

BYLAW NUMBER 36P2015

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE BANKVIEW AREA
REDEVELOPMENT PLAN BYLAW 13P81**

WHEREAS it is desirable to amend the Bankview Area Redevelopment Plan Bylaw 13P81, as amended;

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. This Bylaw may be cited as the "Bankview Area Redevelopment Plan Amendment Number 13 Bylaw."
2. The Bankview Area Redevelopment Plan attached to and forming part of Bylaw 13P81, as amended, is hereby further amended as follows:

(a) Delete the existing Figure 2 entitled "Land Use Policy" and replace it with the revised Figure 2 entitled "Land Use Policy", attached hereto as Schedule A.

(b) In Section 3.3, under Heritage, delete the first sentence and replace with the following:

"The Nimmons Residence at 1827 – 14 Street SW was registered provincially in 1979 as a Registered Historic Resource."

(c) In Section 3.3, under Heritage, after the first paragraph, insert the following and update the Table of Contents:

"3.3.1 Nimmons Residence Site

3.3.2 Historical Significance

The Nimmons Residence is a two-storey Victorian Queen Anne Revival style house built around 1898. The rectangular red-brick building has a hipped and cross-gable roof, asymmetrical facade, polygonal corner tower, broad wrap-around veranda and numerous small stained glass windows. The property exists at a prominent corner location at 14 Street SW and 19 Avenue SW.

The Nimmons Residence possesses symbolic value for its associations with Calgary's golden age of ranching (c1886-1906), an activity which was vital to the city's settlement. It is also significant for its association with its builders and first owners William Nimmons (c1826-1919) and wife Isabella (c1851-1936) who were important pioneer ranchers and contributors in Calgary's early development.

For the communities of Bankview and Richmond/Knob Hill, the Nimmons Residence holds particular symbolic importance as it was the first house in the area. In 1905, the surrounding lands were surveyed for Nimmons and later annexed in 1907 eventually becoming Bankview and part of Richmond/Knob Hill with Nimmons acting as a real estate agent for his lots.



Figure A. Historic photographs of the Nimmons Residence - Glenbow Museum Archives.

3.3.3 Context

The site is approximately 0.21 hectares \pm in size, located prominently at the northwest corner of 14 Street SW and 19 Avenue SW. 14 Street SW which is adjacent to the site's eastern frontage slopes downward from 19 Avenue SW to the north with an approximate five (5) metre difference in elevation from 19 Avenue SW to the site's northern property line.

The Nimmons Residence is situated centrally on the site with large setbacks from the adjacent parcels to the north and west and from 14 Street SW and 19 Avenue SW respectively. A public lane with access to 17 Avenue SW abuts the northwest portion of the site. However, at this time, there is no vehicular access to or from the site to the lane due to significant on-site slope conditions on the northwest portion of the site.



Figure B. Existing condition photographs of the Nimmons Residence site.

DEVELOPMENT PROPOSAL

3.3.4 Objective

To facilitate the preservation and legal protection (designation) of the Nimmons Residence as a Municipal Historic Resource by allowing for adaptive reuse of the Nimmons Residence with commercial or residential uses and multi-residential or mixed-use multi-residential and commercial development on the balance of the site.

3.3.5 Redevelopment Concept

The redevelopment concept for adaptive reuse of the Nimmons Residence involves relocation from its existing location to a location within the southeast portion of the site thereby allowing for additional multi-residential or mixed-use (multi-residential and commercial) development on the balance of the site.

In the event that relocation of the Nimmons Residence or additional on site development is not feasible, adaptive reuse of the Residence for commercial, residential or mixed use purposes in its existing location is also appropriate.

3.3.5.1 Key Elements

(a) Nimmons Residence

Relocation of the Nimmons Residence within the southeast portion of the site is anticipated. While the exact relocation location is not specified in this policy, the southeast portion of the site is the preferred relocation location. This location will enable the Nimmons Residence to retain prominence on the site and be located in closer proximity to the public realm along 14 Street SW and 19 Avenue SW respectively. In a relocation scenario, the orientation of the Nimmons Residence is expected to remain consistent (e.g. the existing original east facing façade would remain east facing).

