

## **SECOND SUPPLEMENTARY REPORT TO CPC2016-149- HIGHLAND GOLF COURSE**

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### **EXECUTIVE SUMMARY**

On 2016 January 16 Council held a Public Hearing on the land use amendment application (CPC2016-149) for the Highland Village Green development. Following the Public Hearing, Council tabled the application to the 2017 January 23 Regular Meeting of Council. At that meeting, Council amended and gave first and second reading to four of the five proposed bylaws (29D2017, 30D2017, 31D2017, and 33D2017). The remaining bylaw, 32D2017, was given first reading, amended, and then referred back to Administration with direction for further consultation with the community to come back to Council on 2017 March 20. The remaining four bylaws were also tabled to the 2017 March 20 meeting with direction to explore options to address the open space issues with the application.

In response to the Council direction, Administration met with and gathered comments from the Highland Park Community Association (HPCA) and Thorncliffe Greenview Community Association (TGCA) regarding Bylaw 32D2017, the open space issues and the application in general. This report summarizes the comments collected. In addition, Administration investigated integrating a portion of the City-owned parcel located to the northwest of the site with the central open space area including a pathway connecting the development through this parcel to McKnight Blvd NW and 4 Street NW. In response to this, the Developer offered to provide additional public open space to create a larger, more programmable central open space.

### **ADMINISTRATION RECOMMENDATIONS**

That Council:

1. Give Third Reading to Bylaws 29D2017, 30D2017, 31D2017, and 33D2017, as amended (Attachments 1, 2, 3, and 5);
2. a) Amend Bylaw 32D2017, as amended, by deleting the map in Schedule B and replacing it with the new map (Attachment 6); and  
  
b) Give Second and Third Readings to Bylaw 32D2017, as amended; and
3. Direct Administration to return to Council with City-initiated land use redesignations to bring into effect the Developer's proposal for additional open space.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2017 January 23, the following was moved by Council:

REFER, Moved by Councillor Chu, Seconded by Councillor Demong, that Second and Third Readings, as amended, of Bylaw 32D2017, be referred to Administration for further consultation with the community for a report to the 2017 March 20 Regular Meeting of Council.

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TABLE, Moved by Councillor Chu, Seconded by Councillor Magliocca, that the Third Readings of Bylaws 29D2017, 30D2017, 31D2017 and 33D2017, as amended, be tabled to the 2017 March 20 Regular Meeting of Council to finalize the green space issues with respect to these bylaws.

In addition, on 2017 January 23, the following Motion Arising was moved by Council to report back 2017 June:

NOW THEREFORE BE IT RESOLVED, that Administration be directed to consider a Highland Park Area Redevelopment Plan (ARP) and subsequent city-initiated land use redesignations and report back to Council with a proposed work schedule in 2017 June on the North Green Line, such ARP and land use redesignations to be completed before or concurrent with the conclusion of the Highland Village Green stormwater study.

### **BACKGROUND**

On 2016 May 05, Calgary Planning Commission recommended that Council approve the proposed land use redesignation contained in CPC2016-149. On 2016 July 04 after Council tabled CPC2016-149, Council moved a motion arising directing Administration to consult with the Applicant and the community and bring back urban design guidelines and amendments to the proposed bylaws.

On 2017 January 16, Administration reported back to Council with Supplementary Report C2017-0003 and presented new bylaws and design guidelines for the proposed development. This revised proposal included additional contiguous open space in a central location. Council approved the design guidelines and held a public hearing on the proposed bylaws (29D2017, 30D2017, 31D2017, 32D2017, and 33D2017). On 2017 January 23 Council amended and gave second readings to Bylaws 29D2017, 30D2017, 31D2017, and 33D2017 (Attachments 1, 2, 3, and 5). Council then tabled these bylaws to investigate outstanding open space issues. Bylaw 32D2017 (Attachment 4) was given first reading, amended and then referred to Administration to allow for additional consultation with the community.

