

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

EXECUTIVE SUMMARY

This land use amendment seeks to redesignate the E2 land comprising 1.30 hectares (3.21 acres) located at 215 – 2 Street SW, 222 – 3 Street SW from the 2008 Direct Control District (Bylaw 112D2008) to a modified version of the Commercial Residential District (CR20-C20/R20).

The proposed Direct Control District would acknowledge the maximum Floor Area Ratio for the site identified in the Eau Claire Area Redevelopment Plan, but allow for the consideration of any of the listed uses.

The proposed land use amendment would require changes to the Eau Claire Area Redevelopment Plan. The proposed changes are set out at APPENDIX II.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2016 January 14

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 8P2016 and 38D2016; and

1. **ADOPT** the proposed amendments to the Eau Claire Area Redevelopment Plan, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 8P2016.
3. **ADOPT** the proposed redesignation of 1.30 hectares ± (3.21 acres ±) located at 215 – 2 Street SW and 222 – 3 Street SW (Plan 1312733, Block 10, Lots 41 and 42) 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 38D2016.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

REASON(S) FOR RECOMMENDATION:

The proposed land use amendment aligns with the applicable policies of the Municipal Development Plan (MDP) and its general planning principles and meets the requirements of the Eau Claire Area Redevelopment Plan (ARP).

The proposed land use amendment allows for an appropriate set of uses and use rules in context with the existing site and the adjacent sites.

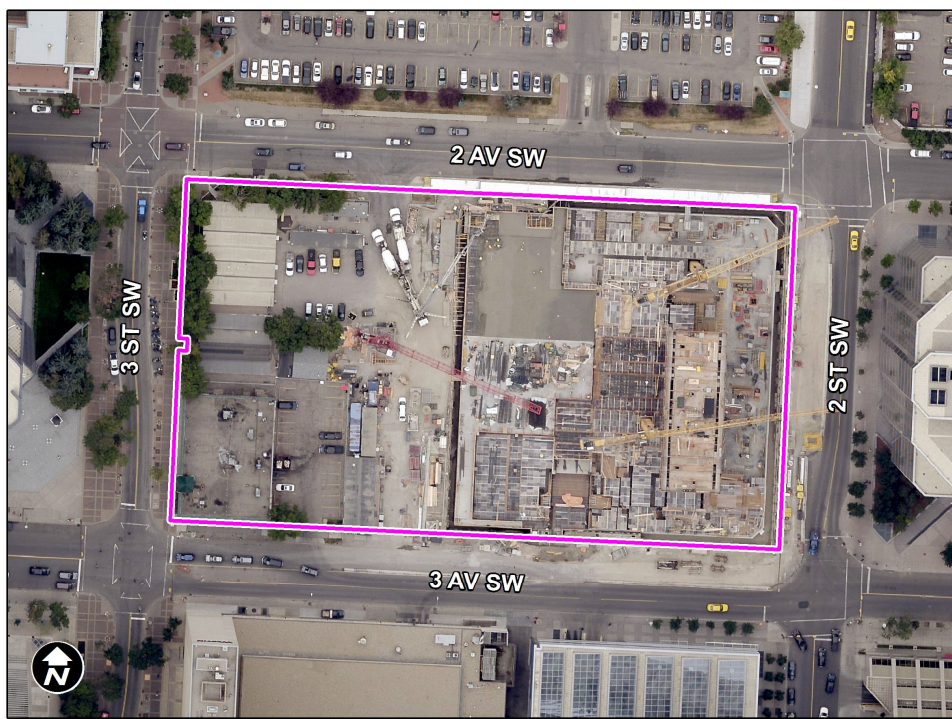
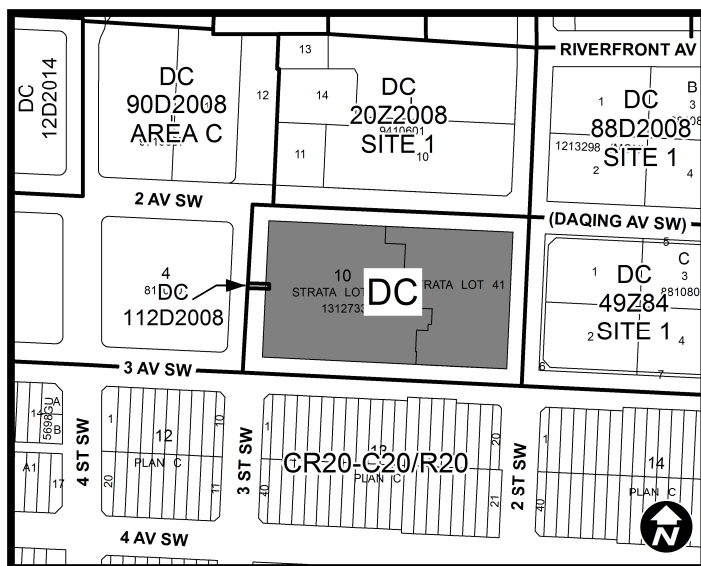
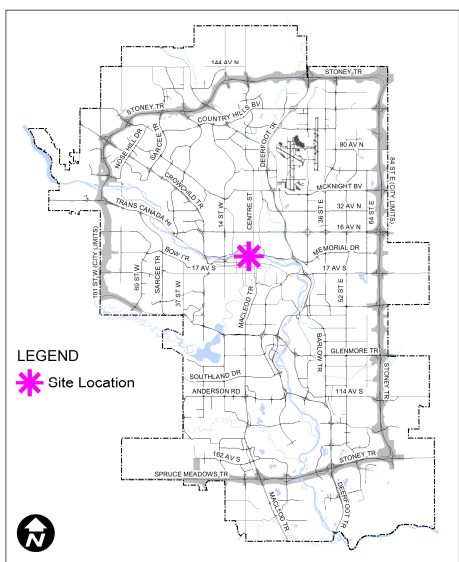
ATTACHMENTS

