

February 5th, 2021

To: Mayor Naheed Nenshi
Cllr. Ward Sutherland, Ward 1
Cllr. Joe Magliocca, Ward 2
Cllr. Jyoti Gondek, Ward 3
Cllr. Sean Chu Ward 4
Cllr. George Chahal Ward 5
Cllr. Jeff Davison Ward 6
Cllr. Druh Farrell Ward 7
Cllr. Evan Woolley Ward 8
Cllr. Gian-Carlo Carra Ward 9
Cllr. Jeromy Farkas Ward 11
Cllr. Shane Keating Ward 12
Cllr. Diane Colley-Urquhart Ward 13
Cllr. Peter Demong Ward 14

Cc: Kevin Froese, Manager South, Community Planning
The Rt. Hon. Rebecca Schultz MLA, Calgary – Shaw

From: Chaparral Community Association, Board of Directors

Re: Policy Amendment and Land Use Amendment in Chaparral (Ward 14) at 2100 - 194 Avenue SE, LOC2018-0256, CPC2020-1111

The purpose of this email is to notify your Worship and Councilors that the consultation with the Chaparral Community Association (CCA) was Insufficient and did not complete the required tasks presented in the City of Calgary Council public hearing. The virtual meeting held by Breanne Harder on January 20, 2021 was well represented by the Applicant, CCA, and the City. Although the agenda outline was presented as a consultation, the meeting was one-handed and at times hostile. The Planning Department did not take minutes during the meeting and so there is no record of the communications which we find very unusual. When questioned about the lack of documentation, Breanne Harder stated that they ***“didn’t take formal minutes for this meeting as it was meant to be more of a discussion”***. Throughout the whole meeting, which ran over by more than an hour, it was a joint effort by the planning department and the Applicant tag-teaming against the Community Association. The Council had clearly stated they wanted community consultation on community integration, transit, recreational amenities and water. Breanne Harder was very clear – the failure to pass all 3 readings during the first hearing was merely a bump in the road and this WILL go through, whether the Council’s reservations are met or not. At the conclusion of the meeting, we were informed that they had completed their task and that the 2nd and 3rd readings were not open to the public. We feel it is imperative to the civic process to provide the following information.

Community Integration

Community Integration to Chaparral Valley was not solved during the meeting. The accesses suggested during the consultation are flawed and when challenged over the lack of community integration we were referred to a small footpath that runs in the North-West corner between the proposed development and the storm pond referred to as “the northern access”. The northern access does not provide access to Chaparral Valley or the residents. The southern “emergency access” is so far away from the Chaparral Valley community that it is irrelevant. Neither the planning Department, nor the applicant, has offered a single solution to this issue and does not propose to do so. We provided them with options that would allow integration through the purchase of a property and the creation of a footpath link, somewhere in the area of Chaparral Valley Manor or the Grove or the utility easement on Chaparral Valley Green. Ms. Harder has stated in the email to us,

In regard to community integration we discussed:

- *Purchasing a house in Chaparral Valley to provide a pathway or placing an easement on the house in Chaparral Valley with utilities to create an access point. Administration is not moving forward with this option at this time.*
- *Integration with Wolf Willow to the south based on the approved land use/outline plan. This does not require action as the Wolf Willow plan is already approved.*
- *Adding a pathway connection in Chaparral Meadows between the two proposed pathway connections (emergency access and access to storm pond). The applicant considered this option but has elected to not move forward with the addition of an additional pathway at this time.*

This does not meet the request of Council that both the Planning Department and Developer explore steps so that this community does not become “an island”. There was clearly more than 1 option to attempt to integrate the 2 communities together, but they do not want to pursue them. The Developer presented the pathway as an option to us during the discussion and has now decided not to move forward – something that they have done frequently during this process.

Recreational Amenities

City Council members, including your worship, were concerned about the lack of recreational amenities within the rendered plan. It was recommended to the Planning Department and the Applicant that a location for a centrally located “tot lot” should be found. Once again, this topic seemed to be pre-determined - what will be, will be. The solution presented was to place a condition in the Multi-Family Housing to develop a park. The CCA was informed that it would be during the Development Permit process to follow through with a playground, based on the developer's landscape design. This does not satisfy the CCA's concern for accessible play for all. The size of land allotted to this “play space” was not provided, therefore no assurances have been made that the play space will adequately accommodate the child population. As well, there are no assurances that the multi-family will not be fenced. A playground within a fenced multi-housing complex would not be welcoming to all members of Chaparral Meadows and the rest of Chaparral. This is at least 450 m from the properties at the North end of the development, a considerable distance to walk with a small child. The second suggestion from the applicant and the City Planning team was to place work-out stations along the PUL at the west side of the development. This is an unreasonable suggestion, it is our understanding that because of the limitations on the permanent structure placement along PUL and the slope on the east side of the PUL to accommodate the new requirements for the grading level for the new community, the residents of Chaparral Valley along the fence line will have groups of people being encouraged to congregate within less than 5m from the rear of their homes. A review of the proximity of play facilities in Chaparral shows that they are located at least 10m from the nearest fence line. If this could be achieved, and the work out stations were in keeping with the location (potentially constructed from natural materials) it would be more acceptable. Once again, the Planners and applicant are only interested in meeting requirements and not the practicalities of the suggestion or the implication upon the privacy of the existing residents. The lack of playground facilities in the rendered plans will draw teens and children to the oversized Storm Pond. They will congregate around it in summer; they will swim in it. They will skate on it in winter. Of course, the developers will tell you they will post signs and warnings; The Planning Team says that the children will not use it as a recreation area. The CCA regularly sees, community members posting in groups across Ward 14 saying “Tell your children not to swim in the storm ponds / tell your children to keep off the ice”. Children are children and get into mischief, they are curious. They WILL swim in the storm pond; they WILL walk on the ice. The CCA has a strong concern for liability and accountability on such a controversial artificial body of water. The developers will not be here then. They will have washed their hands and moved on to the next project. Planning will not care because they followed the planning guidelines so it *could not* be their problem. And they will forget that the Community Association told them it was a bad idea not to provide

a play area; that Cllr Chahal raised his fears of the Storm Pond at the Public Meeting. The most interesting piece of information to come from this meeting is that the drawings provided are only a rendering and that they could be changed at any stage during the planning process and even ignored. A member of her team agreed that this is a nonsensical way of doing things, that the process is backwards. The Council is being asked to give approval to a change of use, with rendered plans that are just there to convince the council to agree.

