

Walter, Penny

From: Web NoReply
Sent: Monday, October 25, 2021 2:31 AM
To: City Council
Subject: Email - Request to Speak - Dale Ward - Concept Plan Amendment – Willows Neighbourhood - CK 4131-24
Attachments: willowscpa_mpc_letter_deward.pdf
Follow Up Flag: Follow up
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Categories: FILED

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Submitted on Monday, October 25, 2021 - 02:31

Submitted by user: [REDACTED]

Submitted values are:

Date Monday, October 25, 2021
To His Worship the Mayor and Members of City Council
First Name Dale
Last Name Ward
Phone Number [REDACTED]
Email [REDACTED]
Address [REDACTED] 301 Cartwright Terrace
City Saskatoon
Province Saskatchewan
Postal Code [REDACTED]
Name of the organization or agency you are representing (if applicable)
Subject Response to City Admin report on proposed Willows CPA
Meeting (if known) MPC - Oct 26, 2021
Comments I wish to speak at the meeting
Attachments
[willowscpa_mpc_letter_deward.pdf](#)
Will you be submitting a video to be vetted prior to council meeting? No

The results of this submission may be viewed at:

<https://www.saskatoon.ca/node/398/submission/539123>

What is the point of having an Official Community Plan (OCP) and Zoning Bylaw (DCD4) if their contents are merely notional and transitory? How does such a scenario serve the interests of the property owners (tax payers) of Saskatoon?

Consider the current proposal by Dream Developments (DD) to amend the Willows Concept Plan (2003WCP). When compared to the existing 2003WCP, the proposed Concept Plan amendments (CPA; Oct 5, 2021) are so broad in scope that they represent a complete reconceptualization of the Willows neighborhood and a betrayal of existing residents that purchased >350 residential units in the essentially complete Phase 1 under the 2003WCP (Table 1).

Table 1. Comparison of 2003WCP with proposed CPA [includes the North Development Area (NDA) not in 2003WCP]

	2003WCP-Phase 1	2003WCP-Phase 2	CPA-Phase 2 (+NDA)	Change (+NDA)
Density (residences)	<i>completed</i>	<i>approved</i>	<i>proposed</i>	
one-unit	115 (min 60' lot)	125 (min 60' lot)	293 (min 50' lot)	+134%
multi-unit low density	120	157	64 (+110 = 174)	-59% (+11%)
multi-unit med density	<u>136</u>	000	208 (+100 = 308)	+208 (308) units
	371	282	565 (+210 = 775)	+100% (+175%)
Population (projected)	860	697	1294 (+403 = 1697)	+85% (+143%)
Commercial Development	Clubhouse only	NONE	120 room hotel + 10,000 sq ft commercial	Fundamental concept change (<i>residential to resort community</i>)
Traffic (vehicular)	all access via Cartwright St.	all access via Lorne Ave	all access via Cartwright St.	Fundamental concept change (<i>huge increase in traffic on Cartwright St.</i>)
Legal	all residential development under a condominium plan	all residential development under a condominium plan	one-unit residences are fee-simple multi-unit residences are condominiums	Fundamental concept change (<i>creates a 2-tier taxes-services scenario between Phases 1&2</i>)

Most of the changes proposed in the CPA are not compliant with the 2003WCP and are clearly detrimental to the existing Phase 1 residents. But this is of no concern to an 'ambitious' developer when the rules governing the development can be so easily changed mid-stream.

What is required to change the OCP and DCD4? Apparently, merely an application by the Developer initiates the process.

- Is the Developer required to consult with existing property owners potentially impacted by the proposal? No!
- Is the Developer required to identify the negative impacts on existing property owners? No!
- Is the Developer required to justify the proposed changes in the context of the negative impacts on existing property owners? No!

The Developer simply submits a draft proposal to City Planning and Development (CPD). Then, the Developer and CPD work together for months or years to 'develop' the proposal to the stage where it can be considered for recommendation – first by CPD, then the Municipal Planning Commission (MPC), and ultimately for approval by City Council. In contrast, the proposal is only made public at the final stage of the CPD process (public engagement) and only in ***draft*** form. Indeed, ***withholding the details of the proposal from public scrutiny is an accepted part of the process. Why?*** An affidavit by David Calyniuk submitted in a 2016 court case (Queen's Bench for Saskatchewan in Bankruptcy and Insolvency; file # 613 of 2016) concerning the triangular parcel of land (North Development Area; NDA) now added to the proposed CPA provides some insight, paragraph 8:

The specific elements of what has changed with respect to Dream's proposed land use and golf course concepts constitute confidential business information and cannot be made public at this time. An additional concern from a developer's perspective arises from the fact that such plans can change between the preliminary submission and the public unveiling, which occurs shortly before the submission is considered for final approval. Having a preliminary version of the land use and concept plans available to the public prior to the submission of the final version to City Council has the potential to create public misconceptions about the new development, and may be detrimental from a business perspective if the public reaction to the changes in the final version is negative.

