ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 1 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

EXECUTIVE SUMMARY

The proposed land use is a City initiated redesignation in response to Council direction for the subject site. The current Direct Control District was approved by Council on 2011 July 04 (LOC2011-0024). A Development Permit for a mixed use development on the subject site was approved by the Calgary Planning Commission on 2010 December 23 (DP2009-2173). Since 2010, several of the main floor commercial units have remained vacant – this land use redesignation allows for a greater range of commercial uses and ensures multiple unique frontages along 10 Street NW and 3 Avenue NW while preserving the existing residential uses above and at grade along 10A Street NW.

PREVIOUS COUNCIL DIRECTION

On 2015 November 23, Council approved a Notice of Motion NM2015-28 (APPENDICES III-IV) to undertake a City-initiated redesignation of the property located at 409 - 10 Street NW, formerly known as St. John's Church, on a 50-50 cost shared basis with the owner, from Direct Control designation, to a Direct Control designation based on an appropriate commercial mixed-use district, to include a greater range of commercial uses that better align with the policies contained in the Hillhurst-Sunnyside Area Redevelopment Plan. In consultation with the Hillhurst-Sunnyside Planning Committee and the land owner/manager, Administration should create Direct Control language that facilitates multiple unique commercial units along the 10 Street NW and 3 Avenue NW frontages.

ADMINISTRATION RECOMMENDATION(S)

2016 March 10

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 97D2016; and

- ADOPT the proposed redesignation of 0.31 hectares ± (0.76 acres ±) located at 1110 3 Avenue NW (Plan 1411022, Units 1 to 216) from DC Direct Control District to DC Direct Control District to accommodate mixed use development, in accordance with Administration's recommendation, as amended; and
- 2. Give three readings to the proposed Bylaw 97D2016.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 2 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

REASON(S) FOR RECOMMENDATION:

The proposed land use district allows for a broad range of employment, commercial and retail uses as well as housing (form, tenure, and affordability) to accommodate a diverse range of population. The uses of the proposed Direct Control District are compatible with and complimentary to the established walkable pedestrian environment fronted by a mix of high intensity residential and business uses along 10 Street NW. The mixed-use development and ground-oriented housing are consistent with the character of the neighbourhood; therefore, the Direct Control District is appropriate for the site.

The proposal conforms to the relevant policies of the Municipal Development Plan, Calgary Transportation Plan and allows for a development that has the ability to meet the intent of the Hillhurst/Sunnyside Area Redevelopment Plan.

ATTACHMENT

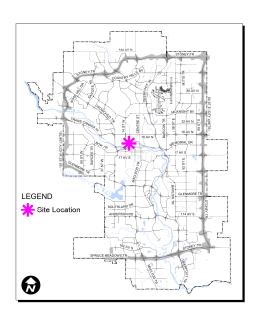
1. Proposed Bylaw 97D2016

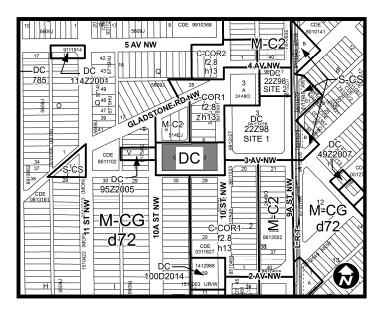
ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 3 of 19

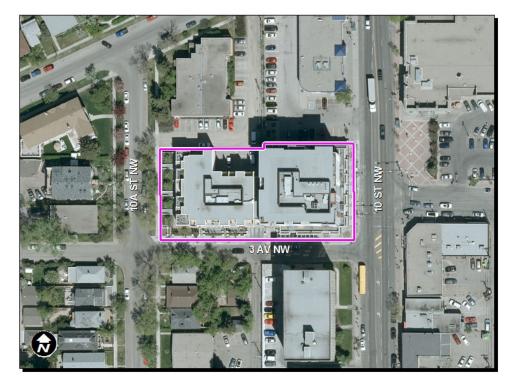
LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

LOCATION MAPS







ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 4 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.31 hectares ± (0.76 acres ±) located at 1110 – 3 Avenue NW (Plan 1411022, Units 1 to 216) from DC Direct Control District **to** DC Direct Control District to accommodate mixed use development with guidelines (APPENDIX II).

Moved by: C. Friesen Carried: 9 – 0

2016 March 10

AMENDMENT: Delete Direct Control guideline 9(3) in its entirety and renumber the

subsection accordingly.

