

**LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE
BYLAW 172D2015**

MAP 15C

EXECUTIVE SUMMARY

This land use redesignation seeks to redesignate the subject parcel from the existing Centre City Multi Residential High Rise Support Commercial District (CC-MHX) to a DC Direct Control District based on the Land Use Bylaw 1P2007 CC-MHX District. The proposal seeks to:

- Add new discretionary uses of Urban Mixed Use Supermarket and Urban Specialty Food Store;
- Allow for Restaurant: Food Service Only – Medium, Restaurant: Licensed – Medium and Liquor Store as Discretionary Uses.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 August 27

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 172D2015; and

1. **ADOPT** the proposed redesignation of 0.32 hectares ± (0.79 acres ±) located at 1313 – 1 Street SE (Plan C, Block 99, Lots 16 to 25) from Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) to DC Direct Control District to accommodate additional uses of Restaurant: Food Service Only - Medium, Restaurant: Licensed – Medium, Liquor Store and new uses of Urban Specialty Food Store and Urban Mixed Use Supermarket, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 172D2015.

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REASON(S) FOR RECOMMENDATION:

Administration considers the proposed DC Direct Control District would add complementary uses to the existing Centre City Multi Residential High Rise Support Commercial District (CC-MHX) which applies to this prominent parcel along a busy urban corridor. Administration considers the proposed land use redesignation complies with relevant planning policy contained in the Municipal Development Plan and Centre City Plan as well as with the intent of relevant policies contained in the Beltline Area Redevelopment Plan.

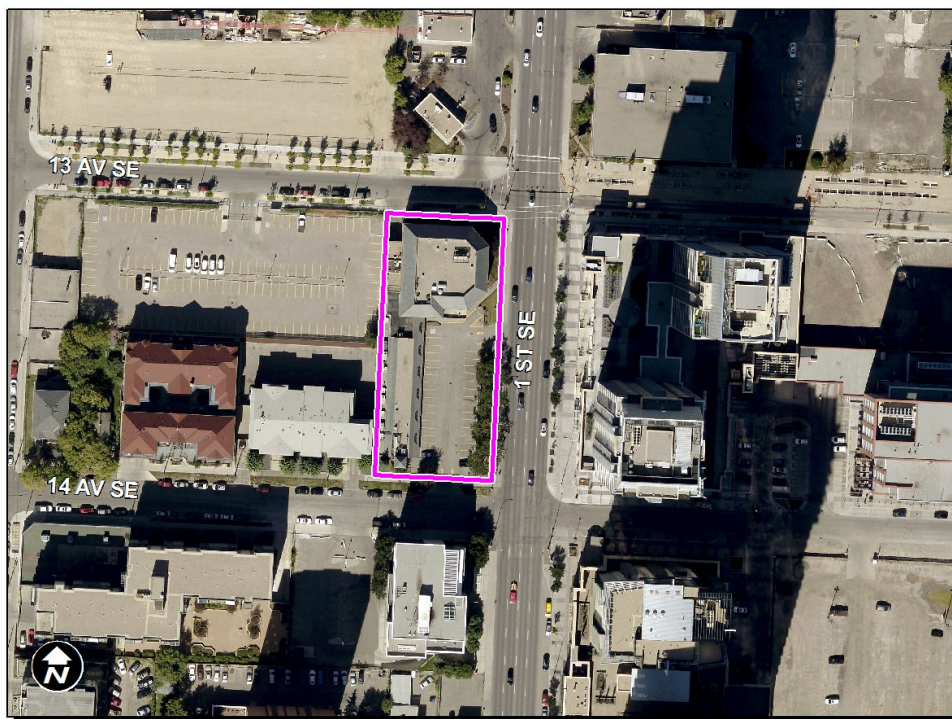
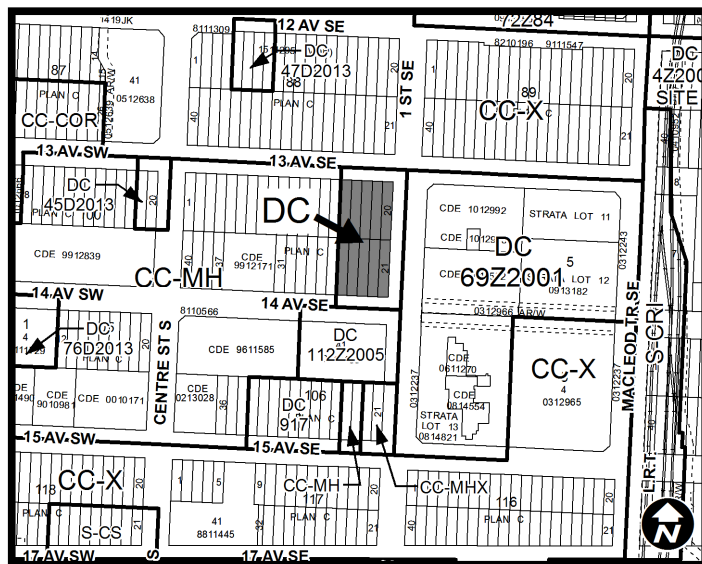
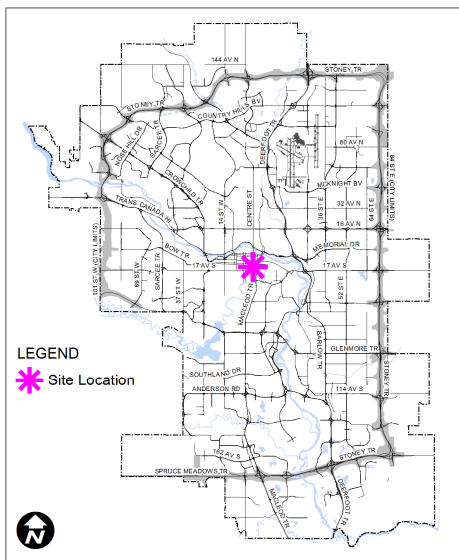
ATTACHMENT

