

SPC Infrastructure and Planning January 10

My name is David Jacobs and I have been assisting friends living in the PBP communities with this matter.

From 1980 -2001 I was a City Employee working in the Land Dept as a planner/ ultimately Manager of Development, Sales and Leasing.

To quote from the Broadway play "Hamilton" I was in the room where it happened, and I can tell you the information presented before you in the sections "Highlights and Discussion" is at best misleading but more accurately it is wrong (and I'm being polite)

In 2023 August, Administration was notified of an agreement registered on title to the Shopping Centre lands, regarding the use and maintenance of the Property (the "Agreement"). In the Agreement the Property is referred to as "Park Land", and goes further to say, "the City undertakes to utilize the Park Lands only for park purposes", creating ambiguity as to the Property's designation.

There never was any ambiguity – the land was zoned PE at the time of subdivision 1983 under Land Use Bylaw 2P80 and is designated as S-CS PE in Land Use Bylaw 1P2007 (both designations are for Parks), the Agreement is on title and still in force. Administration had 8 years to look at a land use map or check title. The reason we are having this hearing 8 years after the 2015 Notice of Motion is because Administration did not do their homework and didn't know this is parkland.

After my presentation, I would be glad to explain to this committee why the land was not designated MR at the time and go into more detailed history of the land exchange and development constraints. I worked on behalf of the City with the Developer's lawyer then and have had recent conversations with him and I can say we both agree on the facts on how these lands became park and why the landscaped berms and maintenance agreement were created.

DISCUSSION

Due to access constraints, a sloping topography, and presence of utilities and City infrastructure, the Property is considered undevelopable.

Don't you find it amazing that despite all these constraints RioCan is proposing 6 apartment buildings housing 1248 residential units as well as commercial opportunities for 3000 new residents and employees?

Acquired in 1983 and intended for a future interchange at the intersection of 14 Street and 90 Avenue, which is no longer required.

This is incorrect, these 5 acres were part of 28-acre land exchange to protect the Glenmore Reservoir. As we have already heard the City fought 15 years all the way to the Supreme Court to protect our drinking water and the natural parklands. There is absolutely no evidence any of these lands were required for road requirements. More to the point adding this proposed massive development must require more road infrastructure and R.O.W. – not less!

The Property has functioned as a landscaped barrier between the Shopping Centre and 14 Street and 90 Avenue with various sign licenses being granted over the years.

The approved DP for the plaza limited the height to no more than 33 ft (max 3 stories) and the entire 28 acres dedicated as parkland was designed to protect the Glenmore Reservoir and the surrounding communities (not 14 street or 90 Ave) from visual intrusion. It is used as a park by the

residents and does serve its purpose as a regional pathway and a landscaped buffer identical to the landscaped buffers bordering the Bow River, the Elbow or Fish Creek

The Property provides little in the way of Parks amenity or passive or active functionality and has never been included in Parks community open space requirement metrics. Given the above, the proposed sale of the Property was not previously advertised pursuant to Section 70 of the MGA as the Property was considered a strategic land holding for future municipal infrastructure, which: 1) would be temporarily maintained as a landscape buffer in accordance with the Agreement, 2) was described in the Direct Control land use from the original 1983 shopping centre development (114z1983) as "berming and landscaping... designed to screen the large areas of car parking from adjacent major roads", and 3) was not considered a functional public park, recreation, or exhibition ground. However, it was recently brought to Administration's attention that within the Agreement, the Property is referred to as "Park Land", and the City agreed to use the lands for park purposes, creating ambiguity as to its use. After further review of this, and in consultation with the Law Department at The City of Calgary, it was decided to publicly advertise the proposed sale of the Property in order to avoid any confusion, and to ensure that due process is followed.

Over the years, the Property has been maintained by the Shopping Centre owner as a requirement of the Shopping Centre's original development permit and land use application. This requirement of maintenance was protected through a caveat registered to the Shopping Centre title (Attachment 5), herein referred to as the " Agreement". The Agreement includes terms and conditions for the Property in the following areas: maintenance, pathway connections, transit amenity, utilization, and signage.

