

**LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016**

MAP 15C

EXECUTIVE SUMMARY

This land use amendment is for a heritage density transfer from 1313 Centre Street SW to 1313 - 1 Street SE in the Beltline Community.

The application replaces existing Direct Control Districts on the DC source parcel and DC receiving parcel, but does not introduce new uses or use rules.

This application is solely for heritage density transfer.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 July 28

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 247D2016; and

1. **ADOPT** the proposed redesignation of 0.39 hectares \pm (0.96 acres \pm) located at 1313 – 1 Street SE and 1313 Centre Street SW (Plan C, Block 99, Lots 16 to 25; Plan C, Block 100, Lots 19 and 20) from DC Direct Control District **to** DC Direct Control District to accommodate transfer of heritage density, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 247D2016

REASON(S) FOR RECOMMENDATION:

The application complies with all relevant planning policies contained in the Beltline Area Redevelopment Plan and Land Use Bylaw.

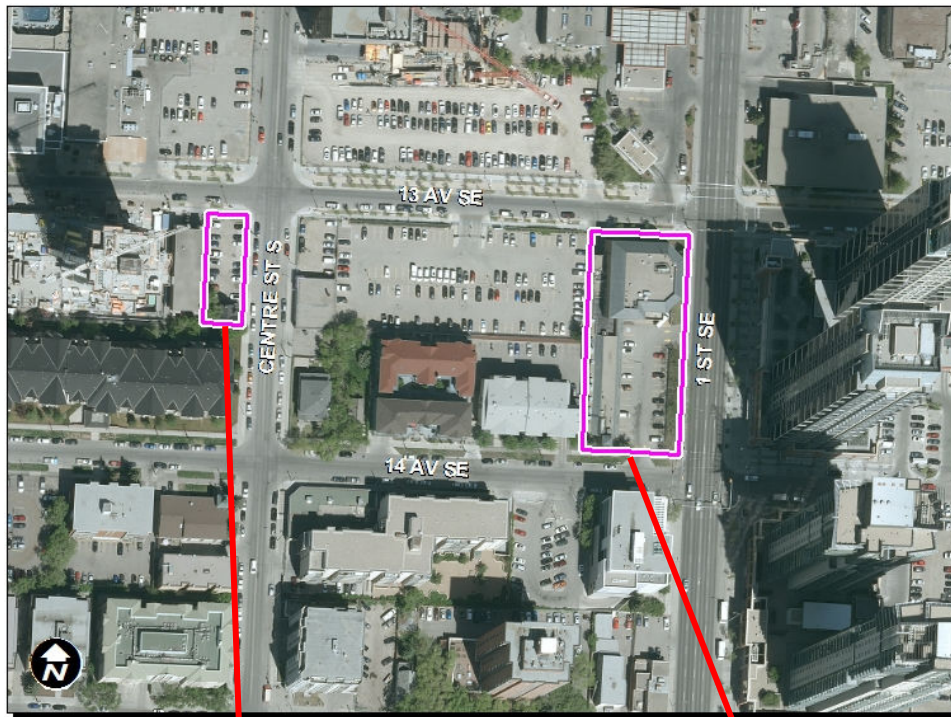
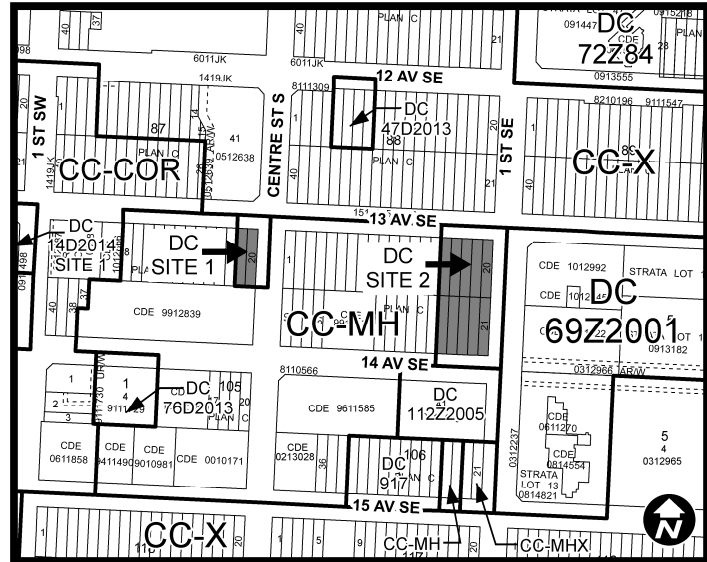
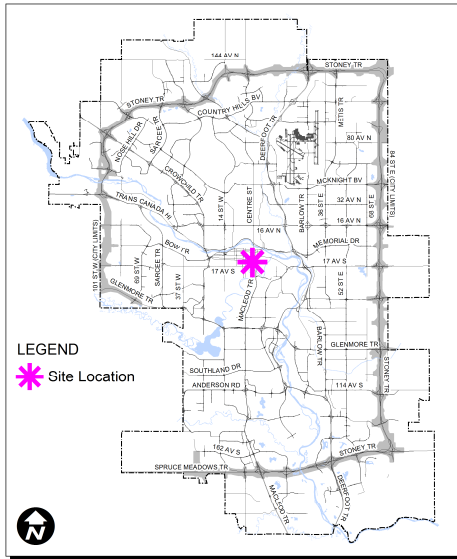
ATTACHMENT

