

**ROAD CLOSURE AND LAND USE AMENDMENT  
BELTLINE (WARD 8)  
CONTIGUOUS PARCELS AT THE SOUTHWEST  
CORNER OF 11 AVENUE SW AND 4 STREET SW  
BYLAWS 11C2017 AND 255D2017**

**MAP 16C**

**EXECUTIVE SUMMARY**

This application is in support of a major new redevelopment proposal for multi-residential towers in the Beltline. The scope of the development contemplates a campus-like approach connecting two separate residential towers, each with a commercial podium, connected by a common courtyard, facilitated by the subject lane closure, which forms part of this application. The subject road closure involves the public lane, currently separating the proposed two towers, so that a common courtyard can be developed, once the closed area is consolidated with the lands adjoining, as part of the future Development Permit for the project.

The redevelopment also supports heritage preservation with a Heritage Density Transfer under the bonus provisions for the Beltline, by transferring unused, available density from the Nellie McClung House to the subject parcel. As per City policy, the transfer of Heritage Density requires the redesignation of both the “source” and “receiving” subject parcels to a Direct Control District to subtract density from the “source” parcel and add density to the “receiving” parcel.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2017 June 15

That Calgary Planning Commission recommends **APPROVAL** of the proposed Road Closure and Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaws 11C2017 and 255D2017; and

1. **ADOPT** the proposed closure of 0.04 hectares  $\pm$  (0.09 acres  $\pm$ ) of road (That portion of lane within Block 70, Plan A1 which lies east of a line drawn southerly and at right angles to the south limit of the lane from the southeast corner of Lot 13, Block 70) adjacent to 505, 509 and 513 – 11 Avenue SW, 1101- 4 Street SW, 510 and 522 – 12 Avenue SW, in accordance with Administration’s recommendation; and
2. Give three readings to the proposed Closure Bylaw 11C2017.
3. **ADOPT** the proposed redesignation of 0.41 hectares  $\pm$  (1.01 acres  $\pm$ ) located at 505, 509 and 513 – 11 Avenue SW, 1104 – 4 Street SW and 803 – 15 Avenue SW and the closed road (Plan A1, Block 70, Lots 14 to 21; Plan A1, Block 110, Lots 17 to 20; That portion of lane within Block 70, Plan A1 which lies east of a line drawn southerly and at

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right angles to the south limit of the lane from the southeast corner of Lot 13, Block 70) from Centre City mixed Use District (CC-X), DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate mixed use development with heritage density transfer, in accordance with Administration's recommendation; and

4. Give three readings to the proposed Bylaw 255D2017.

**REASON(S) FOR RECOMMENDATION:**

This application complies with the relevant planning policies contained in the Beltline Area Redevelopment Plan, and Bylaw 1P2007, accommodating an increase in density offered through the preservation of heritage structures and sites.

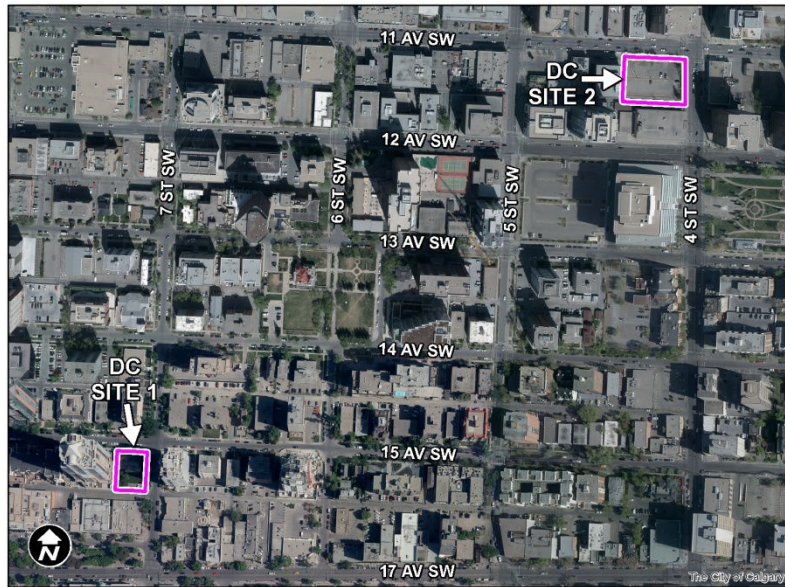
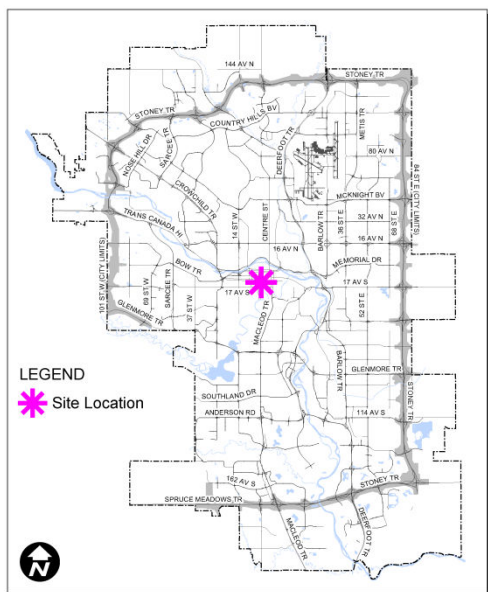
**ATTACHMENTS**

