

PROPOSED

CPC2020-0411
ATTACHMENT 2

BYLAW NUMBER 70D2020

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2016-0232/CPC2020-0411)**

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 therefor 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 _____

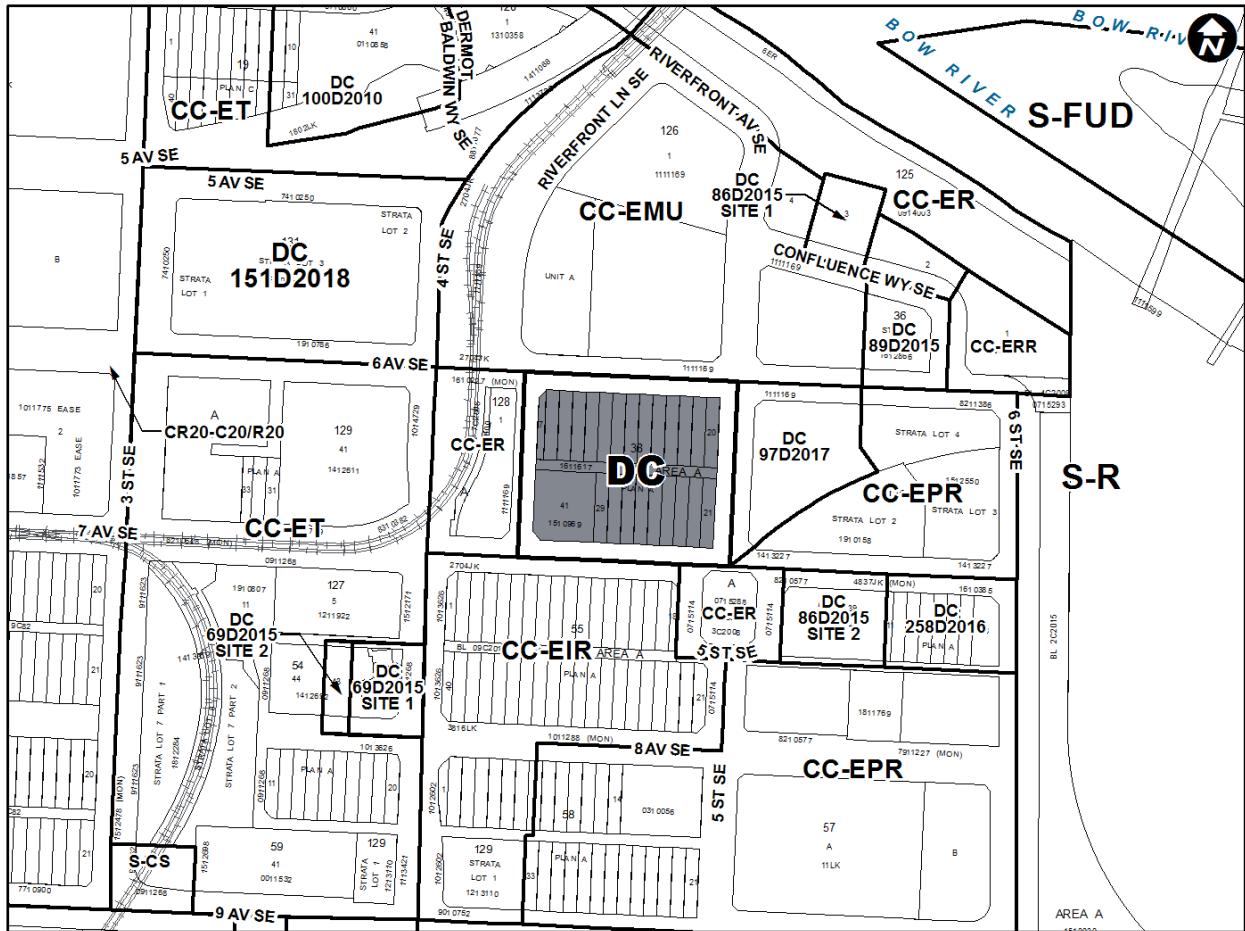
CITY CLERK

SIGNED ON _____

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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District Bylaw is intended to:
 - (a) allow for a comprehensive development permit process with specific application and phasing requirements; and
 - (b) allow for consideration of a density bonus over and above the base density to achieve public benefit and amenities within the East Village.

