

**LAND USE AMENDMENT  
MANCHESTER INDUSTRIAL (WARD 9)  
42 AVENUE SE WEST OF BLACKFOOT TRAIL SE  
BYLAW 122D2016**

**MAP 3C**

**EXECUTIVE SUMMARY**

This land use application in Manchester Industrial proposes redesignation of an industrial parcel from an Industrial - General (I-G) District to a DC Direct Control District, based on I-G, with additional non-industrial uses, including commercial, residential and institutional uses within existing buildings.

**PREVIOUS COUNCIL DIRECTION**

While there is no specific direction for the site, in 2009, Council directed Administration to investigate issues and opportunities facing inner-city industrial areas, including Manchester Industrial. This resulted in the Central Industrial Areas Land Review. This study was received for information by Calgary Planning Commission and Council in 2013.

**ADMINISTRATION RECOMMENDATION(S)**

2016 April 07

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

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 122D2016; and

1. **ADOPT** the proposed redesignation of 1.89 hectares  $\pm$  (4.67 acres  $\pm$ ) located at 536 – 42 Avenue SE (NE1/4 Section 3-24-1-5) from Industrial – General (I-G) District **to** DC Direct Control District to allow for non-industrial uses in existing buildings; and
2. Give three readings to the proposed Bylaw 122D2016.

**REASON(S) FOR RECOMMENDATION:**

The reasons for recommending refusal are:

1. The proposed land use redesignation is not in keeping with applicable policies in the Municipal Development Plan (MDP). The MDP identifies that Standard Industrial areas should remain predominantly industrial and resist the encroachment of non-industrial uses into them, including commercial/retail, office and residential.
2. The Central Industrial Areas Land Review identified Manchester Industrial as a healthy inner city industrial area. The Review recommended that policy be in place to identify

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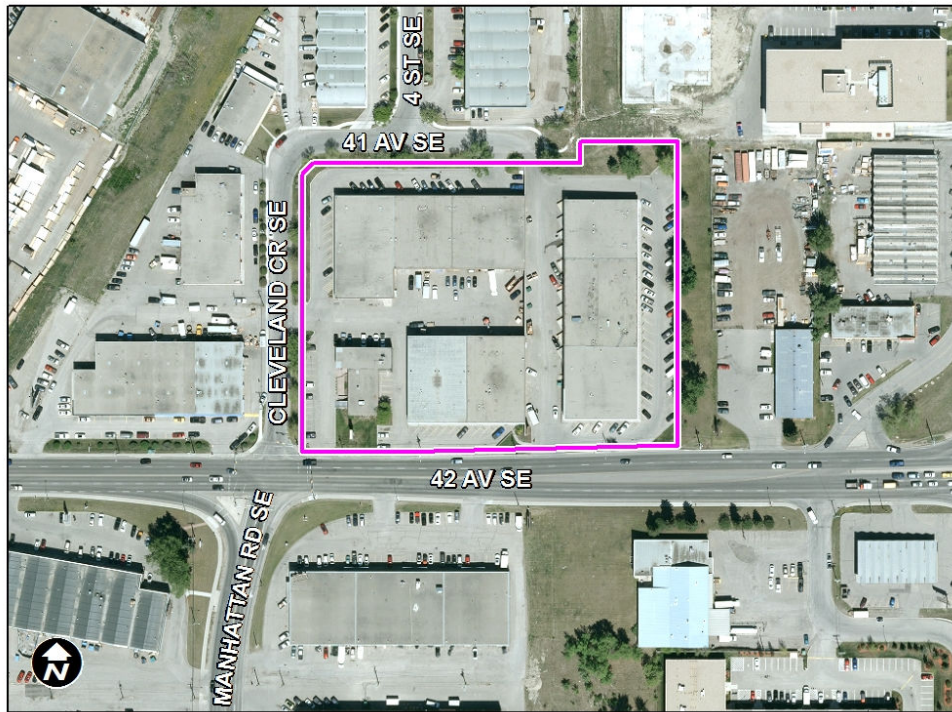
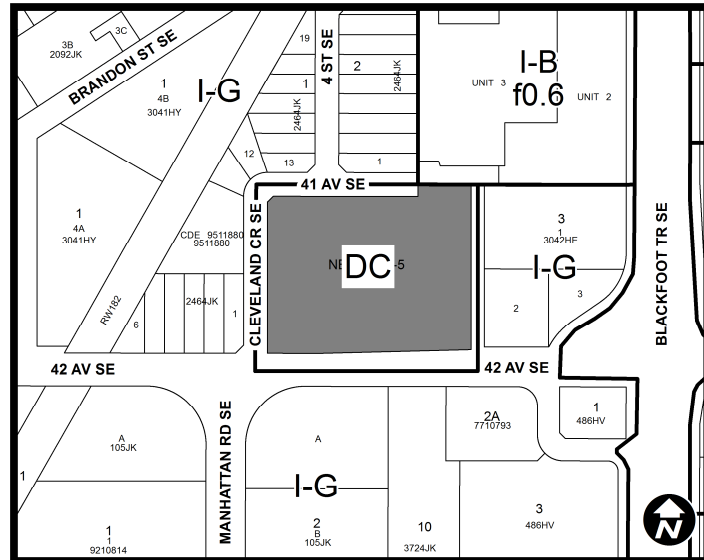
industrial areas that should be preserved and those which could transition to other uses. Until such time that policy is developed, a cautious approach to industrial redesignation is warranted. Administration considers this proposal, which would allow for the encroachment of non-industrial uses in a piecemeal manner, could negatively impact the overall industrial character and operations of the area.

