

# PROPOSED

CPC2021-0706  
ATTACHMENT 6

**BYLAW NUMBER 99D2021**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT  
LOC2020-0072/CPC2021-0706)**

\*\*\*\*\*

**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 replacing it with 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

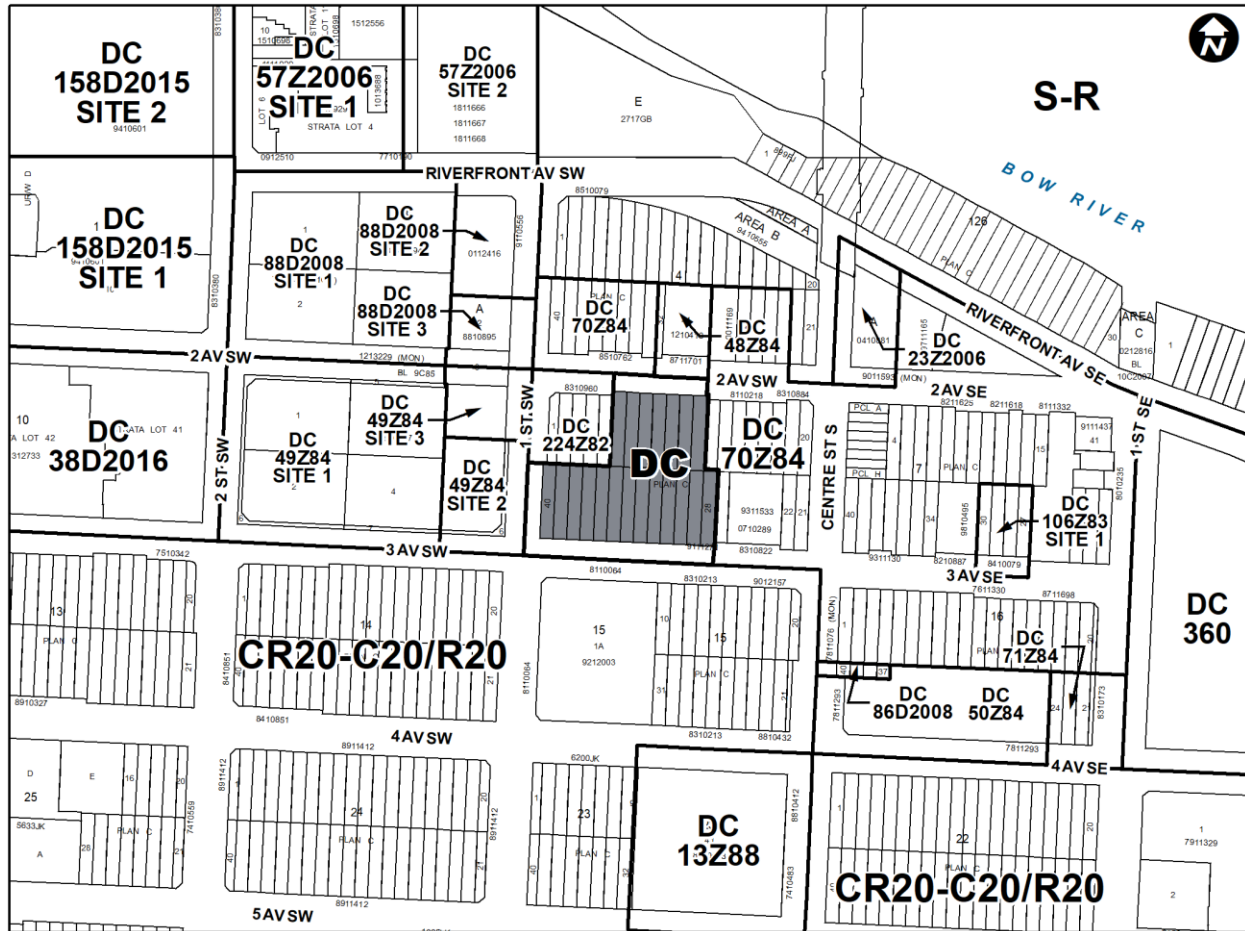
SIGNED ON \_\_\_\_\_



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## SCHEDULE B



### DC DIRECT CONTROL DISTRICT

#### Purpose

1 This Direct Control District Bylaw is intended to:

- (a) provide for a high density mixed-use development;
- (b) have a maximum base density with the opportunity for a density bonus to achieve commercial residential mixed-use, public benefit, and amenities within the Chinatown community;
- (c) allow for a building form that is street oriented at grade; and
- (d) ensure that new development incorporates character-defining and culturally appropriate elements which reinforce the distinctive identity and sense of place of Chinatown.