DESIGN PROPOSAL

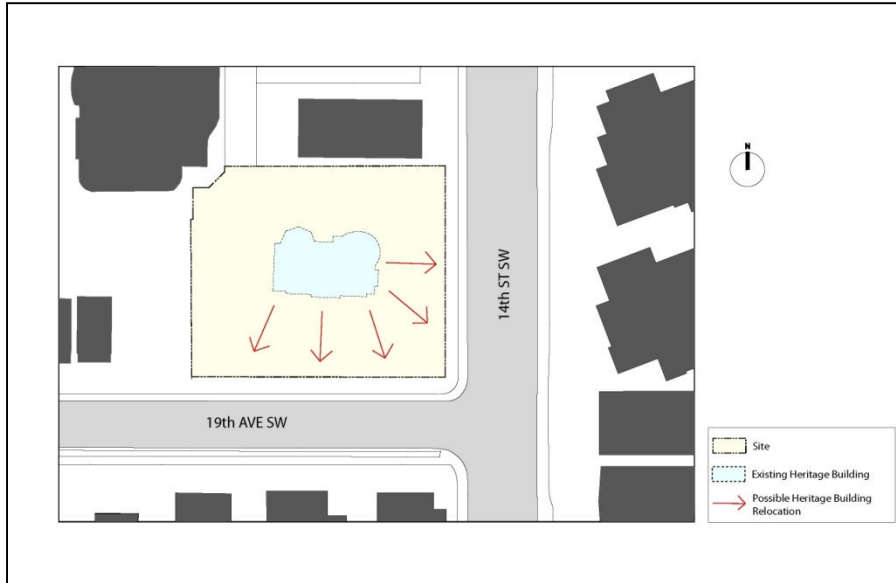


Figure C. Conceptual relocation location for the Nimmons Residence.

Flexibility with respect to adaptive reuse of the Nimmons Residence is appropriate. Residential, commercial or a mix of these uses may take place with flexibility in terms of the range, size and type of uses allowed. Complementary outdoor uses or ancillary outdoor activities associated with internal uses may also be appropriate.

Additions to the Nimmons Residence may also be allowed. Any additions should be compliant with provisions set out within the Municipal Historic Resource Designation and Compensation Agreement and Municipal Historic Resource Designation Bylaw and deemed to be in keeping with *The Standards and Guidelines for the Conservation of Historic Places in Canada* by the Development Authority. Modification, alteration or repair of Non-Regulated Portions of the Nimmons Residence may also be allowed provided they do not negatively impact any Regulated Portions and all necessary permitting is obtained.

(b) Multi-Residential – High Density Low Rise or Multi-Residential – High Density Low Rise with commercial uses (mixed-use)

Relocation of the Nimmons Residence to an area within the southeast portion of the site is intended to create a developable area on the balance of the site for multi-residential or mixed-use development. Any additional on-site development should be of an intensity, built form and overall design that is responsive to the immediate setting and compatible with the Nimmons Residence and its uses.

In response to the site's prominent elevation and sloping topography, there may be opportunities for unique building design and development on-site. One unique development concept in response to these conditions may include, but is not necessarily limited to: development of an

underground parkade that serves all future development, that is accessed via the abutting lane at the northwest portion of the site and that incorporates commercial or residential spaces that front directly onto and are easily accessible from the pedestrian realm along 14 Street SW.