These recommendations by the Planning Department do not meet the requirements set out by the Council and there has been no attempt to address the concerns of Cllr. Chahal or Mayor Nenshi.

Water issues

The CCA and the local residents raised a number of issues regarding the current water issues faced by residents and the potential for issues to be exacerbated by the development. There are also some worries regarding the possibility of overland flooding from the Bow River affecting the properties as the proposed area for development was the low-lying run off area for the overland water in the June 2013 flood. Sadly, the planners nor the applicant understand the severity of the existing water issues. This issue needs to be addressed at this early stage so that the Highland Park issues can be avoided. They talked in circles about the Storm Pond. "there has to be a storm pond" they say. "Why is it 3 times the size of a regular storm pond for this size of development" we asked. Clearly it is because they know that there is a water issue, that there is a flood risk, and they are taking the minimum mitigation required. They spoke about the 2013 flood and flood mitigation. Despite us telling them about the flooding in the Valley, they denied it happened based on an "aerial photograph". The photograph they used to assess the flooding was taken on June 22nd, 2013, 6 days after the flood. The Valley is built on an ex-gravel pit and so water drained away very quickly from the surface and pooled below it. We offered to provide photographs from the 14th and 15th June 2013, but they were not interested in seeing them or discussing this with us. I would question whether a member of the planning team has even bothered to visit the site and we would like to extend an invitation to Ms. Harder and her team to meet with the CCA at the location and see it firsthand, along with the flooding photographs taken by residents on Friday 14th June 2013 and in subsequent years since. The CCA requests a joint on-site visit to see current conditions as well as review photographic evidence.

The planners (Lawrence) stated that the hydrology experts were certain that there would be no negative water impact upon the residents next to the proposed development. But when asked if he could guarantee that statement, he said that he could not and that no one would guarantee such a statement. The Planning Team admitted that they based all their findings on a 1:100 flood scenario. Bearing in mind the Flood Fringe and the recent 2013 flood which was not a 1:100-year event, that a 1:200-year flood would have been more appropriate. The concern for future overland flooding and foundation damage due to development is that the homeowners have no recourse. The planning team were adamant that they would not require the developer to carry out any further investigations into a flood mitigation barrier at the NE corner of Blue Devil on the Bow River or the impact on residents until after the change of use approval had been given by City Council.

We would urge you to consider the situation that has arisen with the Highland Park development. It is our understanding that after agreeing to the change of use, further hydrology studies carried out by the City led to the withdrawal of permission to build on that land. Lawrence stated that those further, in-depth studies would be carried out after permission had been given. We would ask you to carry out these studies, including the likelihood of an underground creek in the area of the Blue Devil driving range, before permission is granted and avoid the potential of another legal case.

The meeting over ran by more than an hour but once 19:30 had been reached it seemed more of an exercise to end the meeting and get away. The overwhelming feeling that comes from this process to date is that the City of Calgary Planning Department shares no empathy or consideration for the citizens of Calgary. It is a sterile process, where emotion, goodwill or the realities of the world we live in are irrelevant. They seem not to care that they are supposed to be the guardians of the citizens, whose position and place is there for the citizens first and foremost. We understand that they must also represent business and investors too, but their first guiding principle should be to do no harm. **"Constraint"** was the dominant word during this discussion. Providing playground or some usable green space within the new community – constraints with the lack of space on the proposed land. Integrating the two communities – constraints with the way the existing community is planned, constraints with the lack of space to provide the walking paths. We are incredibly surprised that the project, with so many unresolvable constraints, is being entertained by the developers and the Calgary Planning Department. There are new developments all around this area, at Wolf Willow, Belmont and Pine Creek. Why is there a desperation to shoehorn these 300+ units in to a 40-acre parcel of land when it is clear they cannot (will not) meet the requirements set by City Council - Community Integration, Recreational Amenities and Water Issues.

Breanne Harder has made one thing clear at the end of the meeting - this was our one and only opportunity to be involved. It was also clear that it was not a consultation, it was the Planning Dept. and Applicant vs the Community Association and residents and that the recommendation will come back to Council from Administration to pass this change of use, whether they have answered the City Council's reservations or not. It is also telling that Breanne Harder did not take any minutes during the meeting. The usual process is that the person hosting the meeting is responsible for minute taking. We find it somewhat disturbing that a meeting hosted by a municipal entity, that was ordered by City Council, that would form part of an official response to City Councilors questions would fail to have minutes taken. Especially as to all intents and purposes it would be the only meeting.

We strongly feel that the City Council should seriously consider asking Kevin Froese and the City of Calgary Legal Team to review this file prior to the Council making a final decision.

As you can see from above, even though It was made clear that the Community Integration, Transit, Recreational Amenities and Water Issues within this amendment were to be reviewed and addressed and a consultation with the community and the residents was to take place before the next meeting in March, we felt that the issues raised by council, while addressed during our meeting with the Planning Department and the Applicant, were checked off with minimum goodwill and consideration for current and future homeowners and further review and consultation is needed.

Anton Ovtchinnikov

President, Chaparral Community Association.