

**POLICY AMENDMENT AND LAND USE AMENDMENT
BELTLINE (WARD 8)
SE CORNER OF 10 AVENUE SE AND 1 STREET SE
BYLAWS 42P2016 AND 311D2016**

MAP 15C

SUPPLEMENTARY REPORT

Calgary Planning Commission Directives:

On 2016 September 22, Calgary Planning Commission (CPC) directed Administration to hold further discussions with the Applicant with respect to the following:

- Address a limited term for the parking;
- Appropriateness in terms of overall parking strategy;
- Impact on future Green Line; and
- Balance of land use on the site.

ADMINISTRATION CONSULTATION WITH APPLICANT

In response to Calgary Planning Commission's directives, Administration met with the Applicant on 2016 September 29 and both parties agreed on the following amendments to the proposed DC Direct Control District guidelines and supporting rationale:

Address a limited term for the parking:

- Administration put forward to the Applicant a proposed rule that would require a Development Permit for Parking Lot – Structure (for the commuter parking stalls) be renewed every three years. Both parties agreed to not include this rule as:
 - Such a rule would preclude the Applicant's ability to obtain financing for the project due to the perceived risk of losing parking revenue should a subsequent Development Permit fail to be renewed; and
 - The risks will be mitigated through the proposed amendments outlined below.

Appropriateness in terms of overall parking strategy and Impact on future Green Line:

- Deletion of the rules regarding zero residential motor vehicle parking and increased bicycle parking. Any proposed reduction in residential parking will be evaluated at the Development Permit stage and would be offset by an increase in bicycle parking;
- Addition of rules that require the Applicant to enter into a Special Development Agreement with The City to establish a mechanism to monitor and enforce the operation of the stalls as either Parking Lot – Structure or parking area – short stay; and
- The 2015 Development Permit includes 80 stalls for the office use and the 4 storeys of office are now proposed to be eliminated due to the softening office market. The proposed land use amendment provides a maximum of 65 commuter stalls which offsets the previous 80 stalls that would have been allocated to office parking. The proposed 65 commuter motor vehicle parking stalls may have a minor impact on Green Line ridership.

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Balance of land use on the site:

- Addition of a rule that requires a Development Permit for Parking Lot – Structure be approved in conjunction with a Development Permit approved for a residential use with a minimum floor area ratio of 5.0. The rule also ensures that a Development Completion Permit for Parking Lot – Structure can only be issued once a Development Completion Permit has been issued for a residential use for the tower above grade.

AMENDED APPLICATION:

Administration is confident the amendments to the DC guidelines outlined above address each of the directives of CPC. Furthermore, approval of this application balances the need for development occurring in Calgary and facilitates the development of this suspended site after seven years of inactivity, while not impacting the integrity of the Downtown Parking Policy.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)	2016 October 20
That Calgary Planning Commission recommends APPROVAL of the proposed Policy Amendment and Land Use Amendment.	
RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION	
That Council hold a Public Hearing on Bylaws 42P2016 and 311D2016; and	
1.	ADOPT the proposed amendment to the Beltline Area Redevelopment Plan, in accordance with Administration's recommendation; and
2.	Give three readings to the proposed Bylaw 42P2016.
3.	ADOPT the proposed redesignation of 0.24 hectares ± (0.59 acres ±) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District to DC Direct Control District to accommodate mixed use development, in accordance with Administration's recommendation; and
4.	Give three readings to the proposed Bylaw 311D2016.

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REASON(S) FOR RECOMMENDATION:

This proposed land use amendment is in conformance with the applicable policies of the Beltline Area Redevelopment Plan as amended, as well as Calgary's Parking Policy Framework. In addition, the amendments to the proposed DC outlined in this report fully address the concerns raised by CPC.

