

Planning & Development Report to
Calgary Planning Commission
2020 June 18

ISC: UNRESTRICTED
CPC2020-0628

**Land Use Amendment in Forest Lawn Industrial (Ward 9) at 5805 - 17 Avenue SE,
LOC2019-0198**

EXECUTIVE SUMMARY

This application was submitted by Riddell Kurczaba Architecture on 2019 December 20 on behalf of the land owner, Hub Oil Company Ltd. The application proposes to redesignate the parcel from DC Direct Control District to Industrial – Business f1.33h16 (I-B f1.33h16) District to allow for:

- a greater variety of uses that may be able to meet the strict contamination restrictions of the site subject to review at the development permit stage;
- a maximum building height of 16 metres (maintaining the current maximum of 16 metres);
- a maximum floor area ratio of 1.33 FAR (an increase from the current maximum of 1.0); and
- the uses listed in the I-B District.

This proposal is in keeping with the applicable policies of the *Municipal Development Plan* (MDP) and the *Forest Lawn – Forest Heights / Hubalta Area Redevelopment Plan* (ARP). No development permit application has been submitted at the time of report finalization.

ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 1.65 hectares ± (4.01 acres ±) located at 5805 – 17 Avenue SE (Plan 5527HK, Lot 1) from DC Direct Control District to Industrial – Business f1.33h16 (I-B f1.33h16) District; and
2. Give three readings to the proposed bylaw.

RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2020 JUNE 18:

That Council:

1. Adopt, by bylaw, the proposed redesignation of 1.65 hectares ± (4.01 acres ±) located at 5805 – 17 Avenue SE (Plan 5527HK, Lot 1) from DC Direct Control District to Industrial – Business f1.33h16 (I-B f1.33h16) District; and
2. Give three readings to **Proposed Bylaw 98D2020**.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

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BACKGROUND

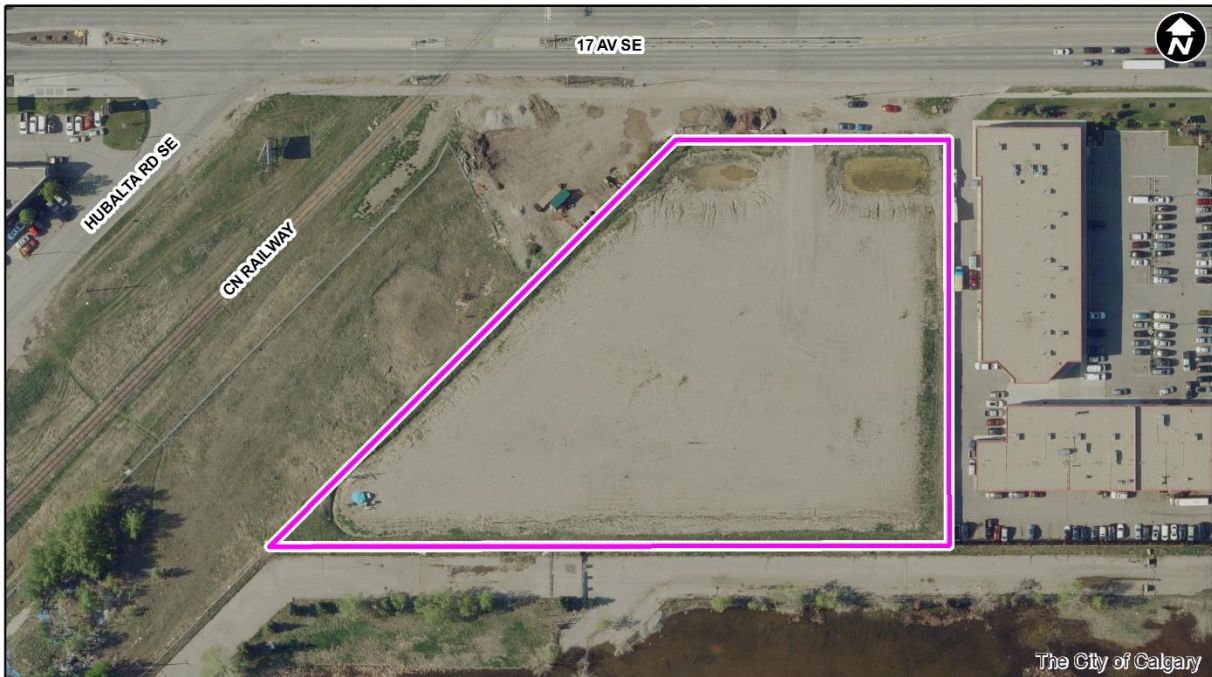
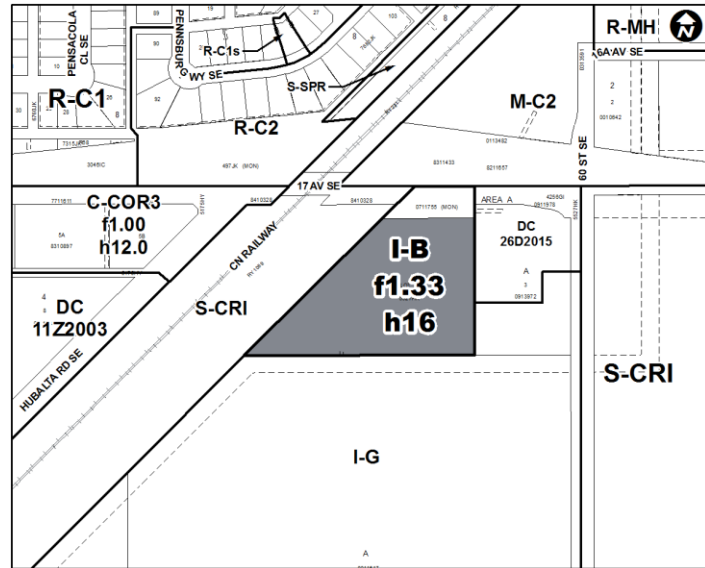
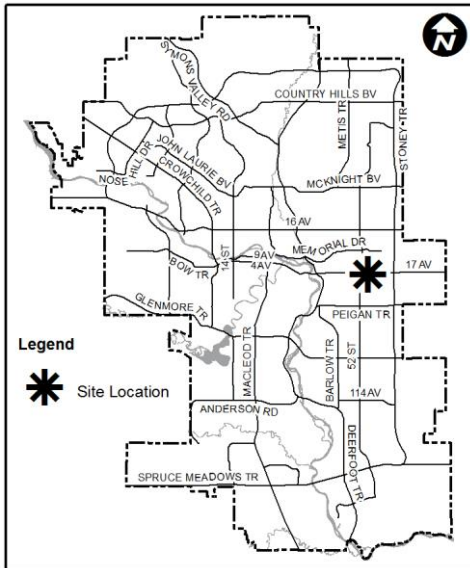
This application was submitted by Riddell Kurczaba Architecture on 2019 December 20 on behalf of the land owner, Hub Oil Company Ltd, in accordance with the Applicant's Submission (Attachment 1). A development permit for a self-storage facility is anticipated at a later date.