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.

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General Definitions

4 In this Direct Control District Bylaw:

- (a) “**detailed plans**” means a full detailed set of drawings that includes, but is not limited to, a site plan, landscape plan, all floor plans, parking plans and elevations.

Permitted Uses

5 The **permitted uses** of the Centre City East Village Integrated Residential District (CC-EIR) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

6 The **discretionary uses** of the Centre City East Village Integrated Residential District (CC-EIR) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 Rules

7 Unless otherwise specified in this Direct Control District, the rules of the Centre City East Village Integrated Residential District (CC-EIR) of Bylaw 1P2007 apply in this Direct Control District.

Additional Development Permit Requirements

- 8 (1) A **development permit** for a new **building** may be approved without full “**detailed plans**” provided that no **development** under the **development permit** may commence prior to subsequent **development permit** approval of “**detailed plans**” for the **building**, notwithstanding Section 26 of Bylaw 1P2007.
- (2) A **development permit** application for a new **building** that does not contain “**detailed plans**” must provide at a minimum:
- (a) in full detail for the entire area of this Direct Control District:
 - (i) a site plan;
 - (ii) landscape plan;
 - (iii) ground floor plan; and
 - (iv) parking plan;
 - (b) schematic floor plans for levels two and above which include all floor plate dimensions;
 - (c) locations and **uses** for all floor areas and common areas;
 - (d) schematic elevations outlining the total **building height**, **building** width, number of storeys, and location of windows and doors;
 - (e) the **gross floor area** and total number of **units** of each **building**; and
 - (f) any bonus amenity items, and the corresponding additional **gross floor areas**.

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- (3) Underground parking must be approved in the same phase as one or more above ground *uses*.

Density

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- (1) The maximum *floor area ratio* is 7.0.
- (2) The maximum *floor area ratio* referenced in subsection (1) may be increased in accordance with the bonus *density* provisions contained in Schedule C of this Direct Control District Bylaw to a cumulative maximum *floor area ratio* of 8.0.
- (3) The amount of additional *gross floor area* achieved by providing the requirements of the public amenity items in Schedule C are calculated as a *floor area ratio*, an Incentive Ratio or an Incentive Rate.
- (4) An Incentive Rate indicates that the amount of additional *gross floor area* will be calculated by dividing the cost of the provided public amenity item in Schedule C, or the amount of contribution to a fund, by the Incentive Rate as follows:
 - (a) Incentive Rate 1 is \$296.00 per square metre, or the Incentive Rate 1 as set out in Bylaw 1P2007, whichever is greater.
- (5) Public amenity items that may be provided individually or in combination to achieve additional *gross floor area* are listed in Schedule C.
- (6) Unless otherwise specified in this Direct Control District Bylaw, a public amenity item for which additional *gross floor area* has been achieved must be maintained on the *parcel* for so long as the *development* exists.
- (7) The *Development Authority* must determine whether a proposed amenity item as listed in Schedule C is appropriate for the *development*.