1. Proposed Bylaw 8P2016
2. Proposed Bylaw 38D2016

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

LOCATION MAPS



**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT** the proposed amendments to the Eau Claire Area Redevelopment Plan (APPENDIX II).

Moved by: M. Wade

Absent: S. Keating and M. Logan

Carried: 6 – 1

Opposed: R. Wright

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 1.30 hectares \pm (3.21 acres \pm) located at 215 – 2 Street SW and 222 – 3 Street SW (Plan 1312733, Block 10, Lots 41 and 42) from DC Direct Control District to DC Direct Control District to accommodate mixed use development with guidelines (APPENDIX III).

Moved by: M. Wade

Absent: S. Keating and M. Logan

Carried: 6 – 1

Opposed: R. Wright

Reasons for Approval from Ms. Wade:

- The original Area Redevelopment Plan intent was for this to be transition site.
- Given the change in context from 2008 to 2016 the first development was approved in the approval of residential units in Eau Claire, East Village, Sunnyside and Bridgeland.
- The market is healthy for residential to meet Area Redevelopment Plan policies.
- Hotel provider - a residential option meets the Land use Bylaw.
- Hotels include units for executive accommodation which provides temporary residents that support commercial/retail/office uses in the area.

Reasons for Approval from Ms. Gondek:

- The most current Calgary census data indicates a population of 1,886 in Eau Claire. In approximately 1,000 units approved in 2015, and the census data for Eau Claire indicating 2.3 people per unit on average, the population should increase 2300. This puts the community's resident population at 4,186, which will be enhanced by the hotel use and its visitor population. Given the typical visitor's need to use local restaurant and entertainment districts, the hotel use is an excellent complementary use in this community.
- As an example, the MGM hotel struck a deal in the Fall of 2015 to locate on a main street in Springfield, Mass. as an effort to activate the street. While this is only one example, it does suggest that hotel research supports the idea of activating street and communities through strategic location of complementary uses.

Reasons for Approval from Mr. Friesen:

- I supported this Land Use since the developer had apparently tried to make the previous planning regulations work and had problems. I believe that Hotel uses

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

should be considered a type of residential development that will add to the activity of the area. Also other adjacent projects when built will provide plenty of traditional residential uses to make a community.