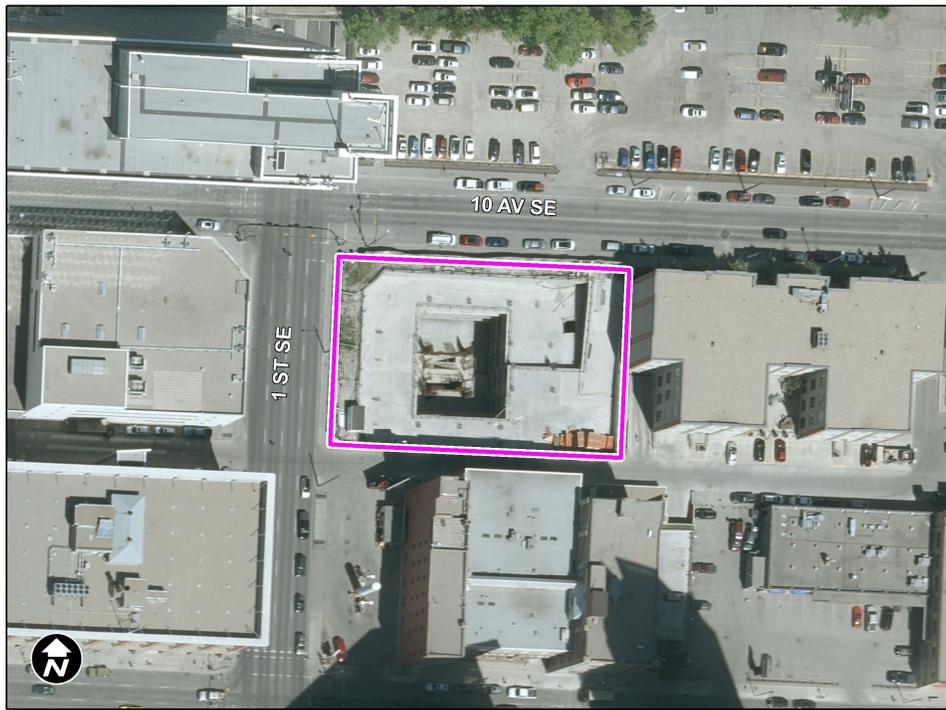
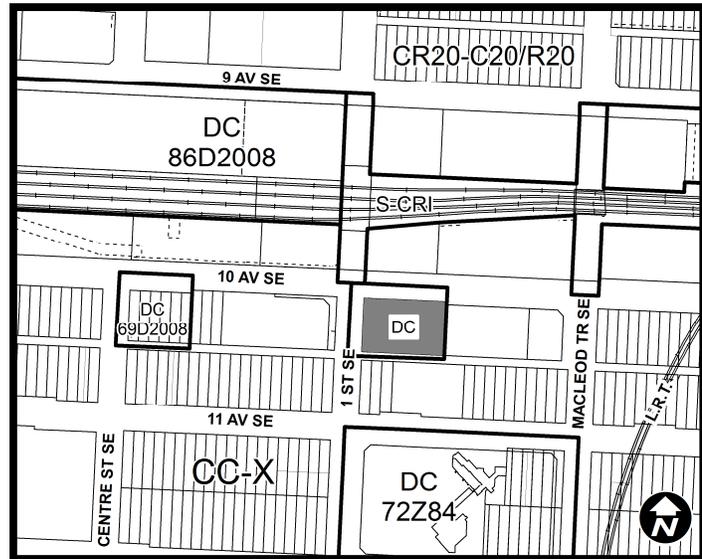
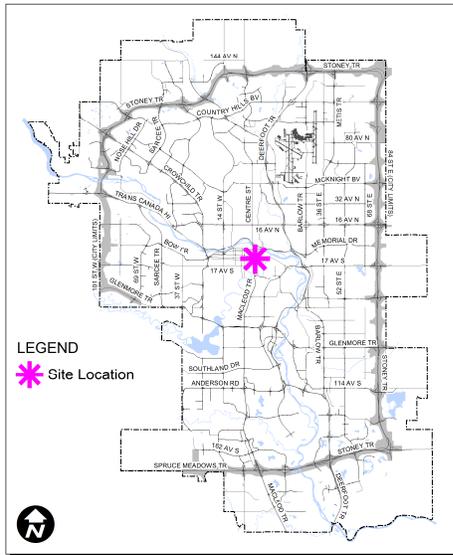
ATTACHMENTS

1. Proposed Bylaw 42P2016
2. Proposed Bylaw 311D2016

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendment to the Beltline Area Redevelopment Plan (SUPPLEMENTARY APPENDIX IV).

Moved by: S. Keating

Carried: 6 – 0

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.24 hectares \pm (0.59 acres \pm) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District to DC Direct Control District to accommodate mixed use development, with guidelines (SUPPLEMENTARY APPENDIX II).

Moved by: S. Keating

Carried: 6 – 0

Reasons for Approval from Mr. Friesen:

- I supported this change to Policy and Land Use because I believe completion of this site is better than allowing the existing incomplete building of many years to remain in place even if the result is some additional commuter parking. The developer followed through on a good faith negotiation with administration which led to a solution acceptable to both the City and the developer. The result will be a net benefit to Calgary.

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Applicant:

IBI Group

Landowner:

One Capital Corp

PLANNING EVALUATION

SITE CONTEXT

The subject site is located at the southeast corner of 10 Avenue and 1 Street SE in an area of the Beltline that is characterized by a mix of converted warehouse buildings and newer commercial infill development. The site functions as a gateway to the Beltline community enroute from Downtown as it is located south of the 1 Street SE railway underpass. The Imperial Lofts, a historic warehouse structure converted to a mix of residential and commercial uses, is located immediately south of the site across the lane.

Site History

In 2005, Council approved a DC Direct Control District (Bylaw 63Z2005) that was 'tied to plans' for a mixed use retail, office and residential development. In 2008, a Development Permit proposing an Apartment Building (220 Units) with Office and Retail at a density of 12.78 FAR was approved and released. Construction commenced on site in 2008 but was halted in 2009 with only the six level underground parkade built. The site has remained in an inactive, suspended state to date.

Council approved a land use redesignation to a DC (Bylaw 153D2015) for this site in September 2015. A concurrent Development Permit (DP) proposing 277 residential units, 4 storeys of office and one level of retail was approved one month later in October at a density of 12.78 FAR. The 2015 DC was needed to eliminate the 'tied to plans' requirement from the previous 2005 DC (Bylaw 63Z2005). The current DC was also intended to 'grandfather' the previous approved density of 12.78 FAR, based on a \$75,000 contribution to the Heritage Incentive Program Fund in October 2007.

