

LAND USE AMENDMENT
FOREST LAWN INDUSTRIAL (WARD 10)
CORNER OF 50 STREET AND 23 AVENUE SE
BYLAW 24D2016

MAP 10E

EXECUTIVE SUMMARY

This is an application to redesignate 0.15 hectare ± (0.36 acre ±) at 2404 - 50 Street SE, from Direct Control District (Bylaw 111Z98) to Direct Control District to accommodate the additional use of Custodial Care. A City-owned building that has been used as an overflow facility for the homeless is located on the subject site.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 December 17

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 24D2016; and

1. **ADOPT** the proposed redesignation of 0.15 hectares ± (0.36 acres ±) located at 2404 – 50 Street SE (Plan 316GV, Block 7, Lot 1) from DC Direct Control District **to** DC Direct Control District to accommodate additional use of Custodial Care, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 24D2016.

REASON(S) FOR RECOMMENDATION:

Administration has reviewed the application within the scope set by policies and guidelines such as the Calgary Municipal Development Plan, the Forest Lawn - Forest Heights / Hubalta Area Redevelopment Plan and the Planning Principles for the Location of Care Facilities and Shelters. The proposal is consistent with City policies and has been found to comply with the location principles. Therefore Administration recommends approval of this application.

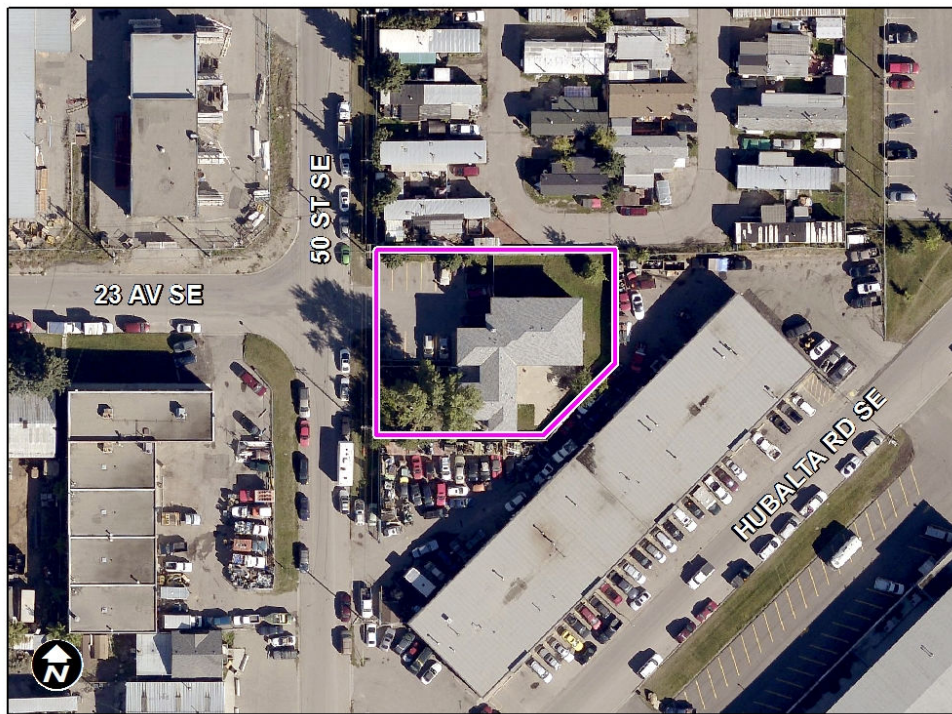
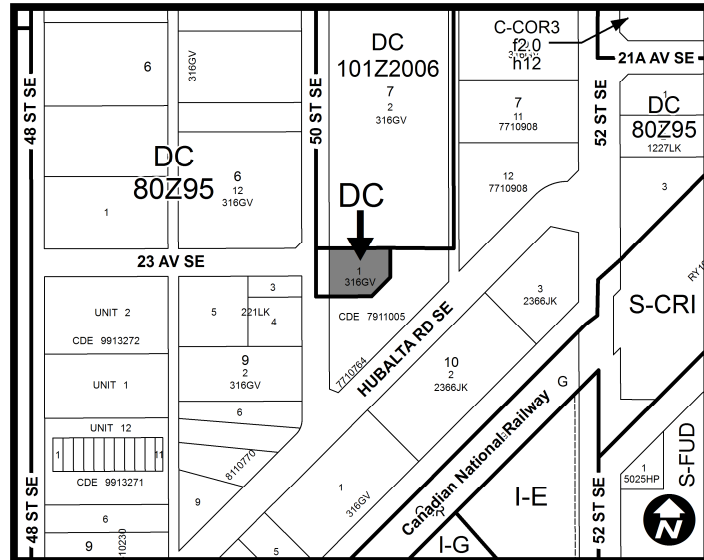
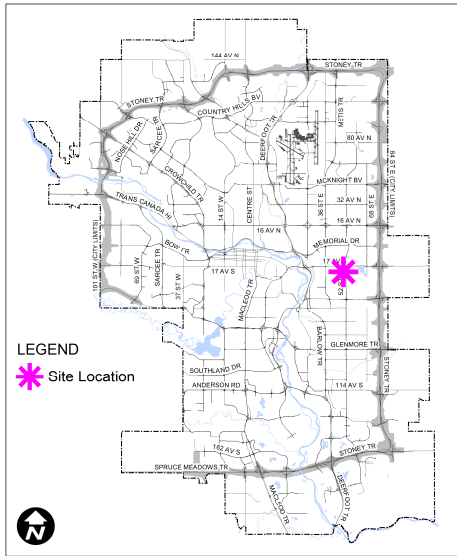
ATTACHMENT

