

POLICY AMENDMENT AND LAND USE AMENDMENT  
EAU CLAIRE (WARD 7)  
2 AVENUE SW AND 2 STREET SW  
BYLAWS 35P2015 AND 158D2015

MAP 15C & 22C

**SUPPLEMENTARY REPORT**

**Calgary Planning Commission Directives:**

On 2015 May 21, Calgary Planning Commission (CPC) referred the Land Use Amendment for revisions to address the following:

1. Bringing back Development Permit(s) concurrent with LOC and ARP revisions;
2. Explore the integration of Transit into the project;
3. Explore a Transit related density bonus for office in excess of the current Bylaw
4. Determine the future of the +15 component
5. Require no less than the amount of residential gross floor area as per the current Bylaw;
6. Reduce the massing to minimize shadowing on Eau Claire Plaza;
7. Explore the relocation of the Historic Smokestack.

**ADMINISTRATION CONSULTATION WITH APPLICANT**

Calgary Planning Commission required Administration to discuss the principles of seven points with the Applicant during the 2015 May 21 CPC. The applicant confirmed to CPC that they had no concerns with the points raised and would address them.

The applicant met with the General Manager of Planning Development and Assessment on 2015 June 23. The applicant provided no initial response to the points made by CPC, but sought some clarification of Administration's perspective.

The applicant then submitted a formal response to Administration on 2015 July 16, seeking a 2015 August 13 CPC date.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 August 13

That Calgary Planning Commission recommends **REFUSAL** of the proposed Policy Amendment and Land Use Amendment.

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**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaws 35P2015 and 158D2015; and

1. **REFUSE** the proposed amendments to the Eau Claire Area Redevelopment Plan; and
2. **ABANDON** the proposed Bylaw 35P2015.
3. **REFUSE** the proposed redesignation of 2.94 hectares  $\pm$  (7.26 acres  $\pm$ ) located at 111 – 2 Street SW, 342 and 382 – 2 Avenue SW and 101, 201 and 208 Barclay Parade SW (Plan 9410601, Block 1, Lots 8 to 11, 13 and 14) from DC Direct Control District to DC Direct Control District to accommodate a mixed use development, in accordance with Administration's recommendation; and
4. **ABANDON** the proposed Bylaw 158D2015.

**REASON(S) FOR RECOMMENDATION:**

The Applicant has not submitted a concurrent Development Permit application with the Land Use and ARP Amendment applications.

The Proposed DC Direct Control District does not require an equivalent residential gross floor area and the amendments to the Eau Claire ARP do not provide this guidance or clarification. Notwithstanding that the applicant has provided supporting information to illustrate the potential to provide no less than the amount of residential gross floor area than the current Bylaw, there is no mechanism to ensure this is the case.

The applicant has not minimized the shadowing of the Eau Claire Plaza. More of the Plaza would be in shadow for more of the day, than is the case under the existing DC, as a result of the proposed DC Direct Control District.

Administration considers that the applicant has made insufficient revisions to the proposed DC Direct Control District and ARP Amendments to provide the level of certainty expected by CPC or to mitigate the adverse impacts on the Eau Claire Community.

As indicated in the 2015 May 21 report to CPC, Administration considers that the proposed DC Direct Control District would erode the primarily residential character of the Eau Claire Community and extend the primary office location into the adjoining neighbourhood.

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Administration also considers that the cumulative impact of a significant amount of additional office space and the lack of clarity in respect of a transition zone defined in the Eau Claire Area Redevelopment Plan would adversely affect the character and appearance of the Eau Claire and Chinatown communities.

In addition, Administration considers that the proposed land use, by virtue of the additional shadow that would be cast on the Eau Claire Plaza, would have a materially adverse impact on the amenities of the public realm that the public might reasonably expect to enjoy. Sunlight access for key parks, including Eau Claire Plaza, is a significant policy of the Centre City Plan and the Eau Claire Area Redevelopment Plan (ARP).

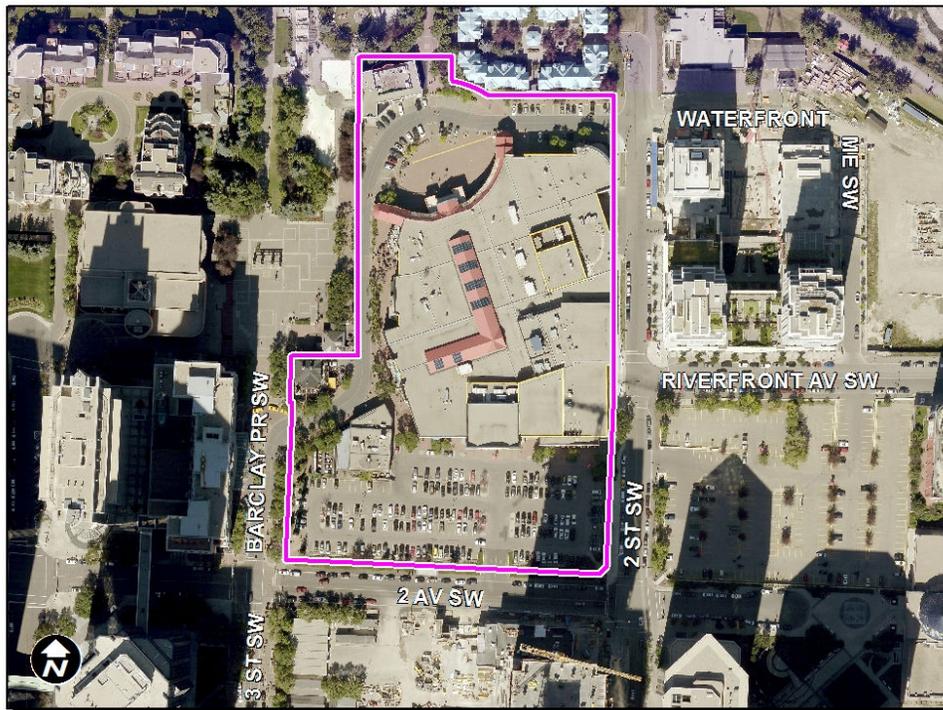
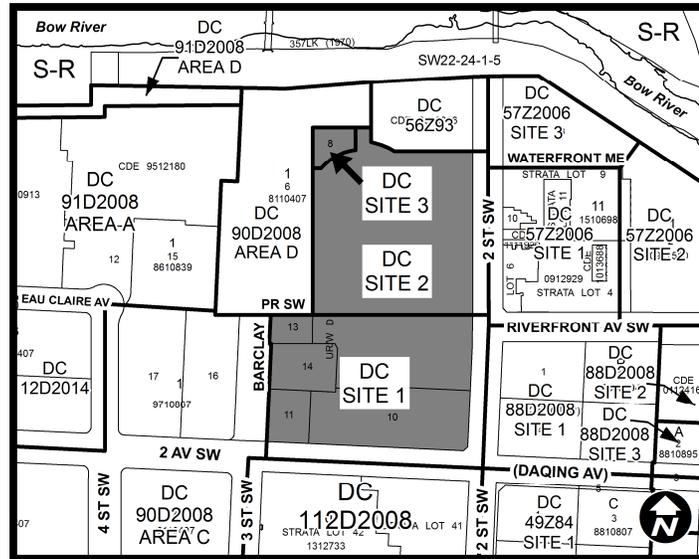
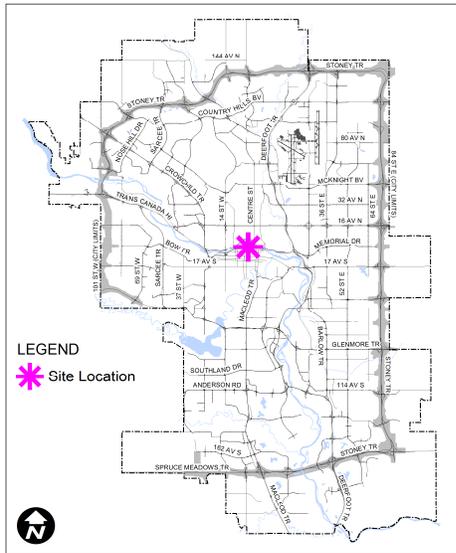
**ATTACHMENTS**

1. Proposed Bylaw 35P2015
2. Proposed Bylaw 158D2015
3. Public Submissions

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**LOCATION MAPS**



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

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

**Moved by: R. Wright**

**Carried: 5 - 4**

Opposed: G.-C. Carra, D. Mulligan,  
G. Morrow and  
R. Honsberger

2. Recommend that Council **REFUSE** the proposed redesignation of 2.94 hectares ± (7.26 acres ±) located at 111 – 2 Street SW, 342 and 382 – 2 Avenue SW and 101, 201 and 208 Barclay Parade SW (Plan 9410601, Block 1, Lots 8 to 11, 13 and 14) from DC Direct Control District to DC Direct Control District to accommodate a mixed use development with guidelines (SUPPLEMENTARY APPENDIX III).

**Moved by: R. Wright**

**Carried: 5 - 4**

Opposed: G.-C. Carra, D. Mulligan,  
G. Morrow and  
R. Honsberger

Reasons for support of the Refusal recommendation from Mr. Wright:

- I had hoped the referral would have resolved some very fundamental issues such as recognizing the unique character of Eau Claire and that it is separate from the downtown in terms of its vision, its function and the hoped for ambience. This site is truly in and of the heart of the community. While the proposed project may appeal too many, it is in the wrong location and if it was two blocks to the south, it would have been great. My original comments in May are still valid and in summary included a complete breach of basic downtown policies of office intrusion, +15 areas, heritage preservation and residential precincts that do not offer any public benefit and do not offer any certainty as to possible outcomes.
- Of the seven issues that were raised in May, I could understand the logic of the applicant on the first three, but the more substantive items contained in 4-7 were not addressed in any reasonable fashion, and remain the reasons why I supported the recommendation of Refusal.

Reasons for support of the Refusal recommendation from Ms. Gondek:

- The Applicant was provided with clear direction by CPC after lengthy discussion regarding this land use application on 2015 May 21. Prior to setting out the direction, the Applicant was asked directly if a “tied to plans” approach with a concurrent development permit was desirable, and there was agreement that this was a good idea. Now, there is a desire to move forward without a concurrent

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development permit. Due to the significance and size of this site as well as complexity of the DC, and the repeated requests by representatives of the City of Calgary and the community for design/drawings, I cannot support land use approval for this application without a commitment to design. For a complex DC like this, a concurrent development permit is fitting.