Despite the subsequently approved DP in October 2015, construction has not yet commenced due to economic conditions and the substantial softening in the office market.

LAND USE DISTRICTS

The proposed DC Direct Control District is based on the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 (see DC guidelines in APPENDIX II). The purpose of the new DC is twofold:

1. First, it is intended to provide more flexibility in the amount of residential FAR within the development, given the softening office market. The existing DC limits the residential FAR to 9.0 and the non-residential FAR to 5.0, based on the residential and office mix

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that was proposed in the 2015 DP. The new DC would allow for a predominantly residential building with retail at grade.

2. Second, the new DC is intended to allow for greater flexibility in the parking requirements. This is based on three main inter-related factors:
 - (1) The underground parkade is already built, therefore the number of stalls is generally fixed at 321 stalls;
 - (2) The proposed elimination of the office use results in a substantial number of existing stalls that are not assigned to a use; and
 - (3) There is a need for the distribution of the existing parking to operate according to market demand in the Centre City.

The proposed DC incorporates the following:

- (1) Commuter parking stalls will be allowed, which could be leased to third parties for long term use greater than 4 hours, but limited to 65 stalls, or 20 percent of the overall existing stalls;
- (2) The balance of the parkade stalls would be allocated between short-stay use for the general public at a maximum of four hours, or may be allocated to a use in the development above grade, to be confirmed at the DP stage;
- (3) A rule that ensures that a Development Completion Permit for Parking Lot – Structure (for the commuter parking stalls) can only be issued once a Development Completion Permit has been issued for a residential use for the tower above grade; and
- (4) Rules that require the Applicant to enter into a Special Development Agreement with The City to establish a mechanism to monitor and enforce the operation of the stalls as either Parking Lot – Structure or parking area – short stay.

LEGISLATION & POLICY

Beltline Area Redevelopment Plan (2007 – statutory)

Urban Mixed-Use Area

Development of the site is guided by the policies of the Beltline Area Redevelopment Plan. The application is contained within and conforms to the policies of the 'Urban Mixed-Use Area', and in particular, the following objectives:

- *Provisions for uses that serve the local and broader population;*
- *Promotion of residential uses above the street level; and*
- *Compatibility of adjacent uses, within and among buildings and properties, particularly with respect to residential uses.*

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Density Area C

Supporting the 'Urban Mixed-Use Area', the site is contained within **Density Area C** of the Beltline ARP. This area allows for higher density due to its proximity to the Downtown as well as being located along major transportation corridors. The applicable densities allowed in this area are:

- A base of 8.0 FAR for Residential/Mixed Use Development; and
- An increase from 8.0 to a maximum of 12.0 FAR for Residential/Mixed Use Development drawing from the bonus provisions contained within the Beltline ARP.

A minor textual amendment was approved in September 2015 to 'grandfather' the density of the previous DC (Bylaw 63Z2005) of 12.78 FAR. Due to the softening of the office market, a minor amendment is needed to eliminate the requirement of office uses. The text amendment is outlined in SUPPLEMENTARY APPENDIX IV.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required and there are no specific mobility considerations that impact this site. Access to the site for underground parking has already been built along 10 Avenue SE through the previously constructed underground parkade as part of the 2008 Development Permit.

Parking Rationale

A parking study was not required. The 2015 Development Permit includes 80 motor vehicle parking stalls for the office use. According to the applicant, the 5 storey retail/office component will be significantly reduced to ground floor retail only with the elimination of the office use. The proposed land use amendment provides a maximum of 65 commuter stalls which offsets the previous 80 stalls that would have been allocated to office parking.

A Parking Policy Framework for Calgary (2011 – non-statutory)

The unbundling of parking from use, in this case the potential for significant reductions in onsite parking for residents is supported by A Parking Policy Framework for Calgary. The parcel meets the location criteria as outlined in the policy and any proposed reductions in residential parking at the Development Permit stage will require increased alternative travel options provided for residents through increased onsite bicycle parking, transit passes, etc.

Integrated Downtown-TOD Parking Strategy (2016 – non-statutory)

In regard to short stay parking, the proposed DC is in line with parking strategy. An excerpt from the Implementation Actions for the Downtown Parking Strategy is as follows:

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“The ability to better use the private parking supply and look for parking synergies was identified not only downtown, but in TOD and main street areas to improve the flexibility of the parking supply. This would look at reviewing the broader rules in the Land Use Bylaw to see if it is possible to make parking for new and existing developments more accessible to the general public.”

The proposed maximum of 65 motor vehicle parking stalls for Parking Lot Structure does not meet Policy. Administration recommends approval for the following reasons in relation to these motor vehicle parking stalls:

- Applicant indicates this is required to achieve financing and activate the subject parcel.
- Measures will be put into place during the Development Permit stage, as outlined in the DC, to monitor and enforce the number and operation of these motor vehicle parking stalls.
- Operation of the existing parkade tied to issuance of a Development Completion Permit for the tower above grade.
- Comparable to the 80 office commuter parking stalls that were originally contemplated prior to the softening of the office market.
- Surplus motor vehicle parking stalls to be designated short stay which is in alignment with Policy and generally, the supply of these stalls do not adversely impact peak travel demand.
- It is only due to the unique nature of this parcel that Administration is supportive of this use within the restrictions as outlined above.