1. Proposed Bylaw 24D2016
2. Public Submissions

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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 0.15 hectares \pm (0.36 acres \pm) located at 2404 – 50 Street SE (Plan 316GV, Block 7, Lot 1) from DC Direct Control District **to** DC Direct Control District to accommodate additional use of Custodial Care with guidelines (APPENDIX II).

Moved by: M. Wade

Carried: 8 – 0

Absent: Mr. Wright left the room due to a pecuniary conflict of interest and did not take part in the discussion or voting.

Reasons for Approval from Mr. Friesen:

- I supported this land use. This is a difficult use to integrate into Calgary communities but is very necessary and deserving of support. The location appears appropriate although not perfect and the use is only temporary. Ideally permanent and suitable places will be found for facilities like this over time.

Comments from Ms. Wade:

- Suggest that understanding the city wide need and demand be better understood by incorporating a long term plan to address care and shelter facilities to fulfill need and identify a balanced approach to identify site for future development in conjunction with City staff, societies and related services. By having a proactive plan based on needs and utilizing planning principles for the for the location of care facilities and shelters (2011) to avoid “one offs” and having a comprehensive plan that communities are engaged and aware of to avoid temporary and no security of shelter.

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Applicant:

Brown & Associates Planning Group

Landowner:

The City of Calgary

PLANNING EVALUATION

SITE CONTEXT

The subject site is located at 2404 - 50 Street SE in the Forest Lawn Industrial area, just east of the Community of Forest Lawn. The site is owned by The City of Calgary and has been used as a temporary shelter for the homeless for a number of years. It is located south of the Oasis Trailer Park, and otherwise surrounded by industrial uses.

LAND USE DISTRICTS

Currently, the site is designated as a DC Direct Control District (Bylaw 111Z98) based on the Industrial 2 (I-2) District from the 2P80 Land Use Bylaw with the additional use of Lodging House. The proposed DC District is based on the Industrial – General (I-G) District with the additional uses of Assisted Living, Custodial Care and Emergency Shelter. The Custodial Care use is the component of the new proposed DC that differentiates it from the current DC District.

LEGISLATION & POLICY

Administration reviewed the policies and guidelines of the Calgary Municipal Development Plan (MDP), the Forest Lawn – Forest Heights / Hubalta Area Redevelopment Plan (ARP) and the Principles for the Location of Care Facilities (The Principles) document. The MDP and ARP do not speak specifically about Care Facilities in this area, therefore the guidelines provided in The Principles document has served as the primary reference for this application.

