

Land Use Amendment in Kelvin Grove (Ward 11) at multiple properties, LOC2022-0189

RECOMMENDATION:

That Calgary Planning Commission:

1. Forward this report (CPC2023-1068) to the 2023 November 14 Public Hearing Meeting of Council; and

That Calgary Planning Commission recommend that Council:

2. Give three readings to the proposed bylaw for the redesignation of 1.42 hectares \pm (3.52 acres \pm) located at 1011 Glenmore Trail SW and 1016 – 68 Avenue SW (Plan 731065, Block 31) from Commercial – Office f2.2h15 (C-O f2.2h15) District to Direct Control (DC) District to accommodate for the additional uses of health services – medical care and recovery and health services laboratory – without clients, with guidelines (Attachment 2).

**RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2023
 OCTOBER 19:**

That Council give three readings to **Proposed Bylaw 230D2023** for the redesignation of 1.42 hectares \pm (3.52 acres \pm) located at 1011 Glenmore Trail SW and 1016 – 68 Avenue SW (Plan 731065, Block 31) from Commercial – Office f2.2h15 (C-O f2.2h15) District to Direct Control (DC) District to accommodate for the additional uses of health services – medical care and recovery and health services laboratory – without clients, with guidelines (Attachment 2).

HIGHLIGHTS

- This application seeks to redesignate the subject site, which has two existing medical/office buildings, to allow for two additional discretionary uses that will accommodate recovery from surgical services and other medical treatment (which may include overnight stays) and laboratory services.
- The proposal broadens the spectrum of uses allowed on the site which is in keeping with the applicable policies of the *Municipal Development Plan* (MDP) and the *North Kelvin Grove Area Redevelopment Plan* (ARP).
- What does this mean to Calgarians? The application would maintain the existing medical and office activities within the site while accommodating recovery from surgical services or other medical treatment that may include overnight stays.
- Why does this matter? The proposal would enable the existing buildings to continue and expand the use of medical and office activities, which serve the local community and surrounding areas.
- No development permit has been submitted at this time.
- There is no previous Council direction related to this proposal.

DISCUSSION

At the 2023 July 20 Calgary Planning Commission (CPC) meeting, Administration presented the subject application, which proposed a Direct Control (DC) District to accommodate commercial

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development including overnight stays for minor surgical services, based on the Commercial – Corridor 2 (C-COR2) District. The application was referred to Administration with the following motion:

That the Calgary Planning Commission recommend that Report CPC2023-0687 (Attachment 1) be referred to Administration for further considerations of the following:

- the base district;
- the definition of short and long-term stays;
- restrictions on the location of the Health Services use; and
- permitted vs. discretionary uses.

And report back to the Calgary Planning Commission for a decision no later than the 2023 October 19 Regular Meeting of the Calgary Planning Commission.

Administration, in collaboration with the Applicant, considered the items noted within the motion above and provides the following responses:

The base district

Multiple base land use district options have been explored for the proposed DC District. It was determined that since there is no immediate plan to redevelop the site, and that it is the applicant's intent to only accommodate the proposed additional uses within the existing buildings, it would be prudent to maintain the current Commercial – Office (C-O) land use district, height and density. The proposed DC adds the additional discretionary uses of Health Services – Medical Care and Recovery and Health Services Laboratory – Without Clients which will support the facilities' current day-to-day operations.

The definition of short-term and long-term stays

Administration is not recommending defining short-term and long-term stays as the purpose of the proposal is to focus on the use and not the user. The City does not have the authority to determine the amount of time an individual requires post-surgery nor to enforce the length of time of a stay as it would require access to patients' medical records. Alberta Health Services (AHS) provides definitions for both short-term and long-term care. Short-term care is defined as 'an overnight stay with an assessment on whether additional care is needed'. Long-term care is 'care for individuals with complex, unpredictable medical needs who require 24-hour onsite Registered Nurse assessment and/or treatment'. Should an individual be in a condition after surgery where care beyond short-term is required, they will immediately be transferred to a hospital. As such, the proposed DC District has been updated with the following amendments:

- The definition name from Health Services – Overnight Stays to Health Services – Medical Care and Recovery to focus on the use rather than the user;
- The indication that Health Services – Medical Care and Recovery is recovery from surgical services or other medical treatment which may include overnight stays; and
- The indication that Health Services – Medical Care and Recovery does not include emergency, intensive or long-term care.