1. Proposed Bylaw 172D2015
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 0.32 hectares \pm (0.79 acres \pm) located at 1313 – 1 Street SE (Plan C, Block 99, Lots 16 to 25) from Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) **to** DC Direct Control District to accommodate additional uses of Restaurant: Food Service Only - Medium, Restaurant: Licensed – Medium, Liquor Store and new uses of Urban Specialty Food Store and Urban Mixed Use Supermarket, with guidelines (APPENDIX II).

Moved by: R. Honsberger
Absent: G.-C. Carra and C. Friesen

Carried: 5 – 0

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Applicant:

Gibbs Gage Architects

Landowner:

13th Avenue SE GP Inc

| Planning Evaluation Content | *Issue | Page |
|---|--------|------|
| Density <i>Is a density increase being proposed.</i> | No | - |
| Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i> | No | 5 |
| Legislation and Policy <i>Does the application comply with policy direction and legislation.</i> | Yes | 5 |
| Transportation Networks <i>Do different or specific mobility considerations impact this site</i> | No | 7 |
| Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i> | No | 7 |
| Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i> | No | 7 |
| Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i> | No | 8 |
| Public Engagement <i>Were major comments received from the circulation</i> | No | 8 |

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

INTRODUCTION

This Direct Control District Bylaw has been drafted to allow for the existing uses of a chocolate factory and bakery which currently occupy the site, to remain in existing buildings on the site. The Direct Control District Bylaw also provides for continuation of these uses in the podium of a tower residential development and allows for complementary ancillary restaurant and liquor store uses in new buildings to serve nearby residents and the local community.

SITE CONTEXT

The subject site comprises 0.32 hectares \pm (0.79 acres \pm) which includes an existing chocolate factory (a 3 storey brick building) with a single storey addition to the south (containing a bakery and patisserie). The subject site borders Macleod Trail / 1 SE to the east, with a parking lot to the north west and multi residential development to the south west.

