

LAND USE AMENDMENT
CLIFF BUNGALOW (WARD 8)
24 AVENUE SW AND 4 STREET SW
BYLAW 70D2017

MAP 9C

EXECUTIVE SUMMARY

The proposed land use amendment seeks to redesignate the parcel from an existing DC Direct Control District based on the 2P80 Land Use Bylaw to a DC Direct Control District which would allow for a greater flexibility of uses, regularize the uses within the existing building and align with the 1P2007 Land Use Bylaw.

Located on 4 Street SW in Cliff Bungalow, the site is within a major commercial street as defined on the 4 Street and 17 Avenue Commercial Land Use Map contained in the Cliff Bungalow Area Redevelopment Plan. The proposed DC Direct Control District would use the Commercial - Corridor 1 (C-COR1) District from the 1P2007 Land Use Bylaw as the base district.

The proposed DC Direct Control District would allow the applicant a greater flexibility of uses appropriate to the commercial area, including the potential for a medical clinic. It would also regularize the situation with regard to the Joyce on 4th which is an existing drinking establishment.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2016 December 15

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 70D2017; and

1. **ADOPT** the proposed redesignation of 0.23 hectares \pm (0.56 acres \pm) located at 508 – 24 Avenue SW (Plan 4453L, Block 7, Lots 10 to 13) from DC Direct Control District to DC Direct Control District to accommodate the additional uses of Restaurant: Licensed – Large and Drinking Establishment – Large, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 70D2017.

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REASON(S) FOR RECOMMENDATION:

Administration considers that this DC Direct Control District would be compatible with the surrounding development and land use. It conforms to the relevant statutory policies contained in the Municipal Development Plan (MDP) and the Cliff Bungalow Area Redevelopment Plan (ARP).

The proposed DC Direct Control District would provide appropriate uses in a commercial corridor location, thereby contributing to the livability and viability of the area. The proposal would also address the existing situation and provide specific criteria to minimize any potential future impact on the character of the area.

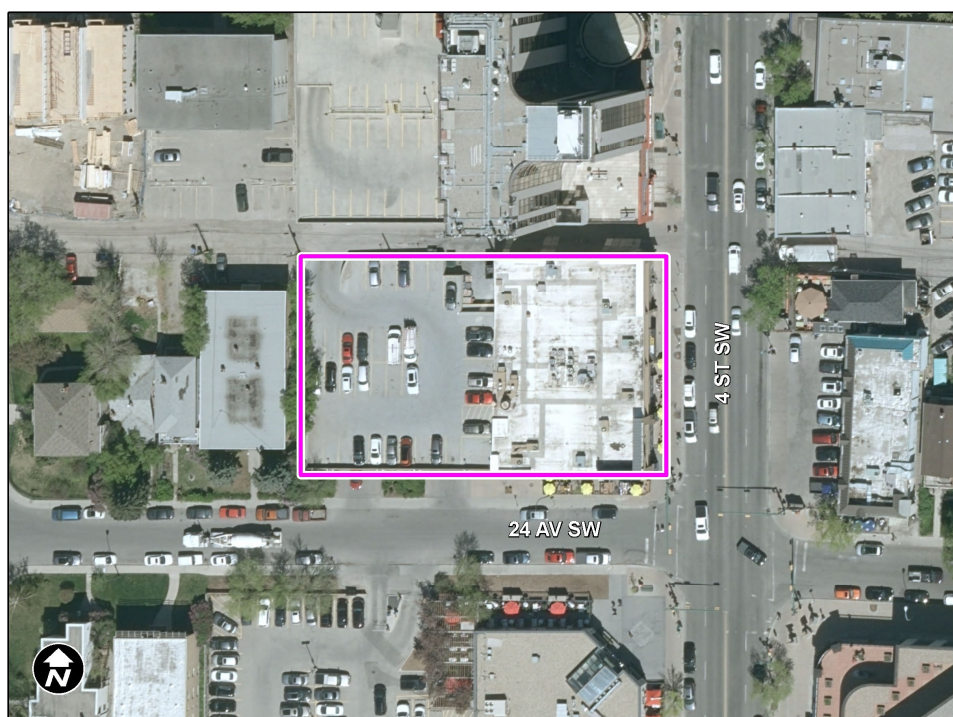
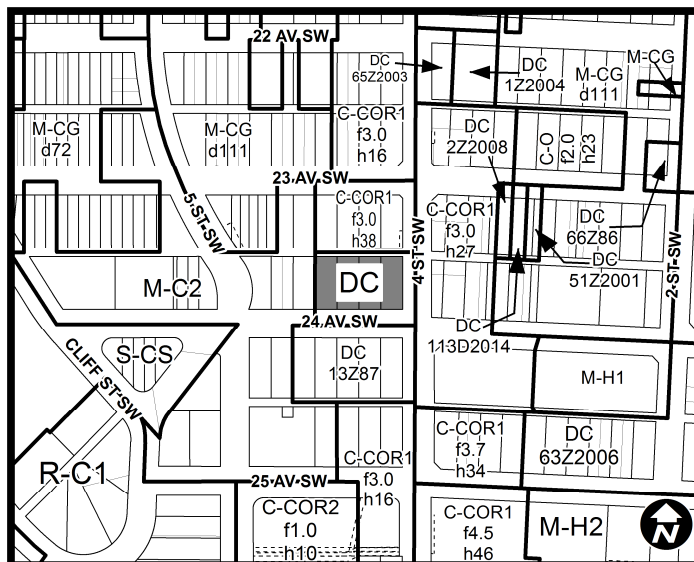
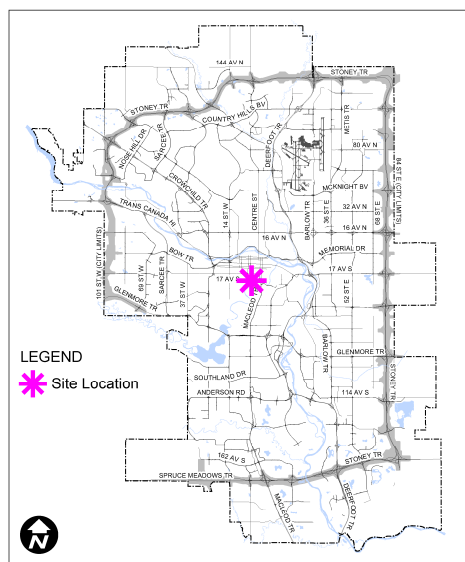
ATTACHMENT

