

**LAND USE AMENDMENT
DOWNTOWN COMMERCIAL CORE (WARD 7)
9 AVENUE SW BETWEEN 3 AND 4 STREET SW
BYLAW 316D2016**

MAP 15C

EXECUTIVE SUMMARY

This is a land use amendment from an existing DC Direct Control District to a new DC Direct Control District based on the CR20 land use district.

This DC Direct Control District seeks to allow for a day care in the building with site specific parking rules.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 October 20

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 316D2016; and

1. **ADOPT** the proposed redesignation of 0.44 hectares \pm (1.08 acres \pm) located at 325 and 401 – 9 Avenue SW (Plan 8711712, Block 1; Plan 9211836, Block 16, Lot 2) from DC Direct Control District **to** DC Direct Control District to accommodate daycare, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 316D2016.

REASON(S) FOR RECOMMENDATION:

Administration considers this DC Direct Control District in accordance with statutory planning policy in the Municipal Development Plan and non statutory planning policy in the Centre City Plan.

While this DC Direct Control District would represent a deviation from non statutory planning policy in Section 6 of the Parking Policy Framework, Administration considers this DC Direct Control District would not compromise the goals of the Parking Policy Framework, nor Downtown Restricted Parking Rules.

Administration supports the DC Direct Control District and recommends approval of this land use amendment.

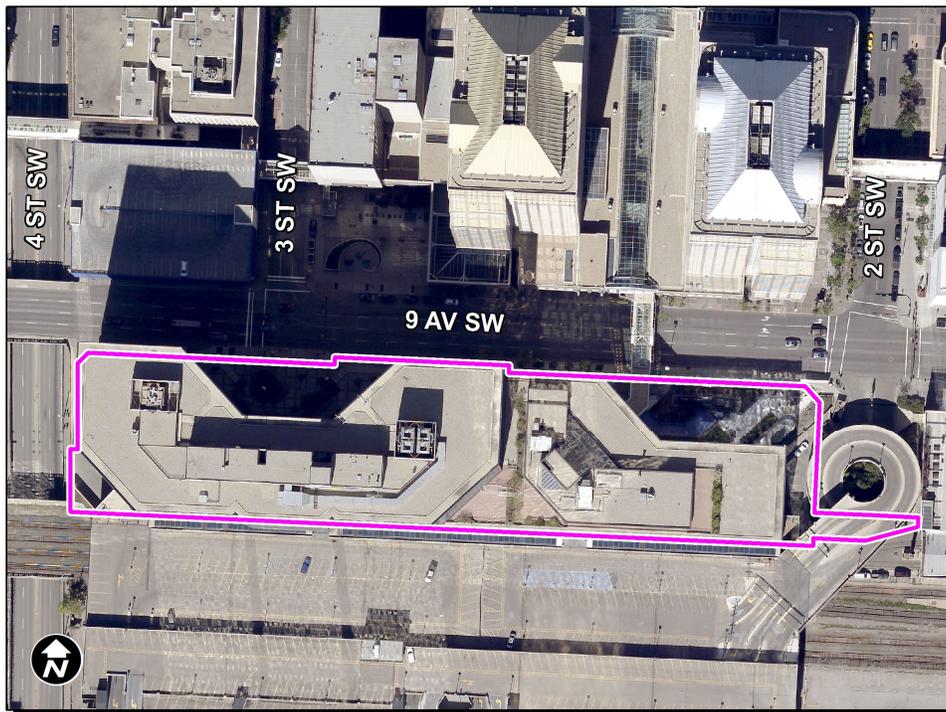
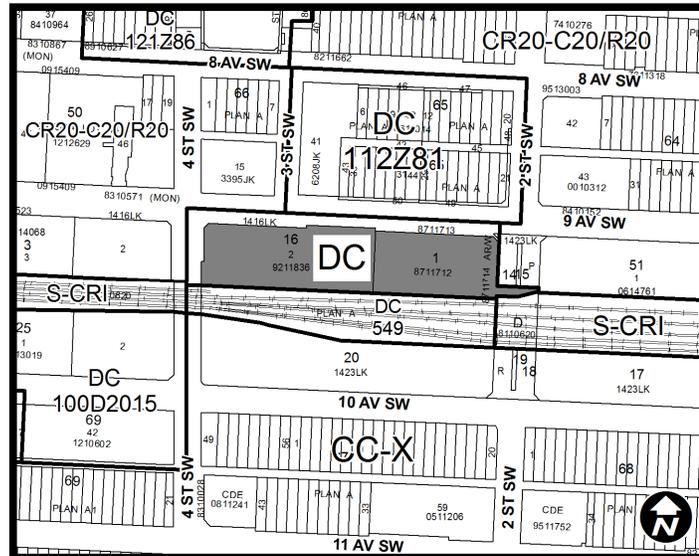
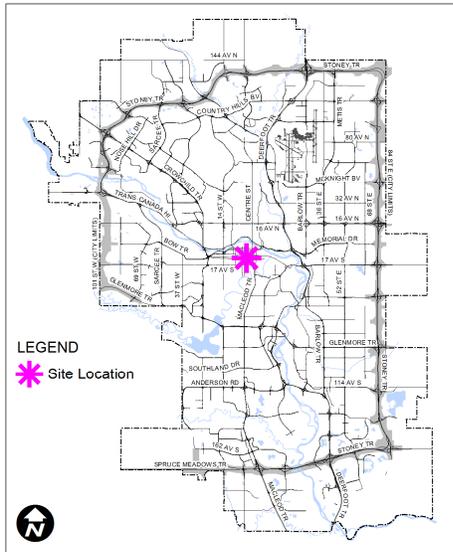
ATTACHMENT