Green Line

On Tuesday, 2016 October 04, Council approved a fully tunneled LRT route in Calgary’s downtown core. The approval was made “in principal,” contingent on the overall funding for the Green Line program.

Four alignment options in the Beltline are being further evaluated. Tenth Avenue is a potential Green Line alignment option for both at-grade and below-grade operations. Maintaining or potentially relocating existing accesses along at-grade alignment options is being considered by the Green Line team. Potential conflicts and mitigation measure will be analyzed during Development Permit review.

The proposed 65 commuter motor vehicle parking stalls may have a minor impact on Green Line ridership.

UTILITIES & SERVICING

Public water, sanitary and storm deep main utilities exist within the adjacent public right-of-way. Ultimate development servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) circulation stage(s), to the satisfaction of Water Resources.

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ENVIRONMENTAL ISSUES

The subject site is within the Elbow River 1:100 year "Overland Flow" area, as per current Council approved flood maps. As such, the future development design shall be subject to current Provincial and Municipal regulations outlined in Land Use Bylaw 1P2007, Part 3, Division 3.

ENVIRONMENTAL SUSTAINABILITY

Not applicable in connection with the Land Use Amendment.

GROWTH MANAGEMENT

There are no Growth Management issues identified for the Beltline ARP area, which includes the subject site.

PUBLIC ENGAGEMENT

Community Association Comments

The Beltline Neighbourhoods Association (BNA) supports the proposed land use amendment and their letter can be found in SUPPLEMENTARY APPENDIX III. In addition, the Victoria Park BRZ has no objections to the application.

Citizen Comments

No comments received by CPC Report submission date

Public Meetings

The applicant met with the Beltline Neighbourhoods Association on 2016 May 24 to discuss the proposed amendment. The BNA supports the application as per their letter in SUPPLEMENTARY APPENDIX III.

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SUPPLEMENTARY APPENDIX I

APPLICANT'S SUBMISSION

The subject site is located at 201 – 10 Avenue SE in the Beltline Community. The site currently contains a partially completed underground parkade, which originally began and stopped as part of approved Development and Building Permits back in 2008. The project has since changed ownership, and a new design that builds upon the original parkade structure was submitted and approved in 2015 (DP2015-1936), along with a new land use that removed the original “tied to plans” aspect of the design and facilitated a new, more functional design. This new land use was approved in September 2015 (DC153D2015).

DC 153D2015 is intended for a comprehensively designed mixed-use building, which includes commercial and residential uses and is based on the provisions of the Centre City Mixed Use District (CC-X). A Direct Control (DC) District was required to address a few unique provisions that was not available in stock districts offered in Bylaw 1P2007. The foundations of this DC district are sound. However, upon subsequent review and within the context of a softening office market, more flexibility in the amount of residential FAR permitted within the development has become important.

Therefore, the purpose of this land use amendment is to adapt the existing FAR provisions to allow a predominantly residential development, in a mixed use setting.

In addition, this DC Bylaw also serves to accommodate a more flexible approach to parking requirements that are in keeping with modern trends and the prevailing urban context, and, to recognize that the parking structure is already built and the number of stalls provided is generally fixed. Additional provisions have been added to unlink the parking requirement assigned to specific uses and allow deployment of the parking as more adaptable “scramble” and/or “shared” parking. This better accommodates the real operational parking needs instead of a specific use by use assignment that often becomes arbitrary in this urban context and setting.

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SUPPLEMENTARY APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) provide for a mixed use high rise **development** consisting of **uses** such as **Retail and Consumer Service, Office** and **Multi-Residential Development** within a single **building**; and
 - (b) provide for greater flexibility in the allocation of **motor vehicle parking stalls**.

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.

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) “**non-residential uses**” means all **uses** other than:
 - (i) **Assisted Living**;
 - (ii) **Dwelling Units**;
 - (iii) **Hotel**;
 - (iv) **Multi-Residential Development**; and
 - (v) **Residential Care**.

Permitted Uses

- 5 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

- 6 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

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

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Floor Area Ratio

- 8 (1) The maximum cumulative *floor area ratio* for all *uses* in this Direct Control District is 12.78.
- (2) The maximum *floor area ratio* for *non-residential uses* is 5.0.

Motor Vehicle Parking Stall Requirements

- 9 (1) The maximum number of *motor vehicle parking stalls* for **Parking Lot – Structure**, where the stalls are not assigned to a *use* within the *development* above *grade* or provided as *parking area – short stay*, is 65.0.
- (2) When approving a *development permit* incorporating **Parking Lot – Structure**, the *Development Authority* must impose conditions, including, but not limited to, requiring the applicant to enter into a Special Development Agreement with The City which must include provision for:
- (a) an operating arrangement with the owner of the property or the associated parking operator for the purpose of establishing a mechanism to monitor and enforce the operation of the stalls as **Parking Lot – Structure**.
- (3) The remaining *motor vehicle parking stalls* that are not assigned to a *use* within the *development* above *grade* or are not provided as **Parking Lot – Structure** may be provided as *parking area – short stay* stalls provided the stalls are:
- (a) located in a portion of the *development* approved for use as a *parking area – short stay*;
- (b) included in a parking area which is operated as part of a *scramble parking* arrangement that is open to the public;
- (c) prominently signed at the *street* level indicating the availability and conditions of use of such stalls; and
- (d) adjacent to a road network that the *Development Authority* has determined is capable of handling the added vehicle movements associated with the additional stalls.
- (4) When approving a *development permit* incorporating *parking area – short stay* stalls provided for in subsection (3), the *Development Authority* must impose conditions, including, but not limited to, requiring the applicant to enter into a Special Development Agreement with The City which must include provision for:

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- (a) the mechanism by which the **development** will be managed to ensure the operation of stalls as **parking area – short stay** stalls available to the public, at minimum, from 7:00 a.m. until 11:00 p.m. Mountain Standard Time seven days a week; and
 - (b) an operating arrangement with owner of the property or the associated parking operator for the purpose of ensuring unrestricted public access to the stalls and establishing a mechanism to monitor and enforce the operation of the stalls as **parking area – short stay**.
- (5) For all other **uses**, the **motor vehicle parking stall** requirements are those set out in Bylaw 1P2007.

Development Permit Requirements

- 10 (1) A **development permit** for **Parking Lot – Structure** may only be approved in conjunction with a **development permit** that is approved for any of the following **uses**:
- (a) (i) **Assisted Living;**
(ii) **Dwelling Units;**
(iii) **Hotel;**
(iv) **Multi-Residential Development;** or
(v) **Residential Care;** and
 - (a) with the addition of a **non-residential use**.
- (2) The minimum combined **floor area ratio** for the **uses** listed in subsection (1)(a)(i) to (1)(a)(v) is 5.0.
- (3) A **development completion permit** for **Parking Lot – Structure** may only be issued once a **development completion permit** has been issued for one or more of the **uses** listed in subsection (1).

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SUPPLEMENTARY APPENDIX III

LETTERS SUBMITTED

June 22, 2016

The City of Calgary
Planning, Development & Assessment
Municipal Building
800 Macleod Trail SE
Calgary, AB T2P 2M5

ATTN: Brendyn Seymour, File Manager

RE: LOC2016-0100 – 201 10 Avenue SE – Land-Use Amendment from DC to DC

Dear Brendyn,

I am writing this letter on behalf of the Beltline Neighbourhoods Association (BNA) in response to the above noted land-use application. We had an opportunity to meet with the applicant on May 24, 2016. Three members of the BNA were present at the meeting.

The BNA is in support of this land-use amendment. We understand that the applicant wishes to re-align the DC to the rules set out in the CC-X stock district. The BNA believes that this is a reasonable request. We have no issues with the removal of the restrictions on the amount of non-residential uses permitted on the site.

Given that the project is anticipated to consist primarily of rental dwelling units above grade, we are also in support of relaxing the restrictions on the type and distribution of parking to facilitate greater flexibility.

Thank you for giving the BNA an opportunity to provide a comment.

Sincerely,

Tyson Bolduc
Interim Director, Planning

B. Seymour

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SUPPLEMENTARY APPENDIX IV

PROPOSED POLICY AMENDMENT TO THE
BELTLINE AREA REDEVELOPMENT PLAN

- (a) In Table 5.1: Density Areas under the heading **Maximum Density (in FAR)** for **Density Area C**, the second footnote is to be deleted and replaced as follows:
- “• Footnote: ***Where an approved Development Permit has commenced, but construction has been suspended past the maximum days allowed as per the approved Building Permit requirements, prior to 2011 January 01, the maximum **floor area ratio** may be 12.78 provided that retail and residential uses are included in the development.*”

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EXECUTIVE SUMMARY

This land use amendment seeks to redesignate a parcel from a DC Direct Control District (Bylaw 153D2015) approved by Council in September 2015 to a new DC Bylaw based on the Centre City Mixed Use District (CC-X) of Bylaw 1P2007. The purpose of the amendment is to facilitate development of a mixed use high rise project for a currently suspended site.

Due to current economic conditions and the resultant softening in the office market, the proposed DC will allow for greater flexibility in the amount of residential versus office density. In addition, the subject DC application proposes greater flexibility in the parking requirements as a result of a surplus of stalls and to respond to market demand regarding the allocation of parking. With 321 existing underground parking stalls, the proposed DC would allow up to 65 stalls for commuter parking with the remaining 256 stalls floating between short stay parking and the residential use above grade.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 September 22