Engaging with property owners is apparently bad for business! Better do it quickly and only at the end! To quote from the City's Engage web page 'Process' tab (Neighbourhood Concept Plan amendment) (emphasis added):

... property owners ... are notified of the proposed CPA application and are invited to provide questions and comment. ***When necessary***, a public information meeting is held that ***may*** include a formal presentation, and question and answer session.

Following public engagement, Planning and Development prepares a report that includes a recommendation on the proposed amendments and outlines information collected from the internal review and public engagement processes. The report is first considered by the Municipal Planning Commission ...

Our experience clearly illustrates how City Planning and Development (CPD) view the importance of public engagement. The initial letter from the City to The Willows property owners (dated Nov 30, 2020, but received several days later) consisted of a very brief (7 sentences) summary of the proposed amendments, a small (< 5" x 5") rendering of the proposed land use map, and notice of a public information meeting scheduled for Dec 15, 2020! Apparently, this public information meeting (actually a 90 min Zoom meeting) would have been sufficient for CPD to proceed with submission of a recommendation to the Municipal Planning Commission and then on to City Council. Due to a high volume of complaints about the very tight timeline, the meeting was postponed to Jan 26, 2021. During this interim period, CPD ***received*** >100 written submissions from residents detailing their numerous concerns. However, many details about the proposed CPA were not publicly released. For example: the Nov 30 notice described the proposed commercial development in block 19 as "***may include a hotel, retail, and service providers***" but a routine Internet search revealed that a 100+-room Nordic spa/hotel was proposed and was being promoted; CPD revealed that the proposed CPA projected a Phase 2 population of 1713 (a 991 increase) requiring knowledge of the number and type of residential units proposed but these details were not released.

Over the following several months, CPD had meetings with representatives from most of the Condominium Associations within The Willows and ***received*** a large volume of correspondence from residents. A second letter from the City (dated June 7, 2021, but received several days later) listed the changes in a revised proposed CPA, announced that a detailed draft of the CPA available online, and gave notice of a public information meeting scheduled for June 23, 2021 (again a 90 min Zoom meeting). Comparing the Nov 30 and Jun 7 land use maps suggests that ***most of the 'changes' are either cosmetic or simply add detail where there was none***. The NDA was changed from medium density to a mix of low and medium density. Changing the minimum single unit lot from 45' to 50' (currently approved is 60') changed the mix of one-unit, low density, and medium density units in the blocks 10-12 but new projected population in Phase 2 is only 1% less (1697 vs. 1713). The previously undefined mixed-use block 18 was divided into 2 parts – a ca. 134 unit medium density component and a 'neighbourhood node' (a 74 medium density units plus 10,000 ft² commercial). The hotel site (block 19) was reduced in size very slightly. ***Despite an overwhelming majority of the Phase 1 property owners having expressed their opposition to the proposed CPA, Dream failed to address any of those concerns (see Table 1) in the revised proposal.*** It is truly ironic that Dream

Subsequently, Dream submitted further changes to the proposed CPA (Aug 21 and Oct 5) but CPD deemed these too minor by to warrant further public engagement. Those changes are also cosmetic: flipping the hotel site (block 19) with the ca. 134 unit medium density site adjacent to block 18. Block 19 is now ca. 59 medium density units and the so-called 'neighbourhood node' (block 18) is 134 medium density units plus 10,000 ft² commercial – hardly a 'focal point'. Moreover ***the density of block 18 will be more than 50% greater than any other medium density housing existing or proposed at The Willows.***

On Oct 20, CPD released its report to the Municipal Planning Commission (and publicly via the MCP agenda) recommending approval of the proposed CPA. ***Not a single word in this report addresses the legitimate concerns of existing residents of The Willows (expressed in hundreds of written submissions) or explains why they were rejected!*** For example, one the five major concerns (see Table 1) was the grossly expanded commercial development including placing a hotel <70 meters from an existing residential development. This crucially important issue is trivialized in the report:

Administration carefully reviewed this policy in consideration of the proposed amendment and determined while a hotel is of a scale appropriate to and complementary to the land use of a golf course, it is not regularly associated with the daily operations of one. [Section G 3.2.(2)(d)](Agenda pg. 17; CPD report pg. 4/8).

