

# PROPOSED

CPC2020-0695  
ATTACHMENT 3

## BYLAW NUMBER 115D2020

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT  
LOC2019-0149/CPC2020-0695)**

\*\*\*\*\*

**WHEREAS** it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

**AND WHEREAS** Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefore that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

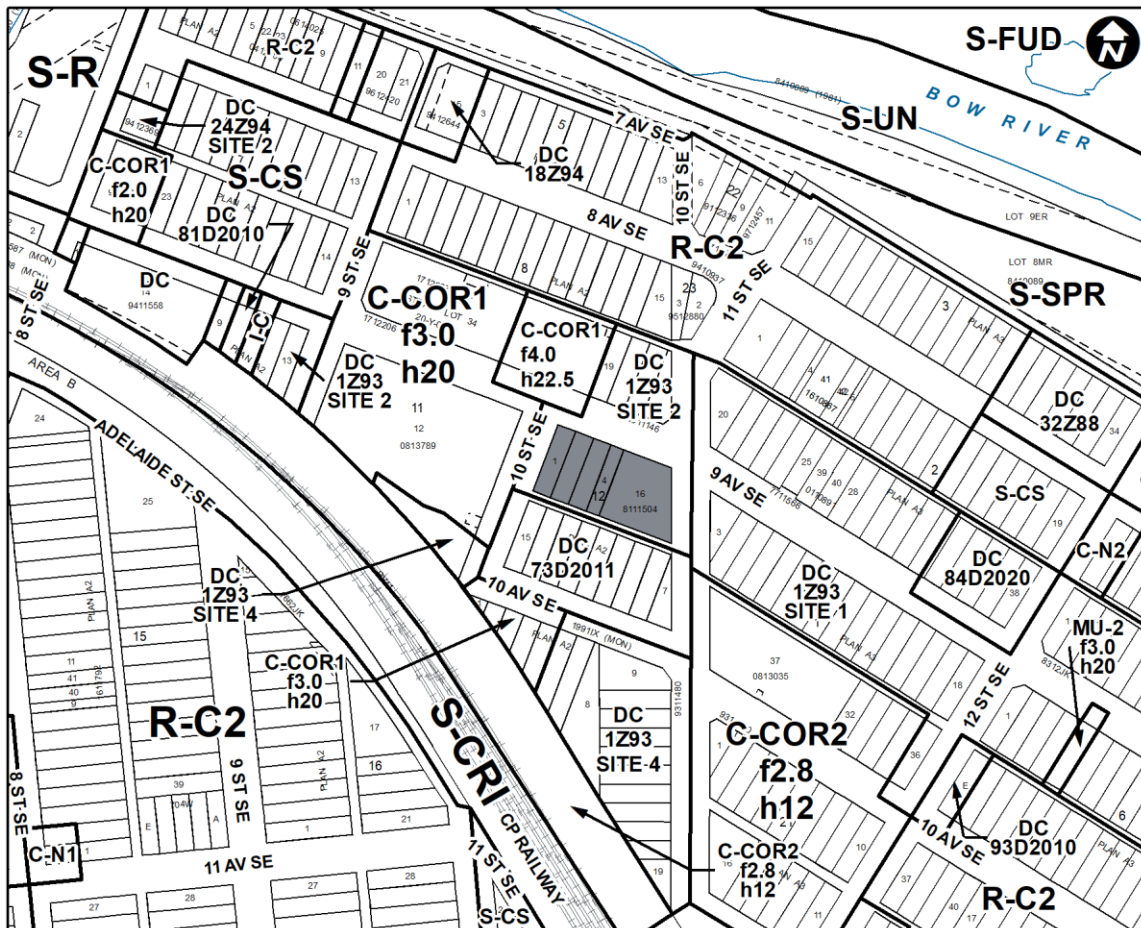
\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_