LAND USE DISTRICTS

This application seeks to redesignate the subject parcel from Centre City Multi Residential High Rise Support Commercial District (CC-MHX) to a DC Direct Control District. The proposed Direct Control District seeks to:

- Allow for existing uses of a chocolate factory and baker (currently not listed uses in the CC-MHX district) at grade, in the second or third storeys of an existing building and at grade or in the second storey in a new building in a new definition 'Urban Specialty Food Store';
- Allow for a new definition of 'Urban Mixed Use Supermarket' – which modifies the definition of Supermarket by creating limits on the maximum gross floor area, allowing for a larger seating area and restricting the use to grade or the second storey of a new building;
- Allow for Restaurant: Food Service Only - Medium and Restaurant: Licensed – Medium and Liquor Store as Discretionary Uses (where the liquor store has a maximum use area of 300.00 square metres).

LEGISLATION & POLICY

Administration has identified a number of planning policies relevant to the proposed land use redesignation:

Municipal Development Plan

The subject parcel is within the Centre City in the Urban Structure MDP map (map 1). The land use redesignation application would align with relevant MDP policies which seek to emphasize the Centre City as an appropriate location for business and

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employment along with high density residential development with support services (Policies 3.2.1 a i and ii).

Beltline Area Redevelopment Plan

Map 3 (land use concept) of the Beltline ARP identifies the subject parcel as Primarily Residential, where the intent is to accommodate residential development with compatible and accessory retail, personal service and institutional uses to support local residential population.

With respect to the Primarily Residential designation Policy 4.2.1 of the ARP includes a number of uses appropriate in Primarily Residential Areas, including:

- Restaurants;
- Retail and personal service;
- Supermarkets.

The subject site is identified in the Non Residential Use Policy Area (Map 4) where non residential uses are appropriate if the use is located in the first two storeys; and the uses front Map 3b. The Non Residential Use Area seeks to discourage non residential uses exceeding 300 square metres.

Administration considers the Direct Control District aligns with Policy 4.2.1 as well as the intent of the non residential use policy area in the Beltline ARP:

- The additional uses proposed are considered appropriate uses in the Primarily Residential Area;
- As outlined in the Direct Control District bylaw the uses proposed would be located at grade or in the second storey of new developments; with the 'Urban Specialty Food Store' currently containing uses at grade in the second and third storey of the existing building;
- The Restaurant: Licensed - Medium and Restaurant: Food Service Only - Medium uses would be less than 300.00 square metres using the existing land use bylaw definitions;
- The liquor store is limited to 300 square metres – by a use area rule;
- Although the 'Urban Mixed Use Supermarket' and 'Urban Specialty Food Store' may exceed 300 square metres, Administration considers these uses to be appropriate given the context of the subject parcel close to a major urban corridor and close to the downtown core. Furthermore, these uses would complement a mixed use residential development and provide needed services to nearby multi residential developments.

Policy 4.3.6 of the Beltline ARP seeks to allow light industrial uses (subject to Policy 4.3.2) provided light industrial uses are identified in Map 3C, operations are fully enclosed, with mitigation to minimize harm to surrounding uses.

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Administration considers the Direct Control District aligns with the intent of Policy 4.3.6 of the Beltline ARP:

- The subject parcel borders on, but is not included in areas that may be considered for Light Industrial Use (in map 3C).
- Under the proposed Direct Control District 'Urban Specialty Food Store' allows for manufacturing of baked goods and chocolates on the subject parcel – as mentioned, this seeks to allow for existing uses on site as well as to allow for these uses to operate at grade or within the first floor of a future mixed use residential development.
- Although not in the Light Industrial Use area in the Beltline ARP map, the ARP notes that maps are conceptual in nature, Administration considers the location of an 'Urban Specialty Food Store' to be appropriate – along a major urban corridor and that any potential impacts associated with light manufacturing uses associated with manufacturing of baked goods or chocolate (such as noise), could be appropriately dealt with by development permit conditions.

Centre City Plan

The subject parcel is identified within the East Victoria Crossing Neighbourhood in the Centre City Plan. The proposed Direct Control District aligns with Section 4.2.6, Policy 3 of the Centre City Plan which seeks to explore and support opportunities to attract a grocery/market within the neighbourhood.

