

## PUBLIC SUBMISSION FORM



Please use this form to send your comments relating to an upcoming Council or Committee matter, or to request to speak on an upcoming public hearing item.

In accordance with sections 43 through 45 of [Procedure Bylaw 35M2017](#), the information provided **may be included** in the written record for Council and Council Committee meetings which are publicly available through [www.calgary.ca/ph](http://www.calgary.ca/ph). Comments that are disrespectful or do not contain required information may not be included.

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act* of Alberta, and/or the Municipal Government Act (MGA) Section 636, for the purpose of receiving public participation in municipal decision-making and scheduling speakers for Council or Council Committee meetings. **Your name and comments will be made publicly available in the Council agenda.** If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

**Please note that your name and comments will be made publicly available in the Council agenda. Your e-mail address will not be included in the public record.**

I have read and understand the above statement.

## ENDORSEMENT STATEMENT ON ANTI-RACISM, EQUITY, DIVERSITY AND INCLUSION

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

I have read and understand the above statement.

First name (required)	Glenn
Last name (required)	Dagenais
Are you speaking on behalf of a group or Community Association? (required)	No

What is the group that you represent?

## PUBLIC SUBMISSION FORM



What do you wish to do?  
(required)

Submit a comment

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to attend or speak to? (required)

Council

Date of meeting (required)

Dec 20, 2022

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

(required - max 75 characters)

Land Use Redesignation Springbank Hill ByLaw 185D2022

Are you in favour or opposition of the issue? (required)

In opposition

If you are submitting a comment or wish to bring a presentation or any additional materials to Council, please insert below.  
Maximum of 15 MB per submission (5 attachments, 3 MB per pdf document, image, video)  
If you have additional files to attach, email them to [publicsubmissions@calgary.ca](mailto:publicsubmissions@calgary.ca)

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

We oppose the rezoning as presented as the proposed development will eliminate existing green space in the area and significantly increase the risk of flooding on our property.

December 08, 2022

Via email: [Calgary.ca/PublicSubmissions](mailto:Calgary.ca/PublicSubmissions)

Office of the City Clerk

The City of Calgary

700 Macleod Trail SE

Calgary, Alberta

T2P 2M5

Re: Land Use Redesignation  
Springbank Hill  
Bylaw 185D2022

It is my understanding that City Council will be holding a public hearing to redesignate the land located at 17 Elveden Drive SW (Plan 2370IB, Block 1, Lot 7) from Direct Control District to Residential – One Dwelling (R-1) District (hereinafter referred to as the “Subject Property”). My wife and I are the owners of 3 Elveden Place SW, a property immediately adjacent to the Subject Property.

We have previously noted our concerns with the proposed development of the Subject Property to the Planning & Development Department of The City of Calgary (see attached letter dated March 28, 2022). To date, I do not recall receiving any response from the Planning & Development Department.

We purchased our property in 2016 and note that our Certificate of Title contains a few restrictive covenants. One provides that we are not allowed to remove any trees and vegetation from what may be considered a “green space” shared with adjacent properties. Another provides that our property provide the City of Calgary with a right of way for the purpose of impounding storm water on our property.

It is my understanding that the proposed redevelopment of the Subject Property will not be subject to any “green space” restriction for that portion of the development which backs onto our property. Presumably our property will continue to contain such restriction, thereby limiting our use of our property, but the new development as proposed will not contain any such restriction as the existing “green space” immediately behind our property will be eliminated. It should be noted that the “green space” in the Subject Property behind our property currently serves as a wildlife corridor as deer are often seen in that space. Additionally, the serenity and privacy offered by the “green space” on the Subject Property will be lost, negatively impacting the aesthetics of the area and our property value.

The proposed rezoning of the Subject Property substantially impacts the caveat regarding the impounding of storm water on our property. The elimination of the "green space" and the construction of residential homes at an elevation above our property will negatively impact drainage during a severe storm event. Additionally, I would note, the City of Calgary recently constructed a berm across Elveden Drive SW from our property to prevent the draining of storm water down the hill into the neighborhood below. This berm and the proposed rezoning and development of the Subject Property effectively turns our property into a catch basin for the area. These changes have taken place or will take place since we purchased our property and have negatively impacted the security of our property. Certainly, when we reviewed the caveat before purchasing our property, the existing environment did not give us reason for major concerns. The changes made, subsequent to the date of our property purchase, and proposed to the neighboring landscape has increased our exposure dramatically.

We are not against development, but we believe that the proposal under consideration for the Subject Property will increase our exposure to flood risk and negatively affect the value of our property. It was always our belief that any new development would contain a "green space" buffer on the other side of our fence in accordance with the existing plan at the time of our property purchase. It is only fair that any rezoning continue to include a similar "green space" restrictive covenant as the one on our property title. The bigger concern; however, has to do with the impounding of storm water on our property. The rezoning and elimination of the existing "green space" substantially increases the risk of damage from a severe storm event that was not contemplated at the time we purchased our property. For these reasons, we believe that City Council should not approve the re-zoning of the Subject Property until such concerns can be satisfactorily resolved.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn Dagenais', with a long horizontal line extending to the right.