The site is the location of the former Hub Oil Refinery facility which was an industrial facility that collected and crushed used oil filters, collected used glycol and plastic containers, re-refined oils and fuels, and stored used and re-refined products. The refinery was decommissioned prior to the year 2000.

In 1999 August, the former Hub Oil facility had an industrial incident resulting in a large fire and subsequent contamination of the site. The site was declared a hazardous waste management facility by Alberta Environment and Parks following this incident and a land use change was implemented on the site to remove all uses considered to have risk given the contamination conditions at the time. At the time, the site contamination had not been contained yet and subsequently, a clay cap was placed on the site and the contamination on the site has now been stabilized.

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Location Maps



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Site Context

The subject site is approximately 1.65 hectares (4.01 acres) in size and is located in the Forest Lawn Industrial area, just south of 17 Avenue SE and west of Stoney Trail SE. Surrounding development is characterized by a mix of industrial uses to the south, the Canadian Pacific Railway to the west with commercial development along 17 Avenue SE to the west of the railway, existing residential development to the north, and Elliston Park and the East Calgary Landfill to the east.

The site formerly accommodated a refinery for the recycling of lubricating oil. In August 1999, an industrial accident resulted in the contamination of the site and the shutdown of refinery operations. In 2009, a DC Direct Control District was approved on the site to allow the remediation and limited development potential.

The site is identified by Alberta Environment and Parks as a hazardous waste management facility. The East Calgary landfill that is east of the site is identified by Alberta Environment and Parks as a landfill. The subject site is subject to the Subdivision and Development Regulation (SDR) setbacks for both the landfill and the hazardous waste management facility. Further information can be found in the Environmental and Strategic Alignment sections of this report. The subject site is currently vacant and is capped with a clay cap to contain the contamination on the site.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed Industrial – Business (I-B) District represents an industrial district that has a limited set of uses that accommodates high quality developments intended for employment purposes such as offices, manufacturing, research and other industrial uses contained within buildings. The proposal allows for a range of uses that are compatible with and complement existing adjacent uses and is consistent with applicable policies, as discussed in the Strategic Alignment section of this report.