Reasons for Opposition from Mr. Wright:

- This block, located in the south east corner of the Eau Claire district is part of the transition between the intense office development of the core and the residential community. The original intent of the plan was to see a blend of retail/entertainment, office, residential and hotel uses occupying this block.
- The application could be said to meet all the technical requirements/rules, due in part to shifting definitions of hotels (now considered to be residential rather than commercial). However, the proposed land use redesignation does not meet the underlying principles associated with creating a new residential community as outlined in the Statutory Area Redevelopment Plan for the area. The primary objection is that there is no true residential development and in fact could be viewed as allowing commercial to completely overwhelm the site by using 100 percent of the density for such commercial uses.
- I could support the application if at least 4 FAR was dedicated to traditional residential development (apartments). However only 2 FAR is dedicated to "residential" via the construction of a hotel. It is important to note how residential development differs from hotel development. A year round resident has a commitment to the community, can become engaged, and will participate in all sorts of activities from buying goods to attending entertainment type functions. The hotel guest puts boots to the sidewalk and may add to the restaurant scene but such people will not help build a new community. Given that the objective is to have 5,000 people living in the district, any further erosion of the ability to create spaces for residents either by suggesting hotels are the same as residential buildings, or increasing the amount of commercial including offices, will create long term disincentives for this key neighbourhood reaching its aspired to vision.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

Applicant:

Zeidler BKDI Architects

Landowner:

Calgary City Centre Block
Developments Ltd
CCC2 Holdings Inc

PLANNING EVALUATION

SITE CONTEXT

The subject site is located at 3 Avenue SW in the Eau Claire community, within the defined transition zone, north of the Downtown.

To the north of the site is the Eau Claire Market (E1 Land), to the east and west are office developments and to the south are office and hotel developments.

A development permit application (DP2009-3252) was approved in April of 2010 for three options (2 Phases and a complete build-out). The east portion of the site has been constructed (Option A) and comprises an office tower.

A new development permit has been submitted (DP2015-5218) and is currently under review by Administration. This application seeks to use the same basic building form and incorporate a commercial podium and mixed office and hotel tower.

LAND USE DISTRICTS

The existing land use district is DC Direct Control District (Bylaw 112D2008) is based on the CM-2 Downtown Business District and states that its purpose is to provide for the redevelopment of the block for commercial, residential or mixed commercial and residential.

Commercial uses are defined as all uses that are not the defined residential uses. Hotel use is not included in the residential definition and therefore in this DC Direct Control District, Hotel use is considered to be a commercial use.

The maximum density allowed under this DC is 10.0 FAR for a commercial development and 14.0 FAR for a residential development minus any floor area provided for commercial development.

The proposed DC Direct Control District would be based on the Commercial Residential District (CR20-C20/R20). The purpose statement indicates that it is intended to provide for a mix of uses within the Eau Claire community.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

In the proposed DC Direct Control District, there are no specific definitions for residential or commercial and these would be considered with regard to the 1P2007 Land Use Bylaw when a development permit is submitted.

The maximum density allowed under the proposed DC Direct Control District would be 14.0 FAR, with appropriate density bonus initiatives.

The proposed DC Direct Control District guidelines are attached at APPENDIX III.

LEGISLATION & POLICY

The Municipal Development Plan acknowledges the Centre City as the business and cultural heart of the city. It recognizes that it is the location of the highest density of office developments and provides a policy to reinforce the Centre City as the focus of business, employment, cultural, recreational, retail and high density housing within Calgary.

The proposed DC Direct Control District addresses the general principles of the Municipal Development Plan, acknowledging that the site can accommodate a range of uses that would support both the Eau Claire neighbourhood and the Downtown.

The Centre City Plan (2007) supports the Eau Claire Area Redevelopment Plan (ARP) seeking to facilitate its neighbourhood vision and ensure appropriate mixed use transition edges along 3 and 4 Avenues where the Eau Claire neighbourhood interfaces with the Downtown.