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## Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District Bylaw.

## Reference to Bylaw 1P2007

- 3 Within this Direct Control District Bylaw, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

## General Definitions

- 4 In this Direct Control District Bylaw:

- (a) “**bonus provisions**” means those items set out in Schedule C of this Direct Control District Bylaw which may be provided by a **development** in order to earn additional **floor area ratio**; and
- (b) “**residential uses**” means any one or more of the following **uses**: **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, Hotel and Tong House**.

## Defined Uses

- 5 In this Direct Control District Bylaw:

- (a) “**Residential Sales Centre**” means a **use**:
  - (i) where **units** are offered for sale to the public;
  - (ii) that may include sales **Offices** and displays of materials used in the construction of the **units** that are offered for sale; and
  - (iii) that must only occur:
    - (a) in a **unit** which may be temporarily modified to accommodate the **use**; or
    - (b) in a temporary **building**; and
- (b) “**Tong House**” means a **use**:
  - (i) which provides for a Chinese family affinity meeting hall; and
  - (ii) that may include the provision of rooming accommodation with shared washing and cooking facilities.

## Permitted Uses

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

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## Discretionary Uses

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

- (a) with the addition of:
  - (i) **Residential Sales Centre**; and
  - (ii) **Tong House**; and
- (b) with the exclusion of:
  - (i) **Beverage Container Quick Drop Facility**;
  - (ii) **Cannabis Counselling**;
  - (iii) **Cannabis Store**;
  - (iv) **Pawn Shop**; and
  - (v) **Payday Loan**.

## Bylaw 1P2007 District Rules

8 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

- 9
- (1) Unless otherwise specified in subsections (2), (3), and (4), the maximum **floor area ratio** is 3.0.
  - (2) Unless otherwise provided in subsection (4), the maximum **floor area ratio** referenced in subsection (1) may be increased by up to an additional **floor area ratio** of 9.0 when this additional floor area is used for one or more “**residential uses**”.
  - (3) Unless otherwise provided in subsection (4), the maximum **floor area ratio** referenced in subsection (1) may be increased by up to an additional **floor area ratio** of 5.0 in accordance with the “**bonus provisions**” contained in Schedule C of this Direct Control District Bylaw.
  - (4) The cumulative maximum **floor area ratio** referenced in subsections (1), (2) and (3) must not exceed 12.0.
  - (5) Unless otherwise specified in Schedule C of 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.
  - (6) The **Development Authority** must determine whether a proposed amenity item is appropriate for the **development**.

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## Mandatory Residential

- 10 (1) Unless otherwise provided in subsection (2), a minimum of 80 per cent of the **floor area ratio** above the sixth storey of any **building** in this Direct Control District must be comprised of one or more of the following **uses: Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, and Tong House.**
- (2) If any of the **uses** listed in subsection (1) are provided within the first six storeys of any **building** in this Direct Control District, the **floor area ratio** for those **uses** will be credited towards the minimum 80 per cent required for that **building** by subsection (1).

## Floor Plate Restrictions

- 11 Each floor of a **building** located partially or wholly above 36.0 metres above **grade** and containing "**residential uses**" must not exceed a maximum:
- (a) **floor plate area** of 930.0 square metres; and
  - (b) horizontal dimension of 44.0 metres.

## Location of Uses within Buildings

- 12 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Catering Service – Minor;**
  - (b) **Community Recreation Facility;**
  - (c) **Counselling Service;**
  - (d) **Health Services Laboratory – With Clients;**
  - (e) **Indoor Recreation Facility;**
  - (f) **Instructional Facility;**
  - (g) **Medical Clinic;**
  - (h) **Office;**
  - (i) **Place of Worship – Small;**
  - (j) **Radio and Television Studio;** and
  - (k) **Service Organization.**
- (2) Only those **uses** listed in the Residential Group of Schedule A to Bylaw 1P2007, with the inclusion of **Tong House** and exception of **Hotel**, may share a hallway with any other **use** in the Residential Group of Schedule A to Bylaw 1P2007 or **Tong House.**
- (3) All **uses** must be contained completely within a **building**, with the exception of **Outdoor Café** and **Market.**
- (4) Only those **uses** listed in the Residential Group of Schedule A to Bylaw 1P2007, with the inclusion of **Tong House** and exception of **Hotel**, may share an area of a parking structure with any other **use** in the Residential Group of Schedule A to Bylaw 1P2007 or **Tong House.**
- (5) All **uses** may share an entrance to areas of a parking structure.