Moved by: M. Foht Carried: 5 – 4

Opposed: R. Wright, M. Tita,

G.-C. Cara and C. Friesen

Reasons for Approval of the amendment from Ms. Wade:

- Caution on limiting use by regulating the number of tenants and size
 of space creates a constraint on tenants and often leads to spaces
 remaining empty, thus not achieving activated frontages. Need to
 understand market demands.
- The amendment accommodates flexibility in securing the use and activates the building, which has sat empty for 6 years.
- The community may gain a use that is in need of by being flexible in size and uses articulation of the existing building where entranceways exist and can be used to meet concerns of activation.

Reasons for Approval of the amendment from Mr. Morrow:

• This is one of those particular circumstances where the perfect is the enemy of the good. In general, I support the principle of restricting frontages to activate the street edge. In this case, however, the subject is not a part of the contiguous retail frontage along 10 Avenue NW, which is interrupted by 2 high rises setback from the street and it faces the Safeway parking lot. That the retail has sat vacant for six years should give us pause as to how restrictive we should be. Personally, I believe the stand-alone nature of the building and its location at the far end of the 10 Street NW district suggest that a larger format retail use is likely the most viable retail use. The building, as built, already has multiple retail bays, so creates a rhythm

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 5 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

along the street (i.e. even a single tenant would not appear as a single monolithic mass). So I would recommend against placing the street frontage restriction (keeping in mind the uses are already restricted to 465 square feet in size).

Reasons for Opposition of the amendment from Mr. Wright:

• The deletion of guideline 9(3) may create a diminishing active street front. Possible large format retail could still occupy one front and wrap around the now smaller retail spaces that would allow for almost a micro-retail spaces such as ice cream shops, the present pop-up donair development and others. The deletion of this requirement upsets the balance and compromise struck with the community, the Applicant and the City.

Reasons for Opposition from Mr. Friesen:

• I voted against this amendment to the Land Use Amendment because the commercial space is now mostly leased, the change is contrary to existing planning regulation and vision and because it seemed unlikely that the change would significantly help with the immediate problem. Extending the type of uses might help with completing the leasing but since a good portion of the ground floor is now leased larger size tenants would not likely be attracted anyway. Removing the size restriction might help in the future if most of the ground floor becomes vacant but this is not the problem we were asked to fix.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 6 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

<u>Applicant</u>: <u>Landowner</u>:

The City of Calgary Various

PLANNING EVALUATION

SITE CONTEXT

The subject site is a full block deep and spans 10 Street NW to 10A Street NW as well as having frontage on 3 Avenue NW. The parcel is atypical in this regard from the majority of parcels fronting onto the commercial corridor of 10 Street NW. The commercial corridor in this vicinity is underdeveloped relative to existing land use and the majority of sites are retail and commercial only without a mixture of uses on site such as residential. Several large apartment buildings exist to the south with at-grade commercial uses. Lower density residential development exists to the west with pockets of multi-residential development.

The Sunnyside LRT station is located approximately 120 metres east of the subject site. A signalized pedestrian crossing of 10 Street NW is available at 3 Avenue NW to facilitate access to the station

LAND USE DISTRICTS

The proposed Direct Control District (base C-COR1) has the ability to accommodate broader range of commercial uses and further align with the policies set forth in the Hillhurst/Sunnyside ARP. The proposed Direct Control District also respects the building height and setbacks of the existing building so as not to create a non-conforming use.

An additional rule has also been provided that limits the location of commercial uses to the eastern half of the site given its context of commercial corridor on the east and residential to the west. The existing building is also in alignment with this limitation.

LEGISLATION & POLICY

Municipal Development Plan (MDP)

The subject site is identified as a Neighbourhood Corridor and on the Primary Transit Network in the MDP. Neighbourhood corridors are typically the main streets in a community and support a mix of uses within a pedestrian friendly environment. Local Area Plans are to provide the land use framework. Appropriate transitions between Neighbourhood Corridors and adjacent residential areas are required.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 7 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

Hillhurst/Sunnyside Area Redevelopment Plan

While the original Area Redevelopment Plan (ARP) was approved in 1988, the ARP was substantially amended in 2009 to provide guidance for the implementation of Transit Oriented Development policy for a specific geographical area of the plan.