1. Proposed Bylaw 316D2016

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.44 hectares ± (1.08 acres ±) located at 325 and 401 – 9 Avenue SW (Plan 8711712, Block 1; Plan 9211836, Block 16, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate daycare with guidelines (APPENDIX II).

Moved by: G.-C. Carra
Absent: S. Keating

Carried: 5 – 0

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Applicant:

Dialog

Landowner:

7796528 Canada Inc (Sylvain Charpentier)
London Life Insurance Company
The Great West Life Assurance Company

PLANNING EVALUATION

SITE CONTEXT

The subject parcels comprise an existing office building (Gulf Canada Square) in downtown Calgary.

The site fronts 9 Avenue SW and is surrounded by high density office development to the north and east, with a surface parking lot to the west. To the south the building borders the CPR tracks, with an above grade parkade (accessed from 9 and 10 Avenue) further south above and beyond the CPR tracks. There is an existing plus 15 connection from the office building - north over 9 Avenue connecting with Bankers Hall and the plus 15 network.

When the existing building was constructed the Development Agreement relating to the office use required provision of 50 parking stalls. The remaining parking requirement was resolved by a financial contribution to the cash in lieu fund. The Development Agreement also required the City of Calgary to pay the developer for construction of a parkade adjacent to the site, which is operated by the Calgary Parking Authority.

LAND USE DISTRICTS

The subject parcel is currently governed by Direct Control District 549 approved by Council in May 1977. This Direct Control district allowed for office-commercial and residential development with provision for public off street parking, based on the CM-2 Central Business District Rules.

This application is a land use amendment, to amend the 1977 Direct Control District to a new Direct Control District based on the CR20 land use district (which applies to the Downtown Core) to allow for a day care which is a Discretionary Use in the CR20 land use district. The proposed Direct Control District accommodates the following:

- Preserve the existing parking arrangement for all uses in the existing building of Gulf Canada Square;
- Require an enlargement to the footprint of Gulf Canada Square defers to the Land Use Bylaw CR20 Parking requirements;
- Require the redevelopment of the site (such as knocking down and replacement of the building) defers to the Land Use Bylaw CR20 Parking requirements.

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Administration notes the unique approvals history associated with this application and considers the site specific parking rules drafted meets the test for a Direct Control District in Section 20 of the Land Use Bylaw.

LEGISLATION & POLICY

Municipal Development Plan (MDP) 2009 (statutory)

The subject parcel is located in the Centre City in the MDP Urban Structure Map. Centre City MDP Policy seeks to reinforce the role of the downtown as the focus of business and employment. This land use amendment allows for retention of existing businesses in the current building, while allowing for new development to conform to current Policy requirements.

The proposed direct control district aligns with existing MDP Policy.

Centre City Plan 2007 (non statutory)

The subject parcel lies in the CPR Special Area where Centre City Plan policy encourages connections over the CPR tracks between the Downtown and Beltline through +30 connections and under and overpasses.

The proposed direct control district is compatible with the Special Area policy of the Centre City Plan.

The Centre City Plan also provides policy direction on Parking Management in the centre city. The proposal aligns with Parking Management Policy in the Centre City Plan.