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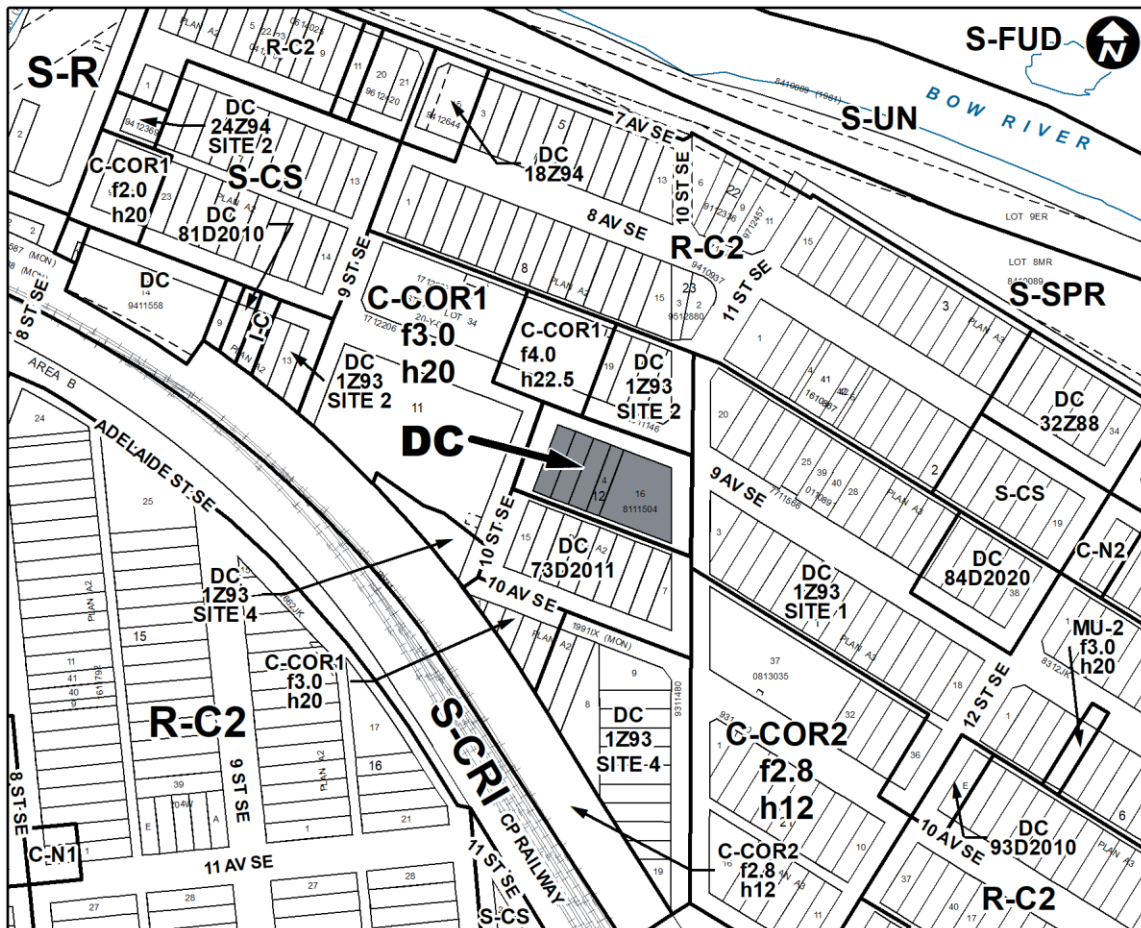
## SCHEDULE A



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## SCHEDULE B



## DIRECT CONTROL DISTRICT

### Purpose

1 This Direct Control District Bylaw is intended to:

- (a) accommodate mixed-use development where active commercial uses are required at grade to promote activity at the street level;
- (b) establish a base density and building height on a Main Street;
- (c) provide an opportunity for a density bonus over and above base density to achieve public benefit and provide amenities within the same community; and
- (d) create sensitive building transitions to the National Hotel.

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### 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 Bylaw.

### Reference to Bylaw 1P2007

- 3 Within this Direct Control District Bylaw, 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 Bylaw:

- (a) “**bonus provisions**” means those items set out in Schedule C of this Direct Control District Bylaw which may be provided by a **development** in order to earn additional **floor area ratio**.

### Permitted Uses

- 5 The **permitted uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District Bylaw.

### Discretionary Uses

- 6 The **discretionary uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District Bylaw.

### Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 apply in this Direct Control District Bylaw.

### Floor Area Ratio

- 8 (1) Unless otherwise referenced in subsections (2), the maximum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** may be increased to 6.5 in accordance with the **bonus provisions** set out in Schedule C of this Direct Control District Bylaw, provided that one of the **bonus provisions** used is the provision of publicly accessible private open space.