1. Proposed Bylaw 247D2016

LAND USE AMENDMENT
 BELTLINE (WARD 8)
 13 AVENUE AND 1 STREET SE AND
 13 AVENUE AND CENTRE STREET SW
 BYLAW 247D2016

MAP 15C

LOCATION MAPS



DC source
 parcel

DC receiving
 parcel

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.39 hectares ± (0.96 acres ±) located at 1313 – 1 Street SE and 1313 Centre Street SW (Plan C, Block 99, Lots 16 to 25; Plan C, Block 100, Lots 19 and 20) from DC Direct Control District to DC Direct Control District to accommodate transfer of heritage density with guidelines (APPENDIX II).

Moved by: R. Wright

Carried: 6 – 0

Comments from Ms. Gondek:

- This mixed-use land use application once again flags or reliance on using relaxations to achieve appropriate parking minimums given our restrictive bylaw. We should have a different method of calculating appropriate parking requirements based on the shared nature of mixed-use sites. Relaxations should not be used as a band aid.

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

Applicant:

Gibbs Gage Architects

Landowner:

13th Avenue SE GP Inc

PLANNING EVALUATION

SITE CONTEXT

This land use amendment relates to two sites:

- Site 1 comprises 1313 Centre Street SW a two storey single detached wooden residence designated by Council as a Municipal Historic Resource (referred to as the George C Cushing Residence);
- Site 2 comprises 1313 - 1 Street SE currently occupied by a 3 storey brick building at the corner of 13 Avenue and 1 Street SE with a single storey addition to the south.

Administration is currently evaluating a comprehensive Development Permit - DP2015-5331 for 1313 1 Street SE (and the adjacent lot to the west) for three high rise towers, one of which will be located at 1313 - 1 Street SE. This land use amendment (heritage density transfer) is part of the bonusing strategy of DP2015-5331.

LAND USE DISTRICTS

This land use amendment proposes one Direct Control District bylaw to transfer existing unused density from 1313 Centre Street SW (the George C Cushing Residence) (Site 1) to 1313 - 1 Street SE (Site 2). Sites 1 and 2 are currently designated Direct Control Districts (as noted in Appendices 3 and 4) and allow for adaptive re-use of a heritage resource (on Site 1) and the accommodation of existing uses at 1313 - 1 Street SE as well as small scale retail/support commercial uses on Site 2 as the site redevelops.

The existing uses and use rules of Sites 1 and 2 are carried forward as part of this land use amendment.

This land use amendment intends to increase the base density of 1313 - 1 Street SE (from 5.0 to 6.37 F.A.R (Floor Area Ratio)) the maximum density for the subject parcel (of 9.0 F.A.R) is retained - in compliance with the Beltline ARP and Land Use Bylaw.

LEGISLATION & POLICY

Administration has identified a number of planning policies relevant to the proposed land use amendment:

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).

**LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016**

MAP 15C

Beltline ARP (2009 – Statutory)

Administration considers the proposed land use amendment aligns with relevant planning policy contained in the Beltline ARP, where Section 5.4 (Density Transfer) notes a Direct Control District bylaw is the method of appropriately tracking the transfer of density on a sending and receiving site.

In the case of this application, the applicant elected to transfer all existing unused density from the DC source parcel (excluding the F.A.R) of the George C Cushing Residence to 1313 - 1 Street SE (Site 2).

Using the calculation from the Beltline ARP – the density eligible to be transferred from the DC source parcel (Site 1) to the DC receiving parcel (Site 2) would equate to 4455.9 square metres or 1.37 FAR.

This Direct Control District specifies the density to be transferred (to 1313 - 1 Street SE) and the residual density to remain at 1313 Centre Street SW. If this Direct Control District is adopted by Council no additional buildings (other than the George C Cushing Residence) will be able to be accommodated at 1313 Centre Street SW.

Land Use Bylaw (1P2007)

Administration considers this land use amendment complies with Part 11, Division 7 of the Land Use Bylaw, which allows density to be transferred from a Municipal Heritage Resource to a receiving parcel in the Beltline.

TRANSPORTATION NETWORKS

This land use amendment will have no impact on the transportation network - the existing parking rules currently in place relating to 1313 - 1 Street SE and 1313 Centre Street SW remain in effect as part of this Direct Control District.

UTILITIES & SERVICING

Water, storm and sanitary sewer mains are available.
Development Servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) stages to the satisfaction of Water Resources.

ENVIRONMENTAL ISSUES

There are no known environmental concerns associated with the site or proposed scope. The subject site is located within the “Overland Flow Zone” flood risk area; as established by existing Council approved Flood Maps. As such, the future development / design shall conform with current flood regulations / requirements, as outlined in the current Land Use Bylaw.

ENVIRONMENTAL SUSTAINABILITY

Environmental sustainability will be evaluated by Administration through the Development Permit process.

**LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016**

MAP 15C

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

- This land use amendment was circulated to Beltline Planning Group and Victoria Park Business Revitalization Zone (BRZ). Beltline Planning Group provided no comments at the time of writing this report, Victoria Park BRZ had no objections to this application.

Citizen Comments

One letter of opposition was received to the proposed land use redesignation raising a number of concerns which can be summarized as follows:

- The proposed development should not have seating areas overlooking adjacent properties;
- No raised walkways should be proposed along property boundaries;
- Balconies in close proximity to surrounding properties should be appropriately screened;
- A 44 storey tower will create wind and shadowing impacts on adjacent properties, resulting in snow and ice build up;
- The proposed development could have an impact on the stability of adjacent properties foundations;
- The construction of residential units will cause disruption to existing tenants and businesses which should be compensated for;
- A density transfer is not appropriate on this site, the existing density is already appropriate for the parcel.

Administration has considered the comments received and would respond as follows:

- The location of seating areas, raised walkways and balconies are development permit considerations, which will be individually evaluated by Administration in the consideration of the Development Permit currently under review which relates to a portion of 1313 - 1 Street SE. It is important to separate the development permit considerations from this application which solely relates to a heritage density transfer;
- Administration requested a wind study as part of reviewing DP2015-5331 and a shadow study was provided by the applicant. The wind study and shadow study were considered acceptable.
- Administration accepts the development and redevelopment of properties causes some disruption (noise, dust etc) to surrounding properties, if this becomes unreasonable Bylaw Services can be contacted;
- For the reasons noted above Administration considers a heritage density transfer entirely appropriate and a land use amendment is the method of tracking density suggested by Planning Policy. Administration would note that this application does not

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

increase the maximum density (FAR) allowable on this site; rather it increases the base density (from 5.0 to 6.37 FAR) and is one method of bonusing for DP2015-5331.

Public Meetings

- The applicant hosted an open house on 2016 February 25 to inform residents of the community about the purpose of this application. 19 members of the community attended the open house and viewed the display boards and materials presented by the applicant (City staff were also in attendance).

**LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016**

MAP 15C

APPENDIX I

APPLICANT'S SUBMISSION

On behalf of Bentall Kennedy (Canada) LP, we are pleased to make this application for a Land Use designation to accommodate the Transfer of Heritage Density between two sites in the Beltline.