- On page 40 of 117, 19(2) indicates that a concept plan will be made available to Council during the consideration of the proposed direct control district. However, that concept plan with proposed changes since the 2015 May 21 presentation at CPC has not been made available to members of Planning Commission. It is impossible for CPC to express an opinion to Council without seeing the concept plan that Council will be provided.
- Today, we are being told by the Applicant the uncertainty around the Historic Smokestack is a major issue that will radically alter a development permit. While it is understandable that the added request for Transit accommodation will affect a development permit, the Smokestack issue has been in play since the initial discussions and the Applicant did not express any issue with a concurrent development permit in the past.

Reasons for support of the Refusal recommendation from Ms. Wade:

- Given that the Green Line LRT line is being discussed and planned for, but not completed yet, the proposed direct control district may be premature and not encompass the opportunities of the Green Line. The Applicant and Administration could work together to develop more detailed plans within the process of the Green Line. This would meet the request of both Administration and CPC to tie the land use to plans.
- Upholding the vision of the Area Redevelopment Plan to be a primary residential district mixed use development is commended. The 2008 direct control district only had a maximum FAR for office space and the amount of residential was tied to the development permit plans of 2008, which could have been greater in FAR. The 2008 development permit is now defunct; the proposed 2015 direct control district exceeds the maximum office space of the Area Redevelopment Plan, increasing the proportion of office space that results in the reduction of potential residential land uses and establishes a minimum density equal to the density in the 2008 development permit. There is no assurance that more than 50 percent of the minimum will be built as there is no detailed plan. The result is the proportion of office increases and moves the mix use development towards a more traditional downtown predominant office mix use, losing the potential to create a special place and the vision of the Area Redevelopment Plan. To protect the vision the proposed direct control district should be tied to plans.
- The Historic Smokestack was always a site planning consideration and should be part of the site plan and building form to create an active and interesting public realm creating a unique sense of place, rather than a traditional office space format.

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Reasons for opposition of the Refusal recommendation from Mr. Honsberger:

- Eau Claire has been a white elephant and efforts by the owner, to create something worthwhile, deserve a little faith. First reading certainly is not a bad compromise. I fully expect that the following DP work by the Applicant will likely require amendments to the proposed DC between first and second reading.

Reasons for opposition of the Refusal recommendation from Mr. Morrow:

- I disagree that this site is typical of a residential Eau Claire area – it is a transition point between Eau Claire to the west, Chinatown to the east and Downtown to the south. As such, it should be a major transit oriented mixed use district. While I would have preferred to see a Phase 1 development permit concurrent with land use, since the subsequent development permit will return to CPC, I am ok giving only first reading to the land use. The proposed land use ensures the development will be at least 50 percent residential, so still meets the principle of being “primarily residential”. I am comfortable the unresolved issues can be dealt with at the development permit stage (e.g. shadowing, connection of the +15, potential to integrate transit, relocation of the smokestack, etc.)

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Applicant:

Perkins + Will Architect's Canada

Landowner:

Eau Claire Market Inc

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a density increase being proposed.</i>	Yes	9
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	11
<b>Legislation and Policy</b> <i>Does the application comply with policy direction and legislation.</i>	No	12
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	Yes	13
<b>Utilities &amp; Servicing</b> <i>Is the site in an area under <b>current servicing</b> review and/or has <b>major infrastructure</b> (water, sewer, storm and emergency response) concerns.</i>	Yes	13
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	13
<b>Growth Management</b> <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	14
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	Yes	14

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**PLANNING EVALUATION**

**INTRODUCTION**

The purpose of the application is to redesignate 2.94 hectares (7.26 acres) from DC Direct Control District to DC Direct Control District to allow the development of a high density mixed use residential, commercial and office development.

The subject property is the Eau Claire Market lands located in the Eau Claire Community between the Sheraton Suites, YMCA and Eau Claire Plaza and the Riverfront condominiums and the City Centre mixed-use development.

The proposed land use redesignation would require amendments to the Eau Claire Area Redevelopment Plan, and this would be a prerequisite for the land use to proceed.

In addition to the proposed land use redesignation and amendments to the Eau Claire Area Redevelopment Plan, the applicant is seeking Council's approval to remove or amended the Municipal heritage designation of the Eau Claire Smokestack.

**SITE CONTEXT**

The subject parcels are considered to be an important redevelopment site due to the prominence of the Bow River and the proximity of the Eau Claire Plaza, Chinatown and the downtown. The original intent for the Eau Claire neighbourhood was to provide a balance that focused on primarily residential developments.

The lands to the west, north and east are primarily residential in nature, although the existing surface parking lot to the south east, in the Chinatown community, is designated under a DC Direct Control District that allows for a mixed use development, that includes office use.

The block to the south of the site (the E2 land) is recognized within the Eau Claire ARP and the relevant DC Direct Control District, as forming the transition area between the Eau Claire residential community and the downtown. Although the east half of the E2 land is under construction (office), Administration has a current Land Use application (LOC2015-0101) under review for the site that seeks to redesignate from DC Direct Control District to DC Direct Control District to allow for a mixed use development with an increased floor area ratio (FAR).

**PLANNING ISSUES**

The applicant has provided a response to the planning issues raised by CPC which is included in full at SUPPLEMENTARY APPENDIX I.

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**1. Bringing back Development Permit(s) concurrent with LOC and ARP revisions**

The applicant has not submitted a concurrent Development Permit (DP) application for any of the proposed sites, or parts thereof, on the E1 lands

The applicant is seeking CPC's recommendation to Council with a DP application for Phase 1 of Site 1 being submitted after Council has heard first reading of the Land Use application and ARP Amendments.

Administration's Analysis

This process was not "originally suggested by Administration" as indicated in the Applicant's submission. Administration does not support the proposed DC Direct Control District in its current form, which notwithstanding being contrary to the relevant City policies, is considered to lack adequate clarity of, and commitment for, any future development of the E1 lands.

The process indicated by the applicant would require CPC's recommendation for the approval of the Land Use application and ARP Amendments as they stand. This would then be considered by Council before Administration, CPC, the community association or the public could review any proposed development and would limit the type of comments that could be considered in determining the DP application by the content in the proposed DC.

Administration considers that the core rules of a proposed DC Direct Control District could be informed and tailored through consideration of a viable, submitted DP such that some of the concerns raised could be mitigated.

**2. Explore the integration of Transit into the project**

The applicant has stated that they would be willing to explore the integration of the project with the City's possible 2 Street SW transit alignment.

Administration's Analysis

The Green Line extension options will be presented to Council at the end of 2015 and provide for options that may or may not include an LRT line in the vicinity of the site and may be above, below or at grade.

In order to allow flexibility for the Green Line extension, Administration recommends that text be added to the Eau Claire ARP under the Implementing the Plan section:

**Implementation**

An LRT station is planned in the vicinity of 2 Street SW. It is desirable to provide direct pedestrian access from the Eau Claire Area to the LRT station. With the first Development Permit applications, the developer of the E1 lands will be required to enter

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into a Development Agreement to finance a portion of the LRT Station/pedestrian connection, subject to the approval of the General Manager of Transportation.

**3. Explore a Transit related density bonus for office in excess of the current Bylaw**

The applicant has proposed that a transit enhancement bonus initiative be included within the proposed DC Direct Control District.

The wording of guideline 27 of the proposed DC Direct Control District states:

“The floor area ratio of this Direct Control District may be increased by up to an additional 2.4 FAR through Transit enhancements or financial contribution to Eau Claire Plaza Revitalization Fund.”

Administration’s Analysis

Providing a greater level of certainty prior to Council’s decision on the Green Line is problematic and ensuring that the provision of a transit enhancement is viable in terms of its equivalent value for the applicant, The City and public is extremely difficult.

Administration considers that because of the limited value of the additional density and the high value of both the potential transit infrastructure and the Eau Claire Plaza redevelopment, this flexibility of bonus initiatives would not be beneficial to The City or the community and therefore does not support the bonus initiative in this particular instance. Administration prefers that any bonus be directed to the enhancement of the Eau Claire Plaza.

Should CPC wish to support a transit enhancement bonus initiative, then it should be noted that the proposed DC Direct Control District contains no definition as to what transit enhancement means. Since Administration considers that this introduces unnecessary risk to The City in its implementation, CPC may wish to introduce a definition similar to that used in the CR20 Land Use District which states:

“Transit enhancement is the construction of structures either as part of a **building** or as a separate structure that provide shelter from the elements to transit service users and that provide an amenity and design standard exceeding standard transit facilities and has been adapted to tailor it specifically for infrastructure.”

**4. Determine the future of the +15 component**

The applicant has stated that rather than promote or actively support +15 Skywalk connections, they would now seek to remove any language prohibiting +15 connections on the E1 lands from the ARP.

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Administration's Analysis

The Eau Claire ARP does not promote the connection of the site to the +15 Skywalk and the site is located outside of the +15 Policy Boundary as defined in both the +15 Policy and the Centre City Plan.

Although the applicant has only deferred the discussion concerning the +15 Skywalk, by not having any reference to the +15 Skywalk in the DC Direct Control District and amending the Eau Claire ARP, Administration is satisfied that the planning merits of a connection to the +15 Skywalk could be reviewed through the Development Permit process.

**5. Require no less than the amount of residential gross floor area as per the current Bylaw;**

The applicant states that they have increased the amount of residential gross floor area (GFA) to meet the amount envisioned in the current DC Bylaw. Based on a maximum GFA of 101,171 square metres (1,089,000 square feet) of residential and hotel uses, the applicant has revised the massing to provide a maximum GFA of 101,915 square metres (1,097,00 square feet).

Administration's Analysis

The CPC report for LOC2006-0153 (August 2007) stated that the increase in density was supported by CPAG because the new density accommodated 69,677 square metres (750,000 square feet) of residential (plus a Hotel use). The office use was supported because of its limited quantity and the locational criteria imposed on it.

The proposal presented to CPC in 2008 indicated 101,204 square metres (1,089,351 square feet) Residential (65 percent), 20,890 square metres (224,858 square feet) Office (13 percent) and 34,164 square metres (367,738 square feet) Retail (22 percent).

