

**Land Use Amendment in Beltline (Ward 8), Downtown Commercial Core and
Downtown East Village (Ward 7), and Inglewood (Ward 9) at multiple properties,
LOC2018-0089**

SUMMARY

This application has been submitted by Van Horne Outdoor Limited Partnership on behalf of Canadian Pacific Railway (CP) on 2018 April 20 to redesignate five individual parcels of Canadian Pacific Railway (CP) owned lands from Special Purpose – City and Regional Infrastructure (S-CRI) District to Direct Control (Special Purpose – City and Regional Infrastructure) to add the additional discretionary uses of Signs – Class F (Third Party Advertising Sign) and Signs – Class G (Digital Third Party Advertising Sign). The proposed signage is comprised of a large video screen using LED (Light Emitting Diode) technology, using a digital feed, displaying non-animated images, at a cycle of not less than 6 seconds per cycle.

Due to the unique characteristics of this application, the land use amendment requires a Direct Control district, to accommodate the proposed signage. The existing land use designation, Special Purpose – City and Regional Infrastructure (S-CRI) District, is intended to provide infrastructure and utility, facilities and systems for public transportation, and uses operated by Federal, Provincial and Municipal levels of government and does not include digital display signs. The existing class of signs allowed in the S-CRI district were purposefully paired down in Bylaw 1P2007 to reflect the utilitarian nature of the district and as such does not contain these types of signs.

The proposed Direct Control District Bylaw sets forth provisions for:

- Maximum sign area (2.13m x 7.62m);
- Maximum number of signs per face of each overpass structure (one);
- Maximum light levels from sunrise to sunset and from sunset to sunrise;
- Safety studies, monitoring and maintenance; and
- Term limits for approval of initial development permits and subsequent renewals (10 years)

If approved, these digital signs will replace the existing static signs that currently exist and re clad the remaining surface of the railway structure with an unsigned, metal finish. This program would mean a reduction of the existing static signs by approximately 50 percent as well as improving the overall appearance of the overpass structures through a re cladding of the remaining exposed portions of the overpasses to conceal the structures. The proposed development permits will be presented to CPC for review and decision at a later date. The subject locations are:

1. Macleod Trail SE (south face),
2. 1 Street SE (north face),
3. 1 Street SW (south face),
4. 4 Street SW (south face),
5. 8 Street SW (both north and south face) and
6. 9 Avenue SE immediately west of the Blackfoot Trail SE overpass (west face).

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Two development permits for the proposed signs have been submitted in respect of two locations under (1 Street SE – north face of structure) and (Macleod Trail-south face of structure), dated 2018 August 09 and are under review.

ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 115R - 9 Avenue SW, 221R - 9 Avenue SE, 537 - 9 Avenue SE, 830R - 10 Avenue SW, 1797 - 17 Avenue SE and 915 - 4 Street SW (Plan 8110620, Block C; Plan 8110620, Block A; Plan A, Block RLY, Lot 24; Plan A, Lot RLY; Plan 8110620, Block H, Plan RY9, Block RLY, Lot 24; Plan 8110620, Block E) from Special Purpose – City and Regional Infrastructure (S-CRI) District to DC Direct Control to accommodate digital third party advertising signs on railway overpasses owned by the Canadian Pacific Railway within the Centre City, with guidelines (Attachment 1).
2. Give three readings to the proposed bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