3. While a portion of the site is within 600 metres of the 39 Avenue SE LRT Station “as the crow flies,” the site is approximately 900 metres (or 15 minutes) walking distance from the station. As a result, the City of Calgary’s Transit Oriented Development Guidelines are not considered to be applicable or to lend support to this application.
4. The proposed DC Direct Control District approach does not meet Land Use Bylaw 1P2007 for the use of DC Direct Control Districts. In addition to the DC approach not meeting the test for use of a DC District, Administration is also not supportive of a standard Industrial – Commercial (I-C) District redesignation for the site nor the current proposal which is considered by Administration as a defacto I-C redesignation.

**ATTACHMENT**

1. Proposed Bylaw 122D2016

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**ADMINISTRATIONS' RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **REFUSE**, the proposed redesignation of 1.89 hectares  $\pm$  (4.67 acres  $\pm$ ) located at 536 – 42 Avenue SE (NE1/4 Section 3-24-1-5) from Industrial – General (I-G) District **to** DC Direct Control District to allow for non-industrial uses in existing buildings.

**2016 April 07**

**MOTION:**

The Calgary Planning Commission **FILED** Administration's recommendation of **REFUSAL** and recommends that Council:

1. **ADOPT**, by bylaw, the proposed redesignation of 1.89 hectares  $\pm$  (4.67 acres  $\pm$ ) located at 536 – 42 Avenue SE (NE1/4 Section 3-24-1-5) from Industrial – General (I-G) District **to** DC Direct Control District to allow for non-industrial uses in existing buildings; and
2. Give three readings to the proposed Bylaw.

**Moved by: G.-C. Carra**

**Carried: 7 – 2**

Opposed: M. Tita and G. Morrow

Reasons for support of the Adoption motion from Mr. Foht:

- I supported the motion to overturn the Administration's recommendation for the following reasons:
  - The uses proposed by the Applicant makes sense in this transitional area;
  - The use of Live Work is appropriate; not Dwelling units;
  - The property is obsolete (i.e. truck loading areas do not meet current requirements);
  - All the proposed uses are discretionary; therefore, a level of additional scrutiny will take place upon application of a development permit.
- The City Administration should recommend to Council that this industrial area be reviewed in light of transitional use from pure industrial to something more intensive uses including potential residential.