Harvard's revised July 2015 concept indicates 101,961 square metres (1,097,500 square feet) Residential (53 percent), 59,086 square metres (636,000 square feet) Office (30 percent) and 33,399 square metres (359,500 square feet) Retail (17 percent).

The applicant relies on a revised concept drawing to justify the assertion that the residential gross floor area, at full build out, would exceed that of the current Bylaw. However, the proposed DC Direct Control District does not provide any guarantee of this, ensuring only a minimum of 51,224 square metres (551,369 square feet) on Site 1 and a maximum of 28,268 square metres (304,278 square feet) on Site 2.

Administration considers that the submitted applications do not require for an equal or greater amount of residential gross floor area. However, it could allow for more to be built than the existing DC.

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**6. Reduce the massing to minimize shadowing on Eau Claire Plaza;**

The applicant's submission states that they have reduced the massing of Tower 3 of the proposed development to significantly reduce the impact of shadows on the Eau Claire Plaza.

This has reduced the massing of Tower 3 by 5,853 square metres (63,000 square feet) which would reduce the morning shadow on the plaza by 40 feet so that they encroach no further northward than those shadows currently cast by the Sheraton Eau Claire. This revision is a 27 percent reduction from that sought at the 2015 May 21 Calgary Planning Commission.

Administration's Analysis

The submitted applications are for Land Use and ARP Amendments, the proposed DC Direct Control District does not approve, or make any commitment to, the applicant's concept drawings. There is no proposed development for The City to consider.

The reduction of the shadow northward by 40 feet would still result in 170 feet of the southern end of the Plaza being shadowed at a time when the Sheraton Eau Claire casts no shadow on the plaza. This represents a 283 percent greater shadow than that considered and allowed, by Council in 2008 for a primarily residential development.

The supporting document submitted by the applicant illustrates a revised July 2015 concept that indicates a reduction in building height of 8 metres for Tower 3. However the proposed DC Direct Control District retains the 135 metre maximum building height.

The supporting document also indicates a reduction in office floor space from 62,152 square metres (669,000 square feet) (T3 originally showed 625,000 square feet with no indication of office use in the podium) to 59,086 square metres (636,00 square feet), but the proposed DC Direct Control District allows for 61,469 square metres (661,643 square feet) on Site 1.

Without specific and restrictive language being added to the proposed DC Direct Control District, Administration is not satisfied that the applicant has reduced the massing to minimize shadowing on Eau Claire Plaza. The additional development potential does not provide sufficient benefits to the Eau Claire community, or to The City, that would mitigate the impact on the plaza.

**7. Explore the relocation of the Historic Smokestack**

The Applicant has provided an analysis supporting the relocation of the smokestack, including a conceptual plan for the new location and a feasibility study by a heritage consultant for moving the smokestack.

The Applicant's justification for relocating the smokestack it would allow for an area of prime retail and restaurant space and allow for an additional 60 parking stalls. The Applicant indicates

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that based on their estimations, the preliminary calculated additional revenue for Eau Claire Market, over a 10 year period, (capped at 5.5 percent) would potentially be \$17 million.

The applicant has proposed to move the Eau Claire Smokestack in one piece using a specialist contractor in historic dismantling, relocation, and restoration work.

The applicant has indicated that there is an opportunity to provide evidence of the culture, people, and information about technological practices and aesthetic principles next to the smokestack in addition to providing a public space around the structure.

The Applicant has offered a financial contribution towards heritage conservation, specifically the restoration of the 1886 Café as part of the package associated with relocating the smokestack.

Administration's Analysis

Administration considers that historic buildings are a finite resource and an irreplaceable asset and the Standards and Guidelines for the Conservation of Historic Places in Canada provides a general presumption in favour of their preservation. While a heritage designation should not be seen as a bar to all future change, an applicant must be able to justify their proposal, clearly demonstrating why the works are desirable or necessary.

The applicant was aware of the limitations that the Eau Claire Smokestack would create when the site was purchased. Administration is not satisfied that the applicant has justified their proposal and sees no planning or heritage merit to remove or amend the current Municipal Heritage Designation for the Eau Claire Smokestack in order to move it to another location.

Notwithstanding that Administration cannot and does not support the principle of relocating the Eau Claire Smokestack, should CPC recommend that Council consider de-designating or amending the Bylaw, Administration would recommend that issues, including timing, operational details, the interpretive display, the details of the public space, the financial contribution and a performance bond, should be secured through the Development Permit application associated with Site 1.

It should also be noted that contrary to the information in the Applicant's submission, the Applicant has not provided a letter of credit to secure performance of the relocation in Phase 1, but has agreed to the principle of doing so.

**LAND USE DISTRICTS**

The site currently resides under DC Direct Control District 20Z2008, the purpose of which is to provide for a primarily residential, medium to high density, comprehensively planned, mixed use development. This also allows for modest, innovative office space to assist in the animation of the site throughout the day.

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The applicant states that the proposed DC Direct Control District seeks to provide a primarily residential and commercial development, with a mix of residential, commercial, office and cultural uses.

The proposed DC Direct Control District would allow for 61,320 square metres (660,043 square feet) of office use on Site 1.

The direction of CPC included the requirement to revise the submitted DC Direct Control District. The Applicant has made the following revisions:

- The rule relating to the shadowing of the Eau Claire Plaza allows for 170 feet of shadow from the southern boundary rather than the 210 feet previously sought;
- The rule relating to the size of building floor plates for residential uses increases to 1600 square metres from the previous 1400 square metres;
- The rule relating to incentive density initiatives has been extended to incorporate Transit enhancements;
- The minimum floor area for each of the two towers containing residential uses on Site 1 increases to 1.75 FAR (25,550square metres) from the previous 1.5 FAR(21,900 square metres); and
- The maximum floor area ratio for the office use on Site 1 is reduced from 4.3 FAR (62,780 square metres) to 4.2 FAR (61,320 square metres)

## **LEGISLATION & POLICY**

The Municipal Development Plan (MDP) acknowledges the Centre City as the pre-eminent mixed-use area, made up of diverse and unique 'neighbourhoods'. The land use policies identify developing high density residential and support services, encouraging a greater mix of cultural, recreational and leisure activities, providing high quality pedestrian connections within the Centre City and preserving existing public lands in the Centre City for civic and cultural facilities, such as parks and any other creative venues that will enliven it as a destination for residents, employees and visitors.

The Eau Claire Area Redevelopment Plan (ARP) provides a detailed area context that allows planning decisions to take account of local concerns. The ARP acknowledged that the E1 lands were designated as primarily residential with a mix of commercial and 'non-traditional' office and the densities in the E1 and E2 lands were sufficient to accommodate a range of needs in addition to protect the Eau Claire Plaza.

The Centre City Plan envisioned Eau Claire as a primarily residential neighbourhood along the Bow River. It recognizes that although evolving as a very livable neighbourhood, this is challenged by an increased desire by the industry to develop Downtown scale commercial/office developments. The Centre City Plan therefore seeks to reinforce the vision of the Eau Claire ARP and provide a sensitive integrated transition between the Downtown and the Eau Claire Community along 3 Avenue SW and 4 Avenue SW.

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Administration's Analysis

The E1 lands are not located within the area identified by The City for increased office uses and are not intended for traditional high density office development under the ARP. The downtown still has significant capacity to accommodate traditional, high density office development, while prime residential sites are more limited, particularly in the Eau Claire area.

The ARP amendment, made in 2008 in association with the existing DC Direct Control District sought to provide a level of protection for the public use of the Eau Claire Plaza, whilst recognizing the constraints this would impose. Administration considers that the applicant has not provided a justified planning rationale for the proposed amendments to the Eau Claire ARP.

**TRANSPORTATION NETWORKS**

A Transportation Impact Assessment (TIA) was provided based on the development of residential, hotel, office, retail, supermarket, cinema and restaurant uses. A concept design was modelled that generated 343 primary trips during the morning peak period and 351 during the afternoon peak. This modelling also generated an expected 1,945 pedestrian movements during the morning peak and 1,592 during the afternoon peak.

Since the TIA is not based on the submitted Land Use Amendment, but instead on assumptions for a development based on a concept plan that has since been revised, actual trip generation could only be clarified at the Development Permit stage.

**UTILITIES & SERVICING**

Public water, sanitary and storm deep main utilities exist within the adjacent public right-of-way. Ultimate development servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) circulation stage(s); to the satisfaction of Water Resources. If applicable, the Developer would be required to pay for any necessary upgrades.

**ENVIRONMENTAL ISSUES**

Environmental Site assessment reports were submitted in connection with LOC2006-0153 which identified soil and groundwater impacts. These would require a Remedial Action Plan and Risk Management Plan at the Development Permit stage.

The subject site lands currently reside within the "Flood Fringe" flood risk area as per current Council approved flood maps.

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**ENVIRONMENTAL SUSTAINABILITY**

Not applicable in connection with the Land Use amendment.

**GROWTH MANAGEMENT**

There are no Growth Management issues identified for the Eau Claire ARP area, which includes the subject site.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Eau Claire Community Association (ECCA) objects to the Land Use application and to the revisions made following the 2015 May 21 Calgary Planning Commission (CPC). The ECCA letter is attached at SUPPLEMENTARY APPENDIX IV

In their letter dated 2015 July 22, subsequent to a meeting with Harvard, they state:

- The architectural drawings look great.
- The three residential towers plus the hotel are a welcome addition to the area.
- The proposed grocery store and keeping of the cinema is good.
- The hope for a vitalization of 2 Avenue SW is most welcome.
- We support the +15 Skywalk connections to a redeveloped Market as we believe this would enhance the economic viability of the project.

Administration acknowledges these comments from ECCA, however it should be noted that:

- The architectural drawings (renderings) are not part of the submitted Land Use application or ARP Amendments, and Administration cannot guarantee this design based on the submitted applications.
- The DC Direct Control District does not contain rules to provide for three residential towers and a hotel and Administration cannot guarantee this based on the submitted applications.
- The proposed DC Direct Control District does not contain rules to ensure the provision of a grocery store or the cinema and Administration cannot guarantee these uses are included based on the submitted applications.
- Both the existing and proposed DC Direct Control District seek to provide street orientated buildings at grade. The proposed DC Direct Control District provides for nothing additional that would ensure the vitality of 2 Avenue SW

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- The site is located outside of the +15 Skywalk boundary. The proposed DC Direct Control District does not contain any rules relating to connections to the +15 Skywalk and the applicant is not seeking to include positive wording within the ARP Amendments.