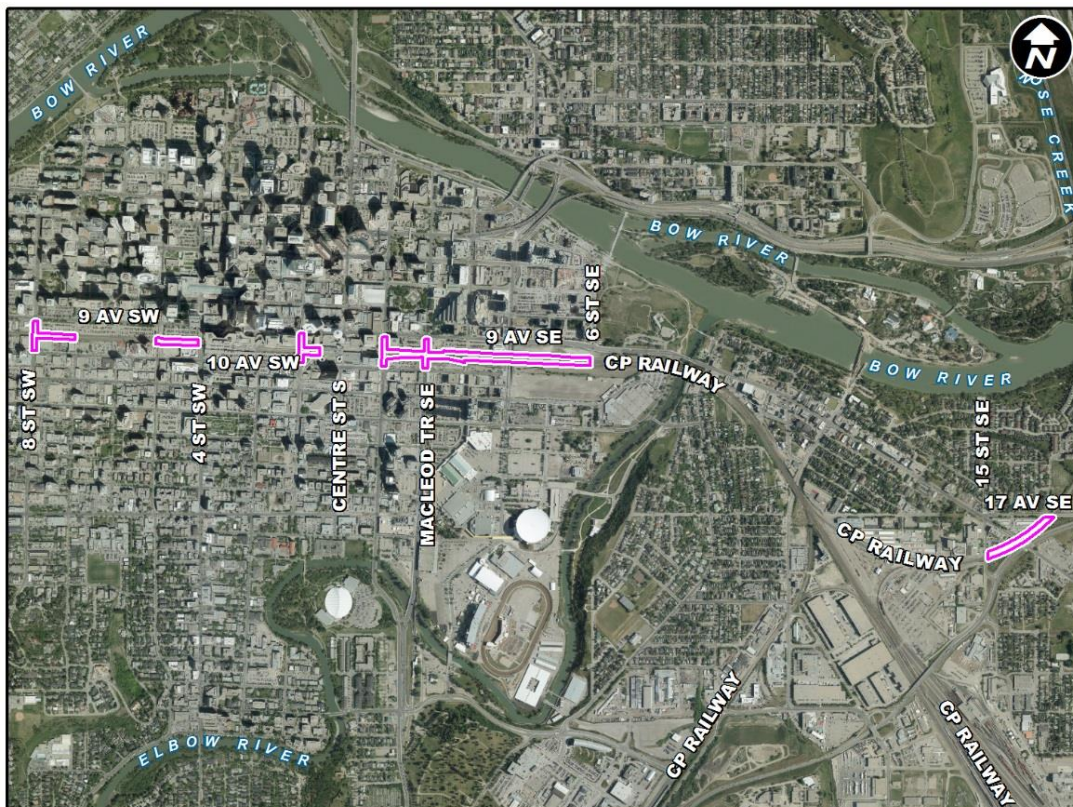
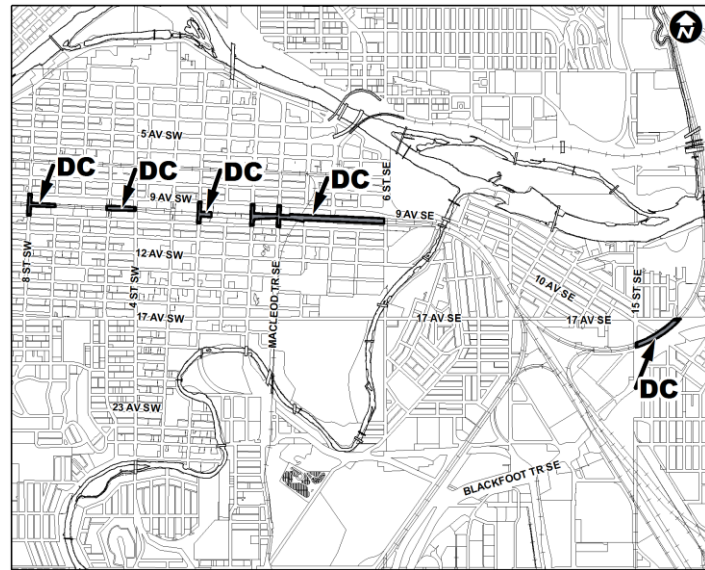
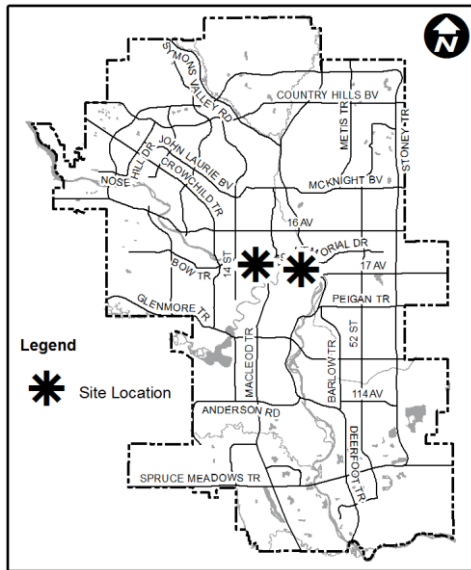
BACKGROUND