The Eau Claire Area Redevelopment Plan (2011 Office Consolidations) identifies the land as a mixed use area, with the Generalized Land Use Policy (s4) identifying the mixed-use precinct of E2, the site, as allowing for a greater level of mixing to accommodate residential, office, hotel and supporting commercial/retail.

The proposed DC Direct Control District seeks to use the Commercial Residential District (CR20-C20/R20) as the base district, which would allow for a range of commercial, office and residential uses from which an appropriate mixed use development could be achieved.

The Generalized Land Use Policy (s4.3) identify that in the residential neighbourhood the land and building densities allocated can accommodate some 2,600 additional housing units and 5,000 people.

The site is located within a defined mixed use area of the Eau Claire community and specifically the transition zone between the downtown and the primarily residential mixed use neighbourhood. Although this particular site is not intended to contribute to the approximately 5000 people, residential critical mass of the Eau Claire community, it could supplement and enhance it through its mixed use status.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

In the section on Mixed Use Policies (s6.0B) mixed-use is defined as being a combination of commercial, residential, and/or office uses within the same building vertically or on the same site horizontally. For instance, assembling retail and commercial business at podium levels with residential and/or hotel and office uses above, is considered a mixed-use development. This section contains specific policies/actions for Mixed Use designations on the E1 and E2 lands, with emphasis on active uses along street edges."

s6.0B.1.3 "...In a broader context, its transitional location between the most intensive Downtown commercial core and the primarily residential mixed-use neighbourhood to the north makes the mixed-use designation the appropriate policy direction. A density range of 5.0-14.0 FAR, subject to certain density bonus requirements, will assist in bringing more residential units, hotel suites, office space, and associated amenities to the area, without overshadowing the Barclay Mall, the Eau Claire Plaza, or the riverbank."

The purpose statement for the proposed DC Direct Control District identifies that a development is intended to provide a mix of uses, which supports the policy and guidance contained in the ARP. Therefore, although the proposed DC Direct Control District provides for greater flexibility in respect of the Floor Area Ratio than the DC Direct Control District (Bylaw 112D2008), any Development Permit application would be expected to provide a mix of uses.

Policies/Actions for E2 Lands

s6.0B.5.2 "To allow a range of mixed-use developments including commercial, residential, and/or office uses with varied intensity and level of mix on the block, subject to complying with all design guidelines and sunlight protection policies."

The use of the Commercial Residential District (CR20-C20/R20) would allow for a range of mixed use developments with varied intensity and level of mix.

s6.0B.5.3 "To allow a maximum density of 5.0-14.0 FAR for residential or mixed-use purposes..."

The proposed DC Direct Control District retains the maximum floor area ratio of 14.0, with bonus initiative provisions, of the existing DC Direct Control District (Bylaw 112D2008) and as specified in the ARP.

The proposed land use amendment is therefore considered to meet the requirements of the Eau Claire Area Redevelopment Plan.

Amendments are proposed to the Eau Claire Area Redevelopment Plan to ensure consistency with the 1P2007 Land Use Bylaw and these are attached at APPENDIX II.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

TRANSPORTATION NETWORKS

No Transportation Impact Assessment (TIA) was submitted for this application since it would not materially alter the position created in connection with DC Direct Control District (Bylaw 112D2008).

The applicant may be required to provide a further TIA analysis at the development Permit stage dependant on the nature of the proposed development.

UTILITIES & SERVICING

Development servicing will be determined at both the Development Permit (DP) and Development Site Servicing Plan (DSSP) stages, to the satisfaction of Water Resources.

Public water, sanitary and storm utilities exist within the adjacent public rights of way for development servicing purposes.

ENVIRONMENTAL ISSUES

Environmental and Safety Management confirm that there are no outstanding environmental concerns associated with the subject lands and / or proposed land use redesignation scope.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

GROWTH MANAGEMENT

The proposed land use redesignation does not pose any growth management concerns.

PUBLIC ENGAGEMENT

Community Association Comments

Eau Claire Community Association (ECCA) objects to the land use redesignation as being contrary to the Eau Claire Area Redevelopment Plan and s6.0B in particular.