Glenn Dagenais

3 Elveden Place SW

Calgary, Alberta

T3H 0L1

Email: gojdagenais@shaw.ca

From: GLENN DAGENAIS gojdagenais@shaw.ca  
Subject: Fwd: LOC2022-0024; 17 Elveden DriveSW; Springbank Hill  
Date: Mar 28, 2022 at 11:07:23 AM  
To: Kieran.Slattery@calgary.ca, richard.pootmans@calgary.ca,  
planning@springbankhill.org  
Cc: Glenn Dagenais gojdagenais@shaw.ca

---

Attached please find a letter disclosing our concerns with respect to the above subject proposed development.

Regards

Glenn DAGENAIS



March 28, 2022

Via email (Kieran.Slaterry@calgary.ca)

The City of Calgary  
Planning & Development  
P.O. Box 2100, Station M  
Calgary, Alberta T2P 2M5  
Attention: Kieran Slaterry, File Manager

Dear Mr. Slaterry:

**RE: LOC2022-0024; 17 Elveden Dr. SW; Springbank Hill**

We are the registered owners and residents of the property described as 3 Elveden Place SW, which is to the immediate south of the lands that are the subject of the application LOC2022-0024. We have attached a Map which indicates the location of our property/lot. The northerly property line of our parcel borders the subject lands (indicated as A on the attached Map).

The application proposes an outline for the future subdivision and development of 0.79 hectares of land in the community of Springbank Hill. The application provides for:

- a cul-de-sac with 8 residential lots
- 8 single-detached homes (R-1)
- the location and size of future public roads
- utilities and services from Elveden Drive SW

Our concern is that the creation of the proposed 8 residential lots will interfere with the natural green space that runs along the north side of our property. Pursuant to the Springbank Hill Area Structure Plan (ASP), the land that is the subject of the LOC application is part of the Open Space Network, as identified in Map 4: Open Space of the ASP (page 33) and section 4.4. Our lot and the subject lands are part of a contiguous open space area consisting of mature natural vegetation that is important for the retention of the natural area and for wildlife corridors. The proposed subdivision of 8 lots and subsequent development will result in the loss of significant mature vegetation.

When the lots on Elveden Place were created, in accordance with the ASP a Restrictive Covenant was placed on our property to protect the mature tree vegetation on the land. Further, it was our understanding that such Restrictive Covenant also applied to 17 Elveden Drive SW, specifically where such property proposed for redevelopment borders our property. In our opinion the same restrictions should be considered and implemented regarding the proposed lots, in particular with respect to the proposed Lot 18 and 19.

**ASP Section 4.4, Open Space Network, Policy 14, states the following:**

14. Natural areas (e.g. treed areas, native grasslands) should be protected by:
- a. Avoiding long frontages of housing along existing tree lines or edges.
  - b. Maximizing the retention of natural areas between developments.
  - c. Minimizing the road network through treed areas;
  - d. Removing only as many trees as required to achieve development, while ensuring structural integrity of remaining tree stands and public safety.
  - e. Developing linear open space to protect treed and native grassland areas from development.
  - f. Utilizing natural vegetation within private yards.
  - g. Utilizing Municipal Reserve to create natural parks in treed and native grassland areas.
  - h. Utilizing restrictive covenants on title to protect backyards that provide a contiguous open space system.

We respectfully request that the LOC application should adhere to the aforementioned policies of the ASP. The drafters of the ASP expressly included policy 14 in the ASP. The objectives and intent of the ASP are very clear: to protect natural areas and minimize the visual impact of development as much as possible. From a planning perspective, there is no reason why, similar to our property, a Restrictive Covenant, which would ensure the protection of the contiguous open space, cannot be placed on the proposed lots that are adjacent to our property.

Thank you for considering our concerns. If you have any questions regarding this letter, please do not hesitate to contact us.