TRANSPORTATION NETWORKS

There is an existing parking lot (accessed from 14 Avenue SE) which serves the existing uses on the subject parcel, with a bus stop approximately 40 metres to the south and the Victoria Park Stampede Station approximately 188 metres to the south east.

UTILITIES & SERVICING

Water, storm and sanitary sewer mains are available to service the subject site. Development Servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) stages to the satisfaction of Water Resources.

ENVIRONMENTAL ISSUES

There are no known environmental concerns associated with the site or proposed scope.

The subject site is located within the "Overland Flow Zone" flood risk area; as established by existing Council approved Flood Maps. As such, the future development / design shall conform with current flood regulations / requirements, as outlined in the current Land Use Bylaw

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ENVIRONMENTAL SUSTAINABILITY

Environmental sustainability would be evaluated by Administration through the development permit process.

GROWTH MANAGEMENT

The proposed amendment(s) 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

- Three letters have been received in opposition to the proposed land use redesignation, raising a number of concerns which can be summarized as follows:
 - There is insufficient infrastructure in the area to support additional development;
 - The area is already overcrowded and density in the area should not be increased;
 - Parking is already a problem in the area, if the proposed development is approved additional on street parking should be created prior to construction;
 - The proposed redesignation could negatively impact the existing tenancy of the bakery on the site (which has a long term lease).
- Administration has considered the comments received and would respond as follows:
 - The capacity of existing infrastructure would be evaluated through the development permit process;
 - The zoning of the subject parcel allows for an intense form of multi residential development;
 - The impact on parking within the area would be evaluation through the development permit process;
 - The proposed direct control district has been created with the intent to allow for the continued operation of the bakery within its current building and in a new building as part of a future development.

Public Meetings

- None held

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APPENDIX I

APPLICANT'S SUBMISSION

This Land Use application is primarily intended to accommodate existing, well established tenants on this site within the existing CC-MHX district, along with an expanded range of other appropriate uses along the important 1st Street East (Macleod Trail Southbound) Commercial Corridor through the Beltline community. These tenants and uses have been on this site for a number of years, prior to the new 1P2007 By-Law being implemented. This DC Land Use will bring those uses into compliance within the existing building and also within any future development on this site.

In discussions with Administration it was agreed that the use of a DC would allow for the broader range of proposed uses, while still meeting the intent of the ARP and the base CC-MHX district. No additional density or intensification is intended with this application. A number of the uses proposed are as defined within the 1P2007 By-Law and are within the intent of the CC-MHX District and consistent with the Beltline ARP. In addition, there are two new uses as defined, including; Urban Specialty Food and Grocery. These uses and associated rules are as listed below and detailed in the proposed DC Land Use as provided.

The proposed additional discretionary uses to be considered include the following:

- Medium Restaurant – Food Service Only (As defined with current 1P2007 Bylaw)
- Medium Restaurant – Licensed (As defined within current 1P2007 Bylaw)
- Liquor Store – (As defined within current 1P2007 Bylaw)
- Urban Specialty Food Store – (New definition to accommodate the existing tenants; specifically Manuel Latruwe Patisserie and Bakery, Chocolaterie Bernard Callebaut, or other similar tenancies within the existing building and potential future development)
- Urban Mixed Use Supermarket – (New definition to accommodate smaller format grocery uses within existing higher density communities and developments).

In summary, the intention is to amend the uses within this new DC Land Use to accommodate the existing, quality tenants on this site and keep them within the community, while also having an opportunity to compliment them today and in the future with a wider range of similar tenants on this site. The vitality of this commercial corridor in the future will rely on both established and new tenants as the community continues to grow and evolve.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate existing and future **Specialty Food Store uses** in existing and new **buildings** in close proximity to a **major street** and the downtown core in a new definition – **Urban Specialty Food Store**; and
 - (b) allow for a **Supermarket** at grade or in the second storey of a new **building** in a new definition – **Urban Mixed Use Supermarket**; and
 - (c) allow for restaurant **uses** in new **buildings** not listed in the CC-MHX district, in close proximity to the downtown core;
 - (d) allow for a **Liquor Store use** in new **buildings** not listed in the CC-MHX district, in close proximity to the downtown core.

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.