The ECCA support for the DC Direct Control District (Bylaw 112D2008) and amendments to the Eau Claire ARP was based on the provision of residential units within the development.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

They consider that the provision of 14.0 FAR without the requirement for residential units would adversely impact the Eau Claire community and its ability to reach the intended critical mass of population.

The ECCA letter is attached at APPENDIX IV.

Citizen Comments

No public comments received by CPC Report submission date.

Public Meetings

No public meetings were held on this land use redesignation.

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C

APPENDIX I

APPLICANT'S SUBMISSION

This application is made to refine the existing DC Bylaw 112D2008 for the full block located between 3 and 2 Avenues SW and 2 and 3 Streets SW. The existing DC bylaw 112D2008 was approved in 2008, reflecting a concept designed in 2006. A development permit (DP2009-3252) has been issued allowing development in Phases. Currently Phase 1, which roughly corresponds to the east part of the block, is underway with the completion of an office building expected by end of 2015. Development of the west half of the block has not yet commenced.

The design concept contemplated in 2006 envisioned office uses on the east half of the block and a mix of uses on the west. The mix of uses contemplated on the west half included hotel and residential uses, as well as a public amenity feature.

The Applicant is now in a position to complete the west half of the Site in a timely fashion but, to do so requires an amended development concept. This amended concept will allow for a continuation of the existing mixed use concept on west half of the site, with a modest increase of the commercial FAR in that location. Additionally, the DP is intended to be amended for the west half to, among other things, provide a more pleasing architectural look with an enhanced street presence, and an improved public amenity space.

The overall FAR is to remain at the 14 FAR already approved with a reallocation of 2 FAR of that total for commercial uses. In order to preserve the framework of the east half, where the office is nearing completion, the current DC will be restated with necessary amendments.

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

APPENDIX II

**PROPOSED AMENDMENTS TO THE EAU CLAIRE
AREA REDEVELOPMENT PLAN**

- (a) In Section 2.8, delete text after the first sentence and replace with the following:

“For the lands bounded by 2 and 3 Streets SW and 2 and 3 Avenues SW (E2), a land use amendment application and development permit application were submitted in 2015. As a result of these applications, policy changes were made to this ARP to guide the proposed mixed-use developments on the E2 lands.”
- (b) In Section 6.0B.1.3, delete text after the third sentence of the second paragraph and replace with the following:

“A density range of 3.0 - 14.0 F.A.R,...”
- (c) In section 6.0B.5.2, delete text and replace with the following:

“To allow a maximum density of 3.0 – 14.0 FAR for residential or mixed-use purposes, subject to sunlight protection policies as per section 11.4.6.”
- (d) In Section 6.0B.5.3, delete text in its entirety.
- (e) In Section 6.0B.5.5, delete text in its entirety.
- (f) In Section 6.0B.5.6, delete text in its entirety.
- (g) Delete the existing Figure 6 entitled “Potential Major Land Uses, Densities and Building Heights” and replace with the revised Figure 6 entitled “Potential Major Land Uses, Densities and Building Heights”. (APPENDIX V)

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

APPENDIX III

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to provide:
- (a) a mix of **uses** within the Eau Claire Community;
 - (b) intensive high-rise, high-density **developments** where intensity is measured by **floor area ratio**;
 - (c) **developments** that are pedestrian-oriented at **grade** and provide a high quality public realm; and
 - (d) a maximum base **density** with incentive **density** over and above base **density** to achieve commercial residential mixed **use**, public benefit and amenities within the same community.

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.

Permitted Uses

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

Discretionary Uses

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

Bylaw 1P2007 Rules

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

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

Floor Area Ratio

7 The maximum ***floor area ratio***:

- (a) is 3.0;
- (b) may be increased in accordance with the incentive provisions contained in Part 13, Division 3, of the Land Use Bylaw 1P2007; and
- (c) must not exceed 14.0 ***floor area ratio***.

Motor Vehicle Parking Stalls

- 8 (1) Unless otherwise referenced in subsection (2), the maximum number of ***motor vehicle parking stalls*** for ***developments*** is the requirement referenced in part 13, Division 2 of Land Use Bylaw 1P2007.
- (2) The ***motor vehicle parking stalls*** approved for Development Permit 2009-3252 are deemed to conform to the parking requirements of this Direct Control District Bylaw.