1. Proposed Bylaw 11C2017
2. Proposed Bylaw 255D2017

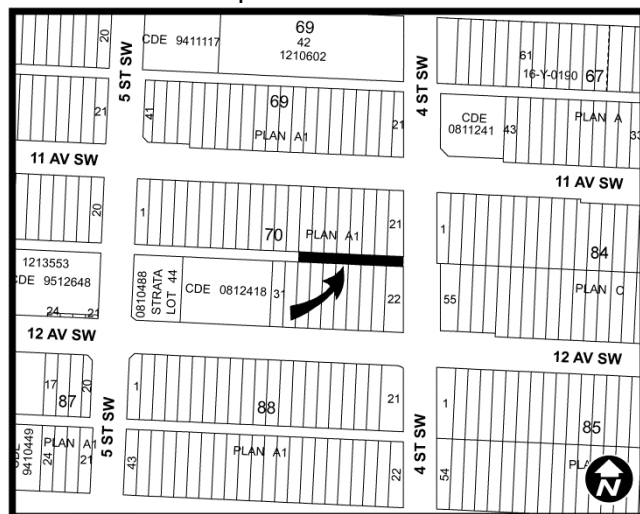
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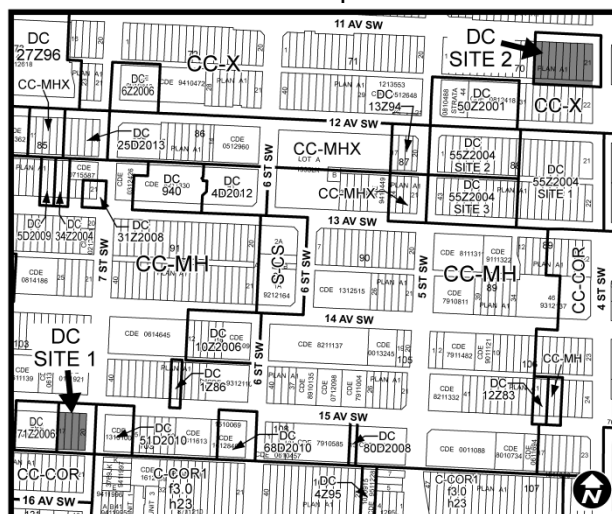
**LOCATION MAPS**



Road Closure Map



Land Use Amendment Map



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

1. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.04 hectares  $\pm$  (0.09 acres  $\pm$ ) of road (That portion of lane within Block 70, Plan A1 which lies east of a line drawn southerly and at right angles to the south limit of the lane from the southeast corner of Lot 13, Block 70) adjacent to 505, 509 and 513 – 11 Avenue SW, 1101- 4 Street SW, 510 and 522 – 12 Avenue SW, with conditions (APPENDIX II).  
  