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

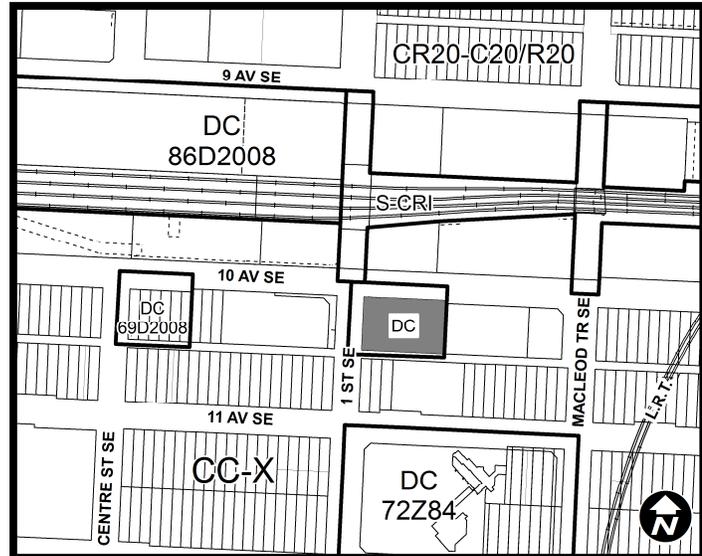
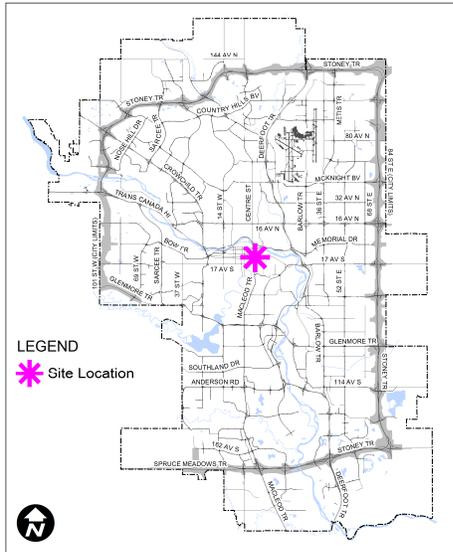
REASON(S) FOR RECOMMENDATION:

This proposed land use amendment is in conformance with the applicable policies of the Beltline Area Redevelopment Plan as amended, as well as Calgary's Parking Policy Framework.

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by Bylaw, the proposed amendment to the Beltline Area Redevelopment Plan (APPENDIX IV).

Moved by: C. Friesen

LOST: 3 – 4

Opposed: M. Logan, G.-C. Carra,
G. Morrow and R. Wright

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.24 hectares \pm (0.59 acres \pm) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District to DC Direct Control District to accommodate mixed use development, with guidelines (APPENDIX II).

Moved by: C. Friesen

LOST: 3 – 4

Opposed: M. Logan, G.-C. Carra,
G. Morrow and R. Wright

Reasons for Approval from Mr. Friesen:

- I believe completion of this site is better than allowing the existing incomplete building of many years to remain in place even if the result is at least partly a parkade.

2016 September 22

MOTION: The Calgary Planning Commission **FILED** Administration's recommendation of **APPROVAL** and recommends that Council:

- A. 1. **REFUSE** the proposed amendments to the Beltline Area Redevelopment Plan; and
2. **ABANDON** the proposed Bylaw.

Moved by: R. Wright

WITHDRAWN

- B. 1. **REFUSE** the proposed redesignation of 0.24 hectares \pm (0.59 acres \pm) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District to DC Direct Control District to accommodate mixed use development; and

2. **ABANDON** the proposed Bylaw.

Moved by: R. Wright

WITHDRAWN

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MOTION:

The Calgary Planning Commission **REFERRED** back to Administration:

1. The proposed amendments to the Beltline Area Redevelopment Plan; and
2. The proposed redesignation of 0.24 hectares \pm (0.59 acres \pm) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District **to** DC Direct Control District to accommodate mixed use development, back to the Administration for further discussions with the Applicant with respect to, but not limited to, the following:
 - Address a limited term for the parking;
 - Appropriateness in terms of overall parking strategy;
 - Impact on future Green Line; and
 - Balance of land use on the site;

and return to Calgary Planning Commission no later than 2016 October 20.

Moved by: R. Wright

Carried: 7 – 0

Reasons for Approval from Mr. Friesen:

- I voted in favour of this option since the developer seemed receptive to negotiations with administration which would lead to a better result.

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Applicant:

IBI Group

Landowner:

One Capital Corp

PLANNING EVALUATION

SITE CONTEXT

The subject site is located at the southeast corner of 10 Avenue and 1 Street SE in an area of the Beltline that is characterized by a mix of converted warehouse buildings and newer commercial infill development. The site functions as a gateway to the Beltline community enroute from Downtown as it is located south of the 1 Street SE railway underpass. The Imperial Lofts, a historic warehouse structure converted to a mix of residential and commercial uses, is located immediately south of the site across the lane.

Site History

In 2005, Council approved a DC Direct Control District (Bylaw 63Z2005) that was 'tied to plans' for a mixed use retail, office and residential development. In 2008, a development permit proposing an Apartment Building (220 Units) with Office and Retail at a density of 12.78 FAR was approved and released. Construction commenced on site in 2008 but was halted in 2009 with only the six level underground parkade built. The site has remained in an inactive, suspended state to date.

Council approved a land use redesignation to a DC (Bylaw 153D2015) for this site in September 2015. A concurrent Development Permit (DP) proposing 277 residential units, 4 storeys of office and one level of retail was approved one month later in October at a density of 12.78 FAR. The 2015 DC was needed to eliminate the 'tied to plans' requirement from the previous 2005 DC (Bylaw 63Z2005). The current DC was also intended to 'grandfather' the previous approved density of 12.78 FAR, based on a \$75,000 contribution to the Heritage Incentive Program Fund in October 2007.

Despite the subsequently approved DP in October 2015, construction has not yet commenced due to economic conditions and the substantial softening in the office market.