Although the CP is federally regulated, the Board of Transport Commissioners for Canada (renamed the Canadian Transport Commission) entered into agreements with The City of Calgary, dating as far back as 1909, to allow the City to “construct and maintain public highways, level and subway, crossings of the right of way and tracks of the Company on certain streets within the limits of the City”.

Recognizing that the activity of hosting electronic third-party advertising signs on select overpasses is outside of what could be termed normal rail operation, the Canadian Pacific Railway Company has concurred to submit to the City’s discretionary Bylaw for the purposes of regulating the location and impacts of this type of this new sign technology on the five railway overpasses.

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Location Maps



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Site Context

Five of the six subject railway structures are located within the Centre City proper with the 9 Avenue SE site residing within the community of Inglewood. These existing railway structures form underpasses for the aforementioned roadways and currently host static signs. CP maintains the structures, wing walls along the approaches and lighting of the underpasses. The City of Calgary is responsible for the maintenance and upkeep of the sidewalks and road surfaces for the approaches and beneath the underpasses. Arrangements between The City and CP have allowed The City to complete programs of underpass improvements at The City's expense.

Land use patterns along the north side of the CP corridor are largely developments of office, parking structure, surface parking lots, Palliser Hotel, Calgary Tower, retail and food service under the Commercial-Residential CR-20 land use district and Direct Control Bylaws. Land use patterns along the south side of the rail corridor include parking structures, surface parking, utilities, hotel, residential, office and restaurants under the Centre City Mixed Use CC-X district. The 9 Avenue SE site resides immediately adjacent to the Blackfoot Trail overpass amid a mix of industrial, commercial, recreational and residential development where both Blackfoot Trail and the CP line cross over 9 Avenue SE.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Planning Considerations

Land Use

The S-CRI District does list Sign – Class F (Third Party Advertising Sign) and Sign – Class G (Digital Third Party Advertising Sign) as discretionary uses, however, only to be approved in instances where the signs are used for business carried on by, or on behalf of The City. Evaluating the type of signage to be used primarily for third-party advertising, Administration considered the following intent behind these 2 types of signage;

- Sign – Class F (Third Party Advertising Sign) is by definition a sign that displays copy directing attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the site where the sign is located and does not contain a digital display.
- Sign – Class G (Digital Third Party Advertising Sign) is a sign intended to display copy directing attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the site where the sign is located. The copy is displayed by means of digital display but does not contain copy that is full motion video or otherwise giving the appearance of animation or movement.

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Development and Site Design

As previously mentioned, development permits for digital display signs at the Macleod Trail and 1 Street SE railway crossing are currently under review. These development permits contain the details of exact location, mounting systems, source of power, LED nomenclature and maintenance and replacement protocol. These development permits will come before Calgary Planning Commission in the near future.

ANALYSIS

As noted above, one of the signs is proposed to be located over City road right-of-way (4 Street SW). Bylaw 1P2007 significantly restricts the use that can be made of roads, and requires that all development be on a parcel, which does not include a road. The DC Bylaw has been drafted to allow the sign use over the 4 Street SW road right-of-way, and to allow development permit application approval where the associated land is not a “parcel”. In addition, while the City’s standard practice is to extend land use mapping to the mid-line of the road adjacent to the parcel being designated, in the case of the 915 4 Street SW parcel, land use mapping to the midline of the road adjacent to the parcel, land use mapping will be extended across 4 Street SW to the boundary of the parcel to the east of 4 Street SW to ensure the DC land use is applied to the entire relevant portion of 4 Street SW.