In response to the comments made by CPC on the revisions submitted by Harvard, the ECCA objects to:

- a stand-alone traditional office tower;
- a Development Permit being submitted after first reading at Council for the Land Use application and the proposed ARP Amendments;
- a concurrent Development Permit application not including Phases 2 and 3; and
- any relaxation of the sunlight protection for Eau Claire Plaza.

Administration's Analysis

Administration is satisfied that the mixed use office tower concept sought by the ECCA is both feasible and viable in principle. However, Administration remains concerned at the expansion of office development into what was intended as a primarily residential neighbourhood and the impact of the massing of any type of building on the Eau Claire Plaza.

Administration shares ECCA's concerns regarding the concurrent DP application.

Administration considers that with a concurrent DP application for Phase 1 and additional, improved information for the other phases, could provide an opportunity to put rules into a proposed DC Direct Control District that would help mitigate the ECCA's concerns.

Administration shares ECCA's concerns regarding sunlight protection for Eau Claire Plaza based on the Land Use application and ARP amendments submitted.

**Citizen Comments**

No comments received by CPC Report submission date.

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**SUPPLEMENTARY APPENDIX I**

**APPLICANT'S SUBMISSION**



Hill Centre I | 2000 - 1874 Scarth Street | Regina, SK Canada S4P 4B3  
T 306.777.0600 F 306.522.4571 | hillcompanies.com

July 16, 2015

Rollin Stanley  
General Manager, Planning, Development and Assessment  
City of Calgary  
Development & Building Approvals  
Corporate Planning Applications Group  
PB Box 2100, Postal Station M  
Calgary, Alberta T2P 2M5

**Re: Response to CPC May 21, 2015 Meeting Items in respect of  
Land Use Redesignation Application LOC 2014-0054**

Dear Rollin,

Thank you for your letter of June 26, 2015. At the May 21, 2015 CPC meeting, our Redesignation Application for the Redevelopment of Eau Claire Market was tabled pending further review of the Eau Claire Area Redevelopment Plan (ARP) and proposed Direct Control (DC) District Bylaw to address the following points:

1. Bring back development permit(s) concurrent with the land use re-designation application and the Area Redevelopment Plan (ARP) revisions.
2. Explore the integration of Transit into the project.
3. Explore a Transit related density bonus for office in excess of the current Land Use Bylaw IP2007.
4. Determine the future of the +15 component.
5. Require no less than the amount of residential GFA as per the current Land Use Bylaw.
6. Reduce the massing to minimize shadowing on Eau Claire Plaza.
7. Explore the relocation of the Historic Smokestack.

We would like to take this opportunity to respond to each of these points.

1. **Bring back development permit(s) concurrent with the land use re-designation application and the Area Redevelopment Plan (ARP) revisions.**

Applicant's Response: We would be pleased to process a DP application for Phase I concurrent with the Redesignation Application and ARP amendments.



R. Mounty

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We would, however, request that the Redesignation Application and ARP amendments proceed to Council for first reading in advance of the submission of our Phase I DP application to CPC. Our Phase I DP application would be submitted prior to March 24, 2016, and proceed through to CPC prior to second and third reading by Council. This process, as originally suggested by Administration, provides the City certainty for Phase 1 and provides our team the opportunity to obtain feedback from Council prior to expending significant resources in detailed design development required for a DP application. The proposed process should also produce a more appropriate DP application submission in response to comments from Administration, CPC and City Council.

**2. Explore the integration of transit into the project.**

Applicant's Response: It is desirable to provide direct pedestrian access from the Eau Claire market to the LRT station. We would be pleased to explore integration of the project and the City's selected 2<sup>nd</sup> Street transit alignment to ensure the potential benefits for both projects are realized.

**3. Explore a Transit related density bonus for office in excess of the current and Use Bylaw IP2007.**

Applicant's Response: We propose that the Transit Enhancements, such as those provided as a bonus initiative in the CR20 District, be tailored and incorporated into the DC Bylaw. We have revised section 27 of the proposed DC Bylaw to incorporate Transit Enhancements as another example of a bonus density option.

See the following attached document(s) for additional information:

*Revised Draft DC Bylaw, Section 27*

**4. Determine the future of the +15 component.**

Applicant's Response: We have provided a comprehensive conceptual strategy supporting connection of the Eau Claire Market project to the +15 system. That analysis by Bunt & Associates includes an assessment of pedestrian flows at the +15 level and at grade, active street frontages, and potential connection points. The design will be further refined and impacts of proposed +15 connections can be reviewed more completely by all participants as part of the DP process.

In order to allow for future +15 connections, we propose the language prohibiting +15 connections on E1 lands be removed from the ARP.

**5. Require no less than the amount of residential gross floor area (GFA) as per the current Land Use Bylaw.**

Applicant's response: We have increased the amount of residential GFA in the proposed development to meet the amount envisioned in the current DC Bylaw (DC 2008Z20).

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The current DC Bylaw does not define a minimum residential GFA. The redesignation application that accompanied that DC Bylaw included a maximum GFA of 1,089,000 sf of residential and hotel uses at

completion of all phases. The Phase I DP approved in conjunction with that DC Bylaw included a commitment to build 550,343 sf of residential and hotel uses. We have used these two measures to compare our current proposal as against that from 2008.

We have revised the massing to provide a maximum GFA of 1,097,000 sf of residential and hotel uses at completion of all phases. Initial development permit(s) include Towers 1 and 2, which towers and related podium combine for a potential GFA of 689,000 sf of residential and hotel uses in Phase I. This change to the proposed development allows for 138,000 sf more in Phase I than the initial commitment approved in 2008.

See the following attached documents for additional information:

*10.4S Supplemental Section Density, Massing and Access to Sunlight  
Revised Draft DC Bylaw*

**6. Reduce the massing to minimize shadowing on Eau Claire Plaza.**

Applicant's Response: We have decreased the massing of Tower 3 of the proposed development to significantly reduce the impact of shadows on Eau Claire Plaza.

The massing of Tower 3 has been reduced by 63,000 sf. This revised massing reduces morning shadows on Eau Claire Plaza from the previous March 2015 proposed development on September 21 by 40 feet, so they encroach no further northward than those shadows currently cast by the Sheraton Eau Claire. This revision is a 27% reduction from the previously requested shadowing relaxation.

The enclosed material provides updated shadow studies and analysis of the shadowing impact on Eau Claire Plaza further to these points.

See the following attached documents for additional information:

*10.4S Supplemental Section Density, Massing and Access to Sunlight  
Revised Draft DC Bylaw*

**CPC Item 7: Explore the relocation of the Historic Smokestack.**

Applicant's response: We provided a comprehensive analysis supporting the relocation of the smokestack to private property directly adjacent to Eau Claire Plaza. Supporting materials include a conceptual plan at the new location, and a feasibility study of moving the smokestack by a consultant with experience moving and restoring historic structures. We have also provided a letter of credit to secure performance of the relocation in Phase I.

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Design of the new location will include aesthetic and interpretive plans and imagery for the City's input during the DP process.

Sincerely,

**HARVARD DEVELOPMENTS INC.**

Rosanne Hill Blaisdell  
Vice President, Leasing, Harvard Developments  
Managing Director, Harvard Buildings Inc

cc: Russ Mouny, Thom Mahler, Scott Deederly, City of Calgary  
Councillor Druh Farrell

Enclosures: 10.4S Supplemental Section Density, Massing and Access to Sunlight, Revised Draft DC Bylaw

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APPLICANT'S SUBMISSION



*Figure 1: Eau Claire Market Redevelopment from Eau Claire Plaza*

OVERVIEW AND RESPONSE TO CPC

This submission for Land Use Redesignation is intended to replace the existing Direct Control district with a new Direct Control Bylaw to create a more dynamic mixed use precinct. The vision for the redevelopment of the Eau Claire Market site is iconic, vibrant, populated and diverse, incorporating residential, retail, hotel, office and entertainment uses. With its proximity to the Bow River, Prince's Island and the river pathway system, this proposed primarily residential development will animate the neighbourhood and the Plaza, engaging people at all times of the day. Working with adjacent community stakeholders and a number of city departments, we are confident that this project will meet the Centre City Vision, and the goals of the Eau Claire Area Redevelopment Plan. This proposed development will become a unique and lively gathering place in the heart of the Eau Claire neighbourhood.

At the May 21, 2015 CPC meeting, our Redesignation Application for the Redevelopment of Eau Claire Market was tabled pending further review of the Eau Claire Area Redevelopment Plan (ARP) and proposed Direct Control (DC) District Bylaw to address the following points:

1. Bring back development permit(s) concurrent with the land use re-designation application and the Area Redevelopment Plan (ARP) revisions.
2. Explore the integration of Transit into the project.
3. Explore a Transit related density bonus for office in excess of the current Land Use Bylaw IP2007.
4. Determine the future of the +15 component.
5. Require no less than the amount of residential GFA as per the current Land Use Bylaw.

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6. Reduce the massing to minimize shadowing on Eau Claire Plaza.
7. Explore the relocation of the Historic Smokestack.

We would like to take this opportunity to respond to each of these points:

**1. Bring back development permits concurrent with the land use re-designation application and the Area Redevelopment Plan (ARP) revisions.**

In order to provide certainty around the quality of development, we would be pleased to process a DP application for Phase I concurrent with the Redesignation Application and ARP amendments.

We would, however, request that the Redesignation Application and ARP amendments proceed to Council for first reading in advance of the submission of our Phase I DP application to CPC. Our Phase I DP application would be submitted prior to March 24, 2016, and proceed through to CPC prior to second and third reading by Council. This process, as originally suggested by Administration, provides the City certainty for Phase 1 and provides our team the opportunity to obtain feedback from Council prior to expending significant resources in detailed design development required for a DP application. The proposed process should also produce a more appropriate DP application submission in response to comments from Administration, CPC and City Council.



Figure 2: Site Plan

**2. Explore the integration of Transit into the project**

It is desirable to provide direct pedestrian access from the Eau Claire market to the LRT station. We would be pleased to explore integration of the project and the City's selected 2nd Street transit alignment to ensure the potential benefits for both projects are realized.

**3. Explore a Transit related density bonus for office in excess of the current Land Use Bylaw.**

We propose that the Transit Enhancements, such as those provided as a bonus initiative in the CR20 District, be tailored and incorporated into the DC Bylaw. We have revised section 27 of the proposed DC Bylaw to incorporate Transit Enhancements as another example of a bonus density option.