This important application forms part of the overall Urban Design approach for these blocks within the Beltline community. The allowed Transfer of Heritage Density will maintain the integrity of the Cushing House, on the site, and take that remaining available development potential and reallocate it to another, higher density site one block over along the MacLeod Trail Urban Corridor (existing Bernard Callebaut location). As a result, the Cushing site, in the future, will have the potential to be re-imagined. Although a specific urban design concept for the site is not proposed, at this time Bentall Kennedy will continue to work with both the community and administration to establish an appropriate vision for the future.

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow the Heritage Density Transfer to a ***DC receiving parcel*** (Site 2) from the ***DC source parcel*** (Site 1) as allowed by Part 11, Division 7 of Land Use Bylaw 1P2007;
 - (b) accommodate the adaptive re-use of a historic resource on Site 1;
 - (c) accommodate existing and future **Specialty Food Store uses** in existing and new **buildings** in close proximity to a **major street** and the downtown core in a new definition – **Urban Specialty Food Store** on Site 2;
 - (d) allow for a **Supermarket** at **grade** or in the second **storey** of a **building** in a new definition – **Urban Mixed Use Supermarket** on Site 2; and
 - (e) allow for restaurant and **Liquor Store uses** in **buildings** on Site 2.

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) ***“DC receiving parcel”*** means the **parcel** legally described as Plan C, Block 99, Lots 16-25 with the municipal address 1313 - 1 Street SE which is the **parcel** receiving an increase in **density** of 4455.9 square metres from the ***DC source parcel***.
 - (b) ***“DC source parcel”*** means the **parcel** legally described as Plan C, Block 100, Lots 19-20 with the municipal address 1313 Centre Street SW which is the **parcel** from which the transfer of **density** is being made.

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

Site 1

0.07 hectares +/- (0.17 acres +/-)

5 The provisions in sections 6 through 13 apply only to Site 1.

General Definitions

6 In this Direct Control District:

- (a) “**Commercial Uses**” means any of the following **uses**:
- (i) **Convenience Food Store;**
 - (ii) **Office;**
 - (iii) **Retail and Consumer Service;**
 - (iv) **Restaurant: Food Service Only – Small;**
 - (v) **Restaurant: Food Service Only – Medium;**
 - (vi) **Restaurant: Licensed – Small;**
 - (vii) **Restaurant: Licensed – Medium;**
 - (viii) **Specialty Food Store; and**
 - (ix) **Take Out Food Service.**

Permitted Uses

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

Discretionary Uses

8 The **discretionary uses** of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 are the **discretionary uses** in Direct Control District with the addition of:

- (a) **Convenience Food Store;**
- (b) **Office;**
- (c) **Retail and Consumer Service;**
- (d) **Restaurant: Food Service Only – Medium;**
- (e) **Restaurant: Food Service Only – Small;**
- (f) **Restaurant: Licensed – Medium;**
- (g) **Restaurant: Licensed – Small;**
- (h) **Specialty Food Store; and**
- (i) **Take Out Food Service.**

Bylaw 1P2007 District Rules

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

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

Floor Area Ratio

- 10 (1) The maximum *floor area ratio* is 0.14.
- (2) The bonus provisions contained in Part 11, Division 7 of Bylaw 1P2007 do not apply to Site 1 of this Direct Control District.

Commercial Uses

- 11 **Commercial Uses** must only be located on the first two **storeys** of a **building** existing at the date of passage of this Direct Control District bylaw.

Uses Within Existing Buildings

- 12 There is no minimum Residential **use** requirement.

Motor Vehicle Parking Stall Requirements

- 13 There is no **motor vehicle parking stall** requirement.

Site 2

0.33 hectares +/- (0.82 acres +/-)

- 14 The provisions in sections 15 through 22 apply only to Site 2.