- The reality is this land is park, functions as park for walking and biking trails connecting to the larger Glenmore Reservoir and regional trails and also provides a buffer for these users from the plaza parking lots and provides separation from the 14th Street and 90th Ave.
- It provides the same parks amenity or passive functionality as any of the lands next to our waterways.
- The reason these lands were never included in Parks community open space requirement because there was an agreement in place to have the private sector build and maintain it.
- The parks maintenance agreement does not talk about temporarily maintained buffer – but in perpetuity.
- Consultation with the Law dept required the public notice 8 years after the 2015 Notice of Motion and the readvertising because the Public Notice was incorrect because it neglected to state that this was public park.

Final point – there has been no public engagement from City Staff on why they have declared this parkland surplus, or the potential impacts of this proposed sale and land use application on the surrounding road network and infrastructure.

Ask of this Committee and Council

- 1) Why is the City entertaining selling parkland when they fought for 15 years (all the way to the Supreme Court) in the 1970-80s to protect it – What Has Changed?
Is parkland now surplus throughout the City for sale to the highest bidder or use?

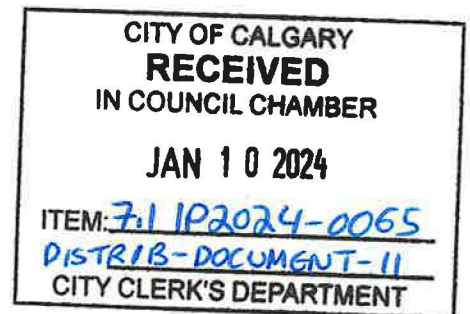
2) As this Committee is not dealing with the Real Estate transaction and we are allowed to participate here, why does the January 30th Council meeting have to go in-camera. The disposition of Parklands should be dealt with in public.

3) The Urban Systems Amended Land Use Redesignation letter dated September 29, 2023, ends with the following paragraph:

There are currently no guiding neighbourhood level policy documents, such as a Local Area Plan/Area Structure Plan/Area Redevelopment Plan, to guide development for this site. Therefore, as referenced in the NOM, the comprehensive plan for redevelopment must align with the following higher order policy documents: CTP – Calgary Transportation Plan, MDP –Municipal Development Plan, and the TOD –Transit Oriented Development Policy Guidelines

The Local Area Plan or Area Redevelopment Plan (LAP/ARP) does not exist despite multiple requests for an updated one from our community. Rather than making decisions on dated generic higher order Plans and Guidelines, it is the PBPCA's position that until all stakeholders have a full understanding of the growth potential of this area, the City should not be selling Parklands and approving land use allowing this massive redevelopment.

This sale and Land Use redesignation should be paused until there is a current LAP/ARP that includes true public participation by all stakeholders and full appreciation of infrastructure requirements and cost sharing. We believe that a City initiated LAP/ARP will determine the area's potential buildout and subsequent impact on the road network, schools, water, and sewer capacity etc.



Why is the City entertaining selling parkland when they fought for 15 years (all the way to the Supreme Court) in the 1970-80s to protect it – What Has Changed?

- Is parkland now surplus throughout the City for sale to the highest bidder or use?
- Is Glenmore Reservoir (a major source of our drinking water) no longer in need of protection?
- Cities normally look at increasing density to preserve the limited supply of open space – here we are eliminating parkland to increase density!
- Is it wise to put so much density this close to a City reservoir?

While this Committee is supposed to be looking at whether this parkland is surplus to City needs, the land use application is public knowledge so clearly, we should all be looking at the implications of this sale and its impacts on the surrounding roads, water, sewer, and other services.

What is the true number of potential residents or trips from this development (the 5 acre sale of City Parkland and 10 acres of existing plaza) Clearly it is more than the 3000 people the applicant is suggesting – perhaps a doubling or greater

The Glenmore Reservoir is a supply of our drinking water, there will be parking garages going 3-5 stories underground into the water table – has Hydrological and Geological studies been presented? We have seen no evidence of boreholes or equipment on site.