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*Figure 3: Conceptual +15 Bridge*

#### **4. Determine the future of the +15 Component**

The proposed +15 connections are additional year round pedestrian links to the existing pedestrian system in the community. Connecting hotel guests, business travelers, and office workers to the downtown core via the +15 system will be key to the success of a mixed-use tower with office uses and hotel in downtown. The proposed Eau Claire Redevelopment enhances pedestrian activity by:

- Creating active street retail frontages at grade.
- Strengthening pedestrian connections to the +15 network.
- Providing access to the plaza and the river.
- Providing a memorable terminus to the +15 network.

The LUR application includes an assessment of pedestrian flows at the +15 level and at grade, active street frontages, and potential connection points. Each +15 bridge will be carefully designed to appear light and unobtrusive, with minimal structure and clear glass to preserve significant view corridors. The design will be further refined and impacts of proposed +15 connections can be reviewed more completely by all participants as part of the DP process.

In order to allow for future +15 connections, we propose the language prohibiting +15 connections on E1 lands be removed from the ARP.

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**5. Require no less than the amount of residential gross floor area (GFA) as per the current Land Use Bylaw**

We have increased the amount of residential GFA in the proposed development to meet the amount envisioned in the current DC Bylaw (DC 2008Z20).

The current DC Bylaw does not define a minimum residential GFA. The redesignation application that accompanied that DC Bylaw included a maximum GFA of 1,089,000 sf of residential and hotel uses at completion of all phases. The Phase I DP approved in conjunction with that DC Bylaw included a commitment to build 550,343 sf of residential and hotel uses. We have used these two measures to compare our current proposal as against that from 2008.

We have revised the massing to provide a maximum GFA of 1,097,000 sf of residential and hotel uses at completion of all phases. The initial development permit will include Towers 1 and 2, which towers and related podium combine for a potential GFA of 689,000 sf of residential and hotel uses in Phase I. This change to the proposed development allows for 138,000 sf more in Phase I than the initial commitment approved in 2008.

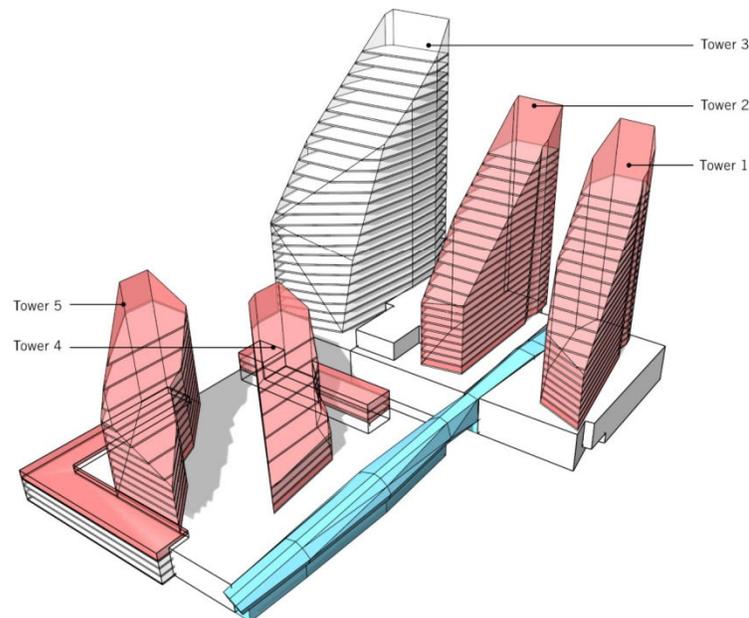


Figure 4: 2015 Proposed Development with Revised Residential Massing

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**6. Reduce the massing to minimize shadowing on Eau Claire Plaza.**

We have reduced massing of the Tower 3 of the proposed development by 63,000 sf to significantly reduce the impact of shadows on Eau Claire Plaza. This revised massing reduces morning shadows on Eau Claire Plaza from the previous March 2015 proposed development on September 21 by 40 feet, so they encroach no further northward than those shadows currently cast by the Sheraton. This revision is a 27% reduction from the previously requested shadowing relaxation. Photos and shadow studies show the existing shadowing of Eau Claire Plaza, shadows from March 2015's Previous Development massing, and the Current Proposed Massing

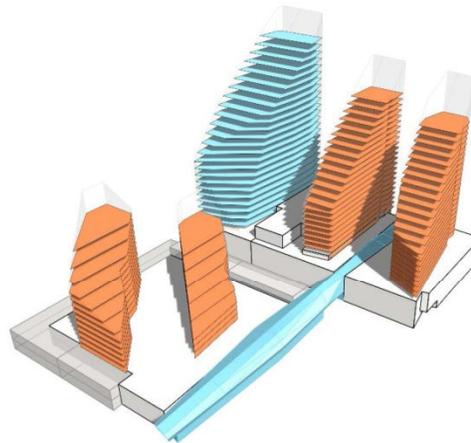


Figure 5: July 2015 Proposed Massing with Revised Tower 3 in Blue

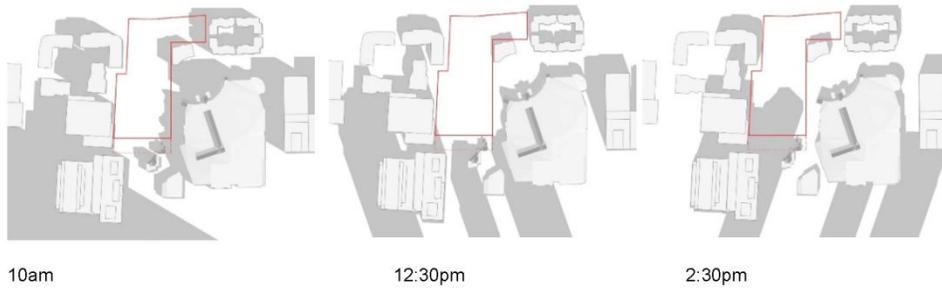


Figure 6: Photos of Eau Claire Plaza on September 21 at 10am

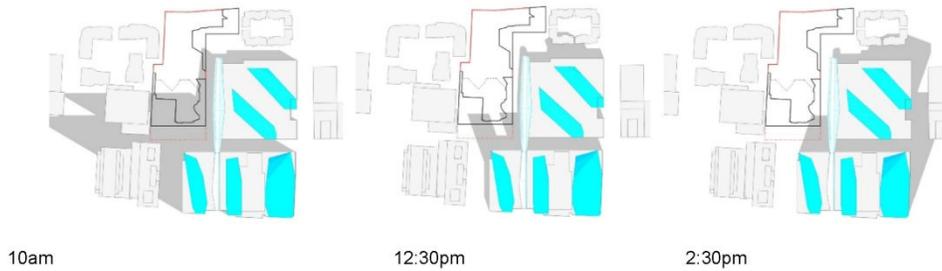
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Existing Context



March 2015 Previous Development



July 2015 Proposed Development

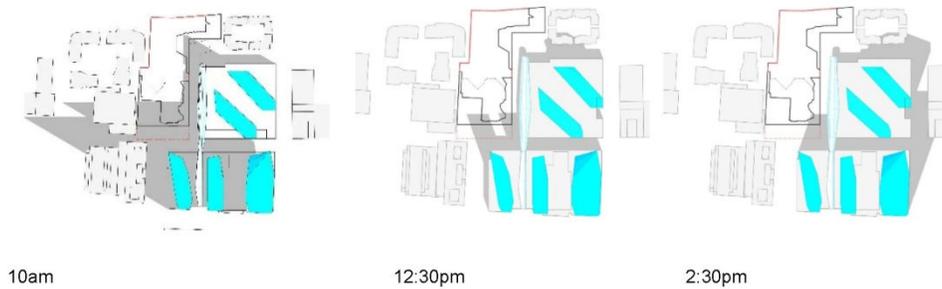


Figure 7: Shadow Studies on September 21

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**7. Explore the relocation of the Historic Smokestack**

A comprehensive proposal has been designed to address the heritage designation of the Eau Claire Smokestack. After reviewing several options and potential locations, the Smokestack is proposed to be re-located to the north about 150 meters, adjacent to Eau Claire Plaza. This new location permits the Smokestack to be relocated at the Owner's cost, in a single piece by a contractor with experience moving and restoring historic structures. We have also provided a letter of credit to secure performance of the relocation in Phase I.

The new location will include public, educational space surrounding the Smokestack at its proposed new location. Design material of the aesthetic and interpretive plans and imagery for the City's input during the DP process.

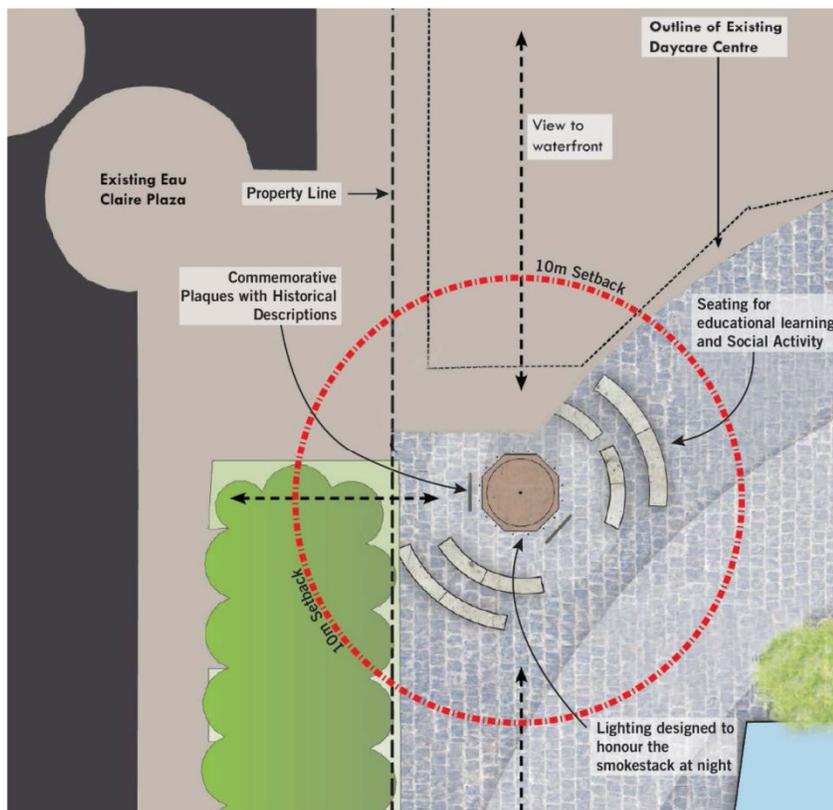


Figure 8: Conceptual Plan of Relocated Smokestack

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Having responded to CPC's key points, we would like to point to the positive ways in which this project responds to the ARP and ongoing outreach within the community.