Reasons for support of the Adoption motion from Mr. Wright:

- The Central Industrial Areas study provided a rigorous background to these areas. Concerns were outlined about Commercial intrusion. Each of these types of applications, by way of introducing more commercial/residential in a general industrial area result in "...death

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by a thousand cuts (rezoning).” Infiltration of these types of uses creates issues around noise, traffic, community standards bylaw, etc.

- However, there are no long range plans, no visions, so perhaps we should view this as a pilot project to a vision.

Reasons for support of the Adoption motion from Ms. Wade:

- The building was built under the I-2 district, from Bylaw 2P80, and the discretionary uses have been either deleted or redefined into other industrial zones.
- Industrial market has changed and the uses that were removed in LUB 1P2007, are in demand, can't supply the tenants and have high vacancy rates. Need to align with market demand and supply to support economic vitality.
- I-G uses create transportation and truck impacts on community regarding safety along with actual ability to travel on the streets or service existing building. This is not functional. The proposed uses lend to less impact on streets by trucks and address safety concerns.
- This is an interim land use until the building is demolished and Central Industrial Area land review implementation politics have been completed.
- Circulation pattern is based upon smaller trucks which are now larger with I-G uses so they would have difficulties servicing this site given retaining wall, street design and existing site layout.

Reasons for support of the Adoption motion from Mr. Friesen:

- I voted to set aside the administration recommendation for refusal and approve the applicant's Land Use Amendment because it is clear that this is an area in transition. There is strong need for a planning document for this area to guide development but I understand there are limited resources for such work.
- The owners and managers of this site have the right general direction in mind for the shape of the area and have the initiative to proceed. They also have a site and buildings which are compromised in their use by a configuration from another time and by changes in the pattern of Land Use regulation. They should not be penalized by the City's lack of will or resource in providing a larger vision.
- This Land Use Amendment should be allowed to proceed now since we know a comprehensive plan will not be available anytime soon.

Reasons for opposition of the Adoption motion from Mr. Morrow:

- I would strongly urge Council to direct Administration to create a redevelopment plan for Manchester Industrial. Administration is in an

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impossible position to make an informed decision in industrial redesignations in the absence of policy. The purpose of local area planning is to guide future development. We know certain areas are facing redevelopment pressure – Transit Orientated Development areas, underutilized industrial areas, and areas near Downtown. Manchester satisfies all three. Creating a forward-thinking redevelopment plan for Manchester Industrial is long overdue. I would have voted in favor of filing Administration's recommendation with assurances that Council direct Administration to create the policy to support what this application proposes (A greater mix of uses in industrial areas). The transition of industrial areas – because they are big job centres – needs to be considered comprehensively, because introduction of nonindustrial uses requires upgrading the public realm in these areas (which are currently largely devoid of even basics like sidewalks). I would urge us to look at the new "hybrid industrial" district being developed in Los Angeles, as a model to transition industrial areas into vibrant industrial mixed use areas.

If Administration recommendation of refusal is overturned, Administration recommends the following:

1. Remove Dwelling Unit and Live Work Unit uses from the Applicant's proposed DC **OR** request a new Phase I Environmental Site Assessment (and, if deemed necessary by the Phase I, a Phase II ESA) be completed after first reading of the Bylaw to ensure environmental conditions of the site are adequate for residential uses.
2. Remove the Post Secondary Learning Institution use from the Applicant's proposed DC **OR** request a Parking Study be completed after first reading of the Bylaw to comply with the use requirements in Land Use Bylaw 1P2007 Part 4 (263) (d).
3. Include the following provision to limit the Use Area rules for the additional discretionary uses listed in the DC Direct Control District:
  - 7 (2) The maximum cumulative **use area** for **discretionary uses** listed in section 5 (2) of this Direct Control District is 3,000.00 square metres of the total **use area** of existing **buildings** on site.

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**Applicant:**

Brown & Associates Planning Group

**Landowner:**

Wick Capital Inc

**PLANNING EVALUATION**

**SITE CONTEXT**

The parcel fronts onto 42 Avenue SE, and is approximately 200 metres west of Blackfoot Trail SE and 900 metres east of Macleod Trail S. Currently, four buildings (one and two storey) are located on the site. The buildings, which were built in the 1970s, are occupied by light industrial uses allowed within the Industrial - General (I-G) District.