Sincerely

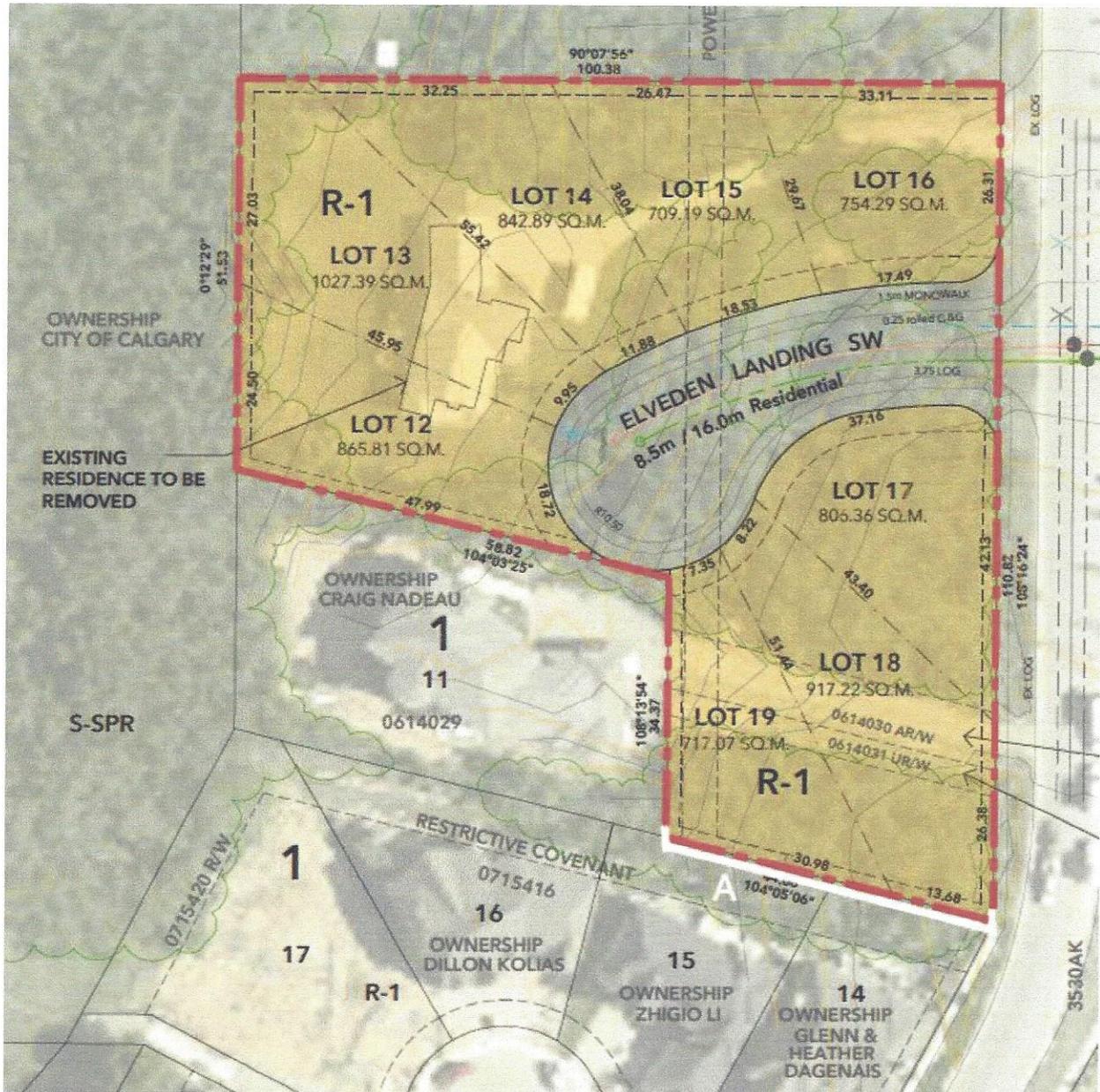
Heather and Glenn Dagenais



Encl.: Attachment A - Maps & Excerpts ASP

Cc: Councillor Richard Pootmans ([richard.pootmans@calgary.ca](mailto:richard.pootmans@calgary.ca))  
[EAWard6@calgary.ca](mailto:EAWard6@calgary.ca)  
Springbank Hill Community Association ([planning@springbankhill.org](mailto:planning@springbankhill.org))

### Attachment A- Maps & Excerpts ASP



## Excerpts ASP

### 4.4 Open Space Network

Springbank Hill residents enjoy a variety of multi-functional open spaces that meet their recreational needs and contribute to their well-being. Linear open spaces and pathway connections encourage walking and cycling. With direct, safe, and enjoyable routes that connect to nodes and other community amenities this promotes an alternative to the car for local trips.

The open space network protects and enhances both natural and recreational environments. Existing natural systems as well as environmentally significant areas are important features, which are integrated into the urban fabric, and form part of a comprehensive, contiguous, and accessible regional open space system. The extensive ravine system, aspen woodlands, native fescue and sloping areas (Elbow River Escarpment), are noteworthy features that are protected and integrated into adjacent natural open space systems. Development around these areas should be sensitive to the topography and adopt slope adaptive measures where possible.

Springbank Hill has been examined from a biophysical perspective. **Map 4: Open Space** provides an overview of the important natural areas. Most of the natural areas that make up Springbank Hill are Aspen Woodland and Native Grassland habitat types which are significant due to their large size and contiguous nature that are important for wildlife corridors.

Natural areas are the areas of Environmental Open Space Study Area that are protected through dedication as Municipal Reserve, Environmental Reserve or through other means and will be retained as natural amenities within the community.

In addition to the Open Space Network policies in the Guidebook, the following policies apply.

#### Intent

The Open Space Network in Springbank Hill protects natural areas, considers public safety concerns, and minimizes the visual impacts of development.

#### Policies

##### Neighbourhood Parks

1. Neighbourhood and sub-neighbourhood parks should be provided and optimally distributed throughout the Urban Development areas.
2. Neighbourhood parks should be designed to accommodate active and passive recreational needs (e.g. play equipment, informal sportsfields, and space to accommodate neighbourhood events).
3. Opportunities to provide playfields should be investigated at the Outline Plan/Land Use Amendment stage, either through the consolidation of Municipal Reserve parcels or land purchase.