Discussion at the 2017 January 23 Council meetings included a significant focus on open space concerns that were raised through the public hearing and through the results of the 40 Avenue N Green Line charrette. Specifically, there was concern that the open space could be improved. The following section describes Administration's work as it relates to this and Council's referral and tabling of the bylaws.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

To address Council's referral of Bylaw 32D2017 and tabling of the remaining bylaws (29D2017, 30D2017, 31D2017, and 33D2017), Administration held a community meeting on 2017 February 22 with members of both the TGCA and HPCA and investigated several proposals for addressing the open space concerns with application. Note that Administration will provide a response to the Motion Arising regarding an Area Redevelopment Plan through a separate report to Council in 2017 June.

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The intent of the 2017 February 22 meeting was to discuss and solicit input from members of the community on the application generally as well as on the open space issues and Bylaw 32D2017. The results gathered through the community meeting are described in the Stakeholder Engagement, Research and Communication section of this report as well as in the What We Heard Report (Attachment 7). Comments received demonstrated a strong desire that the application as a whole be refused by Council and/or that the development sites within Bylaw 32D2017 be left as open space.

Both Community Associations provided letters which are included as Attachments 8 and 9. Through their letter, the HPCA provided an alternative concept that envisions portions of the PUL transferred to adjacent development parcels in exchange for additional centralized open space. This concept and other proposals that Administration considered for addressing open space provision are presented below.

### **Tax Incentive for Additional Open Space**

In response to the Council direction, Administration explored the possibility of using a tax incentive for dedication of municipal reserve land beyond the maximum 10%. The City can require pursuant to the Municipal Government Act. Following analysis of this option and discussions with the Developer, Administration deemed that it was not technically viable and therefore, it was not considered further as an alternative.

### **Highland Park Community Association Proposal for Additional Open Space**

As discussed in their letter, the Highland Park Community Association (HPCA) proposed a concept on 2017 March 01 that envisions incorporating the existing PUL lots adjacent to parcels 1, 7, 8, 12, and 13 into these development parcels (Attachment 8). A utility right-of-way (URW) would be registered where the existing PUL is, to protect the sanitary infrastructure within it. The additional parcel area would allow for increased buildable floor area and density for these parcels. As the parcel areas of the affected portions of the PUL would be approximately equal to the area of parcels 4, 9, and 11, HPCA proposes The City swap these lands with parcels 4, 9, and 11 adding to an enlarged central open space. This proposal would add approximately  $\pm 1.48$  ha ( $\pm 3.66$  ac) to the central open space.

Administration considered and conducted a high-level review of this proposal. The following concerns were raised. First, as there would be a utility right-of-way registered where the existing PUL is located, there would be limitations to what could be developed on it. Although asphalt parking areas would be allowable, Water Resources would want this right-of-way free of all other physical encumbrances. In addition, as the regional stormwater study is in its early stages, loss of City ownership of the PUL parcels could potentially limit The City's future options for achieving a regional stormwater solution. Finally, removing the PUL lots would effectively remove the linear open space and pathway connections provided under the current proposal. This would have a negative impact on overall pedestrian and wildlife connectivity.

Furthermore, the Developer has indicated that they would not support this HPCA proposal as the land gained would be significantly encumbered due to the utility right-of-way which would

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limit its benefit beyond allowing for additional density. In addition, the Developer does not support removal of the linear open space and pathway system. The Developer also indicated that removing parcels 4, 9, and 11 would negatively impact the ability to provide for a range of housing types.

### **City and Developer Combined Contribution for Additional Open Space**

Administration investigated the possibility of integrating an approximately  $\pm 0.41$  ha ( $\pm 1.0$  ac) portion of the adjacent City-owned parcel to the northwest of the site currently under lease to Alberta Health Services into the application's proposed central open space. This option also included the Developer funding a pathway connection through these lands to connect to McKnight Blvd NW and 4 Street NW and the regional pathway system beyond. At the 2017 February 22 community meeting, participants were asked to provide comments on this proposal and the feedback received was generally favourable.