The surrounding area is characterized by general light industrial uses and developments.

Location	Parcel(s) Description	Land Use Designation
North (across 41 Avenue SE)	General light industrial uses & development Office development	Industrial - General (I-G) District Industrial Business (I-B) District
South (across 42 Avenue SE)	General light industrial uses & development	Industrial - General (I-G) District
East	General light industrial uses & development	Industrial - General (I-G) District
West (across from Cleveland Crescent SE)	General light industrial uses & development	Industrial - General (I-G) District

An anticipated Administrative recommendation of refusal was communicated to the Applicant and owner throughout the Application review process. The Applicant was provided the option to cancel and abandon the application at various stages, but has selected to move forward with a recommendation of refusal. Throughout the review process, a number of land use options and strategies were considered by the Applicant, owner and Administration.

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**APPLICATION HISTORY**

The application, as originally submitted, proposed to redesignate the site to an Industrial-Commercial (I-C) District. As per the Applicant's original submission statement, the application was in response to vacancies on site. At the time of submission (December 2014), the Applicant indicated that approximately sixteen percent of the buildings' usable space was vacant. Limited ability to attract and lease space to industrial users within the existing buildings was cited due to site specific constraints including: a sloping site and resultant building configuration and narrow internal driveways which make manoeuvring of industrial sized trucks on-site challenging. Currently vacant space has been indicated at approximately eight percent (March 2016).

While Administration acknowledged the aforementioned constraints encumber the optimal use of existing building on site, Administration nonetheless identified non support for an I-C redesignation proposal on this parcel based on its location and non-compliance with policy.

In response, the Applicant amended the application to the current DC Direct Control District, based on I-G with additional non-industrial uses within existing buildings. The change to DC resulted in the inclusion of fifteen commercial uses that are also in the I-C District; two residential uses and one institutional use. Administration considers this approach to be in effect a defacto I-C redesignation and presents the same planning concerns and Administrative non support as a standard I-C District proposal. Additionally, the introduction of residential and institutional uses in the proposed DC causes further non support of the application and planning and development concerns are raised.

The reasons for non-support associated with the Applicant's proposal are outlined in the subsequent sections of this report.

**LAND USE DISTRICTS**

The site is currently designated as an Industrial – General (I-G) District. The I-G District is intended to allow for a wide range of light and medium general industrial uses and a limited number of support commercial uses, with limits on sales and office activities to preserve a diverse industrial land base. The I-G District allows for a maximum floor area of 1.0 and maximum building height of sixteen metres.

The proposed DC Direct Control District is based on I-G and allows for additional non-industrial uses in existing buildings. Upon redevelopment of the site only I-G development rules would apply.

Fifteen out of the eighteen additional uses included in the proposed DC were selected from the suite of uses in the Industrial – Commercial (I-C) District. These additional uses are:

1. Artist Studio;
2. Counseling Service;
3. Drinking Establishment – Small;
4. Financial Institution;



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5. Fitness Centre;
6. Health Services Laboratory – With Clients;
7. Indoor Recreation Facility;
8. Information and Service Provider;
9. Liquor Store;
10. Medical Clinic;
11. Pawn Shop;
12. Radio and Television Studio;
13. Retail and Consumer Service;
14. Service Organization; and
15. Vehicle Rental – Minor.

Administration believes that the introduction of these additional commercial uses within existing buildings represents a defacto commercialization of the site, essentially emulating an Industrial-Commercial (I-C) District redesignation. I-C is not believed to be an appropriate district for this site. The I-C District suite of uses is intended to be for parcels that are located at the perimeter of industrial areas, along major streets or expressways and as a transitional land use between I-G designated parcels and the other non-industrial designated parcels. This parcel is located within an I-G setting and is not on the perimeter of the industrial area; hence, no transition in land use is required.

In addition, the proposed DC Direct Control District includes uses that are incompatible with the industrial characteristics of the area.