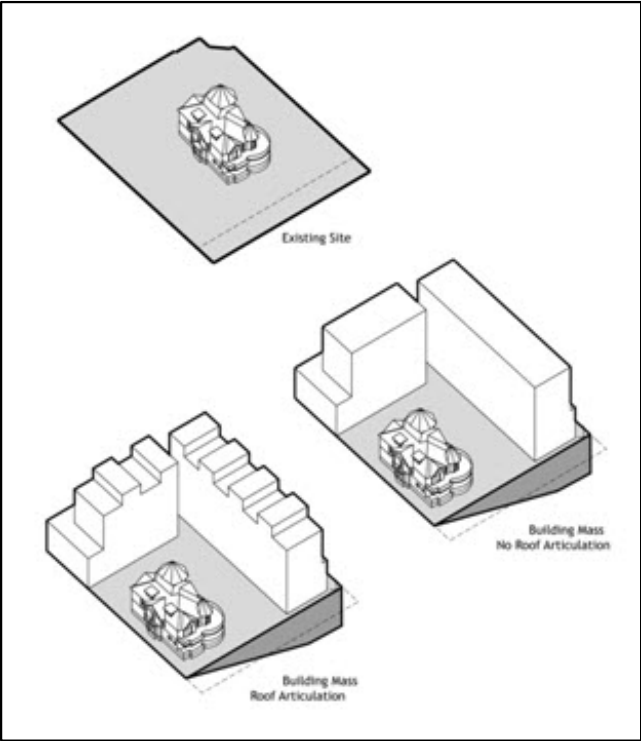


Figure D. Site development massing concept.

(c) Building Separation – On-Site Open Space

A minimum building separation distance between the Nimmons Residence and any additional on site development is required. The intent of this minimum building separation distance is to preserve the heritage character of the Nimmons Residence as a landmark building and site defining element by precluding certain structural forms of development in proximity to the Residence that could negatively affect its heritage character or the viability of various uses within the Residence.

A range of outdoor oriented uses and programming may take place and are encouraged within the minimum building separation area including, but not limited to: hard or soft landscaping, outdoor amenity areas and outdoor spaces associated with various uses.

3.3.6. Interpretation and Implementation

3.3.6.1 Figures and Numerics

Unless otherwise specified, the boundaries or locations of any symbols or areas shown on a Figure associated with the Nimmons Residence policies are approximate and conceptual only, not absolute and shall be interpreted as such. Figures are not intended to define exact locations except where they coincide with clearly recognizable physical features or fixed boundaries such as property lines or road and utility rights-of-way.

Unless otherwise specified, where actual quantities or numerical standards are contained within a Figure, these quantities or standards shall be interpreted as conceptual only and ultimately should be determined at the detailed design stage.

3.3.6.2 Implementation - Powers and Duties of the Development Authority

The Development Authority may relax any rules or requirements for the site set out in the governing Direct Control District Land Use Bylaw 1P2007 or policies contained herewith in recognition of the key objectives of preservation, adaptive reuse and protection of the Nimmons Residence as a Municipal Historic Resource. In granting any relaxation(s) or varying from guiding policy, the Development Authority shall exercise due consideration that future development either with or without relaxations would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Relaxation or variance from the following Direct Control District rules or site specific policies may include, but are not only limited to:

- Permitted and discretionary use definitions and their associated rules and requirements including parking requirements;
- Site landscaping requirements;
- Minimum unit per hectare density requirements;
- Building setback requirements;
- Building step back requirements;
- Slope adaptive building policies;
- Rules for Commercial Multi-Residential uses, including the maximum use area rules; and
- Any other applicable policies in the Bankview ARP.