The subject site is indicated on the Land Use Policy Area map as Urban Mixed-Use on the eastern portion of the site and Medium-Density Residential on the western portion. A variety of policies exist encouraging pedestrian friendly commercial uses at-grade to facilitate the Urban Mixed-Use direction that is compatible with its adjacent residential context:

- For sites that extend from 10 Street NW to 10A Street NW commercial uses should only be located on the portion of the site along the 10 Street NW frontage.
- Small scale and at-grade retail commercial uses are encouraged and those that are larger than 230 square metres should be designed to be compatible with the storefront character of the street.

The ARP indicates a maximum floor area ratio of 5.0 for the eastern portion of the site and 2.5 for the western portion as well as a maximum height of 26.0 metres for the site. Additional specific direction is also provided on the building envelope and height transition to the west. The current approved Development Permit complies with the ARP and provides an overall floor area ratio of 3.38.

TRANSPORTATION NETWORKS

Pedestrian and cyclist access is available from 10 Street NW, 10A Street NW, and 3 Avenue NW while vehicular access to the underground parkade is available from 3 Avenue NW.

The subject site is approximately 120 metres from the Sunnyside LRT Station. This site is classified as a Transit Oriented Development area; as it is located along frequent transit service. High density, mixed use is encouraged in the Transit Oriented Development area.

UTILITIES & SERVICING

Water, sanitary and sewer services are available and can accommodate the potential development without the need for off-site improvements at this time. Adjustments to on-site servicing may be required and will be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 8 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

PUBLIC ENGAGEMENT

Community Association Comments

The Hillhurst/Sunnyside Community Association Planning Committee provided comments. The CA generally supports the proposed land use redesignation; however, they expressed concern about a large commercial tenant occupying the entire main floor of the building.

<u>Administration Response:</u> The proposed Direct Control District was revised to regulate "Commercial Uses" along 10 Street NW to have a minimum of three (3) separate, publically accessible entrances onto the sidewalk to ensure a single-use commercial tenant cannot occupy a large portion of the main floor.

Citizen Comments

The application was circulated to the adjacent landowners and several emails and letters were received inquiring about further details related to the project. No concerns or objections were noted by Administration.

Public Meetings

No formal public meeting was held. The applicant attended a Hillhurst/Sunnyside Community Association meeting with City staff and the Ward Councillor to present the application.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 9 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

APPENDIX I

APPLICANT'S SUBMISSION

In November 2015, Council directed Administration to undertake a City-initiated redesignation of the property located at 409 - 10 Street NW, formerly known as St. John's Church, on a 50-50 cost shared basis with the owner, from Direct Control designation (base MH-1), to Direct Control designation based on an appropriate commercial mixed-use district, to include a greater range of commercial uses that better align with the policies contained in the Hillhurst-Sunnyside Area Redevelopment Plan.

In addition, Administration, in consultation with the Hillhurst-Sunnyside Planning Committee and the land owner/manager, will create Direct Control language that facilitates multiple unique commercial units along the 10 Street NW and 3 Avenue NW frontages.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 10 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) allow for a broader range of at-**grade** commercial **uses** consistent with the existing commercial character of 10 Street NW;
 - (b) retain the existing building height and building setback rules in the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007; and
 - (c) align with the policies contained in Part II Transit Oriented Development Area of the Hillhurst-Sunnyside Area Redevelopment Plan to promote vibrant and vital mixed-use commercial corridors.

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

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.

Permitted Uses

The **permitted uses** of the Commercial – Corridor 1 District (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- The *discretionary uses* of the Commercial Corridor 1 District (C-COR1) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the exclusion of:
 - (a) Addiction Treatment;
 - (b) Custodial Care; and
 - (c) Sign Class C.

Bylaw 1P2007 District Rules

6 Unless otherwise specified, the rules of the Commercial – Corridor 1 District (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 11 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

Floor Area Ratio

7 The maximum *floor area ratio* is 4.0.

Building Height

The **building height** rules in the Multi-Residential – High Density Low Rise (M-H1)
District of Bylaw 1P2007 are the **building height** rules in this Direct Control District.