##### Public Access

4. Public access along ravines and drainage courses dedicated as Environmental Reserve should be provided. Access locations will minimize the impact on natural areas.

#### Natural Area Protection

5. Development of sloping areas should preserve natural vegetation and existing topography where possible.
6. Municipal Reserves may be used to create natural parks that accommodate the transplanting of native vegetation where appropriate.
7. The following are encouraged to ensure the viability of the various habitats, vegetation communities and the associated wildlife uses in the area:
  - a. Maintaining unfragmented habitat types that extend from the East Paskapoo Slopes to the Elbow River.
  - b. Protecting ravines including the Aspen Woodland and Native Grasslands.
  - c. Maintaining diverse vegetation communities such as native grasslands, shrubs and trees.
  - d. Minimizing impacts on the wildlife movement corridor between the Elbow River and Edworthy Park, the Douglas Fir Trail and Lawrey Gardens.
  - e. Minimizing fragmentation for significant habitats.

Map 4: Open Space



APPROVED  
28P2017  
AMENDED  
10P2020

- Environmental Open Space Study Area
- Existing Open Space
- Regional Pathway
- X Active Modes Crossing
- City Limits
- P LRT Station
- LRT Alignment

Note: Map is conceptual only. No areas or distances should be measured or assumed.  
Note 2: EDS study area identifies areas to be further evaluated. Lands that do not qualify as Environmental Reserve, may be developed, provided no other limitations exist.

**Highlighted in Yellow – Subject land is part of “Existing Open Space”**

14. Natural areas (e.g. treed areas, native grasslands) should be protected by:

- a. Avoiding long frontages of housing along existing tree lines or edges.
- b. Maximizing the retention of natural areas between developments.
- c. Minimizing the road network through treed areas.
- d. Removing only as many trees as required to achieve development, while ensuring structural integrity of remaining tree stands and public safety.
- e. Developing linear open space to protect treed and native grassland areas from development.
- f. Utilizing natural vegetation within private yards.
- g. Utilizing Municipal Reserve to create natural parks in treed and native grassland areas.
- h. Utilizing restrictive covenants on title to protect backyards that provide a contiguous open space system.

**PUBLIC SUBMISSION FORM**

Please use this form to send your comments relating to an upcoming Council or Committee matter, or to request to speak on an upcoming public hearing item.

In accordance with sections 43 through 45 of [Procedure Bylaw 35M2017](#), the information provided **may be included** in the written record for Council and Council Committee meetings which are publicly available through [www.calgary.ca/ph](http://www.calgary.ca/ph). Comments that are disrespectful or do not contain required information may not be included.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act* of Alberta, and/or the Municipal Government Act (MGA) Section 636, for the purpose of receiving public participation in municipal decision-making and scheduling speakers for Council or Council Committee meetings. **Your name and comments will be made publicly available in the Council agenda.** If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

**Please note that your name and comments will be made publicly available in the Council agenda. Your e-mail address will not be included in the public record.**

I have read and understand the above statement.

**ENDORSEMENT STATEMENT ON ANTI-RACISM, EQUITY, DIVERSITY AND INCLUSION**

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

I have read and understand the above statement.

First name (required)	Laurie
Last name (required)	Shenstone
Are you speaking on behalf of a group or Community Association? (required)	Yes
What is the group that you represent?	Condominium Corp. #0716197

## PUBLIC SUBMISSION FORM



What do you wish to do?  
(required)

Submit a comment

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to attend or speak to? (required)

Council

Date of meeting (required)

Dec 20, 2022

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

(required - max 75 characters)

LOC2022-0024

Are you in favour or opposition of the issue? (required)

In favour

If you are submitting a comment or wish to bring a presentation or any additional materials to Council, please insert below. Maximum of 15 MB per submission (5 attachments, 3 MB per pdf document, image, video)  
If you have additional files to attach, email them to [publicsubmissions@calgary.ca](mailto:publicsubmissions@calgary.ca)

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Condominium Corp. #0716197  
P.O. Box 15116 Aspen Woods PO  
Calgary, AB. T3H 0N8

December 11, 2022

Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
P.O. Box 2100  
Postal Station "M"  
Calgary, AB. T2P 2M5

**RE: SUBMISSION  
RE NOTICE OF PUBLIC HEARING  
LAND USE REZONING FROM DC TO R-1  
17 ELVEDEN DRIVE SW (PLAN 23701B, BLOCK 1, LOT 7)  
LOC 2022-0024, GREEN CEDAR HOMES (PROJECT #21 030)  
SPRINGBANK HILL**

---

With respect to the captioned Notice, please be advised that our neighboring condominium corporation has no objection to the subject rezoning of the proposed property development.