After reviewing The Principles, Administration has concluded that the subject site is appropriate for the intended use.

TRANSPORTATION NETWORKS

The proposed land use redesignation does not pose any transportation or access issues. One of the guidelines in the Principles document states the need for sidewalks around Care Facilities. Because this is proposal is for a temporary use and a similar use has functioned adequately for a number of years, Administration does not deem this to be a point for refusal.

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UTILITIES & SERVICING

The proposed land use redesignation does not pose any utility or servicing issues.

ENVIRONMENTAL ISSUES

The proposed land use redesignation does not pose any environmental concerns. The building does not have any environmental design features of note.

GROWTH MANAGEMENT

The proposed land use redesignation does not pose any growth management concerns.

PUBLIC ENGAGEMENT

Community Association Comments

Details of the application were circulated to Community Associations in the area of the subject site. Forest Lawn, Dover, Penbrooke Meadows and Erin Woods received an information package from Administration.

Administration received a letter from the Forest Lawn - Forest Heights Community Association on 2015 November 16 (APPENDIX III). The Community Association opposes the proposal, citing a number of crime and safety concerns (detailed in their letter) about having a custodial care facility in their neighbourhood.

The Dover Community Association also sent a letter of opposition, expressing similar concerns (received 2015 November 12) while the Penbrooke Meadows Community Association responded with 'no objections' to the proposal. At the time of writing this report, there was no response from the Erin Woods Community Association.

The International Avenue BRZ was also circulated on the application information but to date, no comments have been received.

Citizen Comments

A few individuals who live or work near the subject site contacted Administration with questions about the proposal and the planning review process. Although these individuals expressed some concern about the proposal, they did not specify whether they were in favour of, or opposed to the proposal. Instead, they were interested in finding out more about the proposal at the open house.

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Public Meetings

The applicant has been in contact or meeting with Community Associations and other local groups to discuss the proposal since 2015 October 19. They met with the Forest Lawn – Forest Heights and Dover Community Associations in early November to discuss details of the proposal and operations of the proposed facility. The applicant also arranged a public open house on 2015 November 30.

Administration has been in contact with Community Associations and members of the public to explain the planning review process and timelines for approval. Information was presented at the Councillor's Community Associations meeting on 2015 November 24 and with the general public again at the open house on 2015 November 30.

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APPENDIX I

APPLICANT'S SUBMISSION

On behalf of the Calgary John Howard Society (CJHS), please find enclosed a land use amendment application for 2404 – 50 Street SE. The site is home to an existing “Lodging House” that is operating under Direct Control District DC111z98. This DC district is based on the Bylaw 2P80 “General Light Industrial (I-2)” district and allows for the additional discretionary use of a “Lodging House”.

The purpose of this land use amendment is to change the existing “**Direct Control**” district (**DC111z98**) zoning to a “**Direct Control**” district based on the “**Industrial General (I-G)**” district that allows for the **additional discretionary use of “Custodial Care”** as defined in Land Use Bylaw 1P2007 to accommodate a Community Residential Facility for up to five (5) years.

The purpose of this application is to find a temporary home for the Calgary John Howard Society (CJHS) Bedford House. The Bedford House is a Community Residential Facility (CRF) as defined by Correctional Service of Canada, more commonly known as a “halfway house”. Currently located in East Victoria, the Bedford House has been expropriated to accommodate the Stampede expansion. CJHS is no longer able to continue Bedford House operations at the East Victoria site.

CJHS is proposing to lease an existing City-owned building located at 2404-50 Street SE for the Bedford House. The site is currently operating as a form of special care facility described as a lodging house. The office of Land Servicing & Housing (OLSH) has provided CJHS with a temporary lease to operate the Bedford House at this location for a maximum of five (5) years.

The CJHS proposal plans to accommodate a maximum of twenty-five (25) residents in the lodging facility. Supervision of residents will occur 24 hours a day by on-site staff.

The proposed site is appropriate for Bedford House operators because it:

- has been home to existing special care operations,
- Is physically suitable to accommodate Bedford House operations,
- Is near transit service, and
- Is within close proximity of commercial uses along 17 Avenue SE.

