

Development in Proximity to Rail: Interim Approach

A municipality should understand the context and risks for development in proximity to a freight railway corridor when making planning decisions and to ensure any required mitigation is incorporated at time of the project's construction. In support of this goal, in 2016 March, Council directed Administration to develop a rail policy. While the development and rail policy is being undertaken, Administration is using this *Development in Proximity to Rail – Interim Approach* (Interim Approach) to evaluate planning and development applications for parcels in proximity to a freight rail corridor.

The railway corridor is comprised of lands that are utilized for freight rail activities. Until such time as Development and Rail Policy is adopted by City Council the following Interim Approach will be applied by the Approving Authority to development applications in proximity to the railway corridor.

A key goal of the Interim Approach is to promote the vision of the Municipal Development Plan (MDP) and local area plans to ensure that development and redevelopment reach their full potential near rail. This would incorporate a risk management approach and avoid using a prescriptive approach to address mitigation.

The City will continue to review the Interim Approach and process development applications in proximity to the freight railway corridor. If alternative solutions or approaches to deal with quantified risk are identified during the preparation of the Development and Rail Policy, and Baseline Risk Assessment, this Interim Approach may be amended.

1. INTERIM APPROACH | OBJECTIVES + GUIDELINES

1.1. The Interim Approach supports three principle objectives:

- A. Protection for building occupants and citizens in close proximity to the building;
- B. Protecting buildings; and,
- C. Facilitating emergency response to a railway incident.

1.2. Decisions on development applications adjoining a freight rail corridor in established and new communities will be evidence based and use a risk management approach. This approach will provide for risk mitigation measures for real rather than perceived risks associated with developing in close proximity to rail, and the potential dangers associated with that, balanced with the likelihood/probability of those risks occurring?

- a. A Baseline Risk Assessment (Baseline) will be undertaken and completed in 2017. It will compile generalized freight rail risk data for the Centre City, Sunalta and Inglewood Ramsay areas and may result in revisions or amendments to the interim approach
- b. The Interim Approach should avoid prescribing specific design interventions that would limit a building's program or design. These elements can be addressed in a more innovative manner through a site specific risk assessment recommending mitigation.

- 1.3. The rail proximity zone is the portion of a parcel(s) within 30m of a freight rail corridor property line.
 - a. Alternatives to the rail proximity zone will be reviewed based on findings of the Baseline Risk Assessment.

2. OBJECTIVES + GUIDELINES

A: Protection of Building Occupants and Citizens

- 2.1. For development located in the rail proximity zone, the Interim Approach will promote protection for occupants and citizens in close proximity through a risk management approach as outlined in Section 2.4.
- 2.2. A sensitive use list outlines uses needing additional planning and possible design considerations when adjoining a freight rail corridor and/or located within the rail proximity zone (see attached sensitive use groups and guidelines).
 - 2.2.1. When located within the rail proximity zone, development applications containing the following uses shall be supported by a risk assessment and noise and vibration study:
 - Addiction Treatment;
 - Assisted Living;
 - Custodial Care;
 - Temporary Shelter; and
 - Emergency Shelter.
 - 2.2.2. When located within the rail proximity zone, the following uses shall only be considered contingent on completing a risk assessment, noise and vibration studies and consideration of site design and layout configuration to facilitate enhanced emergency evacuation and safety criteria, such as location of play area(s) and egress locations. Any required mitigation will be supported by the Baseline Risk Assessment and site specific risk and mitigation and shall be a development/building permit condition, shown in final drawings and be incorporated in the development at time of construction and maintained for the life of the development.
 - School – Private;
 - School Authority – School;
 - Child Care Service; and
 - Home Based Child Care – Class 2.

2.2.3. When located within the rail proximity zone, the following uses will not be supported:

- Hospital;
- Jail; and
- Residential Care (non-ambulatory).

2.3. The sensitive use list will be reviewed based on findings of the Baseline Risk Assessment.

B: Protect Buildings

2.4. Development located in the rail proximity zone will promote safety protection for building occupants and citizens in close proximity, and will protect buildings through a risk management approach.