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SCHEDULE C

Item No.	Public Amenity Items
1.0	<p>PUBLIC OPEN SPACE</p> <p>A public open space is a landscaped, publicly accessible, pedestrian space that is open to the sky and is located at grade. It may be soft or hard landscaped and it must be in a location, form, configuration and be constructed in a manner acceptable to the Development Authority.</p>
1.0.1	The maximum incentive floor area ratio for this item is 1.0.
1.0.2	<p>Incentive calculation:</p> <p>Where a development provides a publicly accessible private open space the Incentive Rate is Incentive Rate 1.</p> <p>Method:</p> <p>Incentive gross floor area (square metres) = total construction cost of the bonus earning item (\$) divided by Incentive Rate 1 (\$).</p>
1.0.3	<p>Requirements:</p> <p>A publicly accessible private open space includes the following:</p> <ul style="list-style-type: none">(a) a location at grade or within 0.45 metres above or below grade;(b) a location adjacent to, and accessible from, a public sidewalk;(c) where the publicly accessible private open space shares a perimeter with a public sidewalk, hard surfaced landscaped area for a minimum of 40.0 per cent of that perimeter to enable direct pedestrian access from the sidewalk;(d) a building along a minimum of 70.0 per cent of one side of its perimeter;(e) a minimum contiguous area of the lesser of 10.0 per cent of the cumulative parcel area or:<ul style="list-style-type: none">(i) 250.0 square metres for sites greater than or equal to 1812.0 square metres in area; or(ii) 150.0 square metres for sites of less than 1812.0 square metres in area;(f) a depth that is not greater than 3.0 times the street frontage;(g) where mechanical systems or equipment are located inside the perimeter of the public open space, they must be screened and their surface areas are not included in the area calculation of the public open space;(h) public seating as individual fixed seats or bench seating;(i) hard surfaced areas that exceed any minimum standards for hard surfaced landscaped areas as established in this Bylaw;(j) ensured public access 24 hours a day, seven days a week through a public access agreement.

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1.1	<p>PUBLIC ART – ON SITE</p> <p>Public art is 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.</p>
1.1.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
1.1.2	<p>Incentive calculation: Where a development provides public art – on site the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate 1 (\$).</p>
1.1.3	<p>Requirements: Public art – on site includes the following: (a) artwork, the minimum value of which must be: (i) \$200,000.00 for sites equal to or greater than 1,812.0 square metres in area; or (ii) \$50,000.00 for sites of less than 1,812.0 square metres in area; and (b) a location in an outdoor publicly accessible area visible from the public sidewalk.</p>
1.2	<p>BICYCLE STATION</p> <p>A bicycle station is a facility which provides secure bicycle parking for public use either on a long-term basis or on a short-term, on-demand basis. It provides facilities to its users that include showers, lockers, toilets and grooming stations and may also contain space for retail and service activities.</p> <p>A bicycle station does not replace the required bicycle parking stalls of the use, but is instead intended for use by third parties outside of the development. The diagram in 1.2.4 illustrates a potential implementation of the requirements of 1.2.3.</p>
1.2.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
1.2.2	<p>Incentive calculation: Where a development provides a bicycle station the Incentive Ratio is 1:7.5.</p> <p>Method: Incentive gross floor area (square metres) = gross floor area provided for the bicycle station (square metres) multiplied by 7.5.</p>

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1.2.3

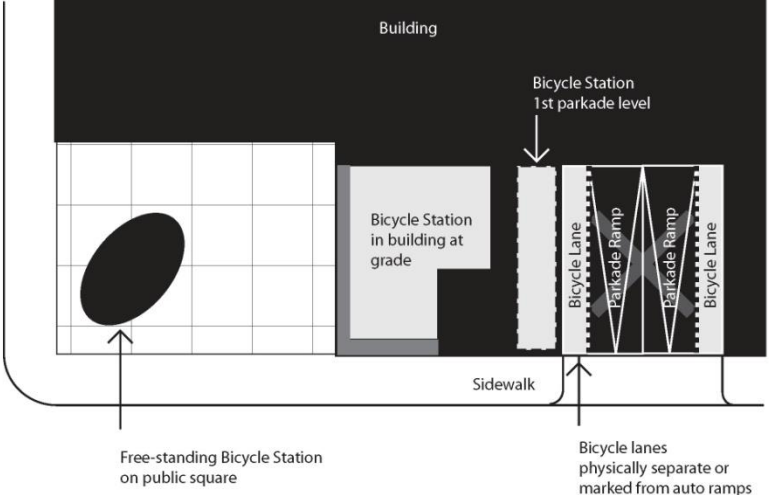
Requirements:

A bicycle station includes the following:

- (a) **bicycle parking stalls – class 1** that are not required **bicycle parking stalls – class 1** located either within the **building** or in a separate structure on the site;
- (b) a change room located either within the **building** or in a separate structure on the site containing a minimum of the following facilities:
 - (i) 1.0 shower for every 10.0 **bicycle parking stalls – class 1** greater than the minimum requirement for the first 200.0 **bicycle parking stalls – class 1**; and
 - (ii) 1.0 grooming station consisting of wash basin, mirror and electrical outlet for every 10.0 **bicycle parking stalls – class 1** greater than the minimum requirement for the first 200.0 bicycle parking stalls – class 1; and
 - (iii) 1.0 toilet for every 25.0 **bicycle parking stalls – class 1** greater than the minimum requirement for the first 100.0 **bicycle parking stalls – class 1**; and
 - (iv) 1.0 locker for every 4.0 bicycle **bicycle parking stalls – class 1**;
- (c) use by the public and no reservation for the sole use of the tenants of the **development**;
- (d) for calculation purposes an area of 0.4 square metres for each locker and 0.4 square metres for each shower;
- (e) a bicycle repair space of at minimum 2.0 metres by 3.0 metres in dimension; and
- (f) where retail and service uses are contained within the Bicycle Station their floor areas are included in the incentive **gross floor area**;
- (g) where located in a parkade:
 - (i) is on the closest parkade level to **grade** and physically separated from the **motor vehicle parking stalls**;
 - (ii) no access provided only by stairs;
 - (iii) bicycle lanes in parkade ramps where these are shared with motor vehicles.

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<p>1.2.4</p>	<p>Diagram: (not to scale)</p> <p style="text-align: right;">Bicycle Station</p> <p>Plan View</p>  <p>Free-standing Bicycle Station on public square</p> <p>Bicycle lanes physically separate or marked from auto ramps</p>
<p>1.3</p>	<p>DESIGN FOR UNIVERSAL ACCESSIBILITY</p> <p>Design for universal accessibility is the design of a <i>unit</i> to meet enhanced accessibility standards that exceed any minimum standards as established in this Bylaw.</p>
<p>1.3.1</p>	<p>The maximum incentive <i>floor area ratio</i> for this item is 0.5.</p>
<p>1.3.2</p>	<p>Incentive calculation:</p> <p>Where a <i>development</i> provides a <i>unit</i> designed for enhanced accessibility the Incentive Ratio is 1:1.5.</p> <p>Method:</p> <p>Incentive <i>gross floor area</i> (square metres) = <i>gross floor area of units</i> designed in accordance with enhanced accessibility standards (square metres) multiplied by 1.5.</p>
<p>1.3.3</p>	<p>Requirements:</p> <p>A design for universal accessibility includes the following:</p> <ul style="list-style-type: none"> (a) a smooth, unobstructed floor space of a minimum dimension of 1800.00 millimetres length and 1800.00 millimetres width in each kitchen, bathroom and hallway to enable the turning of a wheelchair or mobility device; (b) hallways with a width greater than 1.0 metres and no changes in floor level; (c) a bedroom, kitchen and a bathroom on the same floor as the entrance to the <i>unit</i>; (d) a step-free entrance to the <i>unit</i>; and (e) an accessible <i>motor vehicle parking stall</i>, with a minimum width of 4.0 metres, associated with each <i>unit</i> designed in accordance with these requirements.

