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THE CITY OF CALGARY
CITY CLERK'S

Nancy Hamilton
36 Barclay Walk SW
Calgary, AB T2P 4V9

September 23, 2015

Office of the City Clerk,
City of Calgary
700 Macleod Trail SE
PO Box 2100, Station E
Calgary AB T2P 2M5
VIA EMAIL

Ref: CPC2015-163

Dear Sirs:

I am an owner of property adjacent to the land affected by CPC2015-163. I am also a Board Member for River Run Condominiums as well as Eau Claire Community Association.

I am excited about the prospects of development on the Eau Claire Property. The conceptual designs we have been shown outline a development that will greatly enhance the local area. After many years of deteriorating conditions, my neighbors and I welcome the revitalization such a development will bring. I particularly appreciate Harvard's willingness to provide a significant setback on the North boundary of site 2. While I also support the addition of plus 15 connections to the site, I understand this will be addressed during the development permit process.

I have reviewed the file and offer several comments. Generally, the proposed Direct Control District Bylaw changes the land usage significantly from that intended in the Eau Claire Area Redevelopment Plan (ARP) and reduces the protection of quality of life for adjacent facilities. Additionally the level of certainty provided without a concurrent development permit is concerning. Once the land use amendments are completed anything could be built on the property. My specific concerns are outlined below.

Usage not aligned with ARP

The introduction of significant amounts of traditional office usage is not in line with the ARP. ARP Section 4.5 on Generalized Land Use Policy indicates that "In the mixed-use precinct of E1, land is designated primarily for residential with a mix of commercial (retail and entertainment) and 'non-traditional office'." There are already numerous office towers being constructed including City Center immediately adjacent to the property. Allowing a significant office development on this property will move the transition point from office to residential farther into the Eau Claire community. I suggest that the original intention of the ARP be honored with a much smaller amount of traditional office space being allowed on the site.

Lack of development application concurrent with land use amendment requests

The applicant has provided a number of very attractive conceptual plans both to CPC as well as during community open houses. Currently, the land use amendments are not tied to these plans. Without concurrent development plans, the very general proposed land use amendments leave the site open to future development that may not be aligned with the current vision. Additionally, even if the applicant provided a development permit application for the first phase of their project, the development could significantly change by the time the main residential portion of the site was developed. I suggest that a full site development permit be required to lock in the context of the requested land use changes.

Protection of quality of life for nearby residents – Usages proximal to existing residential buildings

The proposed land use reduces the protection previously afforded nearby residents. In Bylaw 20Z2008, there was a cap on the size of Drinking Establishments and the following discretionary uses were restricted to Site 1:

- Commercial Schools
- Private Schools
- Laboratories
- Medical Clinics
- Offices

Although some restrictions have been proposed for Site 2 location and orientation, none of these uses (or similar items) is restricted to Site 1 in the proposed amendment. While the current development concepts do not include these types of uses in Site 2, the amended zoning does allow for their construction. I suggest that the following types of discretionary uses be restricted to Site 1:

- Instructional Facility
- Medical Clinic
- Office (already proposed to be restricted to Site 1)
- Post-Secondary Learning Institution
- School – Private
- School Authority – School
- School Authority - Major
- School Authority – Minor

In Bylaw 20Z2008, several discretionary uses of Site 4 (now Site 3), namely *Restaurants – Licensed, child care facilities, athletic and recreational facilities and retail stores* were restricted to the building existing on the site as of the date of passage of the Bylaw. This restriction is removed in the proposed zoning. I suggest that the restriction be retained, particularly in light of the lack of concurrent development plan.

I appreciate the opportunity to comment on the proposed Land Use Amendment. As discussed, my main concerns relate to the level of deviation from the ARP, lack of a concurrent development permit as well as relaxation of discretionary uses. I look forward to the Public Hearing on October 5th. Please feel free to contact me if you have any questions.

Regards,

A handwritten signature in black ink that reads "N Hamilton". The signature is written in a cursive, flowing style.

Nancy Hamilton

CC:

Russ Mouny, City of Calgary

Eau Claire Community Association

River Run Board of Directors

Roseanne Hill Blaisdell, Harvard Developments

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September 23, 2015

2015 SEP 24 AM 8:49

Office of the City Clerk
City of Calgary
700 Macleod Trail SW
Calgary AB
T2P 2M5

THE CITY OF CALGARY
CITY CLERK'S

Dear Sirs,

RE: Proposed Bylaw 158D2015

We understand that the Bylaw proposes to change the Land Use Designation (zoning) of those lands currently occupied by the Eau Claire Market from "Direct Control District" to "Direct Control District to accommodate a mixed use development".

Any change of zoning should recognize that the east end of Eau Claire does not yet have a critical mass of residents necessary to attract and support a full-service grocery and pharmacy, both of which are necessary to sustain a vibrant community. Creation of a vibrant community must be paramount and any rezoning that is not FULLY compatible with that goal should be rejected. Once this primary goal is reached we will have the luxury of considering other zoning purposes, but until then we must be unwavering in our support of the community and its' existing residents. Were the City of Calgary to approve a rezoning that permitted uses other than residences or residential services, that approval would be seen as an abdication of their duty and an abandonment of the community. Though the Eau Claire Area Redevelopment Plan may not be a legal contract, many of the residents consider adherence to be a binding obligation on the part of the City.

Since purchasing the Eau Claire Market site the current owners have made numerous development and zoning proposals, none of which have brought to fruition yet each one has brought more density and strayed ever farther from the goals of the Area Redevelopment Plan. A development permit was issued when the lands were sold to the current ownership group, how has the neighbourhood changed since 2008 to warrant a change in the zoning? And why should the goals and aspirations of the Area Redevelopment Plan be subsumed by the wants of one owner?