Location of Uses within Buildings

- 9 (1) The following *uses* must not be located on the ground floor of *buildings*:
 - (a) Assisted Living;
 - (b) Catering Service Minor;
 - (c) Child Care Service;
 - (d) Counselling Service;
 - (e) Health Services Laboratory With Clients;
 - (f) Instructional Facility;
 - (g) Office;
 - (h) Place of Worship Small;
 - (i) Post-secondary Learning Institution;
 - (j) Residential Care; and
 - (k) Social Organization.
 - "Commercial Uses" must be located at **grade** along the eastern half of the **parcel**.
 - There must be a minimum of three (3) *units* containing "Commercial Uses" along 10 Street NW each with a separate, publically accessible entrance onto the sidewalk.
 - (4) **Dwelling Units** and **Live Work Units** may be located at **grade** on the western half of the **parcel**.
 - Where this section refers to "Commercial Uses" it refers to the listed uses in sections 777 and 778 of Land Use Bylaw 1P2007, other than Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit, and Residential Care.

Building Setbacks

The *building setback* rules in the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 are the *building setback* rules in this Direct Control District.

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 12 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

Minimum Required Motor Vehicle Parking Stalls

- 11 (1) Unless otherwise referenced in subsection (2), the minimum required *motor vehicle parking stalls* of the Commercial Corridor 1 District (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.
 - (2) The minimum number of *motor vehicle parking stalls* for all "Commercial Uses" are reduced to zero stalls where a minimum of 34 *motor vehicle parking stalls* are provided as part of a **Parking Lot Structure** for the exclusive use of the "Commercial Uses" within the *building*.
 - (3) Where this section refers to "Commercial Uses," it refers to the listed *uses* in sections 777 and 778 of Land Use Bylaw 1P2007, other than **Addiction**Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit, and Residential Care.

Additional Sign Class - E Rules

- 12 (1) A Sign Class E may only be approved in conjunction with a Parking Lot Structure.
 - (2) Any *digital display* portion of a **Sign Class E** must only display the number of available stalls within the **Parking Lot Structure**.

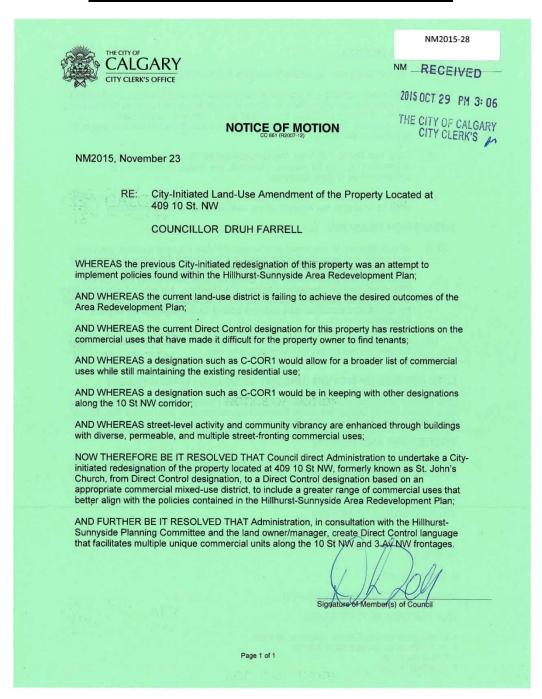
ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 13 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

APPENDIX III

NOTICE OF MOTION FROM COUNCILLOR FARRELL



ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 14 of 19

LAND USE AMENDMENT
HILLHURST (WARD 7)
10 STREET NW AND 3 AVENUE NW
BYLAW 97D2016

MAP 21C

APPENDIX IV

EXCERPT FROM THE MINUTES OF REGULAR MEETING OF COUNCIL HELD 215 NOVEMBER 23 AT 9:30 AM

8.1.1 <u>CITY-INITIATED LAND-USE AMENDMENT OF THE PROPERTY LOCATED AT 409 10 ST. NW (CLLR. FARRELL), NM2015-28</u>

DISTRIBUTION

At the request of Councillor Farrell and with the concurrence of the Mayor, the City Clerk distributed copies of a letter from Kimberly Setrakov, Hillhurst Sunnyside Planning committee, Re: St. Johns Condominium – 409 – 10 Street NW, dated 2015 October 28, with respect to proposed Motion NM2015-28.

TABLE, Moved by Councillor Demong, Seconded by Councillor Chu, that Councillor Farrell's Motion NM2015-28 be tabled, to be considered as the last item on today's Agenda.

CARRIED

LIFT FROM THE TABLE, Moved by Councillor Farrell, Seconded by Councillor Pincott, that Councillor Farrell's Motion NM2015-28 be lifted from the table and dealt with at this time.