1. Proposed Bylaw 70D2017

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.23 hectares \pm (0.56 acres \pm) located at 508 – 24 Avenue SW (Plan 4453L, Block 7, Lots 10 to 13) from DC Direct Control District **to** DC Direct Control District to accommodate the additional uses of Restaurant: Licensed – Large and Drinking Establishment – Large, with guidelines (APPENDIX II).

Moved by: L. Juan

Carried: 9 – 0

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Applicant:

Christopher Davis Law

Landowner:

771981 Alberta Ltd
(Bernie McCaffery)

PLANNING EVALUATION

SITE CONTEXT

The subject site is located within the community of Cliff Bungalow on the northwest corner of the junction of 24 Avenue SW and 4 Street SW. The site is 0.23 hectares (0.56 acres) in size and comprises a three storey building fronting 4 Street SW with a two storey parkade fronting 24 Avenue SW.

The building to the north is an eleven storey tower with a five storey parkade to the rear. It is designated Commercial - Corridor 1 (C-COR1 f3.0 h38) District.

On the opposite side of 4 Street SW is a two storey commercial strip mall with a surface parking area to the front. It is designated Commercial - Corridor 1 (C-COR1 f3.0 h27) District.

To the south is a single storey building with its parking in a surface parking lot to the east. It is designated as DC Direct Control District (Bylaw 13Z87). This DC Direct Control District allows for only a restaurant or lounge (Drinking Establishment) with a floor area of 706 square metres (7600 square feet). It is currently occupied by an 'Earls' restaurant.

To the west is the low to medium density residential area of Cliff Bungalow, with a three storey multi residential block to the immediate west of the subject site's parkade structure.

No increase in density or height has been proposed to the existing building on the site.

LAND USE DISTRICTS

The existing DC Direct Control District (Bylaw 90Z91) allows for office, personal service business, restaurant and a parking structure only. Specific rules were included in the DC Direct Control District for the seating capacity of the restaurant and for the parking to be provided on site.

The maximum seating capacity for restaurant uses is not to exceed 304, with no individual restaurant in excess of 150. The minimum parking provision is 82 stalls, for use only by the development.

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The applicant is seeking a new DC Direct Control District to allow for a greater flexibility of uses that are considered to be appropriate within a commercial corridor, to align with the 1P2007 Land Use Bylaw and to regularize the existing situation within the building.

The applicant has specifically considered a medical clinic use to be located on an upper floor of the building, but this is not a defined use within the existing DC Direct Control District.

The Commercial - Corridor 1 (C-COR1) District, with a density and height modifier, would be appropriate, however the existing Drinking Establishment use exceeds the maximum public area of 300.0 square metres for Drinking Establishment – Medium. The district does not include Drinking Establishment – Large as a discretionary use.

Although the main floor of the building is sub-divided into three uses and the floor area of the Drinking Establishment is indicated as being 244.2 square metres, this use extends into the basement, with an additional 85.01 square metres of public area. Notwithstanding that the applicant has indicated that this is a ‘private function’ room, it constitutes public area under the Bylaw and extends the public area of the use to 329.21 square metres.

Administration’s records show that although a building permit was approved in 2013, as part of the flood recovery process, no development permit was made for the use.

Neither Drinking Establishment – Large nor Restaurant: Licensed – Large are defined uses in the Commercial - Corridor 1 (C-COR1) District, but their inclusion would regularize the existing historical situation within this specific building. In order to ensure that the objectives of the Cliff Bungalow Area Redevelopment Plan (ARP) are met, the proposed DC Direct Control District includes a specific rule to limit the ground floor area for both of these uses in order to minimize any potential future impact on the acknowledged character of 4 Street SW. This would allow flexibility for the uses to extend upwards to the second floor or into the basement, as currently occurs, but would retain a variety of uses at grade.