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- (6) When not combined with other **uses** in a comprehensive **development**, the **General Industrial – Light use** may only be located in a **building** that was legally existing or approved prior to the effective date of this Direct Control District Bylaw.

### Use Area

- 13 (1) Unless otherwise provided in this section, the maximum **use area** on the ground floor of a **building** is 465.0 square metres.
- (2) The maximum **use area** of a **Night Club** is 300.0 square metres of **public area**.
- (3) For a **Retail and Consumer Service, Market, Supermarket**, or a **Supermarket** combined with any other **use**, the maximum **use area** on the ground floor of a **building** is 3000.0 square metres.
- (4) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment;**
  - (b) **Assisted Living;**
  - (c) **Custodial Care;**
  - (d) **Hotel;**
  - (e) **Place of Worship – Medium;**
  - (f) **Place of Worship – Small;**
  - (g) **Protective and Emergency Service;**
  - (h) **Residential Care;** and
  - (i) **Utility Building.**
- (5) Where a **building** is located on one or more **parcels** where the cumulative **parcel area** is greater than 1812.0 square metres, the cumulative **gross floor area** of **Office uses** on the ground floor of a **building** must not exceed the greater of:
- (a) 50.0 per cent of the of the **gross floor area** of the ground floor; or
  - (b) 550.0 square metres.

### Retail Storage Frontage

- 14 The maximum width of an individual **Retail and Consumer Service frontage** is 15.0 metres.

### Setback Areas

- 15 (1) The **setback area** from a **property line** shared with 1 Street SW must be a minimum depth of 1.5 metres and a maximum depth of 6.0 metres.
- (2) The **setback area** from a **property line** shared with 2 Avenue SW must be a minimum depth of 1.5 metres and a maximum depth of 6.0 metres.
- (3) The **setback area** from a **property line** shared with 3 Avenue SW must be a minimum depth of 1.5 metres and a maximum depth of 6.0 metres.

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- (4) Where the *parcel* shares a *property line* with a *parcel* designated as a *residential district* or a *special purpose district*, the *side setback area* from that *property line* may be zero metres.

### Residential Window Separation from Property Line

- 16 Windows for "*residential uses*" must provide a minimum horizontal separation of:
- (a) 9.0 metres from a *property line* shared with another *parcel*; and
  - (b) 6.0 metres from a *property line* shared with a *lane*.

### Motor Vehicle Parking Stall Requirements

- 17 (1) Unless otherwise provided in subsection (2), the minimum number of required *motor vehicle parking stalls*, *visitor parking stalls*, *bicycle parking stalls – class 1* and *bicycle parking stalls – class 2* is the requirement specified in the General Rules for Centre City Commercial Land Use Districts referenced in Part 11, Division 4 of Bylaw 1P2007.
- (2) For a **Residential Sales Centre**, there is no requirement for *motor vehicle parking stalls* or for *bicycle parking stalls – Class 1* or *Class 2*.

### Sunlight Protection

- 18 (1) The following sunlight protection areas must not be placed in greater shadow by a *development* as measured on September 21, at the times and locations indicated for each area, than were already existing on the date the *development permit* was applied for:
- (a) the Riverbank (not including the Riverbank Promenade and between 3 and 7 Streets SW) as measured throughout the 20.0 metre wide area abutting the southern *top of bank* of the Bow River, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time;
  - (b) the Riverbank Promenade (between 3 Street SW and Centre Street S) as measured throughout the 9.0 metre wide area abutting the southern *top of bank* of the Bow River, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time;
  - (c) the Sien Lok Park north of Riverfront Avenue SW between Centre Street S and 1 Street SW, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time; and
  - (d) the Sien Lok Park south of Riverfront Avenue SW between Centre Street S and 1 Street SW, from 12:00 p.m. to 2:00 p.m. Mountain Daylight Time.
- (2) Notwithstanding subsection (1)(d), the "entranceway" to Sien Lok Park, located directly *adjacent* to Centre Street S and 2 Avenue SW, extending to the northernmost boundary of the *parcel* to the west (as shown outlined in Illustration 1 below), may be shadowed between 1:30 p.m. and 4:00 p.m. Mountain Daylight Time.



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Illustration 1



## Building Height

- 19** (1) Unless otherwise provided in subsection (2), the maximum **building height** is 97 metres.
- (2) Within 20.0 metres of a **property line** shared with 2 Avenue SW, the maximum **building height** is 46 metres.