Given the nature of the predominant office and non-residential uses along 9 Avenue SW on the north side of the CPR line, the appropriateness of the installation of this type of signage focused on its interaction with vehicular traffic, pedestrians and active modes considerations. Development patterns and land use along the south side of the CPR line adjacent to 10 Avenue SW introduced consideration of rules addressing proximity to residential development (emerging along both the north and south sides of 10 Avenue SW).

The proposed DC Direct Control Bylaw requires the Applicant to mitigate any issues that may affect public safety. Independent safety reviews are also completed for The City after one year post-commissioning, and at 3 year intervals thereafter.

Separation from existing and potential residential development including hotel uses is well inside the 125.0 metre standard (50 metres \pm). To offset concerns of glare and rogue lighting affecting residential uses adjacent to the subject sites, the applicant has introduced and employed technologic properties as well as more stringent night time light levels. A more stringent nighttime light level, not to exceed 170 nits, has been agreed upon by Administration and the Applicant and has been codified as such in the proposed Direct Control Bylaw.

Removal of the existing static signs and refinishing those portions of the structures not occupied by the digital signs with a metal cladding is a positive step in upgrading the appearance of the overpass structures.

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Infrastructure

Controlled Field Demonstration

Administration participated in a field demonstration 2018 August 03 whereby a digital sign, representative of a typical installation, was hung in place from the railroad property over the face of the 1 Street SE overpass to allow viewing of the digital display sign over a period of 5.5 hours.

In the period following the field demonstration, based on feedback from Administration, the applicant has revised both the size and location of the proposed screens to a maximum of 2.13 meters high by 7.62 meters wide. Originally proposed to be located directly above the travel lanes and over a portion of the sidewalks, the sign installations will be near the center of each overpass with no portion of the sign projecting over the sidewalk system. The area of the overpass structure not occupied by the screen will be finished in a metal cladding.

Transportation Networks

The sign locations are proposed along underpass structures within the Center City and Inglewood. The roadways form part of the transportation network, and is the primary access for vehicles, pedestrians and cyclists entering and leaving the Downtown core, and between the Downtown Core and Inglewood. Each location accommodates tens of thousands of vehicle, pedestrian, and cyclist cumulative trips daily.

A Transportation Report was submitted in support of the proposed application. The report highlights several observations, and provides recommendations for installation, monitoring, and assessing mitigation measures for the digital display signs.

The Transportation Report will form the basis of each safety study required in conjunction with each development permit application.

Stakeholder Engagement, Research and Communication

Stakeholder engagement was primarily an applicant-led engagement dating back to 2016. In order to promote authentic engagement with stakeholders, the applicant conducted what they termed a two-phase engagement process. In Phase One, the applicant met with City Councilors, local business associations, community associations, and neighborhood associations.

In second phase of the engagement, the applicant states they continued to meet with stakeholders, hosted a live testing of the technology, worked with The City to provide information for their website, and also worked with a third party research firm to conduct a survey with Calgary residents about digital signage (Attachment 4).

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The City-led engagement was of a 'Listen & Learn' spectrum that included an on-line survey, a project website and communications with local associations and Councillor offices. In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted on-site. Notification letters were sent to adjacent land owners and the application was advertised online.

The Engage Spectrum level for this project was 'Listen & Learn' which is defined as "We will listen to stakeholders and learn about their plans, views, issues, concerns, expectations and ideas." Feedback collected through the City-led engagement program will be used by Administration to make recommendations to the applicant through the land use application and development permit processes.

As this application and the location of the proposed signage has the potential to affect those beyond the immediate vicinity of the proposed locations, an online engagement approach with targeted communications was implemented to ensure the City was reaching those that live, work and play in the area. The full details of the applicant engagement report and The City engagement report accompany this report as Attachments 4 (City) and 5 (Applicant).