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Restrictions on the location of the Health Services use

As the application is no longer proposing a mixed-use base district (which includes additional residential and commercial uses) and will be maintaining the current land use district, the proposed DC District does not include any locational restrictions. As mentioned, the proposal seeks to add two additional discretionary uses which are complementary to the existing medical activities occurring within the site.

Permitted vs. Discretionary uses

Permitted uses are uses that are well suited to a site and, if fully compliant with the applicable land use bylaw rules, must be approved whereas discretionary uses are evaluated with additional oversight and may not be approved if considered inappropriate. As such, Administration is recommending that the proposed uses of Health Services – Medical Care and Recovery and Health Services Laboratory – Without Clients be listed as discretionary uses as it facilitates additional oversight, allows for conditions within the development permit review stage and requires advertisement and notification to residents. Additionally, having the uses listed as discretionary will facilitate circulation to regulators like Alberta Health Services for review which may result in comments and/or requirements.

PLANNING EVALUATION

Land Use

The existing Commercial – Office f2.2h15 (C-O f2.2h15) District is intended for buildings containing a limited number of uses that support offices. The maximum floor area ratio (FAR) is 2.2 (approximately 31,312 square metres) and the maximum height is 15 metres.

The proposed DC District is based on the Commercial – Office (C-O) District and would allow for the additional discretionary uses of Health Services – Medical Care and Recovery and Health Services Laboratory – Without Clients. Health Services – Medical Care and Recovery is a newly defined use that is not a listed in the 1P2007 Land Use Bylaw and is intended to allow for recovery from surgical services or other medical treatment which may include overnight stays. The proposed DC maintains the maximum floor area ratio of 2.2 (approximately 31,312 square metres) and maximum height is 15 metres.

Pursuant to Section 20 of the Land Use Bylaw 1P2007, this application for a DC District has been reviewed by Administration. The use of a DC District is required as the proposed new use of Health Services – Medical Care and Recovery is an innovative idea, which will continue to support the existing medical service activities currently operating within the site. Additionally, Health Services Laboratory – Without Clients is not a listed use within the C-O District.

The proposed DC District includes a rule that allows the Development Authority to relax Section 7 of the DC District Bylaw. Section 7 incorporates the rules of the base district in Bylaw 1P2007 where the DC District does not provide for specific regulation. In a standard district, many of these rules can be relaxed if they meet the test for relaxation of Bylaw 1P2007. The intent of this DC District rule is to ensure that rules of Bylaw 1P2007 that regulate aspects of development that are not specifically regulated in this DC District can also be relaxed in the same way that they would be in a standard district.

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LEGISLATION AND POLICY

Heritage Communities Local Area Plan (Statutory - 2023)

On 2023 September 19, the [Heritage Communities Local Area Plan](#) (LAP) was adopted by council. The plan identifies the subject site as being part of the Neighbourhood Flex category (Map 3: Urban Form) with a Mid building scale modifier (Map 4: Building Scale), which allows for up to 12 storeys. The LAP speaks to a mix of commercial and residential uses within buildings that oriented to the street. The Mid building scale policies note that building forms focus on appropriate street wall height and public realm interface.

While the intent of the proposal is simply to add additional uses to existing buildings on site, in the future, once a clear vision for the redevelopment has been established, the applicant's intent would be to explore an alternative base district, height and density which aligns with the newly adopted policy.

ATTACHMENTS

1. Report from the 2023 July 20 CPC Meeting – CPC2023-0687
2. **Proposed Bylaw 230D2023**
3. Applicant Submission
4. **CPC Member Comments**
5. **Public Submissions**

Department Circulation

General Manager (Name)	Department	Approve/Consult/Inform