## Podium Height

- 20** (1) Unless otherwise provided in subsection (2), the maximum podium height is 6 **storeys**.
- (2) Within 20.0 metres of a **property line** shared with 2 Avenue SW, the maximum podium height is 4 **storeys**.

## Podium Design

- 21** The podium design must accommodate one or more of the following:
- (a) on-site, at-**grade** pedestrian connections between 2 and 3 Avenues SW;
  - (b) at-**grade** pedestrian connections to 2 and 3 Avenue SW;
  - (c) sunlight penetration to the south side of 2 Avenue SW; and
  - (d) significant at-**grade** gathering space for public use.

## Architectural Motifs

- 22** All **buildings** must incorporate Chinese or Asian motifs or architectural elements.

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## Articulation of the Building

**23** Where **building** facades, at or below the sixth **storey**, face 2 Avenue SW or 3 Avenue SW, the **building** facade must incorporate a recess or projection every 7.5 metres of horizontal distance.

## Street Walls

**24** A minimum horizontal separation of 3.0 metres is required from the facade of the podium which is shared with the **street** and portions of the **building** located above the podium.

## Parking Lot-Grade (Temporary)

**25** **Development permits** for **Parking Lot – Grade (Temporary)** must not be approved beyond December 31, 2030.

## Residential Sales Centre Rules

**26** (1) A **development permit** for a **Residential Sales Centre** must not be approved for a period longer than four years.

(2) Upon the expiry of a **development permit** for a **Residential Sales Centre**, the **Development Authority** may, at their discretion, approve a new **development permit** for a **Residential Sales Centre** for an additional four-year period.

## Relaxations

**27** The **Development Authority** may relax the rules contained in Sections 8, 12, 13, 15, 17 and 23 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

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## SCHEDULE C

Item No.	Public Amenity Items
1.1	<p><b>PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE</b></p> <p>Publicly accessible private open space is defined as outdoor open space located on the <b>development parcel</b> that is made available to the public through a registered public access easement agreement acceptable to the <b>Development Authority</b>, and is in a location, form, configuration and constructed in a manner acceptable to the <b>Development Authority</b>.</p>
1.1.1	The maximum incentive <b>floor area ratio</b> for this item is 2.0.
1.1.2	<p><b>Incentive calculation:</b></p> <p>The allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by Incentive Rate 1 of Bylaw 1P2007 multiplied by 0.75.</p> <p><b>Method:</b></p> <p>Allowable bonus floor area = total construction cost / Incentive Rate 1 (\$) X 0.75).</p>
1.1.3	<p><b>Requirements:</b></p> <p>A publicly accessible private open space must:</p> <ul style="list-style-type: none"><li>(a) be in a location at <b>grade</b> or within 0.45 metres above or below <b>grade</b>;</li><li>(b) be in a location adjacent to, and accessible from, a public sidewalk;</li><li>(c) where the publicly accessible private open space shares a perimeter with a public sidewalk, have a minimum of 40.0 per cent of that as <b>hard surfaced landscaped area</b> to enable direct pedestrian access from the sidewalk;</li><li>(d) have a <b>building</b> along a minimum of 70.0 per cent of one side of its perimeter;</li><li>(e) have a minimum contiguous area of the lesser of 10.0 per cent of the cumulative <b>parcel</b> area within this Direct Control District or:<ul style="list-style-type: none"><li>(i) 250.0 square metres for sites greater than or equal to 1812.0 square metres in area; or</li></ul></li></ul>

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	<ul style="list-style-type: none"> <li>(ii) 150.0 square metres for sites of less than 1812.0 square metres in area;</li> <li>(f) have a depth that is not greater than 3.0 times the <b>street</b> frontage;</li> <li>(g) have a maximum combined width of all entranceways to <b>Office</b> of the greater of:             <ul style="list-style-type: none"> <li>(i) 25.0 per cent of the <b>building</b> frontages forming the perimeter of the publicly accessible private open space; and</li> <li>(ii) 15.0 metres;</li> </ul> </li> <li>(h) screen any mechanical systems or equipment that are located inside the perimeter of the publicly accessible private open space, and the surface areas of the mechanical systems or equipment must not be included in the area calculation of the publicly accessible private open space;</li> <li>(i) include public seating as individual fixed seats or bench seating;</li> <li>(j) where <b>hard surfaced landscaped areas</b> are provided, exceed any minimum standards for <b>hard surfaced landscaped areas</b> as established in Bylaw 1P2007;</li> <li>(k) have a maximum cumulative total of 50.0 per cent of the area of the publicly accessible private open space used as an <b>Outdoor Café</b>; and</li> <li>(l) must provide public access 24 hours a day, seven days a week through a registered public access easement agreement with the <b>City</b>.</li> </ul>
<p><b>1.2</b></p>	<p><b>PUBLIC ART – ON SITE</b> 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 <b>development</b>. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.</p>
<p><b>1.2.1</b></p>	<p><b>The maximum incentive floor area ratio for this item is 1.0.</b></p>
<p><b>1.2.2</b></p>	<p><b>Incentive calculation:</b>  Where a development provides public art – on site the Incentive Rate is Incentive Rate 1 of Bylaw 1P2007.</p>