Strategic Alignment

Municipal Development Plan (MDP)

As a visionary document, the MDP does not go into the fine grain of uses within each land use district, rather, it refers Administration to local area plans for guidance and implementation. In this case, Administration consulted the Centre City Plan, Centre City Urban Design Guidelines and the Downtown Underpass Urban Design Guidelines.

Centre City Plan & Beltline Area Redevelopment Plan

The CPR line provides a physical division between the Downtown and the Beltline Community. The Centre City Plan, recognizing the importance of the CPR rail corridor through the Centre City, established that this area warrants policy and as such has identified the area as *Canadian Pacific Railway Special Area/Corridor*. The goal is to establish guiding policies for this corridor between the Elbow River and Crowchild Trail SW and between 9 Avenue S and 10 Avenue S, inclusive of both sides of the street that recognize the corridor's unique economic benefits, operational characteristics and long-term redevelopment potential.

As of this date, there is yet to be a comprehensive Special Area/Corridor policy in effect. However, review of both the Centre City Plan and the Beltline ARP have commenced and are considering policies for the corridor.

Centre City Plan

As with the MDP, the Centre City Plan does not go into a fine grain level of addressing uses such a signage. The Plan does, however, set out goals and visions for creating attractive neighborhoods and their connection with one another and to the Downtown.

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In a section of the Plan setting visions and goals for connectivity and linkages (underpasses/overpasses), policy cornerstones have been set in an effort to ensure that the CP corridor innovatively bridges the CP tracks between the Downtown and Beltline neighbourhoods. The underpasses contained within this land use application, as well as others outside of it, provide vehicular and pedestrian connections under the CP railway corridor are intended to accommodate multiple movement modes or combinations of modes (e.g. cars, public transit, pedestrians, alternative modes and any combinations of these, etc.).

Policy cornerstones of this section of the Plan include:

- Wherever possible, underpasses/overpasses shall have an active edge treatment that may include retail or community services, recreational or entertainment facilities;
- Brighter colour schemes should be incorporated that create more inviting pedestrian environments;
- Underpasses/overpasses should be well lit and may incorporate electronic surveillance; and
- Underpasses/overpasses should include embedded public art features.

In the case of an improvement or restoration of an existing underpass the following should also be considered:

- Appropriate treatments of retaining walls with public art celebrating the CPR heritage in the form of murals, 3-D sculptural elements or any new electronic media that would animate the pedestrian zone and be complementary to structural elements; and
- Painting the original metal structure white to create a more inviting pedestrian environment by adding colour at night with special lighting features to lighten the underpass for safety.

Examples of these improvements include the 8 Street SW Underpass which has seen an investment of \$8.8 Million dollars where digital signage was integrated into the lighting solution for the underpass and the 4 Street underpass. The 4 Street SW underpass is currently in the final stages of construction and is expected to have an investment of \$7.54 Million dollars where an interactive digital public art installation is a key element of the underpass. Lastly the first underpass project at 1 Street frames the railway and was a project that The City invested \$4.6 Million dollars; this is an example of where third party signage was removed and relocated to execute this comprehensive design.

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Beltline Area Redevelopment Plan (ARP)

The Beltline ARP recognizes four neighbourhoods represented by the major north-south streets (14 Street S.W., 8 Street S.W., 4 Street SW and Macleod Trail), the CPR tracks, the north-south streets also serve as the connections or “bridges” into Downtown as they physically breach the CPR tracks via the railway underpasses. Once again, ARP does not go into the finer details of signage but does respect the relationship between the Beltline and the downtown core in making safe, convenient and attractive connections.

Downtown Underpass Urban Design Guidelines

The Downtown Underpass Design Guideline (the “Guideline”) is a non-statutory document providing comprehensive urban design guidance for the future development of any new underpass and future improvement of existing underpasses within the Centre City area. The Guideline includes urban design principles and design solutions which address urgent and pressing issues related to Calgary’s downtown underpasses.