Parking Policy Framework 2011 (non statutory)

Section 6 of the Parking Policy Framework provides long and short stay parking policies applicable to the centre city. The subject parcel is in the restricted parking area, where as per land use bylaw requirements, new development would normally contribute to the cash in lieu fund.

The cash-in-lieu fund was developed to encourage transit ridership and decrease reliance on the single occupancy vehicle, by limiting parking provision on centre city parcels (for specific uses) and requiring a monetary contribution instead of the on-site parking requirement. Monies collected were used for the creation of 'intercept lots' to encourage park and ride – with customers using LRT in the 'free fare zone' downtown.

The Development Agreement for Gulf Canada Square required a cash-in-lieu contribution for 80 percent of the parking requirement - in line with Land Use Bylaw 8600. Further the City of Calgary paid the developer for construction of a parkade, now run by CPA.

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Policy 6.1.5 (2) of the Parking Policy Framework notes:

- “2. The cash-in-lieu program will continue to require that, within the Restricted Parking Area defined in the land use bylaw, developments will be limited to providing a maximum of 50 percent of their required parking on-site with a requirement to make a cash-in-lieu of parking payment to The City for the balance, with the exception of developments:*
- a) Of 3 FAR or less;*
 - b) On sites of up to 1800 square metres in size;*
 - c) In commercial developments on the ground floor of a residential project.”*

The direct control district does not meet Policy 6.1.5 (2) in that it would usually be expected a change of use in an existing building would meet the cash-in-lieu of parking requirements. In this instance, given the history associated with this development, it is appropriate to exempt existing uses in the existing building and new uses in the existing building from providing a cash-in-lieu contribution.

As noted in the direct control district, an expansion of the building footprint or full redevelopment of the site would require an evaluation based on current land use bylaw rules (which may result in a cash-in-lieu contribution).

Given the unique circumstances associated with this site Administration supports the Direct Control District as presented.

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

TRANSPORTATION NETWORKS

A transportation study was not required for the proposed land use amendment. The existing parking lot structure has been in operation for a few decades and the site is well served by the adjacent street grid network, the plus 15 network and transit. Parking restrictions exist on 9 Avenue SW.

UTILITIES & SERVICING

Public water, sanitary and storm deep utilities exist within the adjacent public road right of way. Development servicing requirements will be determined at the time of Development Permit.

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ENVIRONMENTAL ISSUES

There are no known environmental concerns associated with the development site.

OTHER ENVIRONMENTAL CONSIDERATIONS

The proximity of the site to the CP rail corridor will require further consideration during any Development Permit review.

For residential and / or sensitive uses at the Development Permit stage the applicant may be required to provide a Risk Assessment to identify appropriate mitigation for potential impacts associated with the development near railway operations. In addition noise and vibrations studies may also be required.

ENVIRONMENTAL SUSTAINABILITY

This will be evaluated at the development permit stage.

GROWTH MANAGEMENT

The proposed amendment(s) does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

- Calgary Downtown Association were consulted on this application and provided no objection to this file.

Citizen Comments

- No comments received by CPC Report submission date.

Public Meetings

- None.

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APPENDIX I

APPLICANT'S SUBMISSION

The land use being requested will bring up to date a dated zoning designation that currently limits ancillary uses. The land use re-designation to CR-20 more clearly defines discretionary uses that are more in line with modern uses and development. In particular, this re-designation is focusing on the use of Daycare as a sanctioned discretionary use.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) establish **motor vehicle parking stall** provisions which take into consideration existing parking ratios that existed on the date of passage of this Direct Control District.

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) "**net rentable floor area**" means the total rentable floor area of all floors of a **building** measured from the glassline or the interior wall dimensions, excluding stairways, elevators, mechanical floors or rooms, vertical service shafts, malls and non-rentable common corridors, lobbies, washrooms, internal garbage storage and internal parking areas.

Permitted Uses

- 5 The **permitted uses** of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 apply in this Direct Control District.

Required Motor Vehicle Parking Stalls

- 8 (1) Unless otherwise referenced in subsection (2) the required number of **motor vehicle parking stalls** is the requirement referenced in Part 13, Division 2 of Bylaw 1P2007.

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- (2) The required number of ***motor vehicle parking stalls*** for all ***uses*** in a ***building*** existing on the date of the passage of this Direct Control District is one ***motor vehicle parking stall*** for each 139.4 square metres (1500 square feet) of ***net rentable floor area*** to a cumulative maximum of 633 ***motor vehicle parking stalls***