Land Use

This application is to redesignate the site from the existing DC Direct Control District ([Bylaw 97D2009](#)) to the Industrial – Business (I-B) District to broaden the range of available uses on the site. The existing DC District Control District is based on the I-B District, however uses considered to be prohibited under the Alberta Subdivision Development Regulations were removed from the District through the review of the bylaw in 2009. These uses were specific to “food establishment” uses which more specifically, are any use where food is handled.

The purpose of the proposed I-B District is to reintroduce uses that were removed in the existing Direct Control District and may no longer be considered prohibited due to technological advancements. These may include such uses as a self-storage facility where video and key card technology would remove the need for an on-site manager and therefore removing the conflict of an on-site manager consuming food on the site.

The proposed land use district will provide opportunities for additional business uses while maintaining the industrial character and function of the area. These additional uses will be reviewed by Administration to determine if the specific application is in contravention of the Subdivision Development Regulations at the development permit stage.

Development and Site Design

The proposed redesignation is intended to accommodate the future development of a self-storage facility; however, no development permit application has been submitted at this time. The Forest Lawn – Forest Heights / Hubalta ARP has specific design policies for this site. At the development permit stage, key factors that will be important to address include:

- addressing 17 Avenue SE with an appropriate interface through façade design and material choice;
- ensuring a pedestrian friendly interface including soft landscaping along the 17 Avenue SE interface; and
- automobile parking facilities located internal to the development, away from 17 Avenue SE.

Any new buildings will be required to include vapour protection measures to protect from the site contamination as a precautionary approach.

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Transportation

The subject site is located south of 17 Avenue SE and east of Hubalta Road SE. The site is served by Calgary Transit Max Purple located approximately 450 metres away. Local transit service of route 440 and 87 is located approximately 150 metres from the site. There is a regional pathway along the north property line of the site - south side of 17 Avenue SE, providing connection to the 52 Street SE regional pathway system.

A Transportation Impact Analysis (TIA) was not required for this Land Use Amendment, however, a TIA may be required at the development permit stage depending on the proposed use. Access to the site is discouraged from 17 Avenue SE, and at development permit stage a shared access configuration with parcels to the east and south should be explored.

Environmental Site Considerations

The site is a hazardous waste management facility and is adjacent to a landfill. At time of subdivision and/or development permit applications, the applicant will be required to provide supporting information for uses that require an application by The City of Calgary for a waiver for consent to vary the *Subdivision and Development Regulation* from Alberta Environment and Parks.

Administration (Environmental and Safety Management) accepted the report provided in support of this application titled *2019 Post Reclamation Long Term Risk Management Plan, 5805 17 Avenue SE, Calgary, EPEA Approval No. 9790-02-00;KDI, 2019 September 24* (Risk Management Plan). The proposed land use district and anticipated future development conforms to the relevant development related requirements outlined in the Alberta Protection and Enhancement Act Approval No. 9790-02-02.

The Risk Management Plan includes the anticipated land-use (specifically a self-storage facility excluding custodial quarters) for LOC2019-0198. Under the Alberta Protection and Enhancement Act Approval, the site must outline in the Risk Management Plan how potential risks from contamination remaining at the site will be managed and mitigated to safely redevelop the site.

Some of the mitigation done in the last 20 years is removal of some contaminated soil and oil as well as installation of a groundwater treatment system to capture and treat contaminated groundwater to prevent any from leaving the site. A clay cap was constructed across the entire site to prevent people, animals or vegetation from coming into contact with contaminated soil or groundwater. Concentrations are regularly monitored to ensure that they remain within acceptable limits. Any new buildings will be required to include vapour protection measures as a precautionary approach.

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Utilities and Servicing

The existing water network can support the proposed land use district and sanitary service is available in the 300 millimetre public main on 17 Avenue SE.

Storm service is available at 17 Avenue SE. An extension to the existing storm main will need to be constructed by the developer to service the site at the development permit stage and at the expense of the developer.

Climate Resilience

The applicant has not identified any specific climate resilience measures as part of this application. Further opportunities to align future development on this site with applicable climate resilience strategies may be explored and encouraged at the development permit stage.

Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted on-site with a large notice posting sign facing 17 Avenue SE. Notification letters were sent to adjacent land owners and the application was advertised on-line. No public open houses were held for this application. Administration did not receive any letters from local residents or businesses concerning this application at the time of writing this report.

Following Calgary Planning Commission, notifications for Public Hearing of Council will be posted on-site and mailed out to adjacent land owners. In addition, Commission's recommendation and date of Public hearing will be advertised.

Strategic Alignment

South Saskatchewan Regional Plan (2014)

The site is located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Map in the [South Saskatchewan Regional Plan](#) (SSRP). While the SSRP makes no specific reference to this site, the proposal is consistent with policies on Land Use Patterns.

Interim Growth Plan (2018)

The recommendation aligns with the policy direction of the [Interim Growth Plan](#). The proposed land use amendment builds on the principles of the *Interim Growth Plan* by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

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Subdivision and Development Regulations (Alberta Regulation – 2002)

The entire site is within the legislated setbacks from the hazardous waste management facility and the landfill and is governed by Section 13 of the Province of Alberta [Subdivision and Development Regulation \(AR 43/2002\)](#). These regulations will limit certain uses (residences, food establishments, schools, hospitals) from locating within the prescribed setback (metres from disposal area) through the subdivision and development permit processes.

Section 13 of the *Subdivision and Development Regulations* (SDR) limits the approval of a school, hospital, food establishment or residential use on this parcel given its status as a hazardous waste facility as well as its proximity to the East Calgary Waste Management Facility. This restriction would limit a number of uses that may be developed on this site. However, technological advancements may change how the uses are managed in the future, and therefore the proposed expansion of available uses on the site is considered appropriate.

Municipal Development Plan (Statutory – 2009)

The subject parcel is located within the Urban Main Street area of the [Municipal Development Plan](#) (MDP). The applicable MDP policies encourage a broad range of employment, commercial and retail uses as well as housing to accommodate a diverse range of the population. The proposed redesignation enables high quality industrial uses and thus complies with the policies of the MDP.

Climate Resilience Strategy (2018)

The [Climate Resilience Strategy](#) identifies programs and actions intended to reduce Calgary's greenhouse gas emissions and mitigate climate risk. This application does not include any actions that specifically address objectives of this plan. Further opportunities to align development of this site with applicable climate resilience strategies may be explored and encouraged at subsequent development approval stages.

Development Next to Freight Rail Corridors Policy

The site is located within the Rail Proximity Envelope identified in the [Development Next to Freight Rail Corridors Policy](#) and its implementation guide. The City developed the policy to ensure that redevelopment near freight railways is within an acceptable risk tolerance.

The policy applies to parcels that are partially or entirely within 30 meters of the Canadian National (CN) and Canadian Pacific (CP) freight rail corridor property lines.

The Rail Proximity Envelope does not prohibit development but requires additional consideration such as mitigating noise impacts and the risk of derailment at the development permit stage.

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Forest Lawn – Forest Heights / Hubalta Area Redevelopment Plan (Statutory – 1995)

The subject parcel is located within the Business / Industrial area of the [Forest Lawn – Forest Heights / Hubalta ARP](#). The applicable ARP policies encourage the transition of the site from a heavy industrial use to an industrial – business use with all future development required to be consistent with the requirements outlined in the Alberta environment Approval. The proposed redesignation is in alignment with the policies of the ARP.

Social, Environmental, Economic (External)

The proposed land use district will provide opportunities for additional business uses while maintaining the industrial character and function of the area. Additional uses will allow for continued remediation of the site while utilizing a parcel along an Urban Main Street more effectively.

Financial Capacity

Current and Future Operating Budget

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

Risk Assessment

As noted in previous sections of this report, the site is encumbered from previous industrial activities on the site and as such additional layers of review and approval are required at the development permit stage. Given the additional review processes for the site, Administration is comfortable with the risks associated with this application for land use redesignation.

The requirements of the *Subdivision and Development Regulation* will be implemented at the time of development permit application review. There is risk that the proposed development may not be able to be realized, if the necessary approvals and waivers for consent for variance are not provided by Alberta Environment and Parks

REASON(S) FOR RECOMMENDATION(S):

The proposed land use redesignation is aligned with applicable policies identified in the *Municipal Development Plan* and *Forest Lawn – Forest Heights / Hubalta ARP*. The proposed Industrial – Business (I-B) District integrates well with existing industrial development and allows for greater flexibility of uses within a constrained site.

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ATTACHMENT(S)

1. Applicant's Submission
2. **Proposed Bylaw 98D2020**
3. **Public Submissions**