However, as a neighboring community, whose elevation is substantially below the grade of the Elveden Drive roadway, and Green Cedar Homes development, in which large estate homes will be built, we do have concerns regarding the grade heights of the proposed properties. If the grade height of the properties are extremely built up like the Rockboss development directly east of this proposed development, or the stalled Leef Living development just SE of this development, we object to these similar grade heights. Therefore, for the record, we are not in favor of towering homes creating a shadow event in our community, and will request a shadow study, and height relaxation, or file a petition, if necessary.

In addition, our community wishes to state for the record that we require the proper water management measures be put into place by the developer, immediately after they have stripped and graded the land. The reason for this requirement is due to the unsatisfactory supervision and lack of regular City inspections, and the mishandling of the Leef Living (Rare-Built) Development directly south of our properties, which resulted in stripped land, extremely high grades and the flooding of several homes in our community from overland water drainage from the development property to our private properties. The City claimed that as the drainage was from private property to private property, there was nothing they could do. As a result, the drainage/flooding from the Leef Living development created thousands of dollars of damage to the homeowners, to which a civil suit is still ongoing.

Further, our bare land property contains a steep slope and sandstone rock wall, adjacent to Elveden Drive, which has previously experienced overland water flooding damage from public city property in 2015. In order to repair it, our community had to submit an insurance claim and hire a contractor to basically rebuild the sandstone rock wall and slope. The adjacent homeowners to the slope, had to individually pay for new landscaping to replace what was destroyed in the flood and the wall rebuild. As the overland water came from City property onto our private property, which was a bylaw infraction, the City had to increase the drainage capacities in the storm drains along Elveden Drive directly above our properties, and build the emergency water run-off, earthen berm and swales adjacent to the public walkway, in order to prevent this from happening again.

Based on the aforementioned, and our past experiences in our neighborhood, we are sure you will understand why it is imperative that the subject development install the necessary, swales, retaining walls, additional storm drains along their side of Elveden Drive and any other water measures, that will prevent and eliminate future overland water flow onto our properties, and eliminate further damage to our properties.

Thank you for providing notification of this development and its status to our community.

We look forward to receiving future communications which may impact our community. Should you need to reach me for clarification on the above, please contact me at 403 608 2456.

Yours truly,

Laurie Shenstone  
On behalf of the Condominium Corp. #0716197

Cc: Kieran Slattery, Senior Planner, City of Calgary



## PUBLIC SUBMISSION FORM

Please use this form to send your comments relating to an upcoming Council or Committee matter, or to request to speak on an upcoming public hearing item.

In accordance with sections 43 through 45 of [Procedure Bylaw 35M2017](#), the information provided **may be included** in the written record for Council and Council Committee meetings which are publicly available through [www.calgary.ca/ph](http://www.calgary.ca/ph). Comments that are disrespectful or do not contain required information may not be included.

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act* of Alberta, and/or the Municipal Government Act (MGA) Section 636, for the purpose of receiving public participation in municipal decision-making and scheduling speakers for Council or Council Committee meetings. **Your name and comments will be made publicly available in the Council agenda.** If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

**Please note that your name and comments will be made publicly available in the Council agenda. Your e-mail address will not be included in the public record.**

I have read and understand the above statement.

### ENDORSEMENT STATEMENT ON ANTI-RACISM, EQUITY, DIVERSITY AND INCLUSION

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

I have read and understand the above statement.

First name (required) Rick

Last name (required) Grol

Are you speaking on behalf of a group or Community Association? (required) No

What is the group that you represent?

## PUBLIC SUBMISSION FORM



What do you wish to do?  
(required) Request to speak

How do you wish to attend? In-person

You may bring a support person should you require language or translator services. Do you plan on bringing a support person? No

What meeting do you wish to attend or speak to? (required) Council

Date of meeting (required) Dec 20, 2022

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

(required - max 75 characters) Item 2 - LOC2022-0024 (CPC2022-1132) Springbank Hill

Are you in favour or opposition of the issue? (required) In opposition

If you are submitting a comment or wish to bring a presentation or any additional materials to Council, please insert below.  
Maximum of 15 MB per submission (5 attachments, 3 MB per pdf document, image, video)  
If you have additional files to attach, email them to [publicsubmissions@calgary.ca](mailto:publicsubmissions@calgary.ca)

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

H. J. (Rick) Grol, LLB, LLM  
1925 – 5A Street SW  
Calgary, AB T2S 2G2

December 12, 2022

Via Email

Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
P.O. Box 2100, Postal Station M  
Calgary, AB T2P 2M5

Dear Mayor and Members of Council,

**RE: Item 2 - Outline Plan and Land Use Amendment in Springbank Hill at 17 Elveden Drive SW;  
LOC2022-0024, CPC2022-1132, Bylaw 185D2022**

With respect to the above matter, I have been retained by:

- Glenn & Heather Dagenais, owners and residents of 3 Elveden Place SW (Plan 0715416, Block 1, Lot 14) to the immediate south of the subject lands.
- Zhiguo (Bruce) Li & Weiping (Gloria) Sun, owners and residents of 7 Elveden Place SW (Plan 0715416, Block 1, Lot 15) to the immediate south of the subject lands.