**Moved by: A. Palmiere** **Carried: 7 – 0**
2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.41 hectares  $\pm$  (1.01 acres  $\pm$ ) located at 505, 509 and 513 – 11 Avenue SW, 1104 – 4 Street SW and 803 – 15 Avenue SW and the closed road (Plan A1, Block 70, Lots 14 to 21; Plan A1, Block 110, Lots 17 to 20; That portion of lane within Block 70, Plan A1 which lies east of a line drawn southerly and at right angles to the south limit of the lane from the southeast corner of Lot 13, Block 70) from Centre City mixed Use District (CC-X), DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate mixed use development with heritage density transfer with guidelines (APPENDIX III).  
  
**Moved by: A. Palmiere** **Carried: 7 – 0**

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**Applicant:**

Stantec Consulting

**Landowner:**

HNC 500 Block II Inc.  
The City of Calgary

**PLANNING EVALUATION**

**SITE CONTEXT**

This application relates to two separate sites and a portion of laneway connecting 4 Street SW with 5 Street SW:

- Site 1 located at 803 - 15 Avenue SW has been developed as a two story single detached wood-frame residence designate by City Council as a Municipal Historic Resource (Nellie McClung house);
- Site 2 located at 505, 509 and 513 - 11 Avenue SW and 1101 - 4 Street SW is currently developed as a surface parking lot; and
- The lane included in the application adjoins the above referenced parcels as well as 510 and 522 - 12 Avenue SW, located immediately to the south.

Recognized by the City in 1978 The Nellie McClung House is an early twentieth century, one and one half-storey home situated on four landscaped lots in Calgary's Beltline community. The home features Tudor Revival architectural elements, including asymmetrical massing, half-timbering in-filled with stucco, and a steeply sloped roof. The building was formally listed on the Canadian Register of Historic Places in February 2006.

There is no concurrent or pending Development Permit associated with this application. However, as of the date of this report, a Development Permit application has been submitted for the adjacent parcels (under the same ownership group) for a mixed use development consisting of a residential building atop a retail podium (APPENDIX V). In support of the ultimate development proposal of a shared courtyard/plaza over the closed roadway contained within this LOC, this Development Permit clarifies the intent of re-routing the closed lane through an existing connection to 12 Avenue SW.

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**LAND USE DISTRICTS**

As proposed, this application consists of one Direct Control District bylaw to transfer available density from the Nellie McClung building at 803 - 15 Avenue SW (Site 1) to the contiguous parcels 505, 509 and 513 - 11 Avenue SW and 1101 - 4 Street SW (Site 2). This proposal seeks to redesignate Site 1 from Direct Control Bylaw 29Z97 to a new Direct Control District Bylaw based on the Centre City Multi-Residential (CC-MH) land use district. Site 2 will be redesignated to a new Direct Control District based on the existing Centre City High Rise – Mixed Use (CC-X) land use district.

The existing uses and development rules of Sites 1 and 2 are carried forward as part of this land use amendment application. The land area included with the closed lane proposes to carry forward the uses and rules of the Centre City High Density Mixed Use (CC-X) without exceptions.

This application will increase the maximum density, with heritage bonus, for 505, 509 and 513 - 11 Avenue SW and 1101 - 4 Street SW (Site 2) and the area included within the closed lane from a new base Floor Area Ratio of 7.82 with bonusing to a maximum FAR of 13.2.

**LEGISLATION & POLICY**

The following relevant planning policies have been applied to the application:

South Saskatchewan Regional Plan (SSRP)

Administration has considered this document in review of the application and considers the proposal aligned with the policy direction of the SSRP.

Beltline Area Redevelopment Plan (ARP)

This is not a change to the existing base land use district of Centre City Mixed Use District, (CC-X). In keeping with the Beltline ARP and Bylaw 1P2007, the site receiving the transfer of heritage density;

- *allows for a wide range and mix of uses in many possible configurations, both within buildings and within the local context resulting in vibrant, pedestrian streets.*
- *creates vibrant pedestrian streets that provide activity throughout the daytime and evening hours.*
- *provides for uses that serve the local and broader population.*
- *encourages and supports innovation and experimentation in how different uses can be combined within new and existing buildings*
- *creates streetscapes that respond to the context of the particular area and that have*

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- buildings that are built to and frame the sidewalk, with a high degree of permeability;*
- *encourages residential uses above the street level, and, where appropriate to the local context, at street level;*
  - *promote live-work units in a variety of configurations including at street level;*
  - *ensures compatibility of adjacent uses, within and among buildings and properties, particularly with respect to residential uses; and*
  - *promotes building forms that respect the local context and interfaces with adjacent properties, including consideration of visible facades, decks, roofs, access points and balconies from various view points.*

Administration finds the application aligns with the relevant planning policies regarding heritage preservation and transfer of available density. Specifically, Section 5.4 (Density Transfer) notes that a Direct Control Bylaw is the recognized method of appropriately tracking the transfer of density for both source and receiving sites.