LAND USE DISTRICTS

The proposed DC Direct Control District is based on the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 (see DC guidelines in APPENDIX II). The purpose of the new DC is twofold:

3. First, it is intended to provide more flexibility in the amount of residential FAR within the development, given the softening office market. The existing DC limits the residential FAR to 9.0 and the non-residential FAR to 5.0, based on the residential and office mix

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that was proposed in the 2015 DP. The new DC would allow for a predominantly residential building with retail at grade.

4. Second, the new DC is intended to allow for greater flexibility in the parking requirements. This is based on three main inter-related factors:
 - (4) The underground parkade is already built, therefore the number of stalls is generally fixed at 321 stalls;
 - (5) The proposed elimination of the office use results in a substantial number of existing stalls that are not assigned to a use; and
 - (6) There is a need for the distribution of the existing parking to operate according to market demand in the Centre City.

The proposed DC incorporates the following:

- (5) The minimum parking requirement for dwelling units or live/work units is reduced to zero stalls;
- (6) Commuter parking stalls will be allowed, which could be leased to third parties for long term use greater than 4 hours, but limited to 65 stalls, or 20 percent of the overall existing stalls;
- (7) The balance of the parkade stalls (256) would be allocated between short-stay use for the general public at a maximum of four hours, or may be allocated to a use in the development above grade, to be confirmed at the DP stage; and
- (8) In light of recently approved residential developments with significant reduced motor vehicle parking in the Centre-City as well as policy 5.2.1.1(d) in The City's Parking Policy Framework regarding reduced parking, the minimum bicycle parking requirement will be increased from 0.5 stalls per unit to 0.70 stalls per unit, to facilitate the increased cycling mode for the development.

LEGISLATION & POLICY

Beltline Area Redevelopment Plan (2007 – statutory)

Urban Mixed-Use Area

Development of the site is guided by the policies of the Beltline Area Redevelopment Plan. The application is contained within and conforms to the policies of the 'Urban Mixed-Use Area', and in particular, the following objectives:

- *Provisions for uses that serve the local and broader population;*
- *Promotion of residential uses above the street level; and*
- *Compatibility of adjacent uses, within and among buildings and properties, particularly with respect to residential uses.*

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Density Area C

Supporting the 'Urban Mixed-Use Area', the site is contained within **Density Area C** of the Beltline ARP. This area allows for higher density due to its proximity to the Downtown as well as being located along major transportation corridors. The applicable densities allowed in this area are:

- A base of 8.0 FAR for Residential/Mixed Use Development;
- An increase from 8.0 to a maximum of 12.0 FAR for Residential/Mixed Use Development drawing from the bonus provisions contained within the Beltline ARP.

A minor textual amendment was approved in September 2015 to 'grandfather' the density of the previous DC (Bylaw 63Z2005) of 12.78 FAR. Due to the softening of the office market, a minor amendment is needed to eliminate the requirement of office uses. The text amendment is outlined in APPENDIX IV.

A Parking Policy Framework for Calgary (2011 – non-statutory)

The unbundling of parking from use, in this case the potential for significant reductions in onsite parking for residents, is supported by A Parking Policy Framework for Calgary. The parcel meets the location criteria as outlined in the policy and the proposed DC ensures increased alternative travel options for residents through increased onsite bicycle parking. There are no proposed reductions in onsite visitor parking for multi-residential; therefore, a parking study is not required.

TRANSPORTATION NETWORKS

A transportation study was not required and there are no specific mobility considerations that impact this site. Access to the site for underground parking has already been built along 10 Avenue SE through the previously constructed underground parkade as part of the 2008 development permit.

A parking study was not required. The 2015 development permit includes 80 stalls for the office use. The 5 storey retail/office component has been significantly reduced to ground floor retail only. The proposed land use amendment provides a maximum of 65 commuter stalls which offsets the previous 80 stalls that would have been allocated to office parking.

UTILITIES & SERVICING

Public water, sanitary and storm deep main utilities exist within the adjacent public right-of-way. Ultimate development servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) circulation stage(s), to the satisfaction of Water

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Resources.

ENVIRONMENTAL ISSUES

The subject site is within the Elbow River 1:100 year "Overland Flow" area, as per current Council approved flood maps. As such, the future development design shall be subject to current Provincial and Municipal regulations outlined in Land Use Bylaw 1P2007, Part 3, Division 3.

ENVIRONMENTAL SUSTAINABILITY

Not applicable in connection with the Land Use Amendment.

GROWTH MANAGEMENT

There are no Growth Management issues identified for the Beltline ARP area, which includes the subject site.

PUBLIC ENGAGEMENT

Community Association Comments

The Beltline Neighbourhoods Association (BNA) supports the proposed land use amendment and their letter can be found in APPENDIX III. In addition, the Victoria Park BRZ has no objections to the application.

Citizen Comments

No comments received by CPC Report submission date

Public Meetings

The applicant met with the Beltline Neighbourhoods Association on 2016 May 24 to discuss the proposed amendment. The BNA supports the application as per their letter in APPENDIX III.