Yes, we all agree that a hotel is not allowed under the existing OCP or DCD4. The ***CPD report does not even attempt to make a case for why a hotel development should be allowed*** – only that amendment of the OCP and DCD4 is required to allow it. An executive summary of the report would be three sentences:

This is what the developer proposes to do.

This is how the OCP and DCD4 need to be amended to allow the proposal.

We recommend approval.

Clearly, CPD views their role in 'public engagement' as simply promoting and facilitating the ***receipt*** of comments from residents. There is no evidence to suggest that the substance of those comments has any bearing on the evaluation of a proposed CPA. In the present case, ***the vast majority of Phase 1 property owners expressed (in writing) their opposition to the proposed CPA.*** This view was reinforced in two public information meetings, several meetings with the Condominium Associations, and countless phone calls. Numerous written briefs were submitted explaining in detail why various elements of the proposed CPA were unacceptable to residents. ***Nonetheless, the changes in Dream's proposal from Nov 30, 2020 to***

Nov 5, 2021 are truly minor and CPD is recommending approval. We were told that this was the greatest volume of public engagement ever received by CPD and the report acknowledges engagement was high. However, the report merely catalogues that engagement – ***there is no attempt to communicate why Phase 1 property owners are vehemently opposed to the proposed CPA. It is really quite simple, many residents believe:***

- *the proposed changes are extreme and will fundamentally change of our neighbourhood concept (see Table 1).*
- *Dundee (now Dream) proposed The Willows as a unique community and that proposal was approved by the City and protected by law (approved OCP and DCD4)*
- *Dundee (now Dream) used those bylaws as a SELLING TACTIC to prospective buyers concerned about the nature of future development*
- *the negative aspects of the proposed CPA overwhelmingly accrue to Phase 1 residents (e.g., commercial development, increased traffic, fee-simple lots) with much less impact on Phase 2*
- *Dream is abandoning Phase 1 residents (already got their money) to maximize profit potential in Phase 2*
- *Dream has not provided justification for the proposed changes*

Remarkably, the report includes the verbatim comments made by participants in a Zoom meeting (Agenda pg. 93-121; Appendix 7, pg. 4-32). This is insulting! ***Why weren't any (or all) of the position papers that provide detailed accounts of the basis of the opposition case included?*** In contrast, the CPD report attaches the full proposed CPA (Agenda pg. 23-75; Appendix 2) despite that much of it is either technical, self-promotional, contains statements contested by residents, or is not directly related to the proposed CPA. In the ultimate irony (Agenda pg. 51; Appendix 2, pg. 22):

The CPA acknowledges the existing DCD4 in the context of revising the Willows Phase 2 Concept Plan. Most importantly, recognizing that DCD zoning districts have the ability to control land uses, densities, and intensities of development. For the introduction of the Nordic Spa and Wellness Hotel, and Neighbourhood Node parcel, the CPA includes a very specific set of permitted uses. Furthermore, these uses will have a size limitation. By way of limited parcel availability, limited types of uses, and limited area of each use, the City of Saskatoon and existing Willows residents are provided assurances of the future of the community.

Of course, the existing OCP and DCD4 do provide assurances to the existing property owners that prohibit much of what the amendment proposes. The Developer (and CPD, apparently) sees no problem with just amending those assurances to meet their current business goals. If you can do that now, why not again in the future?

The only conclusion that can be reached is that the game is rigged – the process is strongly biased in favour of the developer. City Administration has neglected our voices as property owners – we have not had a fair hearing. Our only hope is the Municipal Planning Commission and City Council. But this will also be difficult because City Administration has deployed the well-worn bureaucratic tactic of releasing a large volume of data (in this case, >100 pages) shortly before the decision meeting (6 days in this case). In the advanced version of this ploy, the released data is incomplete or biased (in this case lacking a meaningful account of the opposition case). This creates real challenges for decision makers to digest the information and make an informed judgement. In such scenarios, statistics show a distinct tendency to endorse the 'recommendation'.

I implore MCP members DO NOT BE RUSHED. Please take whatever time is necessary to evaluate BOTH the property owners' and the developer's cases. In that case, I can fully accept the outcome, whatever it may be.

[NOTE: a compilation of written submissions is available under the "Written Correspondence From the Public" tab at: <https://www.saskatoon.ca/engage/willows-concept-plan-amendment>