They are concerned about the proposed Outline Plan and Land Use Amendment that would allow for the subdivision of the subject lands. Calgary Planning Commission recommended approval of the proposed Outline Plan and Land Use Amendment without considering my clients' concerns expressed in their letters to the Administration.

The Administration Report, Attachment 1, page 4, states:

A restrictive covenant would be required to be registered at the subdivision stage along the west property line to provide for a five metre buffer from the adjacent Springbank Hill Community Park to preserve the existing trees in the back of the proposed residential lots.

My clients request that the same would be required for the southerly property line of proposed Lots 18 and 19 in order to preserve the existing trees in the back of these proposed

two residential lots. When the lots on Elveden Place were created through subdivision, in accordance with the ASP a Restrictive Covenant (regarding a 7.5 metre wide area of their property along their northerly property line) was placed on my clients properties (Lots 14 and 15) to protect the mature tree vegetation on their land. The Restrictive Covenant prohibits them from removing any trees and vegetation from what is considered green space shared with the adjacent lands.

The Springbank Hill Area Structure Plan (ASP) is crystal clear. The ASP states in Section 4.4, Open Space Network, Policy, that: *“14. Natural areas (e.g. treed areas, native grasslands) should be protected by, among other things: [...] h. Utilizing restrictive covenants on title to protect backyards that provide a contiguous open space system.”*

My clients’ lots and the subject lands are part of a contiguous open space area consisting of mature natural vegetation that is important for the retention of the natural area and for wildlife corridors. The existing green space buffer along their northerly property (including the 7.5 metre wide Restrictive Covenant area that protects the existing vegetation on their properties) is a wildlife corridor connected to the natural park space to the west. On a regular basis the green space along the north of the Li’s and Dagenais’ properties is frequented by a large number of wildlife (deer and moose, among others).

In addition, the green buffer of the existing trees and vegetation along the property line with the subject lands provides privacy protection for my clients.

The Dagenais are particularly concerned about storm water run-off from the proposed subdivision. The elimination of the existing green space along the north of their property will substantially increase the risk of damage from severe storm events due to the topography of the subject lands. The subject lands significantly slope from west to east and south towards Elveden Drive). The City of Calgary recently constructed a berm (approximately 2 feet in height along the easterly side walk) along Elveden Drive SW across from their property to prevent the drainage of stormwater down the hill into the neighbourhood below. This berm and the proposed developments at a higher elevation from the proposed subdivision effectively turns the Dagenais’ property into a catch basin for the area. The proposed creation of lots 18 and 19 to the immediate north of the Dagenais’s property and the future redevelopment of these lots will increase their exposure to flood risk during major storm events and will severely impact the use and enjoyment of the Dagenais’ property.

The Dagenais have submitted a separate letter outlining their concerns regarding the proposed subdivision and rezoning. Their letter speaks for itself.

It is important to note that The City of Calgary requires a Restrictive Covenant for the rear of the proposed lots 12 and 13 for a five metre buffer from the adjacent Springbank Hill Community Park to preserve the existing trees in the back of the residential lots. It is only fair that the same should be required for the existing green space in the back of the proposed lots 18 and 19. This is not only fair but in our opinion is directed by the Springbank Hill Area ASP.

In addition, the green buffer of the existing trees and vegetation along the property line with the subject lands provides privacy protection for my clients' properties and acts as a visual buffer to the proposed developments. The mature trees and vegetation will be replaced by retaining walls that would have a negative impact on the use, enjoyment and value of my clients' properties.

Finally, it is relevant that my clients have no recourse during the development permit application process with respect to proposed single detached dwellings on the subject lots. Under the Land Use Bylaw the use of "Single Detached Dwelling" is a permitted use in the R-1 District. Therefore there would be no right of an appeal to the Subdivision and Development Appeal Board regarding the development permits for proposed developments. Furthermore, under the *Municipal Government Act*, RSA 2000, c M-26, as amended, adjacent property owners have no right of appeal against subdivision approvals. Consequently, the concerns of my clients need to be addressed at this stage.

Thank you for your consideration of this matter.