The DC Direct Control District also contains rules relating to height and density that reflect the existing situation.

The DC Direct Control District guidelines are attached at APPENDIX II.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

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The Municipal Development Plan (MDP) (Adopted by Council 2009)

The subject site is located within the Inner City Area as identified on Map 1 of the Municipal Development Plan (MDP). Although the MDP makes no specific reference to the subject site, the Land Use Amendment proposal is in keeping with the applicable, overarching corridor policies of the MDP.

Cliff Bungalow Area Redevelopment Plan (ARP) (Approved by Council 1993)

The ARP indicates that the commercial land use policies for 4 Street SW are intended to reinforce the pedestrian character of these streets by encouraging pedestrian shopping street elements.

The stated objectives for the commercial corridors of the ARP include:

- To emphasize the pedestrian shopping street character 4 Street SW; and
- To encourage commercial land uses on the ground floor of buildings that complement the pedestrian-oriented character of 4 Street SW.

The ARP acknowledges that the character and uses along 4 Street SW have evolved from local commercial and residential to office and service commercial, and that retail uses are predominant at grade. It further states that 4 Street SW serves a special role as a pedestrian-oriented retail area serving both the Cliff Bungalow and Mission communities.

The policies of the ARP seek to limit the impact of commercial development on adjacent residential areas and indicate that the general commercial uses, under the current land use designations of C-3 and DC should be retained

It is noted that small scale, local restaurants are encouraged while large scale restaurants and bars are discouraged.

TRANSPORTATION NETWORKS

A parking study was submitted with the application and Transportation is satisfied that sufficient parking is available on site, and that the proposed land use would have no material impact on the immediate area.

UTILITIES & SERVICING

Existing services are available and can accommodate the potential uses contained in the proposed DC Direct Control District.

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ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ENVIRONMENTAL SUSTAINABILITY

No sustainability features have been provided at this time.

GROWTH MANAGEMENT

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

PUBLIC ENGAGEMENT

Community Association Comments

No comments received by CPC Report submission date.

Citizen Comments

No comments received by CPC Report submission date.

Public Meetings

No public meetings were held in respect of this Land Use application.

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APPENDIX I

APPLICANT'S SUBMISSION (2016 April 7)

The "Trolley Square" building (home of the Joyce on 4th and other businesses) was formerly a business location for the Revelstoke lumber chain. In 1991 (or thereabouts), it was "rebranded" as Trolley Square. The owners applied for a unique "direct control" (DC) and use which would accommodate their vision of having as many as two large restaurants at the site, each seating no more than 150 patrons.

The owner of Trolley Square is 771981 Alberta Ltd and its principal is Mr Bernie McCaffery.

Bernie and his partners have other successful projects in Cliff Bungalow/Mission community, including the Maxwell Bates Block and the former Candela Square site.

There are a number of planning issues at the "Trolley Square" development that Bernie and his company need to address. They are not overly complex, but mostly arise from the 1991 DC land use. Functionally, Bernie does not intend to change the type of uses that have been occurring on the Trolley Square site for at least 20 years – licenced restaurants, office, medical clinic and retail uses.

1. The existing DC land use will not accommodate "medical clinic" uses. There is interest in leasing space in Trolley Square for medical clinic uses. Despite the presence of "Santé Spa" for the last 20 years, it was approved and "operated" as a "personal service business" under the DC bylaw.
2. The C-COR1 land use district is prevalent on 4th Street SW. This district now offers a significant parking relaxation for restaurants (licenced) / drinking establishments so long as they remain under the "large" category. The parking relaxation available under this new interpretation is substantial and would allow for all the remaining businesses plus a floor of medical and a floor of office (the 2nd and 3rd floors are currently unoccupied), with little to no parking relaxations.
3. The Joyce on 4th operates a "private function room" in the basement of the building. It operates intermittently and plays host to wine painting events and other like community events. Within the C-COR1 district, "conference and event facility" is a discretionary use that might accommodate the current use. An alternate use that may be appropriate is "social organization". It is the applicant's view is that the lower area functions very differently than upstairs. This would, in my interpretation, be characterized as "conference and event facility" (section 170.1 Calgary LUB) or alternatively "social organization" (section 307). Both definitions limit the maximum area to 75 m² (807 sq ft) where a site is adjacent to a residential district. The current space was approved (BP2013-14753) following the 2013 flood for 1015 sq ft.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) Allow for the **use** of **Drinking Establishment – Large** and **Restaurant: Licensed – Large**; and
 - (b) Restrict the **use** of **Drinking Establishment – Large** and **Restaurant: Licensed – Large** at the ground floor level.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
- (a) **Drinking Establishment – Large**; and
 - (b) **Restaurant: Licensed – Large**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

Location of Public Area

- 7 The maximum **public area** located on the ground floor of a **building** for **Drinking Establishment – Large** and **Restaurant: Licensed – Large** is 300.00 square metres.

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Floor Area Ratio

8 The maximum *floor area ratio* is 3.0.

Building Height

9 The maximum *building height* is 16.0 metres.