Defined Uses

- 4 In this Direct Control District,
 - (a) “**Urban Specialty Food Store**” means a **use**:
 - (i) where food and non-alcoholic beverages for human consumption are made;
 - (ii) where live animals are not involved in the processing of the food;
 - (iii) where the food products associated with the **use** may be sold within the premises;
 - (iv) with a maximum **gross floor area** of 750 square metres within an existing **building**;

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- (v) with a maximum **gross floor area** of 600 square metres within a new **building**;
 - (vi) that has the functions of packaging, bottling or shipping the products made as part of the **use**;
 - (vii) where the only mechanical systems that are not completely contained within the **building** are those systems and equipment required for air conditioning, heating or ventilation;
 - (viii) that may include a limited seating area no greater than 300 square metres within the total **gross floor area** of the **use**;
 - (ix) that must be located at **grade** in the second or third **storey** of an existing **building**; and
 - (x) that must be located at **grade** or in the second **storey** within a new **building**.
- (b) “Urban Mixed Use Supermarket” means a **use**:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a **building**;
 - (iv) that has a maximum **gross floor area** less than 2000 square metres;
 - (v) that may include a limited seating area no greater than 75 square metres for the consumption of food prepared on the premises; and
 - (vi) that may include the preparation of food and non alcoholic beverages for human consumption;
 - (vii) that must be located at **grade** or in the second **storey** of a new **building**;
 - (viii) that may incorporate the following **uses** within an **Urban Supermarket**, provided the requirements referenced in subsection (ix) are satisfied:
 - (i) **Restaurant: Food Service Only – Small**; and
 - (ii) **Take Out Food Service**.

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- (ix) must only incorporate the **uses** referenced in subsection 4b (viii) when those uses:
 - (i) are located in an existing approved **building**;
 - (ii) are located within a **use area** that contains an **Urban Mixed Use Supermarket**;
 - (iii) do not exceed 10.0 per cent of the use area of the **Urban Mixed Use Supermarket** within which they are located; and
 - (iv) do not have direct customer access outside of the **Urban Mixed Use Supermarket** within which they are located;

Permitted Uses

- 5 The **permitted uses** of the Centre City Mixed Use District (CC-MHX) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Centre City Mixed Use District (CC-MHX) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Urban Specialty Food Store**;
- (b) **Urban Mixed Use Supermarket**;
- (c) **Restaurant: Food Service Only – Medium**;
- (d) **Restaurant: Licensed – Medium**; and
- (e) **Liquor store**.

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Centre City Mixed Use District (CC-MHX) of Bylaw 1P2007 apply in this Direct Control District.

Use Area

- 8 Regardless of where a **Liquor Store** is located within a **building** the maximum **use area** for a **Liquor Store** is 300.00 square metres.

Motor Vehicle Parking Stall Requirements

- 9 (1) Unless otherwise specified in this section, the minimum number of required **motor vehicle parking stalls** is the requirement specified in the General Rules for Centre City Multi – Residential Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007.

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- (2) **Urban Specialty Food Store** requires a minimum of 2.0 *motor vehicle parking stalls* per 100.0 square metres of *gross usable floor area*.
- (3) **Urban Mixed Use Supermarket** requires a minimum of 4.0 *motor vehicle parking stalls* per 100.0 square metres of *gross usable floor area*.
- (4) The Motor Vehicle Parking Stall Requirements may be relaxed at the discretion of the **Development Authority** provided the test for relaxation set out in Land Use Bylaw 1P2007 is satisfied.

Bicycle Parking Stall Requirements

- 10
- (1) Unless otherwise specified in this section, the minimum number of required *bicycle parking stalls – class 1* and *bicycle parking stalls – class 2* is the requirement specified in the General Rules for Centre City Multi – Residential Land Use Districts referenced in Part 11, Division 1.
 - (2) **Urban Specialty Food Store** and **Urban Mixed Use Supermarket**:
 - (a) do not require *bicycle parking stalls – class 1*; and
 - (b) require a minimum of 1.0 *bicycle parking stalls – class 2* per 250.0 square metres of *gross usable floor area*.