CJHS understands that it will need to consult with existing industrial users and trailer park residents in the area to discuss the proposed operations with them and any concerns they may have. The CJHS does not propose any changes to the existing site plan to accommodate the CRF.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to be characterized by:
- (a) light and medium general industrial **uses** and a limited number of support commercial **uses**;
 - (b) **parcels** typically located in internal locations;
 - (c) a limited number of non-industrial **uses**, such as **Assisted Living, Custodial Care** and **Emergency Shelter**;
 - (d) **uses** and **buildings** that may have little or no relationship to **adjacent parcels**;
 - (e) appropriate controls to ensure **screening** of any outdoor activities; and
 - (f) limits on sales and **office** activities in order to preserve a diverse industrial land base.

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 The **discretionary uses** of the Industrial-General (I-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
- (a) **Assisted Living**;
 - (b) **Custodial Care**; and
 - (c) **Emergency Shelter**.

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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.

Development Permit

- 7 (1) A *development permit* issued for a **Custodial Care** facility in this Direct Control District must be for one term of a maximum of five (5) years.
- (2) A *development permit* for **Assisted Living, Custodial Care** or **Emergency Shelter** must not be refused on the basis of *use*.

Additional Use Rules for Custodial Care, Emergency Shelter or Assisted Living

- 8 (1) The maximum number of residents for **Custodial Care, Emergency Shelter** or **Assisted Living** is 25.
- (2) Notwithstanding the **Custodial Care** definition in Land Use Bylaw 1P2007, at least two staff persons must be in attendance at the facility at all times.

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APPENDIX III

LETTERS SUBMITTED

Applicant: Brown & Associate Planning Group
For: John Howard Society
Purpose: Relocation of Bedford House
Use: Residential facility to monitor for early paroled criminals.

This location impacts both Dover and Forest Lawn and communities.

We as a board do not agree with the proposed land use change. we do not believe that a halfway house would be a good fit in this neighbourhood. it would be perhaps dangerous to the surrounding community and we feel it would be detrimental to the possible rehabilitation of the clients of the John Howard society. after reading the letter from Dover we agree with many of the points.

we are trying to arrange a joint community council to discuss this matter further.

excerpt from Dover letter to which we as a board agree

"Meetings have been held with members of both community boards, representatives of Brown and Associates and the John Howard Society. Subsequent to this, community discussions have taken place.

- The building in question is right next door to a mobile home park, the residents of this park were not given the opportunity to have their input, only the manager was contacted.
- This is less than two city blocks from a very high density residential site, known as "The Century" townhouse complex; there are fourplexes, duplexes, as well as a residential homes all nestled in this quiet older area with large trees, shrubs, hedges.
- There is a large park/playground, with great play equipment, also with many large trees and bushes, Many of these homes have a high vacancy rate during the day, as well as vulnerable senior who are home alone.
- Two large churches, a very short distance, to proposed facility, with excellent young and youth programs. These establishments had not been contacted.
- St Vince Liem Parish, I noted, is surrounded by a very high fence and video surveillance x 24 hours, they had requested a meeting with the city, this was apparently rejected. They are not in favour of this project. Also the Apostolic Ark Pentecostal Church of Calgary, is also fenced. Why all the security?

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Our research provides you following detrimental information:

- Located at: 1825 – 50 Street SE. is the well known Town and Country Hotel, about 6 short blocks to your proposed site. Easy liquor access.
- Sobey's grocery store open 7am to 12pm and they have a security on guard on duty during their hours of operation. The all night gas station, on the same lot, have their crime issues relating to their hours of operation.
- It's also around corner from Hubalta Road, a well-known area for drug suppliers dealing: crack; cocaine; heroin; fentanyl; and fentanyl-laced marijuana.
- This is also on prostitution stroll.

To consider this to be an acceptable location for early paroled convicts would be a serious error in judgement."

IN CONCLUSION:

We as a community need more time to discuss the matters further with our neighbours and at this time must respectfully decline this land use permit.

I would love to talk this over with you.

Victor Goosen
President
Forest Lawn community Association

████████████████████
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APPENDIX IV

CURRENT LAND USE MAP