Defined Uses

- 15 In this Direct Control District;
- (a) **“Urban Specialty Food Store”** means a **use**:
- (i) where food and non-alcoholic beverages for human consumption are made;
 - (ii) where live animals are not involved in the processing of the food;
 - (iii) where the food products associated with the **use** may be sold within the premises;
 - (iv) with a maximum **gross floor area** of 750.0 square metres within an existing **building**;
 - (v) with a maximum **gross floor area** of 600.0 square metres within a new **building**;
 - (vi) that has the functions of packaging, bottling or shipping the products made as part of the **use**;

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

- (vii) where the only mechanical systems that are not completely contained within the **building** are those systems and equipment required for air conditioning, heating or ventilation;
 - (viii) that may include a limited seating area no greater than 300.0 square metres within the total **gross floor area** of the **use**;
 - (ix) that must be located at **grade** or in the second or third **storey** of an existing **building**; and
 - (x) that must be located at **grade** or in the second **storey** within a new **building**.
- (b) “**Urban Mixed Use Supermarket**” means a **use**:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a **building**;
 - (iv) that has a maximum **gross floor area** less than 2000.0 square metres;
 - (v) that may include a limited seating area no greater than 75.0 square metres for the consumption of food prepared on the premises;
 - (vi) that may include the preparation of food and non alcoholic beverages for human consumption;
 - (vii) that must be located at **grade** or in the second **storey** of a **building**;
 - (viii) that may incorporate the following **uses** within an **Urban Mixed Use Supermarket**;
 - (A) **Restaurant: Food Service Only – Small**; and
 - (B) **Take Out Food Service**.
 - (ix) must only incorporate the **uses** referenced in subsection 14 (b)(viii) when those **uses**;
 - (A) are located in an existing **building**;

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

- (B) are located within a **use area** that contains an **Urban Mixed Use Supermarket**;
- (C) do not exceed 10.0 per cent of the **use area** of the **Urban Mixed Use Supermarket** within which they are located; and
- (D) do not have direct customer access outside of the **Urban Mixed Use Supermarket** within which they are located.

Permitted Uses

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

Discretionary Uses

- 17 The **discretionary uses** of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Urban Specialty Food Store**;
- (b) **Urban Mixed Use Supermarket**;
- (c) **Restaurant: Food Service Only – Medium**;
- (d) **Restaurant: Licensed – Medium**; and
- (e) **Liquor store**.

Bylaw 1P2007 District Rules

- 18 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 apply to this Direct Control District.

Maximum Floor Area Ratio

- 19 (1) The maximum **floor area ratio** is 6.37 which includes the 4455.9 square metres which has been transferred from Site 1.
- (2) The maximum **floor area ratio** may be increased from 6.37 to 9.0 in accordance with the bonus provisions contained in Part 11, Division 7 of Bylaw 1P2007.

Liquor Store Use Area

- 20 Regardless of where a **Liquor Store** is located within a **building** the maximum **use area** for a **Liquor Store** is 300.0 square metres.

LAND USE AMENDMENT
BELTLINE (WARD 8)
13 AVENUE AND 1 STREET SE AND
13 AVENUE AND CENTRE STREET SW
BYLAW 247D2016

MAP 15C

Motor Vehicle Parking Stall Requirements

- 21 (1) Unless otherwise specified in this section, the minimum number of required ***motor vehicle parking stalls*** is the requirement specified in the General Rules for Centre City Multi – Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007.
- (2) **Urban Specialty Food Store** requires a minimum of 2.0 ***motor vehicle parking stalls*** per 100.0 square metres of ***gross usable floor area***.
- (3) **Urban Mixed Use Supermarket** requires a minimum of 4.0 ***motor vehicle parking stalls*** per 100.0 square metres of ***gross usable floor area***.
- (4) The ***Motor Vehicle Parking Stall*** requirements may be relaxed at the discretion of the ***Development Authority*** provided the test for relaxation set out in Bylaw 1P2007 is satisfied.

Bicycle Parking Stall Requirements

- 22 (1) Unless otherwise specified in this section, the minimum number of required ***bicycle parking stalls – class 1*** and ***bicycle parking stalls – class 2*** is the requirement specified in the General Rules for Centre City Multi – Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007.
- (2) **Urban Specialty Food Store** and **Urban Mixed Use Supermarket**:
- (a) do not require ***bicycle parking stalls – class 1***; and
- (b) require a minimum of 1.0 ***bicycle parking stalls – class 2*** per 250.0 square metres of ***gross usable floor area***.