3.3.7 Policy

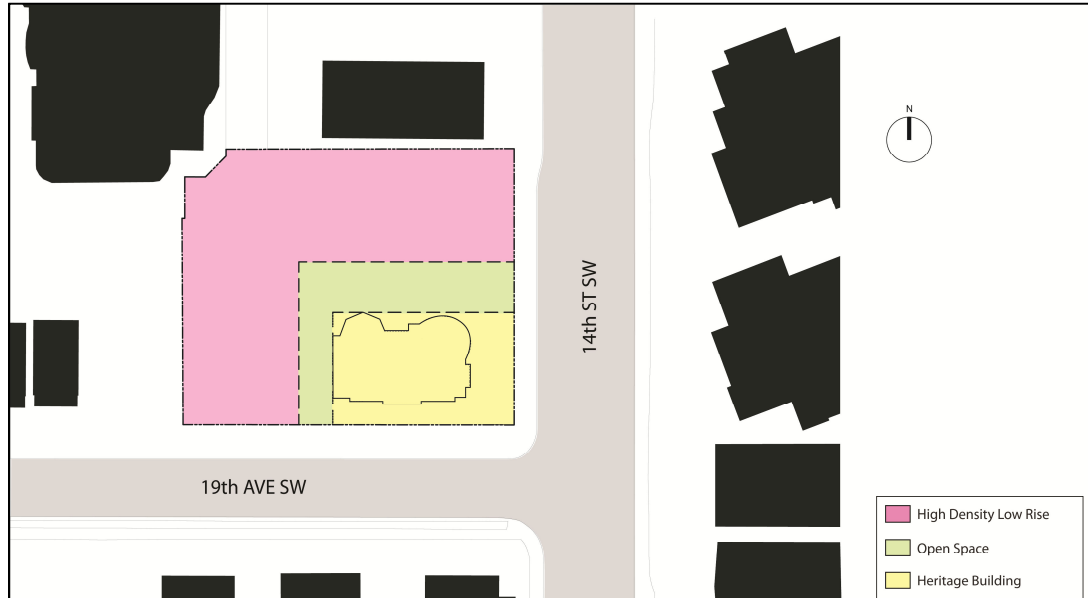


Figure E. Site land use concept.

3.3.7.1 Nimmons Residence

- (a) Preservation and adaptive reuse of the Nimmons Residence is encouraged and flexibility in the manner in which adaptive reuse occurs is appropriate.
- (b) The Nimmons Residence may be utilised for any residential purposes including as a single detached dwelling, duplex dwelling, multi-residential dwelling units or amenity or common space associated with multi-residential development on site or a combination thereof.
- (c) The Nimmons residence may also be utilised for commercial purposes. Commercial configurations may include, but are not limited to: one individual use, multiple uses or a mix of commercial and residential uses.
- (d) The maximum use area rules for commercial multi-residential uses within the Nimmons Residence are not applicable.
- (e) The location of specific uses and interior programming within the Nimmons Residence which incorporates uses that are animated, generate pedestrian activity and that may have complementary outdoor uses, components or activities is encouraged. Specific use programming on the main floor of the Nimmons Residence in closest proximity to outdoor areas and adjacent public streets is paramount.
- (f) Any rehabilitation of existing portions of the Nimmons Residence, demolition of later (Non- Regulated) portions of the Nimmons Residence or proposed new additions should be conducted to the satisfaction of the Development Authority and be in accordance with best practices in heritage conservation, as per the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

- (g) Any new additions to the Nimmons Residence should be relatively consistent in massing and height with the existing Nimmons Residence.
- (h) While the Nimmons Residence may be relocated on the site, effort to retain the historic landmark character of the Nimmons Residence should be maintained in any redevelopment scenario. If relocated, the existing orientation of the Nimmons Residence is not anticipated to change (e.g. the existing east facing facade will remain east facing).
- (i) Minimum building separation distances between the Nimmons Residence and new buildings on site should be respected.
- (j) Opportunities to further reflect the history of the site should be explored.
- (k) Motor vehicle parking and loading requirements for uses within the Nimmons Residence may be relaxed. Any required parking should be located within a building or be integrated within an underground parkade structure that serves overall future development on site. If surface parking is proposed, it should only be allowed if it is located or screened in a manner that minimizes its visibility from surrounding public streets.
- (l) A report from a qualified Engineer (or similar qualified professional) detailing construction management plan associated with relocating the Nimmons Residence or any redevelopment of the site shall be required at the Development Permit Stage. The purpose of this report is to ensure reasonable care is taken in relocating the Nimmons Residence. It is not intended to preclude the relocation within the site, as contemplated in paragraph 3.3.5.1 (a) and Figure C of this policy.