- Dwelling Unit and Live Work Unit: these uses are not listed in any industrial districts of the Land Use Bylaw 1P2007 due to general incompatibility with the operations and character of industrial areas. Also, the definition of Live Work Unit limits the use to a limited range of multi-residential and commercial land use districts. Health and safety concerns include potential site contamination, noise, and overall incompatibility with industrial activities.

The I-G District is inappropriate as a base district for these uses. The I-G District does not include any of the standard development rules associated with districts that allow for residential uses including landscaping and amenity space requirements.

There are some examples of residential areas within predominantly industrial areas. These areas often have local area policy in place to effectively guide residential / industrial uses transition and include interface conditions or existed historically.

- Post Secondary Learning Institution: this use is typically allowed in commercial and institutional land use districts, as well as in the Industrial – Business District. Thus, it is not believed to be a compatible use in this industrial area.

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During review of the proposal, Administration suggested that the intensity of the additional discretionary uses be limited in an effort to preserve the industrial character of the area. While a provision to limit the use area for non-industrial uses is not in the Applicant's proposed DC, the Applicant has indicated agreement to include this provision if necessary. The suggested provision is:

The maximum cumulative **use area** for **discretionary uses** listed in section 5 (2) of this Direct Control District is 3,000.00 square metres of the total **use area** of existing **buildings** on site

In addition to the reasons identified above, the proposed DC approach is not supported as it does not meet the rules / test for the use of Direct Control District in Land Use Bylaw 1P2007. Section 20 states: "*A Direct Control District must only be used for the purpose of providing for developments that, due to their unique characteristics, innovative ideas, or unusual site constraints, require specific regulation unavailable in other Land Use Districts*". Furthermore, a Direct Control District must not be used where the same result could be achieved with the application of a standard district, either with or without relaxations of the Land Use Bylaw. As per the Applicant's statement, the site has been functioning as an industrial parcel since the 1970s and the Application was originally identified as a result of vacancies within the exiting development.

## LEGISLATION & POLICY

### Municipal Development Plan – MDP (Statutory - 2009)

The parcel is located within an area in the MDP identified as a Standard Industrial Area (Map 1: Urban Structure). These areas are intended to contain a mix of industrial uses at a variety of intensities, and as these areas redevelop the industrial character should be maintained. Section 3.7 of the MDP states: "*industrial areas should remain predominantly industrial and resist the encroachment of non-industrial uses into them*".

Certain areas may be considered for redevelopment as non-industrial or mixed residential business areas when located next to existing residential communities and/or the Primary Transit Network. The parcel is not near an existing residential community or in proximity to a Primary Transit Network.

### Local Area Plan

There is no applicable Local Area Plan in place for the area.

### Central Industrial Area Land Review (Non Statutory - 2012)

In 2009, Council directed Administration to investigate issues and opportunities facing inner-city industrial areas including Manchester Industrial. This resulted in the Central Industrial Areas

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Land Review study. This study was received for information by Calgary Planning Commission and Council in 2013.

This study identified the redevelopment pressure central industrial areas experience and the need to protect them from conversion to non-industrial uses such as residential and commercial. Centrally located industrial areas in Calgary were found to provide for small independent industrial business, including incubator businesses that typically require such areas to become established as a business. This study also highlighted the need for developing an industrial lands implementation strategy to protect central industrial areas from land use conversion to non-industrial uses.

Administration established an Implementation Team, as part of Council direction to undertake several actions including monitoring and evaluating of land use amendment applications in industrial areas, and developing an evaluation tool to guide land use amendment applications. In the absence of a citywide industrial strategy or local area plans, Administration is piloting the evaluation tool while continuing to consider land use redesignation proposals on a case by case basis using the “palette” of exiting industrial districts of the Land Use Bylaw 1P2007.

Administration is concerned that this proposal introduces non-industrial uses on a piecemeal ad-hoc basis in a healthy inner-city industrial area. The Manchester Industrial area forms part of a large contiguous industrial district in the east-central portion of the city and fragmentation or encroachment of non-industrial uses should be discouraged.