Floor Plate Restrictions

- 9 Each floor of a ***building*** located partially or wholly above 36.0 metres above ***grade*** and containing **Assisted Living, Dwelling Units or Live Work Units** must have a maximum horizontal dimension of 44.0 metres, and a maximum ***floor plate area*** of 930.0 square metres.

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

APPENDIX IV

LETTERS SUBMITTED



c/o Eau Claire YMCA, 101 3 Street SW
Calgary, Alberta T2P 4G6

info@eauclaireca.com
www.eauclaireca.com

Planning and Development
City of Calgary
700 Macleod Trail SE
PO Box 2100, Station E
Calgary AB T2P 2M5

December 17, 2015

Attn. Russ Mounty
Re: LOC2015-0101 City Centre

Dear Sir,

We are very disturbed by the Cadillac Fairview request to change the Land Use Zoning on the West Half of this block.

It is very clear in the Eau Claire Area Redevelopment Plan that this block is to be transitional between the high-density office nature of downtown and the predominately residential area of Eau Claire. I quote some of the relevant paragraphs from the ARP below:

6.0B Mixed Use – Policies (PG.25 – E1 and E2 lands)

"6.0B1.3 -The E2 site is located in one of the eight liveable residential neighbourhoods surrounding the Downtown core as identified in the Centre City Plan...A density range of 5.0 – 14.0 FAR subject to certain bonus requirements will assist in bringing more residential units, hotel suites, office space and associated amenities to the area, without overshadowing the Barclay Mall, the Eau Claire Plaza, or the riverbank. Bylaw 65P2008

6.0B.5.4 To assist in achieving a residential population of 5,000 people for the Community of Eau Claire, primarily residential development with supporting retail commercial at grade is allowed provided privacy issues are sensitively addressed so that the impact of the commercial activities within the block and on surrounding sites is minimized.

6.0B5.2 vii (b) 4 points for housing diversity where a minimum of 10% of all dwelling units are comprised of either multi-storey units at grade or 3 bedroom units above grade"
Unquote

These by-laws were put in place in 2008 and supported at that time by Cadillac Fairview. It was also under these by-laws that the current Development Permit was applied for, supported by the Community Association, and issued. The reason that our community supported this development, which has the maximum possible FAR of 14,

R. Mounty

**POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016**

MAP 15C



c/o Eau Claire YMCA, 101 3 Street SW
Calgary, Alberta T2P 4G6

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www.eauclaireca.com

was that it had some 385 condominiums or homes. This made a significant and necessary contribution to our future population of 5000.

Phase I of the project has now been built, all offices, using an FAR of 7. Now Cadillac Fairview wants to change the law to allow them to do away with all homes. We have seen the new plans and indeed they contain no condominiums, not one! Since the inclusion of condominiums, in whole or in part, allowed the increase in FAR from 10 to 14 we think that it now be reduced to 10. Thus having used an FAR of 7 on the east half there is only an FAR of 3 left for the west half.

We find it offensive that Cadillac Fairview would submit, and request approval for, a Development Permit based on satisfying the Community's concern and then withdraw those very items when it comes time to build the second phase.

Cadillac Fairview should be told to bring the Development Permit for their new proposal so we all know what is planned.

Perhaps Council should consider a clause demanding no net loss in residences be included in any Land Use change.

James Hughes
Chairman ECCA

Paul Denaeghel
Planning Committee

Roger Brundrit
Chair – Planning Committee

CC. Councillor Ward 7 (by email)
Downtown Business Association – Maggie Schofield (by email)
City File Manager – Russ Mountry (by email)

POLICY AMENDMENT AND LAND USE AMENDMENT
EAU CLAIRE (WARD 7)
2 AVENUE SW and 2 STREET SW
BYLAWS 8P2016 AND 38D2016

MAP 15C

APPENDIX V

Revised Figure 6 Potential Major Land Uses, Densities and Building Heights