The appropriateness of the existing CC-X list of permitted and discretionary uses in this area of the Centre City was endorsed by City Council in their 2006 with the adoption of the Beltline ARP and in the subsequent 2007 adoption of the Beltline Land Use Districts. Again, no changes to, or exceptions from, the rules of the CC-X District are proposed with this application.

The residual floor area ratio (FAR) of the source parcel is determined based on the current zoning in place for the heritage asset. In accordance with this incentive, this application has computed the available residual floor area ratio (FAR) from the source parcel allows the infusion of a maximum additional ten percent of density on the receiving site in accordance with the policy.

Using the calculation contained in the Beltline ARP, the density eligible to be transferred from the Direct Control source parcel (Site 1) to the Direct Control receiving parcel (Site 2) equates to 8,102 square metres which translates to an additional 2.82 FAR available to the receiving site. This available density will be transferred to the receiving site, and as previously stated, the resultant maximum FAR of the receiving site (Site 2) must not exceed ten percent of the CC-X maximum of 12 FAR, which is a maximum of 13.2 FAR.

While there is no pending development permit application for this site, the *lane closure* is supported by Administration in order to facilitate a future at-grade plaza and interior courtyard completing comprehensive redevelopment of the subject site as well as the adjoining parcel to the south (under the same ownership group). The closed lane will also enable the area of the lane to be added to the aggregate of the private parcels for FAR considerations in future development.

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In support of the lane closure, Administration recommends that conditions (Appendix II) be place on the sale and transfer of the closed lane that require the closed lane to remain open to public access until needed for construction at which time a replacement lane will be constructed, opened and covered with a perpetual pedestrian and vehicular access easement. When officially closed, the alternate alignment of the lane will be opened and will be capable of supporting all current and future users of the existing lane.

Land Use Bylaw 1P2007

Administration finds this land use amendment complies with Part 11, Division 7 of the Land Use Bylaw (Beltline Land Use Districts) which supports density transfer from a Municipal Heritage Resource to receiving parcel within the Beltline. There are no proposed changes to the permitted or discretionary uses, nor to the use rules of the CC-X District.

**TRANSPORTATION NETWORKS**

Closure of the subject portion of the lane is supported only through a permanent relocation of the lane through the subject or adjoining parcel (see Appendix II – Conditions of Road Closure).

The transportation network adjacent to the lane closure and future developments is as follows:

Roadway	Roadway Classification	Parking	Traffic (2015 average vehicles/day)	Other Connections
<b>11 AV SW</b>	Four-lane one-way Arterial (westbound)	Restricted by time of day	17,000	<ul style="list-style-type: none"><li>• Transit Corridor</li></ul>
<b>12 AV SW</b>	Three-lane one-way Arterial (eastbound)	Restricted by time of day	18,000	<ul style="list-style-type: none"><li>• East-West Cycle Track</li><li>• Transit Corridor</li></ul>
<b>4 ST SW</b>	Four-lane Urban Boulevard	Restricted by time of day	13,000	<ul style="list-style-type: none"><li>• North-South Pedestrian Corridor</li><li>• Transit Corridor</li></ul>
<b>5 ST SW</b>	Three-lane one-way Urban Boulevard (southbound)	No parking adjacent to subject area	13,000	<ul style="list-style-type: none"><li>• North-South Pedestrian Corridor</li><li>• North-South Cycle Track</li><li>• Transit Corridor</li></ul>



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A Transportation Impact Assessment studying the impacts of the permanent relocation of the lane, along with anticipated future development, was reviewed by Transportation. Items under study included proposed lane relocation review, capacity of intersections, collision review, active modes review, parking review and cycle track / driveway intersection review.