Following Administration's investigation, the Developer offered to provide  $\pm 0.44$  ha ( $\pm 1.09$  ac) of additional open space to increase the size of the central open space and improve integration with The City-owned parcel into this space (Attachment 10). A letter from the Developer indicating this intent is included as Attachment 11. This proposal would increase the size of the central open space from  $\pm 2.72$  ha ( $\pm 6.72$  ac) as it was presented to Council on 2017 January 16, to  $\pm 3.13$  ha ( $\pm 7.73$  ac). Including the  $\pm 0.41$  ha ( $\pm 1.0$  ac) portion of the City-owned parcel would bring this total to  $\pm 3.53$  ha ( $\pm 8.73$  ac). For the community overall, the Developer's proposal would increase the total open space in Highland Park from 6.67% open space presented at the 2017 January 16 Council meeting to 7.00%. Note that this calculation does not include the City-owned parcel or the PUL parcels.

Administration reviewed and supports this option as it would increase the overall provision of open space within the development and also result in a more regularly shaped central open space that would allow for better integration and programming with The City-owned parcel. It would also provide for a pathway connection through the site to the regional pathway network that would be funded by the Developer.

### **Council Options and Administration's Recommendation**

Based on the analysis of the proposals discussed above, Administration identified four options for Council's consideration:

#### **1. Increased Developer / City Open Space**

This option increases the amount of central open space by adding three smaller development parcels and a city owned parcel (or portion thereof – EMS station). This option requires amending the map in Bylaw 32D2017 to remove a triangular portion of parcel 9 (DC Site 1) from the direct control district (Attachment 6). This triangle would then remain Special Purpose – Recreation (S-R) District. As the remaining bylaws have already been amended and given second reading by Council, Administration recommends that these bylaws be given third reading as amended. Should all the

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bylaws be approved, Council Recommendation three (page 1 of this report) directs Administration to return to Council at a later date with City-initiated land use amendments to align the land use lines adjacent to parcel 10 with the proposed future property lines.

A refined outline plan would be required to address and condition the key changes that have occurred to the plan since 2016 July. The refined outline plan would provide the opportunity for Administration and the Subdivision Authority to review and appropriately condition changes to the plan including but not limited to road alignment, municipal reserve dedication, and integration of the adjacent City-owned parcel. The City-initiated land use amendments could be brought forward as part of that refined outline plan or as a separate application.

Administration recommends that Council accommodate The City and Developer combined contribution for additional open space proposal by following the recommendations outlined on page 1 of this report.

### **2. Approve Bylaws as Amended**

Council could give three readings to the proposed bylaws as amended at the 2017 January 23 Council meeting, without the amendment as proposed in this supplementary report, and not direct City-initiated redesignation. A refined outline plan would be required to address changes to the plan since 2016 July. Note that this option would not accommodate the Developer's proposal to provide additional open space but could potentially accommodate integration of the City-owned parcel into the central open space.

### **3. Explore HPCA Proposal**

Should Council desire a land use concept more in line with HPCA's proposed concept, Council could table the current bylaws and request that Administration bring forward new bylaws that would accommodate this alternative proposal. This would require advertising and a new public hearing. Note that the Developer does not support this proposal.

### **4. Refusal of Application**

Should Council find that the application does not adequately address their concerns, those raised during the 2017 January 16 public hearing or the community feedback summarized in this report, Council could file and abandon bylaws 29D2017, 30D2017, 31D2017, 32D2017 and 33D2017. The Applicant would be required to submit a new outline plan and land use redesignation application.

## **Stakeholder Engagement, Research and Communication**

In response to Council's referral of bylaw 32D2017, Administration held a meeting with the members of the HPCA and TGCA on 2017 February 22. The intent of the community meeting was to:

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1. provide a summary and clarification on the outcome of the 2017 January 23 meeting of Council;
2. collect feedback regarding Bylaw 32D2017 as amended by Council;
3. collect input regarding three potential open space options, and;
4. provide an opportunity for citizens to voice their concerns about the application overall in consideration that there is no public hearing at the 2017 March 20 Regular Meeting of Council.

