is required in the current approach.	Clarity on the Current Approach was reviewed at the January 12 meeting leading to the <i>Development in Proximity to Rail: Interim Approach</i> which will evolve based as lessons learned and new information.
3	Background research is as important as primary objectives.	Background report was developed and circulated to the stakeholders.
4	Policy review should include review of European jurisdictions.	Project team reviewed international best practices.
6	Access to rail should not infringe on private property.	Confirmed and agreed that public lands will be used for the Access Strategy
6	Concerns regarding CP Rail jurisdiction around closings, dangerous goods and speed.	Representation from CP is part of the stakeholder group, which also provided a presentation to the group.
7	The City should conduct a generalized risk assessment for the downtown corridor.	<p>Agreed to develop a baseline risk assessment and fund the cost.</p> <p>Agreed that this approach is specific to the Calgary context; it will help The City understand more fully what risk may be associated with freight rail and development. The Baseline Risk Assessment is intended to remove unnecessary duplication of efforts for parcel specific risk assessments. The Baseline Risk Assessments will propose a consistent risk assessment process for planning and building applications.</p> <p>The Baseline Risk Assessment will report on the area context use and quantitative engineering approach. The RFP closed on February 1, 2017.</p>
8	The City should define expectations for commercial and residential projects.	<i>Development in Proximity to Rail – Interim Approach</i> provides clarity on commercial and residential projects.
9	Applicants should be able to choose whether they conduct a risk assessment.	<i>Development in Proximity to Rail – Interim Approach</i> provides clear direction as to when a Risk Assessment is required.

	Stakeholder feedback (“What we heard”)	Project team commitments (“What we did”)
10	Sensitive use policy should be based on common sense and should be adjusted accordingly.	<p>Agreed to clarify the Sensitive Use list. <i>Development in Proximity to Rail – Interim Approach</i> revised the sensitive use list.</p> <p>A Sensitive Uses list was created previously which informed the current approach. Based on feedback the sensitive use list was reviewed and revised and evolves as new information is introduced.</p>
11	Study area boundaries should be expanded to include a larger area of the downtown core.	Agreed, the Study area for the Baseline Risk Assessment includes Sunalta, Downtown Core, Inglewood and Ramsay.
12	Emergency access strategies must have greater clarity.	<p>Agreed that emergency access is an important component part of the consideration for how the policy will be developed.</p> <p>Emergency Access Strategy is being developed through collaboration between Fire, CEMA, CP and CN.</p>
13	The City, stakeholders and CP Rail share a responsibility to protect Calgarians from risk.	The City, stakeholders and rail operators all have individual responsibilities with respect to rail.
14	The new policy may add extra costs and a significant amount of uncertainty to developments.	Agreed that the policy framework is not meant to prescribe specific standards that would limit a building's program or design: that can be addressed in a more innovative manner through a site specific risk assessment.
15	Baseline assessment should present a standardized, straight forward risk assessment process.	Agreed that the baseline assessment will clarify the frequency of this potential event and remove the need for duplication at the application stage.
16	Baseline assessment should continually adjust risk predictions based unpredictability of risks.	Agreed that the baseline risk assessment's scope will include understanding actual risk associated with a rail derailment and will further inform the rail policy.
17	It must be clear where this policy sits - as a standalone, as part of the MDP or as part of another policy.	The policy will not be drafted as a standalone policy, but be part of the MDP. The policy will be implemented through amendments to the MDP, or Land Use Bylaw (if required) and guidelines, subject to Council approval.

	Stakeholder feedback (“What we heard”)	Project team commitments (“What we did”)
18	It is unclear how sensitive uses apply to existing buildings.	<i>Development in Proximity to Rail – Interim Approach</i> provides clarity on how sensitive uses apply to existing buildings.
19	It is unclear where the 30 metre setback is derived from.	Confirmed 30m setback cannot be achieved in core of the city. Established “rail proximity zone” (area where further review may be required)
20	It is unclear whether discretionary uses added after the building is constructed need to be mitigated based on the sensitive uses policy.	<i>Development in Proximity to Rail – Interim Approach</i> provides clarity on sensitive uses.
21	Noise and vibration study requirements need to be clarified based on land use types and occupancy volumes.	Agreed to clarify the right stage of risk assessment, noise and vibration Study requirement for residential, hotel and sensitive uses. Agreed that if a sensitive use is proposed in a development, a risk assessment and a noise and vibration study will be required to support the proposed sensitive use. Agreed that the railway policy framework is attempting to provide further clarity on noise and vibration components. Agreed that at the DP stage required mitigation will be shown on the plans to ensure the mitigation is incorporated into the development and confirmed prior to occupancy stage.
22	The updated current approach is currently too prescriptive.	The <i>Development in Proximity to Rail – Interim Approach</i> provided additional clarity on various application types and will be allowed to evolve based on new information and findings of the Baseline Risk Assessment.
23	It is unclear what happens to parcels that have a portion of land fall within the 30 metre zone.	The <i>Development in Proximity to Rail – Interim Approach</i> provides clarity on various development scenarios.

	Stakeholder feedback (“What we heard”)	Project team commitments (“What we did”)
24	Developers do not know enough at the land use and development stage about how a site will be laid out.	Innovative ideas and various design layouts are encouraged at the DP stage. Designs are not required at the land use stage.
25	It is excessive to ask for a noise and vibration study at the planning stage.	The <i>Development in Proximity to Rail – Interim Approach</i> provides clarity on noise and vibration study requirements are not required at the land use stage.

Next steps

- ▶ The feedback collected at workshops has been used to amend documents and in policy development by the project team.
- ▶ A report documenting project progress will be presented to the Special Policy Committee on Planning and Urban Development Committee for review on March 8, 2017.
- ▶ Industry stakeholders will continue to be consulted with through workshop sessions through the fall of 2017.

A comprehensive public engagement strategy will be developed in 2017, with the expectation that the project team will begin public consultation in winter 2017.