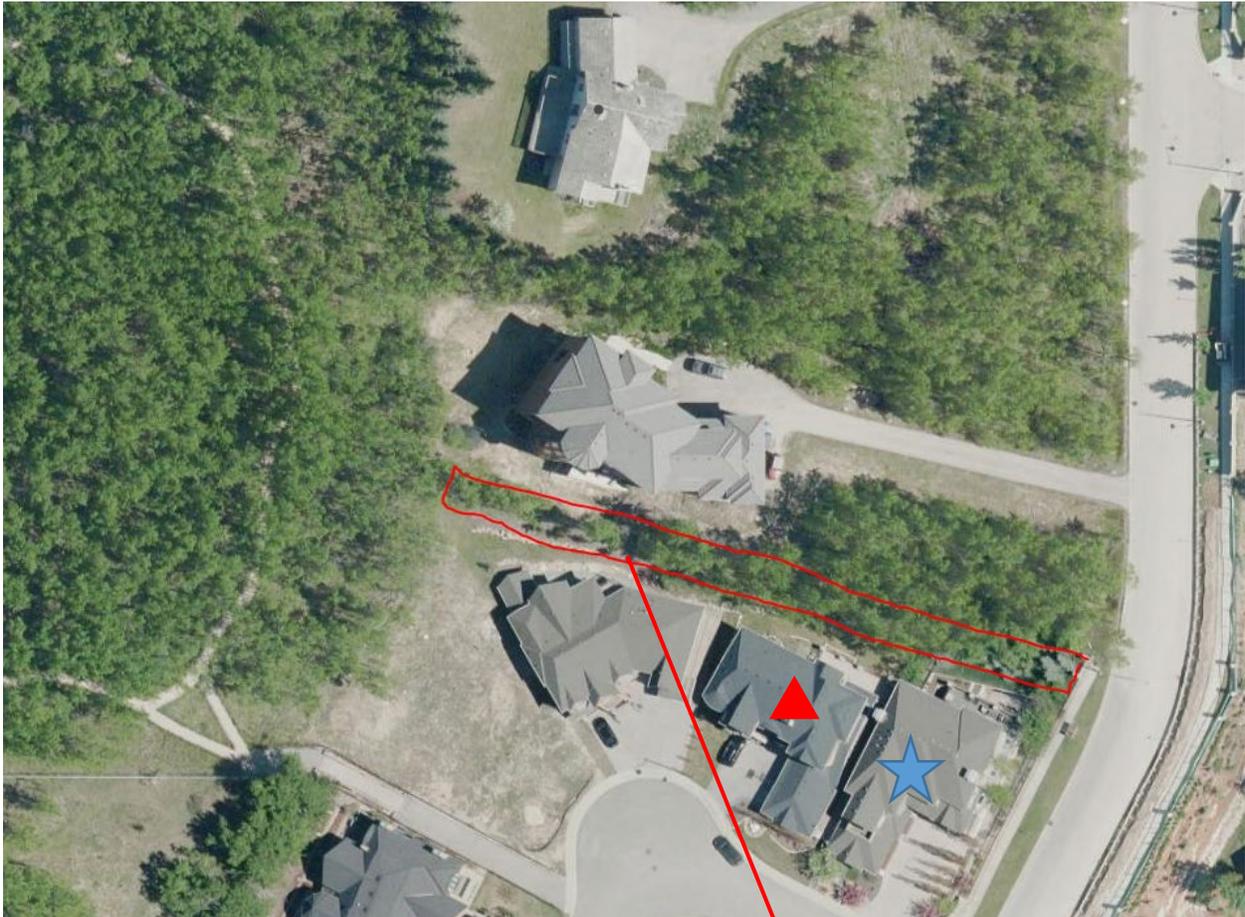
Sincerely,

A handwritten signature in blue ink, appearing to be 'Rick Grol', written over a horizontal line.

Rick Grol, Agent for:  
Glenn & Heather Dagenais and  
Zhiguo (Bruce) Li & Weiping Sun