- a. Parcel specific risk assessments shall determine risks for new development when located in a rail proximity zone including residential uses, and/or commercial development at four storeys or higher and/or Group A or B sensitive uses (see attached sensitive use groups and guidelines and flow chart).
- b. A risk assessment scope will guide an applicant's risk engineering consultant. A start-up/kickoff meeting will be held to refine the scope based on the site's context.
- c. Recommendations of the risk assessment shall be evidence based and outline requirements to address risk of a rail accident/incident due to proximity to a freight rail corridor. The required mitigation shall be a development/building permit condition, shown in final drawings and be incorporated in the development at time of construction and maintained for the life of the development.
- d. Risk Assessment for a development application shall bear the stamp of a qualified, professional engineer.
- e. Once completed, the Baseline Risk Assessment work will generalize risk criteria for the Sunalta, Centre City and Inglewood Ramsay freight rail corridors and further refine the scope of a risk assessment with the goal of eliminating unnecessary duplication of work while supporting site specific analysis. In order to maintain an understanding of actual and not perceived risk, this baseline assessment will recommend the frequency, or conditions for an update.

2.5. Address the impact of noise from a freight rail corridor for residential and sensitive uses in the rail proximity zone through a noise study.

2.6. Address the impact of vibration from a freight rail corridor for residential and sensitive uses in the rail proximity zone through a vibration study.

- 2.7. Recommendations of the noise and vibration studies, if required under the Interim Approach, shall be a development/building permit condition, shown in final drawings and be incorporated in the development at time of construction and maintained for the life of the development.
- 2.8. Noise and vibration studies shall bear the stamp of a qualified engineer
- 2.9. Once complete, the Baseline Risk Assessment will recommend a refined scope for both noise and vibration studies.

C: Access Strategy

- 2.10. Development in planned “greenfield” (new development) scenarios will ensure a minimum setback of 30 metres from the property line of the freight rail corridor for residential buildings and sensitive uses.
- 2.11. For developed areas, access strategies are encouraged using public and other available access points such as rail lands to the freight rail corridor, to provide for access to a rail incident. Planning and Development will support the access strategy, where reasonably feasible.

3. EXEMPTIONS

- 3.1. Policy will not be applied retroactively to an existing building. Exceptions will be applied to existing buildings for a change of use application when the use is for residential, hotel, sensitive uses, and commercial four storeys or higher and/or when there is an addition to an existing building containing these uses located in the rail proximity zone.
- 3.2. Development and Rail policy does not apply to development and lands solely adjacent to Light Rail Transit.

TWO ATTACHMENTS:

- A. Sensitive Use Chart
- B. Flow Chart for Typical Development Permit Application

