

**Planning & Development Report to
Combined Meeting of Council
2021 September 13**

**ISC: UNRESTRICTED
C2021-1117
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**Consideration of Second and Third Reading of Policy and Land Use Amendment
in Beltline (Ward 8) at 1422 – 17 Avenue SW, LOC2019-0100, C2021-1117**

RECOMMENDATION:

Administration recommends that Council file and abandon Proposed Bylaws 24P2021 and 80D2021.

HIGHLIGHTS

- Proposed Bylaws 24P2021 and 80D2021 were given first reading on 2021 May 31, and second and third readings withheld, while Administration and the applicant worked on resolving access from 17 Avenue SW. A development permit was submitted on 2021 July 26 that appears to propose an unrestricted access to 17 Avenue SW. As this proposal does not align with the discussion that occurred at the May 31 public hearing of Council, Administration recommends Council refuse the proposed policy and land use amendment.
- What does this mean to Calgarians? This proposal does not protect the pedestrian oriented mixed-use environment of the 17 Avenue SW Main Street. Pedestrian safety and comfort along 17 Avenue SW are a priority to realize a vibrant 17 Avenue SW Main Street.
- Why does it matter? The proposal does not support a pedestrian-oriented environment or reflect the approximately \$46M investment already made by The City to implement the 17 Avenue SW Construction Project.
- The Development Permit (DP2021-5124) is currently under review and appears to propose an unrestricted access from 17 Avenue SW (Attachment 3). An unrestricted access does not align with the pedestrian-oriented Main Street, nor the applicable policies and objectives of the *Beltline Area Redevelopment Plan* (ARP), nor the discussion that occurred at the May 31 Council meeting.
- As per the original report (Attachment 2), Administration's preference was for no access on 17 Ave SW. However, based on discussions at the 2021 May 31 Council and acknowledging the needs of the business, Administration is willing to accept a right-out access on 17 Avenue SW. This is similar to the limited access (right-in only) approved in the original 1985 Development Permit.
- On 2021 May 31, Council held a Public Hearing and the proposed policy and land use application was given first reading, while second and third reading were withheld. Administration was directed to return to the 2021 September 13 Combined Meeting of Council for consideration of second and third reading (Attachment 1).
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods.

DISCUSSION

At the 2021 May 31 Combined Meeting of Council, first reading of these bylaws were granted by Council with direction for Administration to return to the 2021 September 13 Combined Meeting of Council for consideration of second and third reading.

The intention of Council's direction was to allow time for Administration and the applicant to process a development permit and return with an update to Council. A development permit submission was made by the applicant on 2021 July 26 thus there has not been a complete

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circulation and review of the development permit at the time of the writing of this report. As the proposed access is unrestricted, Administration anticipates a refusal recommendation as this does not align with the existing Beltline ARP and the amendment proposed in 24P2021.

Pedestrian safety is a key concern along 17 Avenue SW, and the existing right-in only access results in regular vehicle obstruction of the sidewalk and additional vehicle-pedestrian conflict points, leading to an uncomfortable and unsafe environment for people walking, scooting, or using a wheelchair or other mobility device along 17 Avenue SW. The applicant has been informed that their current design does not meet the existing or proposed policy direction, and that a right-out only exit onto 17 Avenue SW would be the only acceptable outcome in the case the land use is approved.

Below is a summary highlighting where the proposed development permit does not align with the proposed policy amendments (Bylaw 24P2021). This is not the full comprehensive review.