CARRIED

AMENDMENT, Moved by Councillor Chabot, Seconded by Councillor Demong, that Councillor Farrell's Motion NM2015-28 be amended in the first NOW THEREFORE BE IT RESOLVED paragraph by adding the words "on a 50-50 cost shared basis with the owner", following the words "formerly known as St. John's Church".

CARRIED

ADOPT, AS AMENDED, Moved by Councillor Farrell, Seconded by Councillor Pincott, that Councillor Farrell's Motion, NM2015-28 be adopted, **as amended**, as follows:

NOW THEREFORE BE IT RESOLVED that Council direct Administration to undertake a City-initiated redesignation of the property located at 409 10 Street NW, formerly known as St. John's Church, **on a 50-50 cost shared basis with the owner,** from Direct Control designation, to a Direct Control designation based on an appropriate commercial mixed-use district, to include a greater range of commercial uses that better align with the policies

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 15 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

contained in the Hillhurst-Sunnyside Area Redevelopment Plan;

AND FURTHER BE IT RESOLVED that Administration, in consultation with the Hillhurst-Sunnyside Planning Committee and the land owner/manager, create Direct Control language that facilitates multiple unique commercial units along the 10 Street NW and 3 Avenue NW frontages.

CARRIED

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 16 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

APPENDIX V

COMMENTS FROM HILLHURST/SUNNYSIDE COMMUNITY ASSOCIATION



October 28, 2015 VIA EMAIL: caward7@calgary.ca

City of CalgaryOffice of the Councillors, P.O. Box 2100, Stn M
Calgary, Alberta, T2P 2M5

Attention: Councillor Druh Farrell

Re: St. Johns Condominium – 409 – 10th Street NW

Land Use Amendment

Dear Madam:

On behalf of the Hillhurst Sunnyside Planning Committee ("HSPC"), we are writing in respect of a proposed land use amendment that you are prepared to initiate at City Council by Notice of Motion on November 9, 2015 which will result in the rezoning of the commercial space located on the ground floor of the St. John's building from MH1 to C-COR1. On October 21, 2015, members of the HSPC had the opportunity to meet with a representative of Quantumplace Development Ltd., the owner of the commercial space, as well as Mr. Giyan Brenkman from the City of Calgary Planning Department and Mr. Dale Calkins to discuss the challenges Quantumplace Development is facing in placing suitable tenants in the spaces.

As you are aware, the commercial space in the St. John's building has been vacant for quite a lengthy period, with a small sized restaurant only recently opening for business in once space and another specialty business scheduled to open shortly. We are advised by Quantumplace Development that the layout of the commercial space and MH1 zoning has prevented them from finding other tenants, which has added to the surplus of vacant commercial space already present in the Kensington. As a result of the meeting and in order to benefit the community, the HSPC is largely in favour of the proposed land use amendment, with some restrictions.

HSPC is supportive of encouraging a vibrant retail environment in Hillhurst Sunnyside; however, we have some concerns about the type of tenant which might be interested in the St. John's space. Vibrancy means less vacant store fronts but also retail uses which actively engage with the street and drive pedestrian traffic. For example, the HSPC would be opposed to one tenant taking up all or a large majority of the commercial space, rendering the commercial bays from five to two or less, or a tenant such as a bank, which we feel would not encourage foot traffic and would only create dead space. Accordingly, we would be in favour of a rezoning to C-COR1 with the following restrictions:

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ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 17 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

- There will be a use area restriction to a maximum of 350 metres squared per each use;
- There must be a minimum of 3 commercial bays on the property at all times; and,
- Entrances to commercial bays will be positioned such that the maximum street frontage will be achieved.

In our view, the above-noted restrictions would limit the type of tenant which could be placed in the commercial space, thereby decreasing the ability for one tenant to take up the entire space, or large tenants such as banks from creating large areas of dead space. It will also maintain a pedestrian friendly façade which will hopefully increase pedestrian traffic in this under used area. We view this to be a balanced approach which considers the needs of Quantumplace Developments as well as the community.

Finally, we also expressed some concerns about parking, as currently the 34 parking spaces located in the St. John's building have been leased to the Calgary Parking Authority. A rezoning to C-COR1 will allow these parking spaces to be advertised as public parking, which we view to be a community benefit; however, we had concerns about where tenants in the commercial space would park. We have been advised by Quantumplace Development that they have an agreement with the Calgary Parking Authority that its commercial tenants and employees would be provided with monthly parking passes such that there will be no further strain on the limited parking currently within the community. It would be ideal if this type of arrangement, or a similar requirement that some parking stalls be designated for tenant parking, could remain in place or also be included as a restriction in the land use.