### Building Height

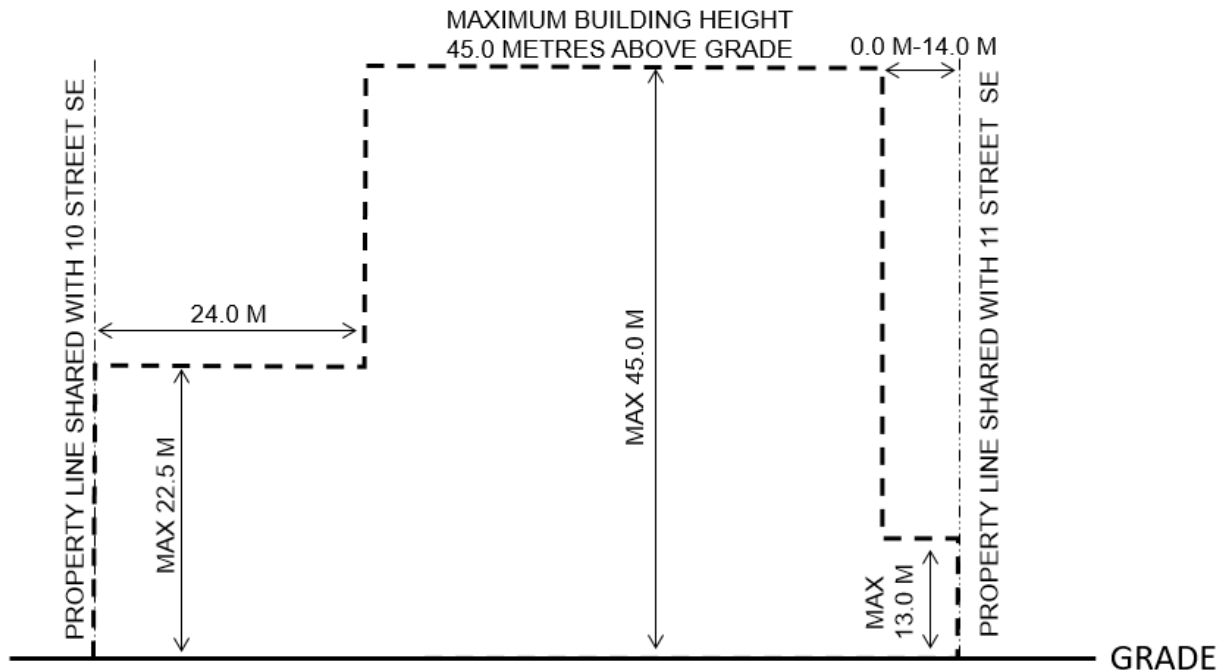
- 9 (1) Unless otherwise referenced in subsections (2), (3), and (4), the maximum **building height** is 45.0 metres.
- (2) Where the **parcel** shares a **property line** with 9 Avenue SE, the maximum **building height** is 22.5 metres measured from **grade** within 3.5 metres of the shared **property line**.
- (3) Where the **parcel** shares a **property line** with 10 Street SE, the maximum **building height** is 22.5 metres measured from **grade** within 24.0 metres of the shared **property line**.

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- (4) Where the **parcel** shares a **property line** with 11 Street SE, the maximum **building height** is 13.0 metres measured from **grade** within 14.0 metres of the **property line** at the southeastern corner of the parcel, with the 14.0 metre setback from 11 Street SE decreasing in a linear fashion to 0.0 metres at the northeastern corner of the parcel, such that the area restricted to 13.0 metres in height forms a triangle.

Illustration 1: Building Height in subsection 9(3) and 9(4)



## Floor Plate Restrictions

- 10 Each floor of a **building** located partially or wholly above 22.5 metres above **grade** has a maximum:
- (a) **floor plate area** of 900.0 square metres; and
  - (b) horizontal dimension of 37.0 metres.

## Relaxations

- 11 The **Development Authority** may relax the rules contained in Sections 7, 9, and 10 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

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## SCHEDULE C

### Provision of Public Amenities through Bonus System

#### 1.0 Bonus System

##### 1.1 Approach

**Development** sites can be developed up to the maximum **density** without providing any bonus items. In order to develop above the maximum **density** and up to the bonus maximum **density**, **developments** must provide one or more bonus items in exchange for a defined amount of additional **density**.

Any combination of bonus items can be used to earn additional **density**, provided that one of the **bonus provisions** used is the provision of publicly accessible private open space, subject to the discretion of the **Development Authority**, the local context of the proposed **development** site, and any rules set out in Land Use Bylaw 1P2007 and this Direct Control District Bylaw.

The contribution amount will be calculated at the time of **development permit** approval, based on the average land value per square metre of **gross floor area**.

“Average land value” in Schedule C of this Direct Control District Bylaw means the average land value per square metre of **gross floor area** at the time of **Development Permit**. If no such value has been determined by **Council** in the applicable local area plan at the time of **development permit** application, expert analysis in the form of a land valuation study or real estate appraisal report is to be prepared by a Licensed Real Estate Appraiser and provided to the **Development Authority** at the time of **development permit** application.

#### 2.0 Provision of Publicly Accessible Private Open Space

##### 2.1 Description

Publicly accessible private open space is defined as a portion of a private **development** site that is made available to the public for the life of the **development** through a legal agreement acceptable to The **City**, and is in a location, form and configuration and is designed and constructed in a way that is acceptable to The **City**.