Every underpass is attached to developed or developable lands. Successful underpass design and improvements rely on a coordinated approach to public improvement working with private developments. The Guideline considers underpass design to include the adjacent developments. According to the Centre City Plan, CP continues to be a central transportation corridor in the long term but with future developments, it complements and defines adjoining uses.

Integrated design solutions with lighting elements is a primary focus of the Centre City Plan as supported by the Underpass Enhancement Program. It is premature at this point to evaluate what, if any, effect the proposed digital signs will have on the above referenced underpasses. The location and orientation of the signs is primarily designed to attract the attention of vehicles with pedestrian exposure also an intended audience. However, through the monitoring of the installations, Administration may find opportunities to compliment the underpass improvements made by The City rather than to compete with them.

Canadian Pacific Railway – City of Calgary Agreements

The Board of Transport Commissioners for Canada (since renamed the Canadian Transport Commission) entered into agreements with the City of Calgary, dating as far back as 1909, to allow the City to construct and maintain public highways, level and subway, crossings of the right of way and tracks of the CPR on certain streets within the limits of the City.

Social, Environmental, Economic (External)

The recommended land use allows for the replacement of outdated and unattended temporary signage and provides an opportunity for social and economic stimulus through a wider variety of advertising. The addition of these 2 new types of signage and future development permits have the potential to reduce the amount of placard and vinyl signage by half over what exists today.

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Risk Assessment

The objectives of sign regulations are numerous: to prevent unreasonable distraction of drivers, to provide maximum visibility at intersections, to protect against fire hazards, to protect passers-by from projecting falling signs and to promote the aesthetics of a community. With no precedent applications or installations to guide Administration, this application has been reviewed with a balanced emphasis on aesthetics and public safety.

In most instances, the combination of banner and placard signs extend the full length of the railway structures over the roadways. Removal of these temporary signs and replacement with the proposed digital media will reduce the amount of advertising by roughly 50 percent. Aesthetically speaking, this reduction of clutter would be a positive improvement. Those portions of the overpass structure not occupied by the digital sign will be clad in a metal finish thereby improving the overall appearance of the structures.

The application of digital signs above or within public right-of-way has not been contemplated by The City or within LUB 1P2007. As such, The City requested additional analysis from the Applicant. The transportation report submitted by the Applicant team contained evaluation of risk, analysis of sight lines, discussion of the in-field demonstration and proposed a framework for development permit (DP) evaluation and monitoring. This framework forms a large part of the proposed DC Direct Control District and is summarised as follows:

1. In conjunction with each development permit, the Applicant is to provide an independent transportation safety study in support of the application. Any proposed mitigation measures to be included as part of the DP package to the satisfaction of the Development Authority.
2. On-going monitoring of the locations is to occur at years 1, 4, 7 and 10 of the associated Development Permit. Monitoring can include such things as an In-Service Road Safety Review, a Road Safety Audit and an evaluation of near misses and collisions in the area.
3. The City reserves the right to direct the Applicant to cease displaying digital copy during recreation of a severe collisions and during post-evaluation of an incident where the digital sign is suspected to be a contributing factor.
4. Safety studies submitted either as part of the on-going monitoring program or as part of a collision investigation shall have any proposed mitigations put in place prior to enabling digital copy.
5. Should The City determine that the signs pose an unacceptable public safety risk that cannot be mitigated, the Development Permit can be cancelled with written notice.
6. The City will request the Applicant/Owner to enter into an Indemnification Agreement at each subject DP location.

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REASON(S) FOR RECOMMENDATION(S):

Administration finds the addition of Sign – Class F and G to the existing land use for the subject parcels will result in an overall reduction in the number and size of existing signage as well as the improved general appearance of the overpass structures themselves.

ATTACHMENT(S)

1. Proposed Land Use District Maps
2. Proposed Direct Control Bylaw
3. Applicant submission
4. City of Calgary Engagement Summary Report
5. Applicant Engagement “What we heard” report
6. Beltline Neighbourhood Association letter
7. Victoria Park Business Revitalization Zone letter
8. Calgary Downtown Association letter