Encl.: Photos

## Photos



**Glenn & Heather Dagenais property**



**Zhiguo (Bruce) Li & Weiping Sun property**

**Restrictive Covenant area**



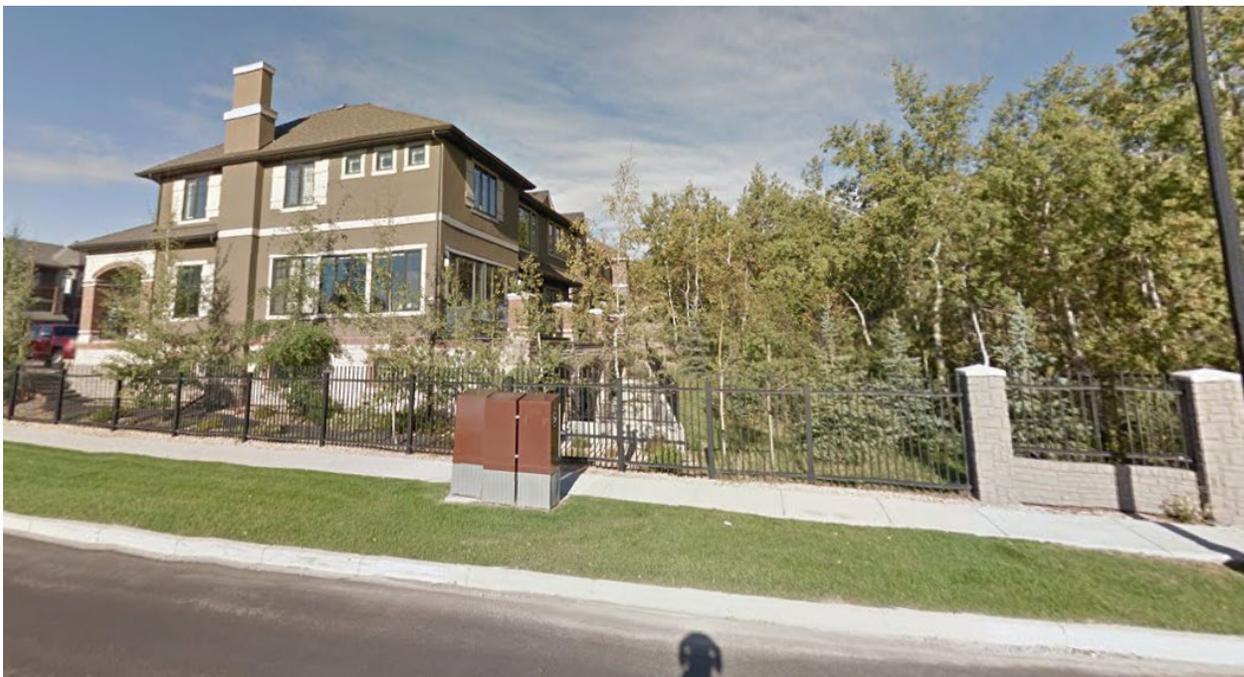
**Subject lands**



**Note the slope/grade on the subject lands**



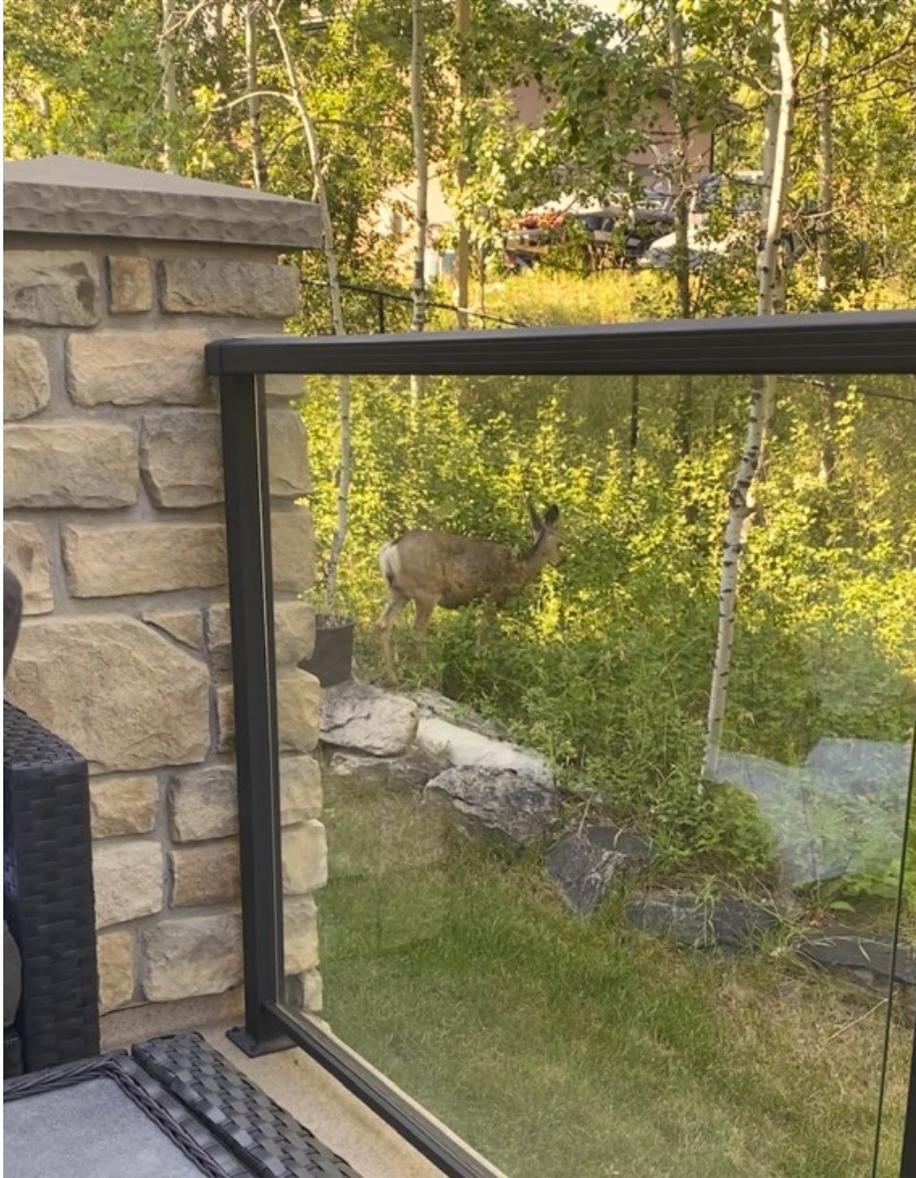
**Small Berm along east side of Elveden Drive between guard rail and sidewalk**



**Dagenais home – Restrictive covenant area (7.5m wide with trees) to the right**



**Li & Sun and Dagenais homes**



**Deer in back yard (Restrictive Covenant area)**



**Deer on subject lands**



**View to northwest from rear deck of Dagenais home - Subject lands in the back**