Overall the transportation system would function adequately post development with impacts to certain turning movements. Most notably, the eastbound left-turn from 12 Avenue SW to 4 Street SW is negatively impacted during the AM peak hour.

Cycle Track / driveway intersection mitigation measures were proposed in the study and will be further analyzed during the Development Permit process.

In terms of the proposed lane closure and relocation itself, the lane continues to function adequately. Development Permit related items will be addressed at that time.

### **UTILITIES & SERVICING**

City records confirm that there are no existing public (deep) utilities within the proposed closure lands (lane right-of-way). However, there are existing private (shallow and overhead) utilities (Atco, Telus, Shaw and Enmax) within the proposed closure lands. As such, the developer is required to either remove and/or relocate said utilities, or protect said utilities by way of easement or utility right of way, to the satisfaction of the utility owners.

Public water, sanitary and storm utilities exist within proximity to the subject lands. However, depending on how the ultimate redevelopment is configured or perhaps subdivided, public storm extension may be required, as public storm does not exist within 12 Avenue S, nor along the entire adjacent 4 Street SW frontage, as it terminates at a manhole a few meters south of the existing lane / 4 Street SW intersection. As such, development servicing will be determined at the future Development Permit and Development Site Servicing Plan circulation stages, to the satisfaction of Water Resources.

### **ENVIRONMENTAL ISSUES**

No environmental concerns have been identified with the subject sites.

### **ENVIRONMENTAL SUSTAINABILITY**

Environmental sustainability considerations will be evaluated at the Development Permit application stage.

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**GROWTH MANAGEMENT**

This proposal does not trigger capital infrastructure investment and as such does not raise any concerns at this time.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

This application was circulated to the Beltline Planning Group who have offered support for the land use, heritage density transfer and lane closure.

**Citizen Comments**

Several letters of opposition and concern have been received from developed parcels west of the subject lane closure. Objections are based on concerns that lane service for private vehicles, waste and recycling and emergency services are protected.

As expressed through CPAG review of the TIA by Transportation, Administration finds that conditional approval of the lane closure will ensure that new, adequate public access is provided in perpetuity.

**Public Meetings**

Administration is not aware of any public engagement held by the applicant nor has Administration convened any public meetings.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

**Rational for Direct Control**

The primary objective of this direct control district is to comply with the City of Calgary's request to record heritage density transfer. The transfer of heritage density from 803 – 15 Avenue SW (also known as the Nellie McClung House) to DC Site 2 as well as seeking rezoning of the Nellie McClung House site into a standard base district of CC-MH which complies with the Beltline ARP Land Use Map. DC Site 2 retains the base district of CC-X and reflects the density transfer as a maximum FAR of 6.95. DC Site 2 also includes the former lane that is proposed to be closed.

City Heritage Planners have endorsed this transfer as a maximum of 8,094.47 square metres from the Nellie McClung Site to DC Site 2.

**Rational for Road Closure**

Hines has acquired parcels on the north and south portions of this block and intends to build two high quality mixed use residential rental towers as part of a master planned development in the Beltline. This development – which totals nearly 1,000 units will be a multi-year project, that will provide new iconic buildings to Calgary's skyline and provide a gateway to/from the downtown into the Beltline along 4 Street SW. To achieve this vision, it was determined early on in the project analysis that the most successful way to achieve this outcome was to redirect the laneway traffic off of 4 Street SW and onto 12 Avenue SW.