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	<p><b>Method:</b> Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate 1 (\$).</p>
<p><b>1.2.3</b></p>	<p><b>Requirements:</b></p> <p>Public art – on site must:</p> <ul style="list-style-type: none"> <li>(a) be artwork, the minimum value of which must be \$200,000.00</li> <li>(b) be the work of a recognized artist, i.e. created by a practitioner in the visual arts;</li> <li>(c) be located in a publicly accessible area; and</li> <li>(d) have a minimum of 75.0 per cent of the artwork located either: <ul style="list-style-type: none"> <li>(i) outdoors, at <b>grade</b> and visible from the public sidewalk;</li> <li>(ii) on the <b>building's</b> exterior and visible from the public sidewalk; or</li> <li>(iii) in an indoor park and visible from the publicly accessible landscaped areas or the public sidewalk at all times.</li> </ul> </li> </ul>
<p><b>1.3</b></p>	<p><b>CONTRIBUTION TO CHINATOWN IMPROVEMENT FUND</b></p> <p>Financial contributions to a dedicated fund to be used to support off-site public realm improvements in Chinatown. Off site public realm improvements include, but are not limited to, improvements to public sidewalks, squares and parks and the acquisition of land for public squares and parks.</p>
<p><b>1.3.1</b></p>	<p><b>The maximum incentive floor area ratio for this item is 5.0.</b></p>
<p><b>1.3.2</b></p>	<p><b>Incentive calculation:</b></p> <p>Where a <b>development</b> provides a contribution to the Chinatown Improvement Fund, the applicable Incentive Rate is Incentive Rate 1 of Bylaw 1P2007.</p> <p><b>Method</b></p> <p>The incentive <b>gross floor area</b> (square metres) = contribution amount (\$) divided by Incentive Rate 1 (\$).</p>

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1.3.3	<b>Requirements:</b>  A contribution must be made to the Chinatown Improvement Fund for the <b>development</b> .
1.4	<b>FUTURE PEDESTRIAN BRIDGE CONNECTION</b>  Provision of structural elements and interior public access for potential connection to a future pedestrian bridge connecting the <b>development parcel</b> to an <b>adjacent parcel</b> .
1.4.1	<b>The maximum incentive floor area ratio for this item is 1.0.</b>
1.4.2	<b>Incentive calculation:</b>  Where a development provides Future Pedestrian Bridge Connection elements, the Incentive Rate is Incentive Rate 1 of Bylaw 1P2007.  <b>Method</b>  The amount of eligible FAR = the cost estimate for the future pedestrian bridge connection elements (\$) divided by Incentive Rate 1 (\$)
1.4.3	<b>Requirements:</b>  (a) provision of a publicly accessible pedestrian route with an unobstructed width of 4.5 metres through and across the second floor of a <b>building</b> which is entirely contained within the <b>property lines</b> of a <b>parcel</b> , oriented in a manner that provides the greatest opportunity for future connection to a future pedestrian bridge and is protected by an easement for the benefit of the <b>City</b> and the public registered on title to the <b>parcel</b> , as shown on a plan approved by the <b>Development Authority</b> ;  (b) structural supports, at locations indicated on a plan approved by the <b>Development Authority</b> , that would allow for possible connection of a future pedestrian bridge, which must be incorporated into the overall structure and design of the <b>building</b> ; and  (c) vertical movement opportunities between <b>grade</b> and the second <b>storey</b> within a <b>building</b> , which must include:  (i) a publicly accessible elevator; and  (ii) either a pair of escalators or a staircase with a minimum unobstructed width of 2.0 metres; and

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	<p>(d) a commitment to construct or pay for the construction of a future pedestrian bridge connecting the <i>development parcel</i> to an <i>adjacent parcel</i>.</p>
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