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1.4	<p>DWELLING UNIT MIX Dwelling Unit mix is the construction of <i>units</i> containing 3 or more bedrooms.</p>
1.4.1	<p>The maximum incentive <i>floor area ratio</i> for this item is 1.0.</p>
1.4.2	<p>Incentive calculation: Where a <i>development</i> provides <i>units</i> containing 3.0 or more rooms designed as bedrooms the Incentive Ratio is 1:2.0. Method: Incentive <i>gross floor area</i> (square metres) = <i>gross floor area</i> of <i>units</i> containing 3.0 or more bedrooms (square metres) multiplied by 2.0.</p>
1.4.3	<p>Requirements: A <i>development</i> with a dwelling unit mix includes the following: (a) the provision of <i>units</i> comprised of 3.0 or more bedrooms; (b) two bedrooms with 1.0 or more windows in each; (c) a natural source of light in each bedroom; (d) a minimum <i>gross floor area</i> of 9.0 square metres for each bedroom; (e) a separate living area separate from each bedroom in each <i>unit</i>, and (f) a minimum <i>gross floor area</i> of 100.0 square metres for each <i>unit</i>.</p>
1.5	<p>INNOVATIVE PUBLIC AMENITY An innovative public amenity is a <i>building</i> feature that has not been considered under any of the other incentive items in this table, but which is determined by the <i>Development Authority</i> to provide a benefit to the public.</p>
1.5.1	<p>The maximum incentive <i>floor area ratio</i> for this item is 1.0.</p>
1.5.2	<p>Incentive calculation: Where a development provides an innovative public amenity the Incentive Rate is Incentive Rate 1. Method: Incentive <i>gross floor area</i> (square metres) = cost of amenity (\$) divided by Incentive Rate 1 (\$).</p>

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1.5.3	<p>Requirements: An innovative public amenity includes the following:</p> <ul style="list-style-type: none"> (a) a benefit to the community in which the density is being accommodated; (b) no items or amenities that are achievable or required through other means, including the other incentive amenity items in this table; (c) no standard features of a building; (d) an amount of additional floor area ratio commensurate with the cost of the amenity item provided; and (e) the sole discretion of the Development Authority to determine whether the proposed amenity feature is considered an innovative public amenity.
1.6	<p>COMMUNITY SUPPORT FACILITIES Community support facilities are spaces allocated to specific uses that have been determined by The City to support community activity and functionality.</p>
1.6.1	<p>Unless otherwise specified, the maximum incentive floor area ratio for this item is 1.0. (a) the maximum incentive floor area ratio for Post-secondary Learning Institution is 3.0.</p>
1.6.2	<p>Incentive calculation: Where a development provides community support facilities the Incentive Ratio is 1:1. Method: Incentive gross floor area (square metres) = gross floor area provided for the community support facility (square metres) multiplied by 1.0.</p>
1.6.3	<p>Requirements: Community support facilities includes the following:</p> <ul style="list-style-type: none"> (a) provision of space for one or more of the following uses: <ul style="list-style-type: none"> (i) Child Care Service; (ii) Community Recreation Facility; (iii) Conference and Event Facility; (iv) Indoor Recreation Facility; (v) Library; (vi) Museum; (vii) Performing Arts Centre; (viii) Place of Worship – Small; (ix) Post-secondary Learning Institution; (x) Protective and Emergency Service; (xi) School – Private; (xii) School Authority – School;

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	<p>(xiii) Service Organization; (xiv) Social Organization; and (xv) Utilities.</p> <p>(b) the identification in floor plans of the proposed building of the space that is to be allocated to the community support facility; and (c) the requirement for a development permit upon change of use.</p>
1.7	<p>HERITAGE DENSITY TRANSFER</p> <p>Heritage density transfer is the transfer to a receiving parcel of floor area ratio that could have been achieved on a source parcel were it not for the development constraints imposed by the retention and preservation of a historic building and its designation as a Municipal Historic Resource.</p>
1.7.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
1.7.2	<p>Incentive calculation: Where a development provides a heritage density transfer the additional gross floor area is directly transferred in square metres. Method: The gross floor area is transferred as a square metre value to the receiving parcel.</p>
1.7.3	<p>Requirements: A heritage density transfer includes: (a) a maximum of 1.0 floor area ratio of the receiving parcel, calculated in square metres that has been achieved through heritage density transfer; (b) transfers only to receiving parcels located within the community; (c) transfers only from parcels where legal protection through designation as a Municipal Historic Resource has been completed; and (d) only a one-time transfer from the parcel from which the density has been transferred to the receiving parcel with no further transfer possibility.</p>