*Figure 9: Eau Claire Redevelopment from the Bow River*

**A PRIMARILY RESIDENTIAL MIXED USE DEVELOPMENT WITH OFFICE**

In keeping with the Eau Claire Area Redevelopment Plan, the proposed redevelopment of Eau Claire Market is a primarily residential mixed use development targeting approximately 1,000 new homes. The overall proposed development provides 1,097,500 GFA of residential and hotel uses, 8,500 sf more than the current Land Use bylaw for this site. The proposed development includes 3 residential towers, a residential/hotel tower, 1 mixed-use tower with primarily office uses and a mixed-use podium over the entire site. This mixed-use strategy promotes diversity and vitality 24 hours a day, 7 days a week, allowing residents to live, work and play in a complete and livable neighbourhood. Office uses in a mixed use project provide daytime patrons critical to year-round economic viability for the retail and commercial uses that create the vibrancy along the city streets and plaza and that serves all Eau Claire residents.

The Southeast corner of the Eau Claire Market site is surrounded on all three adjacent corners by higher density existing and approved office development. Placing a primarily office use development on this corner allows for synergies with the surrounding buildings. As part of a mixed-use building, traditional office uses would be restricted to the Southeast portion of the site.

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The maximum FAR for office use, before bonusing, allows for the same area of office development as currently allowed. The proposed DC Bylaw allows increased density of office uses, up to 653,000 GFA, through a contribution to the Eau Claire Plaza Revitalization Fund or Transit Enhancements. Using the City's incentive rate 1, the contribution provided to achieve the proposed development is a significant direct investment in the revitalization of the Eau Claire neighbourhood's central civic space or transit improvements.

This proposed development has a greater cumulative density of residential uses than office uses or commercial uses for both sites. The proposed Direct Control bylaw requires that the residential density of each site be built first or simultaneously with other uses, helping to ensure the Eau Claire Area Redevelopment Plan's residential density goals are met.

The proposed development has been envisioned in response to the following Eau Claire ARP Goals:

*5.2.1 To encourage the redevelopment of the Eau Claire area as a primarily residential neighbourhood, with commercial uses concentrated close to the downtown commercial core and the Barclay Mall.*

*5.2.2 To establish a development pattern that creates a strong sense of neighbourhood identity and character.*

*5.2.4 To create an overall built form which responds to its unique location between the downtown commercial core and the Bow River, and adjoining Prince's Island.*

*6.0B.1.2 Since the Eau Claire Market was built in 1993, it has become a special site for the Eau Claire community, the Centre City and Calgary. Although the success of the Market itself and its integration with the community has not been fully realized, the components of achieving that success are better understood. Innovative approaches to developing the site and buildings with a mix of uses to enhance "vitality" and "livability" and the evolution of the Eau Claire community as a primarily residential community have provided the opportunity to revitalize this are of the community with a new vision that better meets the policies within the ARP. A new generalized land use of a mixed-use precinct for the Eau Claire Market site provides an opportunity to implement new policies that will achieve more livable and vibrant redevelopment.*

*6.0B.4.1 To facilitate primarily residential mixed-use buildings that will provide an increase of approximately 1000 residential units and contribute towards a residential population of approximately 5000 people for Eau Claire.*

#### **RESPONDING TO THE COMMUNITY**

Prior to submitting the Land Use Application, Harvard Developments Inc. had extensively and actively engaged the community's stakeholders, working with them to address their concerns, including ensuring the proposed development is a primarily residential addition to the neighbourhood. We continue to hear their support for many provisions of the proposed land use redesignation. The first open house to the public was held in Nov. 2013 with about 500 people attending. A summary of public consultation to date has been submitted along with a plan for ongoing engagement throughout the Land Use and Development Permit process for the project.

After the submission, another open house was held in conjunction with The City's Planning Department on May 5, 2015 to solicit input on the development and the requested amendments

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to the ARP. Community support and concerns were documented, have been submitted to the City and are summarized as follows:

- Overall support for moving the smokestack.
- Overall support for connection to the +15 system, to be considered at a Development Permit phase.
- Overall support for office use, additional density. Some comments suggested that a residential component should be included in the mixed-use tower with mainly office uses.
- General indifference about the minimal amount of sun shadow relaxation requested to accommodate additional residential and mixed use density.
- Some concerns about traffic and parking impacts of the new development were expressed.

Harvard continues to work with the City's transportation department. The proposed parking plan meets the current bylaw and is in keeping with the City Centre's parking policy. A full traffic impact assessment has been submitted in the land use application.

**CONCLUSIONS:**

Eau Claire Market has been a property of unmet potential for many years and yet Calgarians and visitors to our City continue to want to spend time there. The site is host to over 150 public events and celebrations every year. The time is now to transform and enhance this unique and special place in the heart of the neighbourhood. Harvard Developments Inc. respectfully requests your support of this application.



**SUPPLEMENTARY APPENDIX II**

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

- (a) Delete the existing Figure 4 entitled “Major Building Locations” and replace with the revised Figure 4 entitled “Major Building Locations”
- (b) In Section 2.8, at the beginning of the second sentence, insert “In 2015”.
- (c) 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”
- (d) In Section 6.1.4, in the third sentence, delete the words “31,850 square metres (342,842 square feet)” and replace with the following:  
“range of 31,850 to 33,445 square metres (342,842 to 360,000 square feet).”
- (e) In Section 6.0B.4.1, after the first sentence, insert the following:  
“Where existing residential developments are adjacent to proposed new development, a residential-to-residential interface will also be considered as an appropriate/active edge.”
- (f) In Section 6.0B.4.7, delete the text and replace with the following:  
“To support office typologies provided they are appropriately designed for their context. Metrics of evaluation for office typologies may include, but are not limited to: Height, massing, scale, shadow, privacy, proximity to surrounding uses and other such factors as deemed appropriate by the approving authority. Such office space shall only be supported for this precinct when designed:
- As part of a mixed-use development that includes residential, commercial and retail uses that contribute to the vitality of the area and provide for comprehensive community amenities;
  - With a maximum cumulative gross floor area of 59,086 square metres (636,000 square feet); and
  - With a maximum at-grade office lobby frontage of 30 metres along each facade of a lobby.

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Such office space in a tower form shall only be supported for this precinct when:

- designed to be appropriately scaled;
- Located adjacent to any existing office development or parcels allowing future office development pedestrian podium; and
- Located above grade in any building form.”

(g) In Section 6.0B.4.9, delete text in its entirety.

(h) In Section Policy 9.3.9, delete text in its entirety.

(i) In Section 11.4.6(d), delete the text and replace with the following:

“the area of the Eau Claire Plaza:

- a. north of a line drawn parallel and 120 feet north of the 1 Ave. S. right-of-way and west of a line drawn 45 feet from the east boundary of the Plaza, from 10:00 am to 4:00pm, MDT on September 21;
- b. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way from 12:30 pm to 4:00 pm, MDT on September 21; and
- c. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way and west of a line drawn parallel to and limited to 50 feet from the east boundary of the Plaza from 2:30 pm to 4:00 pm, MDT on September 21.”

(j) In Section 12.4.3, delete the text and replace with the following:

“In order to reinforce a vibrant public realm for residents of Eau Claire and users of Eau Claire Plaza and surrounding amenities as well as preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre along 2 Avenue SW, at grade pedestrian linkages will be prioritized.”

(k) In Section 13.2, add in the following at (b) and renumber accordingly:

“An LRT station is planned in the vicinity of 2 Street SW. It is desirable to provide direct pedestrian access from the Eau Claire Area to the LRT station. With the first Development Permit applications, the developer of the E1 lands will be required to enter into a Development Agreement to finance a portion of the LRT Station/pedestrian connection, subject to the approval of the General Manager of Transportation.”

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SUPPLEMENTARY APPENDIX III

PROPOSED DC DIRECT CONTROL DISTRICT GUIDELINES

**Eau Claire Market Site**

**Purpose**

- 1 This Direct Control District is intended to provide:
- (a) a primarily residential and commercial **development** to meet the needs of the workers, visitors and local and regional users, and in recognition of the site as a destination for retail **uses** where flexible and creative **development** encourages an exciting and energetic environment;
  - (b) a mix of residential, commercial, **office** and cultural **uses**;
  - (c) intensive **development** where intensity is measured by **floor area ratio**; and
  - (d) a **building** form that is street oriented at **grade**.

**Compliance with Bylaw 1P2007**

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

**Reference to Bylaw 1P2007**

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

**General Definitions**

- 4 In this Direct Control District:
- (a) "**residential use**" means one or more of the following **uses**:
    - (i) **Assisted Living**;
    - (ii) **Dwelling Unit**;
    - (iii) **Hotel**;
    - (iv) **Live Work Unit**;
    - (v) **Multi-Residential Development**; and
    - (vi) **Townhouse**.

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- (b) “**commercial uses**” means all of the **discretionary uses** in this Direct Control District other than:
- (i) **Residential Uses;**
  - (ii) **Child Care Service;**
  - (iii) **Community Entrance Feature;**
  - (iv) **Community Recreation Facility;**
  - (v) **Home Occupation – Class 2;**
  - (vi) **Indoor Recreation Facility;**
  - (vii) **Library;**
  - (viii) **Office;**
  - (ix) **Parking Lot – Grade;**
  - (x) **Parking Lot – Grade (Temporary);**
  - (xi) **Performing Arts Centre;**
  - (xii) **Power Generation Facility – Small;**
  - (xiii) **Residential Care;**
  - (xiv) **School Authority – School;**
  - (xv) **School Authority – Major;**
  - (xvi) **School Authority – Minor;**
  - (xvii) **Service Organization;**
  - (xviii) **Sign – Class C;**
  - (xix) **Sign – Class E;**
  - (xx) **Special Function – Class 2;**
  - (xxi) **Temporary Residential Sales Centre; and**
  - (xxii) **Utility Building.**

**Defined Uses**

**5** In this Direct Control District “**Temporary Marketing Centre**”:

- (a) 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 occur in a **unit**, which may be temporarily modified to accommodate the **use**, or in a temporary **building**;
- (b) must not operate for longer than 4 years;
- (c) does not require **motor vehicle parking stalls**; and
- (d) does not require **bicycle parking stalls – class 1 or class 2**.