Transit Oriented Development (TOD) Guidelines (Non Statutory - 2005)

While a portion of the parcel is located within 600 metres “as the crow flies” from the 39 Avenue LRT Station, the site is approximately 900 metres or 15 minutes walking distance from the LRT station. Therefore, the *Transit Oriented Development Guidelines* are not believed to be applicable for the following reasons:

- The LRT station is adjacent to Macleod Trail S, which is identified as an Urban Corridor in the MDP and this is where high density mixed-use development is encouraged.
- A few parcels west of 39 Avenue SE, located within 200 metres from the LRT station, have already transitions from I-G to I-B to create a transit oriented development node around the LRT station.
- The area between the 39 Avenue LRT Station and the subject parcel is characterized by light industrial development and uses. The area is characterized by low-density single-use buildings, surface parking areas, building entrances not oriented to the street, numerous vehicle crossings on existing sidewalks, and one at-grade CPR crossing. This creates a less than optimal pedestrian environment.

City of Calgary Pathway and Bikeway Plan (Non-Statutory – Adopted by Council 2000)

There is an approved unconstructed Regional Pathway to the west of the parcel, as identified in The Pathway and Bikeway Implementation Plan. The approved pathway is aligned on the north

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side of 42 Avenue SE between Stanley Park to the west and Cleveland Court SE (4 Street SE) to the east. When implemented, the pathway will serve as a multimodal link to Macleod Trail S.

## **TRANSPORTATION NETWORKS**

A Transportation Impact Assessment was not required, particularly as a recommendation of refusal was anticipated.

The site is approximately 200 metres west of Blackfoot Trail SE and fronts onto 42 Avenue SE. Both these roads are classified as Arterial Streets by the *Road and Street Network Plan* which is part of the Council Approved *Calgary Transportation System Bylaw 40M2009*. Arterial Streets provide connection between multiple communities and major destinations. In addition, Blackfoot Trail SE is classified as Supporting Goods Movement Corridor. Heavy, medium and light trucks are the intended primary users of this road.

Neither of these arterial streets is identified as part of the Primary Transit Network in the MDP. There is, however, a transit stop for bus route 30 approximately 100 metres from the site. This route connects the 39 Avenue LRT Station with the Highfield Industrial area with bus service every 30 minutes during the day from 6am to 8:45pm (Monday to Friday), and limited service on the weekends (6am to 6pm).

Multiple vehicular access points exist from the parcel onto 42 Avenue SE. Closure or re-configuration of vehicular accesses along 42 Avenue SE will be required with any Change of Use application or Development Permit application. There is a concern that if intensification of existing buildings with non-industrial uses (as per the proposal) is allowed, vehicular trips may increase which may exacerbate safety concerns associated with the current site access configuration.

Furthermore, the Land Use Bylaw 1P2007 part 4 (263) (d) identifies that for Post-Secondary Learning Institution, a parking study at the land use redesignation application stage is required to identify the minimum number of parking stalls. This requirement is to be fulfilled should Administration's recommendation of refusal be overturned.

## **UTILITIES & SERVICING**

Site servicing for water, sewage and stormwater exists. Future site servicing upgrades may be required upon redevelopment at the developer's expense.

## **ENVIRONMENTAL ISSUES**

A Phase I Environmental Site Assessment, conducted in 2006, was submitted with the application. The purpose of the report was to identify any issues of actual or potential environmental concern with the site and adjacent properties which existed as a result of current

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or past activities, operations or practices. The report concluded that no further investigation was required at that time.

However, Administration is concerned regarding the proposal for inclusion of Dwelling Unit and Live/Work Unit as discretionary uses. If the recommendation is overturned, Administration recommends a new Phase I Environmental Site Assessment (and potentially a Phase II ESA) be completed after first reading, to ensure the site meets acceptable environmental conditions for residential uses.

**GROWTH MANAGEMENT**

This application does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Not required as there is no community association in the Manchester Industrial Area.