Lastly, what does the proposed Land Use Designation bring to the community that the existing Designation does not?

Sincerely,



Thomas & Deborah Buxton
44 Barclay Walk SW
Calgary Alberta
T2P4V9



Eau Claire
Community Association

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2015 SEP 24 AM 8:24

THE CITY OF CALGARY
CITY CLERK'S

CPC2015-163
Attachment 3
Letter 3

c/o Eau Claire YMCA, 101 3 Street SW
Calgary, Alberta T2P 4G6

info@eauclaireca.com
www.eauclaireca.com

Office of the City Clerk,
City of Calgary
700 Macleod Trail SE
PO Box 2100, Station E
Calgary AB T2P 2M5

September 23, 2015

VIA EMAIL

Ref: CPC2015-163 ByLaw 35P2015 (LOC2014-0054)

This is the third letter the ECCA has written to the City on this proposed change in Land Use for the Eau Claire Market site. The other two, dated May 15th and July 22nd, are in the submission to CPC heard on August 13, 2015. Many of the points in our letters are reflected in the CPC minutes from August 13 and align with the CPC decision to refuse the Harvard application as currently presented.

Starting in 1993 the City, the Community, Developers and Citizens at large participated in development of an Area Redevelopment Plan (ARP) that became law in 1995. In it Eau Claire was to be primarily residential in nature with some offices and some modest commercial development. This was to be accomplished by designating some blocks for offices, some blocks as residential, one block as transitional and one with substantial commercial development to serve residents and visitors to the area.

The parcels designated for offices have been developed. About half the parcels designated for residences have been or are under development. The parcel designated as transitional in nature is the block immediately south of the market, the E2 block. It has been half developed by Cadillac Fairview who is now considering a change to remove all residences from the other half of the site. The ECCA will oppose this change.

The other parcel is the Eau Claire Market, the E1 lands and the topic of this letter.

The Community Association remains strongly opposed to the proposed changes on four major issues.

- 1) The conflict with the vision of the Eau Claire ARP
- 2) The construction of a major conventional office tower
- 3) The creeping growth of shadows onto the Eau Claire Plaza
- 4) The significant doubt concerning what would be built (if anything)

Conflict with the ARP

This was discussed at length in our letter of May 22nd but was also well expressed by Mr. Wright at the August 13th CPC hearing.

Quote

"I had hoped the referral would have resolved some very fundamental issues such as recognizing the unique character of Eau Claire and that is separate from the downtown in terms of its vision, its function and the hoped for ambience. The site is truly in and of the heart of the community. While the proposed project may appeal to many, it is in the wrong location and if it was two blocks to the south it would have been great."

Unquote

The office tower

Concurrent with Harvard's purchase of the E1 lands a large number of changes were made to the ARP as Harvard wanted relaxations to the shadowing of the Plaza and to have an office component of 300,150 sq. ft. Specified at that time was that the office space would be non traditional. The Development Plan on which these concessions were made was never built – but the land use changes stayed.

Harvard now makes the argument that mixed use office/other should be on a block by block basis (at least for their block). This would allow them to increase the office space from 300,150 to over 600,000 sq. ft. That is **not** what the Eau Claire Community wants. Simply put we want more residences in order to create a viable, vibrant community as envisioned in the ARP.

In this regard we have discussed with Harvard on numerous occasions a compromise position based on the Telus Sky project that accommodates both residential and office use. They have acknowledged our proposed compromise but have not included it in their renderings to date.

Sun Shadow on the Plaza

As stated above the sun shadow requirements were relaxed to suit Harvard in 2008. They now claim that a further small increase in shadowing is of little consequence. It is time to say **NO** to this creeping shadowing of the Plaza.

The Doubt about What Will Be Built

Once the Land Use is changed it is unclear what will Harvard build – if anything. Last time, in 2008, they built nothing and the land use changes made to suit them remained. That could happen again. What we do know is that the architects' renderings, pretty

pictures, cannot be constructed as drawn. The architects acknowledge this. When they finally prepare a DP it is expected that more “small” adjustments to the Land Use will be required. Additionally when the location of the Green Line is finalized, and assuming the +30 level is selected for 2nd Street, who will buy a condominium in towers 4 and 5 facing the LRT? Would Harvard then come back and request that towers 4 and 5 also be offices? Who knows? This level of doubt is unacceptable.

As noted in the CPC August 13, 2015 minutes it seems reasonable at this point to expect a defined plan from Harvard i.e. the basis for a site wide Development Permit that will provide the level of certainty we have all been looking for as the Project enters its next phase.

Finally we have a concern on the approach Harvard is employing to get their proposal through the planning process. Normally developers contact the community early in the land use approval process and work with the community to develop a document that conforms to the vision and spirit of the ARP. This has not been the case with Harvard. We heard about their project by way of a rumour and that it already had the blessing of administration. On numerous occasions Harvard has promised to produce certain deliverables but then declined to do so. There are examples of this in the August 13 CPC minutes. Now we hear a rumour that Harvard will present to Council a DC that the Community has not seen and to which the Community will be unable to respond. We hope this is not true.

To summarize, while we strongly support development of the E1 lands, the Eau Claire community remains adamant that the zoning remains consistent with the ARP and that a concurrent Development Application accompany any changes.

Roger Brundrit
Chair – Planning Committee

Paul Denaeghel
Planning Committee

CC. Councillor Ward 7 (by email)
Downtown Business Association – Maggie Schofield (by email)
Harvard Property Development – Roseanne Hill Blaisdell (by email)
City File Manager – Russ Mouny (by email)