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**Sites 1 and 2**

**Application**

**6** The provisions in sections 7 through 26 apply only to Site 1 and Site 2.

**Permitted Uses**

**7** The following *uses* are *permitted uses* in this Direct Control District:

- (a) **Accessory Residential Building;**
- (b) **Park;**
- (c) **Protective and Emergency Service; and**
- (d) **Sign – Class D.**

**Discretionary Uses**

**8** The following *uses* are *discretionary uses* in this Direct Control District:

- (a) **Accessory Food Service;**
- (b) **Accessory Liquor Service;**
- (c) **Artist's Studio;**
- (d) **Assisted Living;**
- (e) **Auction Market – Other Goods;**
- (f) **Catering Service – Minor;**
- (g) **Child Care Service;**
- (h) **Community Entrance Feature;**
- (i) **Community Recreation Facility;**
- (j) **Computer Games Facility;**
- (k) **Convenience Food Store;**
- (l) **Cultural Support;**
- (m) **Dinner Theatre;**
- (n) **Drinking Establishment – Medium;**
- (o) **Drinking Establishment – Small;**
- (p) **Dwelling Unit;**
- (q) **Financial Institution;**
- (r) **Fitness Centre;**
- (s) **Food Kiosk;**
- (t) **Health Services Laboratory – With Clients;**
- (u) **Home Occupation - Class 2;**
- (v) **Hotel;**
- (w) **Indoor Recreation Facility;**
- (x) **Instructional Facility;**
- (y) **Library;**
- (z) **Liquor Store;**
- (aa) **Live Work Unit;**
- (bb) **Market;**

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- (cc) **Market – Minor;**
- (dd) **Medical Clinic;**
- (ee) **Multi-Residential Development;**
- (ff) **Museum;**
- (gg) **Outdoor Café;**
- (hh) **Outdoor Recreation Area;**
- (ii) **Parking Lot – Grade;**
- (jj) **Parking Lot - Grade (Temporary);**
- (kk) **Performing Arts Centre;**
- (ll) **Pet Care Service;**
- (mm) **Place of Worship – Small;**
- (nn) **Post Secondary Learning Institution;**
- (oo) **Power Generation Facility – Small;**
- (pp) **Print Centre;**
- (qq) **Radio and Television Studio;**
- (rr) **Residential Care;**
- (ss) **Restaurant: Food Service Only – Large;**
- (tt) **Restaurant: Food Service Only – Medium;**
- (uu) **Restaurant: Food Service Only – Small;**
- (vv) **Restaurant: Licensed – Large;**
- (ww) **Restaurant: Licensed – Medium;**
- (xx) **Restaurant: Licensed – Small;**
- (yy) **Retail and Consumer Service;**
- (zz) **School – Private;**
- (aaa) **School Authority – School;**
- (bbb) **School Authority Purpose – Major;**
- (ccc) **School Authority Purpose – Minor;**
- (ddd) **Service Organization;**
- (eee) **Sign – Class C;**
- (fff) **Sign – Class E;**
- (ggg) **Special Function – Class 2;**
- (hhh) **Specialty Food Store;**
- (iii) **Supermarket;**
- (jjj) **Take Out Food Service;**
- (kkk) **Temporary Residential Sales Centre;**
- (lll) **Townhouse;**
- (mmm) **Utility Building; and**
- (nnn) **Veterinary Clinic.**

**General Landscaped Area Rules**

- 9 (1)** *Landscaped areas* must be provided in accordance with a landscape plan approved by the *Development Authority*.

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- (2) A landscape plan for the entire **development** must be submitted as part of each **development permit** application, where changes are proposed to the **building** or **parcel**, and must show at least the following:
  - (a) the existing and proposed topography;
  - (b) the existing vegetation and indicate whether it is to be retained or removed;
  - (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls**, **screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**; and
  - (d) the types, species, sizes and numbers of plant material and the types of **landscaped areas**.
- (3) The **landscaped areas** shown on the landscape plan, approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

**Planting Requirements**

- 10 (1) All plant materials must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association.
- (2) Deciduous trees must have a minimum **calliper** of 50 millimetres and at least 50.0 percent of the provided deciduous trees must have a minimum **calliper** of 75 millimetres at the time of planting.
- (3) Coniferous trees must have a minimum height of 2.0 metres.
- (4) Shrubs must be a minimum height or spread of 0.6 metres at the time of planting.
- (5) For **landscaped areas** with a **building** below, planting areas must have the following minimum soil depths:
  - (a) 1.2 metres for trees;
  - (b) 0.6 metres for shrubs; and
  - (c) 0.3 metres for all other planting areas.
- (6) The soil depths referenced in subsection (5) must cover an area equal to the mature spread of the planting material.

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**Low Water Irrigation System**

- 11 (1) When a **low water irrigation system** is provided, only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area.
- (2) When a **low water irrigation system** is provided, trees and shrubs that have similar water consumption requirements must be grouped together.

**Additional Landscaping Rules**

- 12 (1) Unless otherwise referenced, all areas of a **parcel**, except for those portions specifically required for motor vehicle access, **motor vehicle parking stalls**, **loading stalls**, garbage facilities or any purpose allowed by the **Development Authority**, must be a **landscaped area**.
- (2) Every **building** on a **parcel** must have at least one sidewalk connecting the **public entrance** to a public sidewalk, or in the case where there is no public sidewalk, to the nearest **street**.
- (3) Where a **building** contains more than one **use**, every **use** that has an exterior **public entrance** must either:
- (a) have a sidewalk connecting the **public entrance** to the sidewalk required by subsection (2); or
  - (b) have a sidewalk connecting that **public entrance** to a public sidewalk.
- (4) Where a sidewalk provided in satisfaction of this section, is next to a portion of a **building**, the sidewalk must extend along the entire length of that side of the **building**.
- (5) Every sidewalk provided must:
- (a) be a **hard surfaced landscaped area**;
  - (b) be a minimum width of 2.0 metres;
  - (c) have different surfacing than the surfacing of the parking areas on the **parcel**; and
  - (d) be raised above the surface of the parking area when located in a parking area.
- (6) Except for access ways from public thoroughfares, all adjoining City boulevards must be landscaped.

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**Residential Amenity Space**

- 13 (1) The required minimum **amenity space** is 5.0 square metres per **unit**.
- (2) **Amenity space** may be provided as **common amenity space**, **private amenity space** or a combination of both.
- (3) When the **private amenity space** provided is 5.0 square metres or less per **unit**, that specific area will be included to satisfy the **amenity space** requirement.
- (4) When the **private amenity space** exceeds 5.0 square metres per **unit**, only 5.0 square metres per **unit** may be included to satisfy the **amenity space** requirement.
- (5) **Private amenity space** must:
- (a) be in the form of a **balcony**, **deck** or **patio**; and
  - (b) where the **private amenity space** is a **deck** or **patio** have no minimum dimensions of less than 2.0 metres.
- (6) **Common amenity space**:
- (a) may be provided as **common amenity space – indoors** and as **common amenity space – outdoors**;
  - (b) must be accessible from all the **units**;
  - (c) must have a contiguous area of not less than 50.0 square metres with no dimension less than 6.0 metres; and
  - (d) may be located at or above **grade**.
- (7) A maximum of 50.0 percent of the required **amenity space** may be provided as **common amenity space – indoors**.
- (8) **Common amenity space – outdoors** must provide a **balcony**, **deck** or **patio** and at least one of the following as permanent features:
- (a) a barbeque; or
  - (b) seating.

**Garbage**

- 14 Garbage containers and waste material must be stored either:
- (a) inside a **building** that contains another approved **use**; or
  - (b) in a **screened** garbage container enclosure approved by the **Development Authority**.

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**Recycling Facilities**

15 Recycling facilities must be provided for every **building**.

**Mechanical Screening**

16 Mechanical systems or equipment that are located outside of a **building** must be **screened**.

**Visibility Setback**

17 **Buildings**, finished **grade** of a **parcel** and vegetation within a **corner visibility triangle** must not be located between 0.75 metres and 4.6 metres above the lowest elevation of the **street**.

**Sunlight Protection Areas**

18 (1) The following sunlight protection areas should 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 in shadow as the result of an existing or approved **development**:

- (a) Riverbank (not including the Riverbank Promenade and between 3 and 7 Streets SW): an area 20.0 metres wide abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m., MDT;
- (b) Riverbank Promenade (between 3 Street SW and Centre Street): an area 9.0 metres wide abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m., MDT;
- (c) Barclay (3 Street SW) Mall: the westerly 8.0 metres of the right-of-way and setback area of the Barclay Mall, from 12:30 p.m. to 1:30 p.m., MDT; and
- (d) Barclay (3 Street SW) Mall: the easterly 8.0 metres of the right-of-way and setback area of the Barclay Mall, from 1:30 p.m. to 2:30 p.m., MDT.

(2) The Eau Claire Plaza (the "Plaza") should not be placed in greater shadow by a **development** as measured on September 21, at the times, than were already in shadow as the result of an existing or approved **development** excepting:

- (a) south of a line drawn parallel to and 170 feet from the south boundary of the Plaza and east of a line drawn parallel to and 45 feet from the east boundary of the Plaza, at 10:00 a.m. to 4:00 p.m., MDT;
- (b) south of a line drawn parallel to and 110 feet from the south boundary of the Plaza at 12:30 p.m. to 4:00 p.m., MDT; and

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- (c) south of a line drawn parallel to and 110 feet from the south boundary of the Plaza and east of a line drawn parallel to and 50 feet from the east boundary of the Plaza, at 2:30 p.m. to 4:00 p.m., MDT.

**Location of Uses within Buildings and on Site**

- 19 (1) **Offices uses** must not be located on the ground floor of a **building**.
- (2) Approval of this Direct Control Bylaw does not constitute approval of a **development permit**. Comprehensive plans must be submitted to the Approving Authority as part of a **development permit** application. In considering such an application, the Approving Authority must ensure that the site layout and principles of building design conform with the concept plan available to City Council during its consideration of this Direct Control District Bylaw.