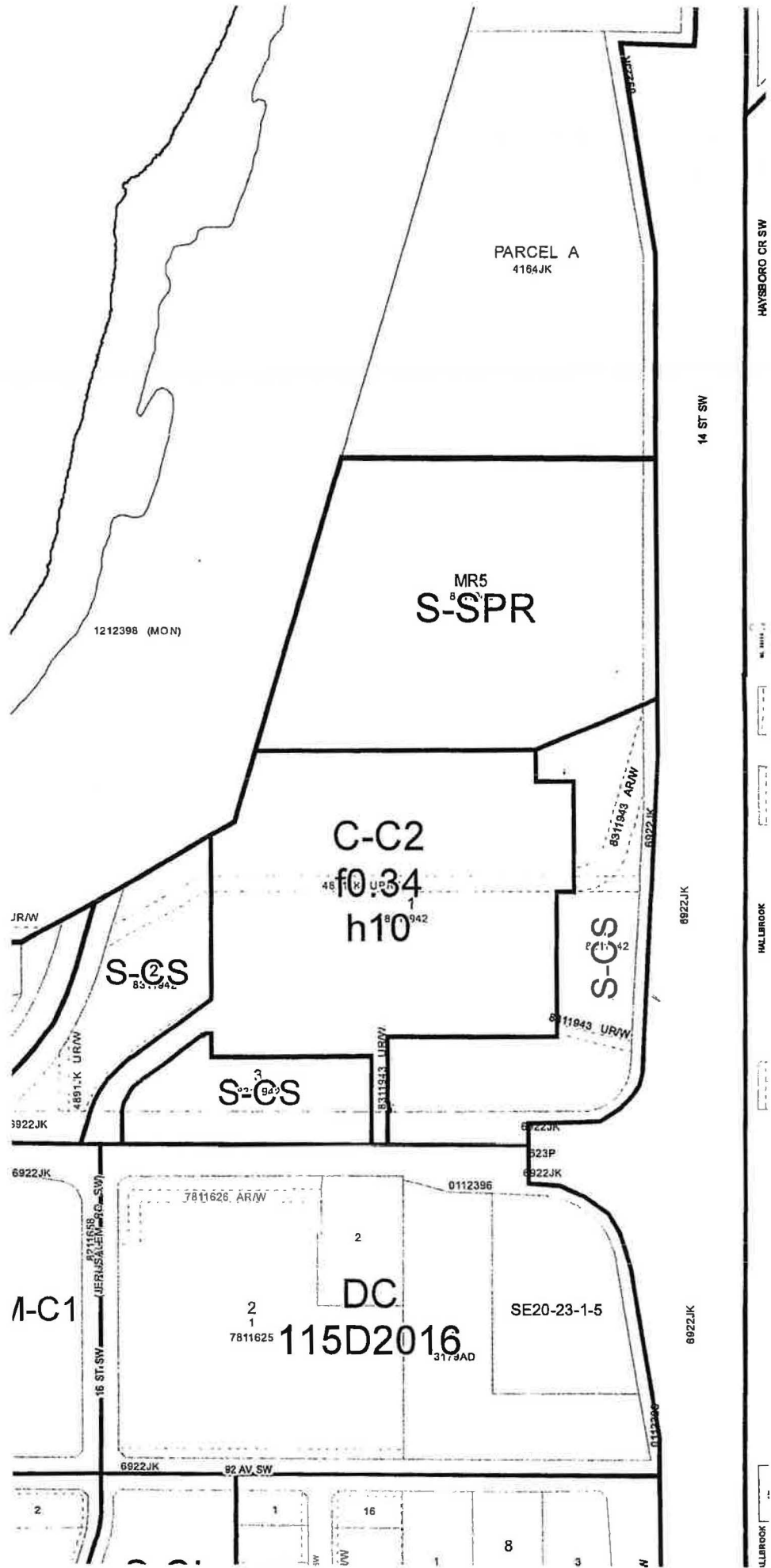
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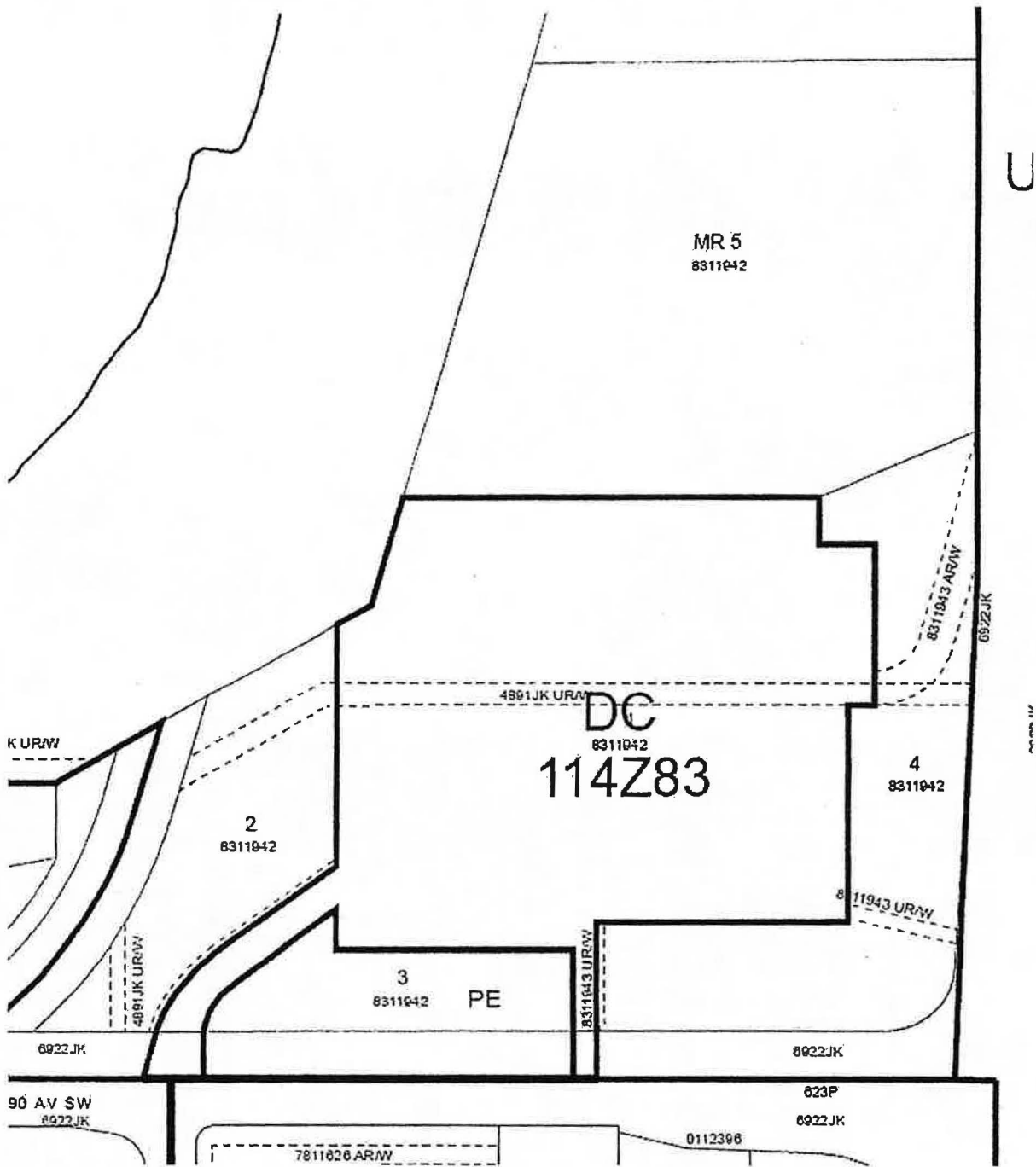
The Communities south of Glenmore Reservoir to Fish Creek Park between 14th Street and the Tsuu Tina lands have been asking for years to get the City to prepare a Local Area Plan (or Area Structure Plan) to get a handle on the potential development and the required infrastructure to manage/accommodate this growth. Does the City Administration have the information they are willing to share with Council and the Communities to indicate the potential growth opportunities and the required infrastructure required to make the sale of parkland and this massive density increase work without destroying existing community functions?

These Communities have been impacted by significant construction projects (14 Street SW from Southland Dr. to Glenmore Tr.) for over a decade and misleading messages from City staff and their local area alderman (Pincott) about the BRZ and how the busses would run full down 14th Street S. once the BRZ was completed. This has simply not happened.

We have requested a copy of the Transportation Impact Analysis (TIA) numerous times and have been told it is still under review or it is the Intellectual Property of the Applicant and will not be made available. Does this committee have the benefit of a completed TIA so they can make sound and logical decisions on the disposition of these lands and its impact on the infrastructure specifically the ability of the surrounding

road network to support the increased traffic. How will shortcutting traffic and overflow parking into neighbouring communities be handled.





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Chinook Communities Local Area Planning:
 Bel-Aire, Britannia, Elboya, Manchester, Manchester Industrial,
 Mayfair, Meadowlark Park, Parkhill, Windsor Park

Official City of Calgary Engagement Booklet

Community redevelopment. It's complex. Let's chat.



Provide your input.
Mail in by Dec. 11, 2023.

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