Policy (Proposed)	Development Permit (Proposed)	Review
<p>1. (a) i.</p> <p>Where a drive through is included as part of a development, the development should demonstrate exemplary architecture and urban design</p>	<p>Development prioritizes the drive through over the urban design outcome for main street character.</p>	<p>The proposed 17 Avenue SW access occupies approximately 30% of the existing frontage along 17 Avenue SW. Right-out only design has been required to narrow the drive aisle and allow for a more main street and pedestrian friendly design.</p> <p>All-turns or right-in/right-out access is not supported. Administration would support right-out only access.</p>

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<p>1. (a) viii. Design and siting of the drive through should consider the following:</p> <ul style="list-style-type: none"> a. minimizing vehicle stacking from the site onto 16 and 17 Avenues SW; b. minimizing driveway widths along 16 and 17 Avenues SW; and, c. reducing pedestrian, transit and bicycle conflicts through pedestrian and vehicle safety controls. 	<p>The existing design requires bylaw relaxation for vehicle stacking behind the menu boards.</p> <p>Unrestricted access to and from 17 Avenue SW proposed.</p>	<p>Due to safety concerns administration is recommending right-out only to 17 Avenue SW to minimize driveway width, reduce pedestrian, transit, and bicycle conflicts.</p> <p>(Note: The existing development permit DP1985-0358 allows for a one way right-in only access to the site from 17 Avenue SW.)</p> <p>The proposed 17 Avenue SW access creates a large pedestrian/vehicular conflict zone with vehicles moving from all directions and at varying speeds. Administration recommends a right-out only to 17 Avenue SW that would allow for a narrowing of the drive aisle, slowing vehicular traffic and allowing for a more predictable traffic pattern exiting the site.</p> <p>Proposed design should be amended to accommodate vehicle stacking on site. Relaxations are not supported.</p>
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Options

- a) **Recommended Option:** Administration recommends that Council not proceed with second and third reading and abandon the proposed bylaws. In its current state, the development permit does not reconcile with the direction Council provided on 2021 May 31. If Council were to give second and third readings to the proposed bylaws, Council’s desired outcome would not be achieved. Should Council select this option, the existing building could continue to operate as is, but redevelopment of a new Drive Through would not be permitted without a new land use application.
- b) **Alternate Option:** If Council wishes to approve second and third reading, Administration recommends that Council amend the Direct Control District (DC) to clarify that access must be right-out only. If the applicant wishes to pursue an unrestricted access, the applicant will be required to submit a Safety Review, scoped by the Development Authority and authenticated by a third-party Engineer prior to decision on the Development Permit application. Administration has prepared these amendments to the DC should Council wish to pursue this option.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

Public Engagement was undertaken

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- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

This is a report back to Council following the Public Hearing on 2021 May 31. For previous history on engagement that was conducted for the application, please refer to Attachment 2. No further engagement has been undertaken since the Public Hearing.

IMPLICATIONS

Social

The proposed application does not meet the vision of the *Beltline ARP* to provide a pedestrian-oriented Main Street for the community. The development concept has been reviewed for [Crime Prevention Through Environmental Design \(CPTED\)](#) principles by Calgary Police Service at the pre-application and land use stage, who have raised concerns that the location and operations of a drive through creates crime, noise and safety impacts for adjacent residents.

Environmental

This application does not include any features that specifically address objectives of the [Climate Resilience Strategy](#). The proposed land use enables development that would be contrary to active modes transportation objectives, which can deliver climate and GHG reduction benefits through low or zero emission transportation modes.

Economic

This application seeks to allow for the development of a drive through on the subject site which is not supported by existing Council policy. While allowing for a drive-thru on 17 Avenue SW supports the existing business, it is a less efficient use of infrastructure and services than a more intensive redevelopment of this site with a pedestrian-oriented frontage.

Service and Financial Implications

No anticipated financial impact

RISK

The submitted development permit does not align with the existing ARP, the amendments proposed in 24P2021, or the discussion that occurred on 2021 May 31. Thus, there is a risk that giving second and third reading will not achieve Council's intended outcome, as the development permit is at odds with the land use. This risk could be mitigated by amending the Direct Control District to specify acceptable access along 17 Avenue SW.

ATTACHMENT(S)

1. Background and Previous Council Direction
2. Calgary Planning Commission Report to Council (CPC2021-0421)
3. Development Permit (DP2021-5124) Summary

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Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning and Development	Approve