3.3.7.2 Multi-Residential - High Density Low Rise or mixed-use Multi-Residential - High Density Low Rise with Commercial (Additional on-site development not within the Nimmons Residence)

- (a) New development on site should not mimic or copy the historical architecture of the existing Nimmons Residence and should be of high quality design worthy to be of heritage value in its own right in the future.
- (b) New development should be multi-residential - high density low rise and may incorporate commercial uses.
- (c) New multi-residential development is encouraged to provide a range of dwelling unit sizes to meet the needs of different income levels, ages and lifestyles.
- (d) New multi-residential development is encouraged to be street oriented where the floor closest to grade facing a street is either comprised by dwelling units with individual exterior accesses and pedestrian connections to the street or by commercial units with public entrances, pedestrian connections to the street and building design that allows for views into the commercial units.

- (e) Building facades should emphasize individual at-grade dwelling units as well as any units that are on floors closest to and facing the main floor of the Nimmons Residence. These units should include features such as front doors, doorbells and unit numbers. Building faces should be modulated in finishing materials to visually break up large building facades.
- (f) Outdoor amenity spaces may be provided at or above grade. Front yards and outdoor amenity spaces may incorporate a range of features including, but not limited to: low fences, hedges or any other similar elements to define private areas, common shared space or publicly oriented areas.
- (g) New development should be complementary in scale and character with adjacent land uses and development in the area. While slope adaptive development is encouraged, it is not necessarily required.
- (h) In order to reduce the visual impact of building massing, the uppermost floor of buildings shall have an articulated roofline. A building stepback or reduced floor plate on the uppermost floor should also be considered as depicted in the following figure:

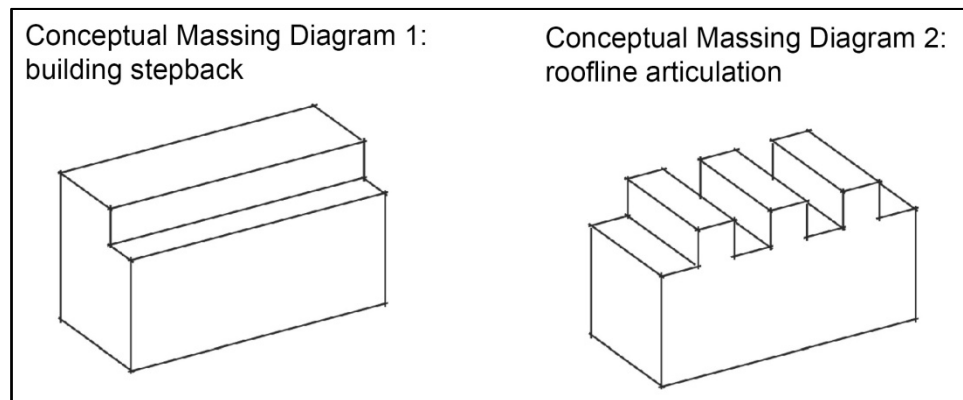


Figure F. Conceptual building massing.

- (j) Motor vehicle parking should be accommodated within an underground parkade or be visibly screened from adjacent public streets.
- (k) Commercial uses in any new building on site that are located at or above the main floor of the Nimmons Residence may be allowed, provided that the use and associated building design to accommodate the use are not believed to unduly impact the viability of uses within the Nimmons Residence.
- (l) A shadow study which accurately depicts shadow impacts associated with proposed on site developments between the hours of 10:00 AM and 4:00 PM measured at various times of the year (specifically between

March 21 and September 21) is required at the Development Permit stage.

- (m) A comprehensive illumination (site lighting) plan should be submitted at the Development Permit stage. This plan should contain the following information:
- All outdoor lighting standards and light fixture specifications.
 - A site plan which identifies lighting locations and measured illumination intensity.
 - Evening renderings which depict illumination of key outdoor areas and prominent building facades.