The meeting was attended by a total of 21 members from both Community Associations and included City representatives from Community Planning, Parks, Real Estate and Development Services, Planning & Development Communications, and the Engage Resource Unit. In addition, representatives from the Ward 4 Councillor's Office and the Mayor's Office attended. This meeting was facilitated by a third-party engagement specialist that was retained by The City.

Administration listened and recorded comments from participants through a comments board as well as a questionnaire that was provided to each participant. The "What We Heard Report" is summarized below and included as Attachment 7 of this report, details this information including verbatim responses from meeting participants. Each Community Association also provided a letter outlining their outstanding concerns with the application (Attachments 8 and 9 of this report). Overall, participants at the meeting and the community associations' letters stated that they did not support the application and that they have a strong desire for it to be refused by Council.

Community Consultation – Bylaw 32D2017

Participants at the 2017 February 22 meeting were asked to provide feedback specifically on Bylaw 32D2017 as amended by Council, however; the majority of comments identified general concerns with the overall application. As such, the comments received did not provide specific suggestions for additional amendments to the bylaws beyond those already voted on by Council. The comments were clear in their request for Council to refuse this bylaw and/or allocate the sites to open space in their entirety.

Community Consultation - Open Space Issues

Community members were asked to provide comment on three options for open space at the meeting 2017 February 22 meeting. These options included:

1. incorporating a portion of the adjacent City-owned parcel into the central open space with a pathway connection funded by the Developer to McKnight Blvd NW and 4 Street NW;

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2. pathway connections through the buffer areas along the rear of the development parcels, and;
3. The City accepting the proposed public access easement along 44 Avenue NW as municipal reserve.

With respect to option 1, comments received generally favoured the proposed incorporation of a portion of the City-owned parcel into the central open space and Developer funded pathway connection. Regarding options 2 and 3, comments showed a diversity of opinion with no clear consensus in favour or against.

### **Strategic Alignment**

The information in this report has considered the relevant Council approved policies in effect, including, but not limited to the Municipal Development Plan and Transit Oriented Development Policy Guidelines.

### **Social, Environmental, Economic (External)**

The revised development proposal and commitment by the Developer to providing additional open space would result in increased overall open space provision for the community of Highland Park. The Community Associations and Applicant have invested a substantial amount of resources on the proposed application including additional engagement since the 2017 January Council meeting.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

No impacts have been identified for this recommendation.

#### **Current and Future Capital Budget:**

No impacts have been identified for this recommendation.

### **Risk Assessment**

If the proposal is not approved, The City may lose the opportunity to acquire municipal reserve beyond the maximum requirement allowable under the Municipal Government Act thereby limiting The City's ability to increase the amount of open space in the community.

### **REASONS FOR RECOMMENDATIONS:**

This report provides a summary of the consultation and work that has occurred since Report C2017-0003 was presented at the 2017 January 16 Council meeting. In response to concerns regarding open space and working with Administration, the Applicant has committed to providing additional open space that will allow for more programmable and usable open space with better connections. This additional open space compliments the potential integration of the adjacent City-owned parcel into the central open space which would facilitate a Developer funded pathway connection through this parcel to the regional pathway network.

In addition, the application as a whole will assist in realizing the goals and objectives of the

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Municipal Development Plan, Transit-Oriented Development Policy Guidelines, and other relevant municipal policies.
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**ATTACHMENTS**

1. Proposed Amended Bylaw 29D2017
2. Proposed Amended Bylaw 30D2017
3. Proposed Amended Bylaw 31D2017
4. Proposed Amended Bylaw 32D2017
5. Proposed Amended Bylaw 33D2017
6. Proposed Amendments to Bylaw 32D2017
7. Engage: What We Heard Report
8. Letter from the Highland Park Community Association
9. Letter from the Thorncliffe Greenview Community Association
10. Revised Open Space Concept
11. Developer's Open Space Letter