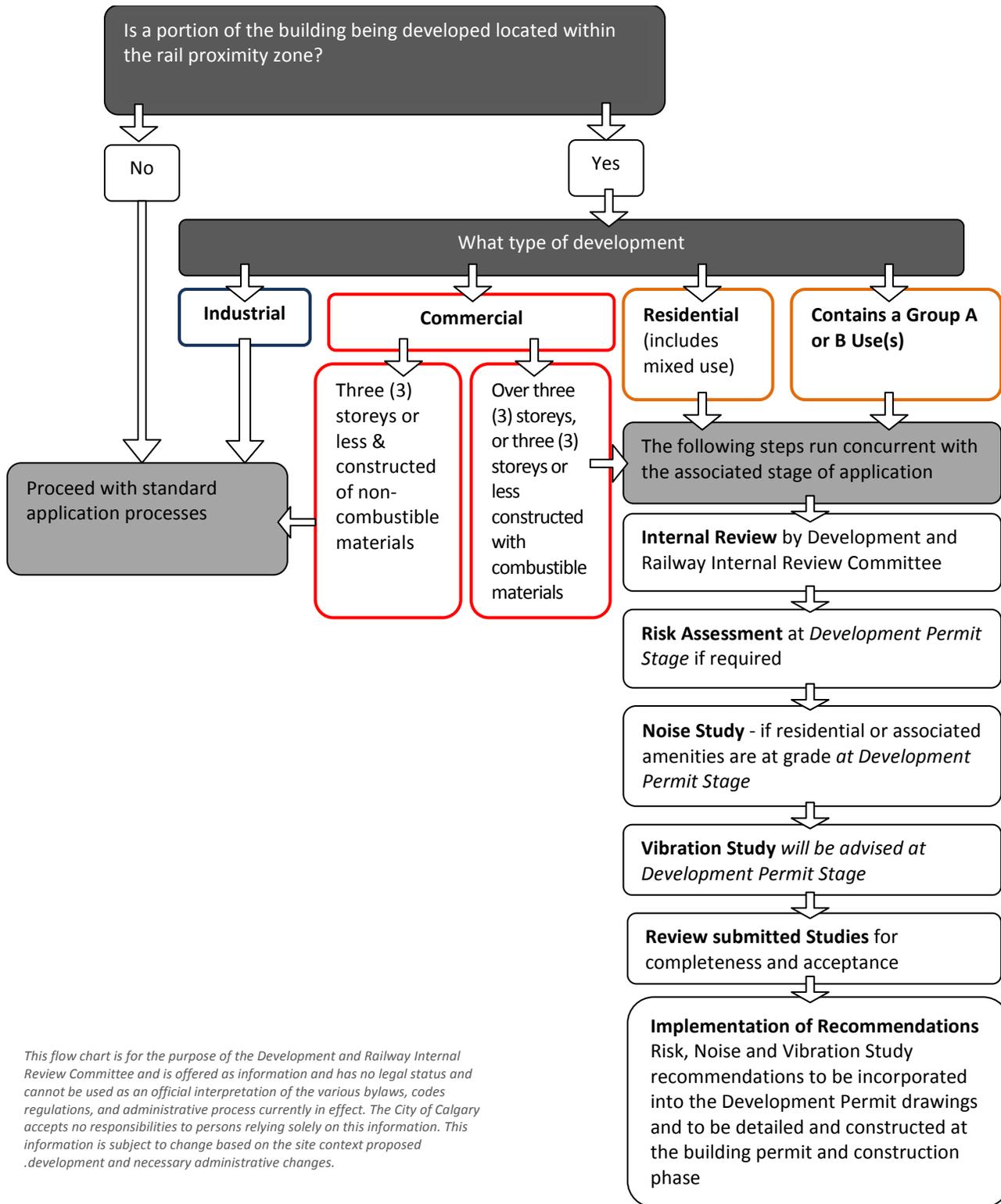
Attachment A: Interim Approach Sensitive Uses

<p>Group A When located in the rail proximity zone, uses shall be considered similar to residential and supported by a risk assessment and noise and vibration study.</p>		
Description	Use	Notes
<p>These uses are Support Services rendered by or through a care facility management program. Residents are not confined and are aware of their whereabouts and have the ability to self evacuate.</p>	Addiction Treatment	
	Assisted Living	
	Custodial Care	
	Temporary Shelter	
	Emergency Shelter	
<p>Group B When located in the rail proximity zone, the following uses shall only be considered contingent on completing a risk assessment, noise and vibration studies and consideration of site design and layout configuration to facilitate enhanced emergency evacuation and safety criteria, such as location of play area(s) and egress locations. The required mitigation shall be a development/building permit condition, shown in final drawings and be incorporated in the development at time of construction and maintained for the life of the development.</p>		
Description	Use	Notes
<p>These uses accommodate assembly of occupants and the use of a building, or part thereof, for educational and recreational or like purposes. Particular to Child Care, some occupants may not be capable of recognizing and/or responding to an emergency given their varied level of physical, cognitive and behavioural abilities, and the ability to move to a safe location without the assistance of another person.</p>	School - Private	<p>Uses shall be located on the first or second floor of a building to assist in evacuation.</p>
	School Authority – School	
	Child Care Service	
	Home Based Child Care – Class 2	
<p>Group C Not permitted within the rail proximity zone.</p>		
Description	Use	Note
<p>These uses are Support Services rendered by or through a care facility management program. Occupants are confined, have varied levels of mobility, or are immobile. Further the services provided may be associated with cognitive, physical or behavioral limitations.</p>	Hospital	<p>Hospitals are listed only in a Special Purpose Community Institution (S-CI) District. Jails are facilitated through a Direct Control District redesignation.</p>
	Jail	
	Residential Care	

Attachment B

Flow Chart for Typical Development Permit Application

Interim Approach



This flow chart is for the purpose of the Development and Railway Internal Review Committee and is offered as information and has no legal status and cannot be used as an official interpretation of the various bylaws, codes regulations, and administrative process currently in effect. The City of Calgary accepts no responsibilities to persons relying solely on this information. This information is subject to change based on the site context proposed .development and necessary administrative changes.