Overall, the Hillhurst Sunnyside Planning Committee is in favour of this land use amendment, provided that the concerns outlined in this letter are addressed. Should you wish to discuss this with us further, we would be happy to continue this consultation. Thank-you for the opportunity to provide comments.

Sincerely,

Kimberly Setrakov On behalf of the Hillhurst Sunnyside Planning Committee

cc: Peter Schryvers, Quantumplace Developments Ltd. (<u>peter.schryvers@quantumplace.ca</u>)
Lisa Chong, Community Planning Coordinator, HSCA (<u>lisa.@hsca.ca</u>)
Robert McKercher, HSCA Board O Directors (<u>Robert.mckercher@gmail.com</u>)
Annie MacInnis, Executive Director, Kensington BRZ (<u>kensingtonbrz@shaw.ca</u>)
Giyan Brenkman, City of Calgary Planning Department (<u>giyan.brenkman@calgary.ca</u>)

.......

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 18 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

APPENDIX VI

LAND USE TABLE

Existing DC (base M-H1)	Proposed DC (base C-COR1)
Permitted Uses	
Accessory Residential Building	Park
Home Based Child Care – Class 1	Sign – Class A
Home Occupation – Class 1	Sign – Class B
Park	Sign – Class D
Protective and Emergency Service	Utilities
Secondary Suite	
Sign – Class A	
Utilities	
Permitted Uses within existing buildings	
Convenience Food Store	Accessory Food Service
Information and Service Provider	Catering Service – Minor
Print Centre	Convenience Food Store
Restaurant: Food Service Only – Small	Counselling Service
Specialty Food Store	Financial Institution
Take Out Food Service	Fitness Centre
	Health Services Laboratory – With Clients
	Home Based Child Care – Class 1
	Home Occupation – Class 1
	Information and Service Provider
	Library
	Medical Clinic *modified DC to allow at grade
	on east half of parcel
	Museum
	Office
	Pet Care Service
	Power Generation Facility– Small
	Print Centre
	Protective and Emergency Service
	Radio and Television Studio
	Restaurant: Food Service Only – Small
	Restaurant: Neighbourhood
	Retail and Consumer Service
	Service Organisation
	Speciality Food Store
	Take Out Food Service
	Veterinary Clinic *modified DC to allow at
	grade on east half of parcel

ISC: UNRESTRICTED CPC2016-101 LOC2015-0223 Page 19 of 19

LAND USE AMENDMENT HILLHURST (WARD 7) 10 STREET NW AND 3 AVENUE NW BYLAW 97D2016

MAP 21C

Discretionary Uses	
Artist's Studio	Accessory Liquor Service
Assisted Living	Artist's Studio
Child Care Service	Assisted Living
Community Entrance Feature	Billiard Parlor
Drinking Establishment – Small	Child Care Service
Home Occupation – Class 2	Cinema
Fitness Centre	Computer Games Facility
Liquor Store	Conference and Event Facility
Live Work Unit	Drinking Establishment – Medium
Multi-Residential Development	Drinking Establishment – Small
Outdoor Cafe	Dwelling Unit *modified DC to allow at grade
	on west half of parcel
Restaurant: Food Service Only – Medium	Home Occupation – Class 2
Restaurant: Licensed – Small	Hotel
Restaurant: Licensed – Medium	Indoor Recreation Facility
Restaurant: Neighbourhood	Instructional Facility
Retail and Consumer Service	Liquor Store
Service Organisation	Live Work Unit *modified DC to allow at grade
-	on west half of parcel
Sign – Class B	Market – Minor
Sign – Class D	Outdoor Cafe
Temporary Residential Sales Centre	Parking Lot – Grade
Utility Building	Parking Lot – Structure ** Facilitates CPA
	Development Permit Application
	Pawn Shop
	Payday Loan
	Place of Worship – Small
	Post-Secondary Learning Institution
	Residential Care
	Restaurant: Food Service Only – Medium
	Restaurant: Licensed – Medium
	Restaurant: Licensed – Small
	Seasonal Sales Area
	Sign – Class E ***only approved in
	conjunction w/ Parking Lot – Structure
	Sign – Class F
	Social Organisation
	Special Function – Class 2
	Supermarket
	Utility Building