**Citizen Comments**

Two phone calls were received from nearby business owners requesting additional information about the proposal. The owners expressed concerns regarding potential area traffic increase as a result of the inclusion of non-industrial uses.

No written comments in response to the proposal were received by CPC Report submission date.

**Public Meetings**

No public meetings were held by the Applicant or Administration.

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**APPENDIX I**

**Applicant's Submission**

Wick Capital Inc. has requested Brown and Associates Planning Group to prepare a land use redesignation for +/- 1.89 ha (4.69 ac) located at 536 42<sup>nd</sup> Ave SE in the community of Manchester.

The purpose of this application is to maintain the industrial nature of the site while providing the opportunity for a broader range of commercial uses within the existing buildings that would serve to support the surrounding industrial area. The proposed redesignation would result in changing the existing Industrial –General (I-G) District to a Direct Control District based on the I-G District.

The site is fully developed with a complex containing four 1970's vintage buildings totaling 88,494 sq. ft. arranged on the perimeter of the site with loading docks oriented internally. Surface parking is readily available at the front of the various buildings. The existing building placement on the site and limited vehicle maneuverability particularly for large transport vehicles in addition to the site's sloping nature has resulted in significant constraints to attracting typical industrial users that rely on large semi-trailer trucks for the movement of goods. As such, the existing buildings have been underutilized over time.

Our application proposes to introduce a broader range of uses that "*would support the industrial function of the area and cater to the day to day needs of area businesses and their employees*" in accordance with Policy 3.7.1c of the Municipal Development Plan. The site's location is appropriate for these types of supporting commercial uses as it is located immediately adjacent to 42<sup>nd</sup> Avenue SE; which serves as the main industrial arterial connector in the area between the two significant anchors of planned intensification - the Macleod Trail Urban Corridor and the Highfield Employee Intensive Area.

In addition, the site is located 600m from the 39<sup>th</sup> Avenue LRT Station and served by the Highfield Transit route which runs between the station and the Highfield Industrial area. Both the MDP and Transit Oriented Development Policy Guidelines support a mix of uses and possible intensification for sites in close proximity to such transportation infrastructure. With this policy direction in mind, we have included the opportunity for Dwelling Units and Live Work Units within our proposed Direct Control District.

We look forward to Calgary Planning Commission and City Council's support of our application that provides for the continuation of Industrial –General (I-G) uses on the site while enabling a broader range of uses within the existing buildings to address both the unique locational context and existing site constraints.

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## APPENDIX II

### APPLICANT'S PROPOSED DIRECT CONTROL GUIDELINES

#### **Purpose**

- 1 This Direct Control District is intended to:
- (a) allow for select non-industrial **uses** only within existing **buildings** in order to preserve the industrial character of the area upon redevelopment.

#### **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 Industrial-General (I-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

#### **Discretionary Uses**

- 5 (1) The **discretionary uses** of the Industrial-General (I-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.
- (2) The following **uses** are additional **discretionary uses** if they are located in **buildings** existing at the time of the effective date of this Direct Control District:
- (a) **Artist Studio;**
  - (b) **Counseling Service;**
  - (c) **Drinking Establishment – Small;**
  - (d) **Dwelling Units;**
  - (e) **Financial Institution;**
  - (f) **Fitness Centre;**
  - (g) **Health Services Laboratory – With Clients;**
  - (h) **Indoor Recreation Facility;**
  - (i) **Information and Service Provider;**
  - (j) **Liquor Store;**
  - (k) **Live Work Units;**
  - (l) **Medical Clinic;**
  - (m) **Pawn Shop;**

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- (n) **Post Secondary Learning Institution;**
- (o) **Radio and Television Studio;**
- (p) **Retail and Consumer Service;**
- (q) **Service Organization;** and
- (r) **Vehicle Rental – Minor.**

**Bylaw 1P2007 District Rules**

- 6** Unless otherwise specified, the rules of the Industrial-General (I-G) District of Bylaw 1P2007 apply in this Direct Control District.

**Use Area**

- 7** The maximum *use area* for a **Retail and Consumer Service** is 930.0 square metres.