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APPENDIX I

APPLICANT'S SUBMISSION

The subject site is located at 201 – 10 Avenue SE in the Beltline Community. The site currently contains a partially completed underground parkade, which originally began and stopped as part of approved Development and Building Permits back in 2008. The project has since changed ownership, and a new design that builds upon the original parkade structure was submitted and approved in 2015 (DP2015-1936), along with a new land use that removed the original “tied to plans” aspect of the design and facilitated a new, more functional design. This new land use was approved in September 2015 (DC153D2015).

DC 153D2015 is intended for a comprehensively designed mixed-use building, which includes commercial and residential uses and is based on the provisions of the Centre City Mixed Use District (CC-X). A Direct Control (DC) District was required to address a few unique provisions that was not available in stock districts offered in Bylaw 1P2007. The foundations of this DC district are sound. However, upon subsequent review and within the context of a softening office market, more flexibility in the amount of residential FAR permitted within the development has become important.

Therefore, the purpose of this land use amendment is to adapt the existing FAR provisions to allow a predominantly residential development, in a mixed use setting.

In addition, this DC Bylaw also serves to accommodate a more flexible approach to parking requirements that are in keeping with modern trends and the prevailing urban context, and, to recognize that the parking structure is already built and the number of stalls provided is generally fixed. Additional provisions have been added to unlink the parking requirement assigned to specific uses and allow deployment of the parking as more adaptable “scramble” and/or “shared” parking. This better accommodates the real operational parking needs instead of a specific use by use assignment that often becomes arbitrary in this urban context and setting.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (b) provide for a mixed use high rise **development** consisting of **uses** such as **Retail and Consumer Service, Office and Multi-Residential Development** within a single **building**;
 - (b) provide for greater flexibility in the allocation of **motor vehicle parking stalls**; and
 - (c) increase the number of required **bicycle parking stalls** to support alternative modes of transportation with reduced residential **motor vehicle parking stall** requirements.

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.

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:
 - (b) “**non-residential uses**” means all **uses** other than:
 - (i) **Assisted Living**;
 - (ii) **Dwelling Units**;
 - (iii) **Hotel**;
 - (iv) **Multi-Residential Development**; and
 - (v) **Residential Care**.

Permitted Uses

- 5 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

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

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Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 8 (1) The maximum cumulative **floor area ratio** for all **uses** in this Direct Control District is 12.78.
- (2) The maximum **floor area ratio** for **non-residential uses** is 5.0.

Motor Vehicle Parking Stall Requirements

- 9 (1) For **developments** containing **Dwelling Units** or **Live Work Units**, the minimum:
- (a) **motor vehicle parking stalls** required for each **Dwelling Unit** or **Live Work Unit** is 0.0 stalls for resident parking; and
- (b) **motor vehicle parking stalls** required for each **Dwelling Unit** or **Live Work Unit** is the minimum number of **visitor parking stalls** per **unit** as required in Bylaw 1P2007.
- (2) The maximum number of **motor vehicle parking stalls** for **Parking Lot – Structure**, where the stalls are not assigned to a **use** within the **development** above **grade** or provided as **parking area – short stay**, is 65.0.
- (3) The maximum number of **motor vehicle parking stalls** provided as **parking area – short stay** stalls is 256.0.
- (4) For all other **uses**, the **motor vehicle parking stall** requirements are those set out in Bylaw 1P2007.

Required Bicycle Parking Stalls

- 10 The minimum number of **bicycle parking stalls – class 1** for:
- (a) each **Dwelling Unit** and **Live Work Unit** is 0.70 stalls per **unit**; and
- (b) all other **uses** is the minimum requirement referenced in Part 4 of Bylaw 1P2007.

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APPENDIX III

LETTERS SUBMITTED

June 22, 2016

The City of Calgary
Planning, Development & Assessment
Municipal Building
800 Macleod Trail SE
Calgary, AB T2P 2M5

ATTN: Brendyn Seymour, File Manager

RE: LOC2016-0100 – 201 10 Avenue SE – Land-Use Amendment from DC to DC

Dear Brendyn,

I am writing this letter on behalf of the Beltline Neighbourhoods Association (BNA) in response to the above noted land-use application. We had an opportunity to meet with the applicant on May 24, 2016. Three members of the BNA were present at the meeting.

The BNA is in support of this land-use amendment. We understand that the applicant wishes to re-align the DC to the rules set out in the CC-X stock district. The BNA believes that this is a reasonable request. We have no issues with the removal of the restrictions on the amount of non-residential uses permitted on the site.

Given that the project is anticipated to consist primarily of rental dwelling units above grade, we are also in support of relaxing the restrictions on the type and distribution of parking to facilitate greater flexibility.

Thank you for giving the BNA an opportunity to provide a comment.

Sincerely,

Tyson Bolduc
Interim Director, Planning

B. Seymour

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APPENDIX IV

PROPOSED POLICY AMENDMENT TO THE
BELTLINE AREA REDEVELOPMENT PLAN

- (a) In Table 5.1: Density Areas under the heading **Maximum Density (in FAR)** for **Density Area C**, the second footnote is to be amended as follows:
- “• Footnote: ***Where an approved Development Permit has commenced, but construction has been suspended past the maximum days allowed as per the approved Building Permit requirements, prior to 2011 January 01, the maximum **floor area ratio** may be 12.78 provided that retail and residential uses are included in the development.*”