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**APPENDIX II**

**PROPOSED ROAD CLOSURE CONDITIONS**

1. That the protection and/or relocation of any utilities arising from the lane closure be at the Applicant's expense and to the satisfaction of the particular utility provider(s).
2. That any utility easements be provided as required, and that a utility right-of-way plan and an accompanying easement document be registered prior to or concurrently with the final instrument to register the lane closure.
3. That a public access easement agreement shall be entered into and registered over the section of lane being closed, to the satisfaction of the Approving Authority and City Solicitor.
4. That physical closure of the lane not take place until such time that the re-aligned lane located across 522 - 12 Avenue SW, or the interim lane if necessary, is approved, constructed, and fully operational.
5. That a public access easement agreement and any additional agreements necessary for an interim lane, and to ensure appropriate function of the interim lane, during construction of the re-aligned lane be provided across the lane or the lands north of the lane (513, 509, 505 - 11 Avenue SW, and 1101 - 4 Street SW), as determined and approved by Roads. The public access easement and associated agreements for the interim lane are to be discharged at such time that the re-aligned lane located across 522 - 12 Avenue SW is approved, constructed, and fully functional.
6. That the closed road right-of-way be consolidated with the adjacent lands located at 513, 509, 505 - 11 Avenue SW, and 1101 - 4 Street SW, as one parcel.
7. That concurrent with the registration of the final instrument for the lane closure, a public access easement or road right-of-way plan and any additional agreements necessary for the new alignment of the lane and to ensure appropriate function of the new alignment of the lane (for example maintenance and inspections of the new lane, access, structural support requirements for trucks, etc.), to the satisfaction of the Approving Authority and City Solicitor, are registered on title.
8. That all costs associated with the road closure, interim lane, and re-alignment for the new lane are the responsibility of the Applicant, including but not limited to all necessary physical construction, removal, rehabilitation, maintenance, and utility relocation.

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APPENDIX III

PROPOSED DIRECT CONTROL GUIDELINES

**Purpose**

- 1 This Direct Control is intended to:
  - (a) Allow the Heritage Density Transfer to a ***DC receiving parcel*** (Site 2) from the ***DC source parcel*** (Site 1) as allowed by Part 11, Division 7 of Land Use Bylaw 1P2007.

**Compliance with Bylaw 1P2007**

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

**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.

**General Definitions**

- 4 In this Direct Control District:
  - (a) "***DC receiving parcel***" means the ***parcel*** legally described as (Plan A1, Block 70, Lots 14 to 21 with the municipal address 505, 509 and 513 – 11 Avenue SW, and 1101- 4 Street SW which is the ***parcel*** receiving an increase in ***density*** of 8,094.47 square metres from the ***DC source parcel***; and
  - (b) "***DC source parcel***" means the ***parcel*** legally described as Plan A1, Block 110, Lots 17 to 20 with the municipal address 803 15 Avenue SW which is the ***parcel*** from which the transfer of ***density*** is being made.

**Site 1**

0.12 hectares ± (0.3 acres±)

- 5 The provisions in sections 6 through 9 apply only to Site 1.

**Permitted Uses**

- 6 The ***permitted uses*** of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District.

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**Discretionary Uses**

- 7 The **discretionary uses** of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

**Bylaw 1P2007 District Rules**

- 8 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 apply in this Direct Control District.

**Floor Area Ratio**

- 9 (1) The maximum **floor area ratio** is 0.31
- (2) The bonus provisions contained in Part 11, Division 7 do not apply to Site 1 of this Direct Control District.

**Site 2**

0.41 hectares ± (1.01 acres ±)

- 10 The provisions in sections 10 through 14 apply only to Site 2

**Permitted Uses**

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

**Discretionary uses**

- 12 The **discretionary uses** of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

**Bylaw 1P2007 District Rules**

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

**Floor Area Ratio**

- 14 (1) The maximum **floor area ratio** is 7.82 inclusive of the 8,094.97 square metres of heritage density that has been transferred from Site 1.
- (2) The maximum **floor area ratio** in subsection (1) may be increased by a **floor area ratio** of 3.0 when this additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development and Hotel uses**.
- (3) The maximum **floor area ratio** in subsections 14(1) and 14(2) may be increased in accordance with the bonus provisions contained in Part 11, Division 7 of Bylaw 1P2007, exclusive of Heritage Density Transfer, up to a maximum **floor area ratio** of 13.2.

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**APPENDIX IV**

**LETTERS SUBMITTED**

Administration has received several letters of opposition to the road closure citing concerns with customary loading, delivery, waste removal and redirection of traffic flow if the lane is closed. A petition from the residents in the Castello residential building immediately to the west was also received citing similar concerns with the lane closure and concerns regarding additional traffic generated by future proposals on the subject site.

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APPENDIX V

FUTURE DEVELOPMENT CONCEPTS (Adjacent Southern Parcel)



VIEW FROM CENTRAL PARK  
500 BLOCK | CALGARY



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