##### 2.2 Eligibility

Any **development** that can provide a publicly accessible private open space that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus. A publicly accessible private open space must:

- (a) have a minimum overall contiguous area of no less than 250.0 square meters, including a minimum width of 2.0 metres of private land immediately adjacent to 9 Avenue SE and 11 Street SE;
- (b) have sufficient width to allow for a plaza or plaza-like space on the 11 Street SE frontage;

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- (c) be located at **grade** between the face of the **building** and the **property line**;
- (d) be maintained by the owner for the life of the **development**;
- (e) include street furniture elements including, but not limited to seating, bicycle racks, general and feature lighting; and
- (f) include canopy trees and soft landscaping elements where possible and appropriate.

### 2.3 Bonus Rate

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor as part of the **development permit** application. The maximum incentive **floor area ratio** for this item is 2.0.

For example, if the cost to the applicant to construct the space is \$500,000.00 and the average land value per square metre is \$270.00 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75.0%) = Allowable Bonus Floor Area

\$500,000.00 / (\$270.00 x 75.0%) = 2,469.0 square metres

### 3.0 Provision of Public Art – On Site

#### 3.1 Description

Public art – on site means publicly accessible art of any kind that is permanently suspended, attached to a wall or other surface, or otherwise integrated into a development. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.

#### 3.2 Eligibility

Any **development** that can provide public art that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus. The artwork must be maintained by the owner for the life of the **development**, have a minimum value of \$200,000.00, as approved by The **City**, be located in a permanently and publicly accessible area; and located either outdoors, at **grade** and experienced from the public sidewalk; or on the **building's** exterior and experienced from the public sidewalk.

#### 3.3 Bonus Rate

The amount of additional floor area that may be earned through the provision of public art – on site will be determined based on the overall value of the artwork, as submitted by the applicant and accepted by the **City**. As with other bonus items, the floor area bonus will relate to the average land value. The maximum incentive **floor area ratio** for public art – on site is 1.0.

For example, if the total value of the artwork is determined to be \$500,000.00 and the average land value is \$270.00, then the amount of the bonus floor area will be calculated as follows:

Total value of the artwork / (average land value x 75.0%) = Allowable Bonus Floor Area

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$\$500,000.00 / (\$270.00 \times 75.0\%) = 2,469.0$  square metres

Note: The total value of the proposed public art will be provided to the **Development Authority** at the time **development permit** application by an independent art professional, as accepted by The **City**.

## 4.0 Contribution to Heritage Incentive Reserve Fund

### 4.1 Description

Financial contributions to The City of Calgary's Heritage Incentive Reserve Fund at the time of the **development permit** application.

### 4.2 Eligibility

Any **development** proposing to build above the maximum **density** allowed for the subject site is eligible to make a contribution to the Heritage Incentive Reserve Fund. The monetary contribution to The City of Calgary's Heritage Incentive Reserve Fund should be applied to Municipal Historic Resources along 9 Avenue SE in the community of Inglewood.

### 4.3 Bonus Rate

The contribution amount will be calculated at the time of **development permit** approval, based on the average land value per square metre of **gross floor area**.

For example, if the average land value is established to be \$270.00 per square metre, and the applicant is proposing to build 1,000.0 square metres of bonus floor area, then the amount of contribution will be calculated as follows:

Average Land value x Proposed amount of bonus **gross floor area** (metres squared) =  
Heritage Incentive Reserve Fund Contribution Amount

$\$270.00 \times 1,000.0$  square metres = \$270,000.00

## 5.0 Provision of Affordable Housing Units

### 5.1 Description

Affordable housing units are non-market housing units provided within the **development**, owned and operated by The **City** or any bona fide non-market housing provider recognized by The **City**.

### 5.2 Eligibility

Any new **development** that can provide affordable housing units, in perpetuity, within a proposed **development** in a number and location, and of a design and with an operating plan acceptable to The **City**, is eligible for this bonus.



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## 5.3 Bonus Rate

The allowable bonus floor area will be based on the total construction cost of the units to a standard acceptable to The **City**. Construction cost estimates shall be prepared by a Professional Quantity Surveyor and be provided at the time of **development permit** application.

For example, if the cost to the applicant to provide the units and associated parking stalls is \$500,000.00 and the average land value is \$270.00, then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75.0%) = Allowable Bonus Floor Area

\$500,000.00 / (\$270.00 x 75.0%) = 2,469.0 square metres

Note: the provided affordable housing units and associated parking stalls shall not be included in the calculation of **gross floor area**.