3.3.7.3 Building Separation – On Site Open Space

- (a) The minimum building separation distance requirements between the Nimmons Residence and new on site development may be relaxed if the intent of the minimum building separation distance to preserve the heritage character of the Nimmons Residence as a landmark building is maintained.
- (b) Where outdoor amenity spaces are located within the minimum building separation areas, certain elements or features including: low fences, hedges or other similar features to define private amenity areas, common shared space or publicly oriented areas may be appropriate.
- (c) Outdoor oriented uses, such as an outdoor cafe may be allowed within the minimum building separation areas as well as any outdoor furniture that may be associated with outdoor uses or amenity areas.

3.3.7.4 Circulation and Access

- (a) Pedestrian mobility is to be given high priority in the overall design of the site. The following design aspects should be considered:
- All internal pedestrian routes or walkways should aspire to be direct, convenient, safe and comfortable.
 - Internal pedestrian connections should be provided between buildings and should connect buildings to public sidewalks.
 - Design solutions which effectively address the changing grade along 14 Street SW and allow for active building interface conditions with the public realm are encouraged.
 - Where possible, design solutions should incorporate universal /barrier free design.



Figure G - 1.



Figure G - 2.

- (b) Vehicular access and egress points to/from the site should be minimized to reduce potential pedestrian/vehicle conflict points. Preferred vehicular access and egress to/from the site should be from the abutting lane.

3.3.7.5 Parking and Loading Requirements

- (a) Motor vehicle parking and loading stalls associated with additional development on-site should be provided within an underground parkade with access and egress to/from the abutting lane as the preferred design condition.

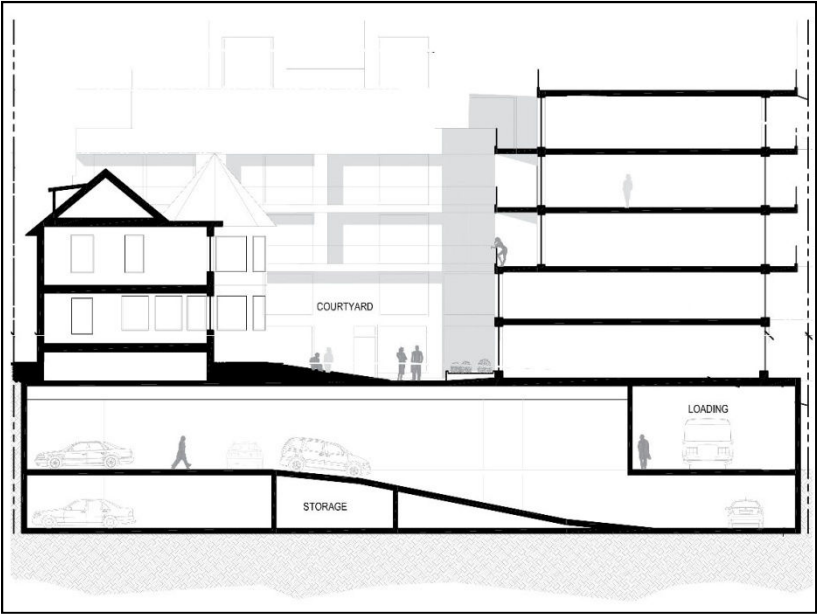


Figure H. Conceptual development cross-section with underground parkade.

- (b) Any significant relaxations for parking or loading should be supported by appropriate rationale contained within a Transportation Impact Assessment, parking study or any other form of information deemed acceptable by the Development Authority.”

3. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 9TH DAY OF NOVEMBER, 2015.

READ A SECOND TIME, AS AMENDED, THIS 9TH DAY OF NOVEMBER, 2015

READ A THIRD TIME, AS AMENDED, THIS ____ DAY OF _____, 2015.

MAYOR
SIGNED THIS ____ DAY OF _____, 2015.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2015.

PROPOSED

Schedule A



Bankview
Area Redevelopment Plan

Fig. 2

Land Use Policy

PROPOSED