**Use Area**

- 20 (1) Unless otherwise referenced in this Section or in Sections 33 and 41, the maximum **use area** for **uses** located on the ground floor of a **building** is 1200.0 square metres.
- (2) The maximum **use area** of a **Financial Institution** when located on the ground floor of a **building** is 465.0 square metres of **public area**.

**Motor Vehicle Parking Stalls**

- 21 (1) For **Dwelling Units** or **Live Work Units**:
- (a) the minimum **motor vehicle parking stall** requirement is 0.5 stalls per **unit**;
- (b) the maximum number of **motor vehicle parking stalls** that may be provided is:
- (i) 1.0 stalls per **unit** where the **unit's gross floor area** is less than or equal to 125.0 square metres; and
- (ii) 2.0 stalls per **unit** where the **unit's gross floor area** is greater than 125.0 square metres; and
- (c) the **visitor parking stall** requirement is 0.1 stalls per **unit**.
- (2) For a **Hotel**, the minimum number of required **motor vehicle parking stalls** is 1.0 per 3.0 guest rooms.

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- (3) The following **uses** require a parking study to determine the required minimum number of **motor vehicle parking stalls**, **bicycle parking stalls – class 1** and **bicycle parking stalls – class 2**:
- (a) **Indoor Recreation Facility;**
  - (b) **Library;**
  - (c) **Museum;**
  - (d) **Performing Arts Centre;** and
  - (e) **Post-secondary Learning Institution.**
- (4) For **Office**, the minimum number of required **motor vehicle parking stalls** is 0.7 per 100.0 square metres of **gross useable floor area**, which must be provided:
- (a) 50 per cent as stalls; and
  - (b) 50 per cent as cash in lieu.
- (5) For all other **uses**, the minimum required **motor vehicle parking stalls** is the requirement referenced in Part 4 of Bylaw 1P2007.
- (6) Payments made under subsection (4) (b) must be in accordance with **Council's** policy and calculated at the rate per **motor vehicle parking stall** established by **Council** at the time the payment is made.

**Short Stay Parking Stalls**

**22** The number of **motor vehicle parking stalls** required in section 21 of this Direct Control Bylaw may be increased up to a total of 24.0 additional **motor vehicle parking stalls** to provide **parking area – short stay** stalls where such stalls are:

- (a) located in a portion of the **development** approved for use as a **parking area – short stay**;
- (b) included in a parking area which is operated as part of a **scramble parking** arrangement that is open to the public; and
- (c) prominently signed at the street level indicating the availability and conditions of use of such stalls.

**Use of Parking Areas**

**23** (1) All **uses** may share an entrance to areas of a parking structure.

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- (2) **Motor vehicle parking stalls and bicycle parking stalls** required for **uses** on Site 1 and Site 2 may be shared and supplied on any one Site or both Sites, but those such stalls required for **residential use** (except **Hotel**) must be physically separated from stalls for other **uses**.
- (3) Notwithstanding subsection (2), **motor vehicle parking stalls and bicycle parking stalls** required for **Office** use must be physically separated from stalls for **residential use** (except **Hotel**).

**Bicycle Parking Stall Requirements**

- 24
- (1) Unless otherwise referenced in this section, the minimum number of required **bicycle parking stalls – class 1** and **class 2** is the requirement referenced in Part 4 of Bylaw 1P2007.
  - (2) For an **Office**, the minimum number of required:
    - (a) **bicycle parking stalls - class 1** is 2.0 per 1000.0 square metres of **gross usable floor area**; and
    - (b) **bicycle parking stalls - class 2** is 2.0 per 1000.0 square metres of **gross usable floor area**.
  - (3) For a **Dwelling Unit** or **Live Work Unit**, the minimum number of **bicycle parking stalls – class 1** is 0.5 per **unit** for **developments** with greater than 20.0 **units**.
  - (4) Where **bicycle parking stalls – class 1** are required for an **Office** in a proposed **building**, the following amenities must be provided:
    - (a) lockers at a ratio of 1.0 per 4.0 **bicycle parking stalls – class 1**; and
    - (b) where a minimum of 25.0 **bicycle parking stalls – class 1** are required:
      - (i) private change rooms at a minimum of 0.4 square metres per required **bicycle parking stalls – class 1** or 20.0 square metres, whichever is greater;
      - (ii) showers at a minimum of 0.4 square metres per required **bicycle parking stalls – class 1** or 20.0 square metres, whichever is greater; and

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- (iii) an unobstructed area for bicycle maintenance which must:
- (A) be a minimum of 6.0 square metres; and
  - (B) have no minimum dimensions less than 2.0 metres.

**Location of Bicycle Parking Stalls**

**25** *Bicycle parking stalls – class 1* must be located at **grade** or within the first parking level directly below **grade**.

**Roof**

**26** The roof of any podium located below 30.0 metres above **grade** should be a **landscaped area**, and roof-top equipment should be screened.

**Site 1(±1.46 hectares, ± 3.62 acres)**

**Application**

**27** The provisions in sections 28 through 37 apply only to Site 1.

**Additional Discretionary Uses**

**28** The following **uses** are additional **discretionary uses** in this Direct Control District:

- (a) **Cinema**; and
- (b) **Office**

**Floor Area Ratio**

- 29**
- (1) The cumulative total maximum **floor area ratio** is 11.0.
  - (2) The minimum **floor area ratio** is 3.5 for **residential uses**.
  - (3) The minimum **floor area ratio** is 0.9 for **commercial uses**.
  - (4) Subject to subsection (5), the maximum **floor area ratio** is 1.9 for **Office use**.
  - (5) The maximum **floor area ratio** for **Office use** may be increased from the maximum **floor area ratio** listed in subsection (4), in accordance with the bonus incentives provisions contained in section 30.
  - (6) The cumulative **floor area ratio** for **residential use** must be greater than the cumulative **floor area ratio** for **Office use**.

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**Incentive Density Calculation Method**

- 30 (1) The **floor area ratio** in subsection 29(4) may be increased by up to an additional 2.3 through transit enhancements or a financial contribution to Eau Claire Plaza Revitalization Fund.
- (2) The amount of additional **gross floor area** achieved by providing the transit enhancements or financial contribution to the Eau Claire Plaza Revitalization Fund set out in subsection (1) is calculated by dividing the cost of the transit enhancements or contribution amount to the Eau Claire Plaza Revitalization Fund by the Incentive Rate 1 of Part 13 Division 3 of Bylaw 1 P2007 as established by Council, and amended from time to time.

**Additional Location of Use Rule for Site 1**

- 31 **Office uses** may only be located in a **building** located at the northwest corner of 2 Avenue and 2 Street SW.

**Maximum Height**

- 32 (1) The maximum height of the podium is 30.0 metres from **grade**.
- (2) The maximum height of any tower is 135.0 metres from **grade**.

**Additional Use Are Rule for Site 1**

- 33 For **Retail and Consumer Service, Supermarket**, or a **Supermarket** combined with any other **use**, there may be one such maximum **use area** of 3600.0 square metres and one such maximum **use area** of 2400.0 square metres on the ground floor of a **building**.

**Tower Separation Site 1**

- 34 Each floor of a **building** located partially or wholly above 30.0 metres above **grade** must provide a horizontal separation of 18.0 metres from each floor of any other **building** located partially or wholly above 30.0 metres above **grade**.

**Floor Plate Site 1**

- 35 (1) Each floor of a **building** located partially or wholly above 30.0 metres above **grade**, and containing **Assisted Living, Dwelling Units, Hotel suites, Live Work Units** or **Offices** has a maximum horizontal dimension of 85.0 metres.
- (2) Each floor of a **building** located partially or wholly above 30.0 metres above **grade**, and containing **Assisted Living, Dwelling Units, Hotel suites** or **Live Work Units** has a maximum **floor plate area** of 1600.0 square metres.
- (3) Each floor of a **building** located partially or wholly above 30.0 metres above **grade**, and containing primarily **Offices** has a maximum **floor plate area** of 3000.0 square metres.

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**Connections**

- 36 A vehicular connection extending Riverfront Avenue SW between 2 Street SW and 3 Street SW with sidewalks along its full length on both the north and south sides must be completed prior to the issuance of the first **development completion permit**.

**Phasing**

- 37 No **Office use** may be constructed above **grade** until the minimum **floor area ratio** of 3.5 for **residential uses** have been, or are simultaneously being, constructed.

**Site #2** ( $\pm 1.41$  hectares, 3.50 acres)

**Application**

- 38 The provisions in sections 39 through 45 apply only to Site 2.

**Floor Area Ratio**

- 39 (1) The cumulative maximum **floor area ratio** is 4.0.
- (2) The minimum **floor area ratio** is 1.75 for **residential uses**.
- (3) The cumulative **floor area ratio** for **residential use** must be greater than the cumulative **floor area ratio** for all other **uses**.

**Additional Location of Use Rule for Site 2**

- 40 **Restaurant: Licensed – Large** must not have its primary entrance fronting onto the northernmost boundary of Site 2.

**Additional Use Area Rule for Site 2**

- 41 For **Retail and Consumer Service, Supermarket**, or a **Supermarket** combined with any other **use**, there may be one such maximum **use area** of 3600.0 square metres and one such maximum **use area** of 2400.0 square metres on the ground floor of a **building**.

**Building Setbacks**

- 42 The **building setbacks** are:
- (a) 0.0 metres on 2 Street SW;
- (b) 11.0 metres from the west **property line** with Eau Claire Plaza; and
- (c) 20.0 metres from the north **property line**.

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**Maximum Height**

- 43 (1) The maximum height of the podium is 20.0 metres from **grade**.
- (2) The maximum height of any tower is 70.0 metres from **grade**.

**Tower Separation Site 2**

- 44 Each floor of a **building** located partially or wholly above 20.0 metres above **grade** must provide a horizontal separation of 18.0 metres from each floor of any other **building** located partially or wholly above 20.0 metres above **grade**.

**Floor Plate**

- 45 (1) Each floor of a **building** located partially or wholly above 20.0 metres above **grade**, and containing **Assisted Living, Dwelling Units, Hotel suites, Live Work Units** or **Offices** has a maximum horizontal dimension of 85.0 metres.
- (2) Each floor of a **building** located partially or wholly above 20.0 metres above **grade**, and containing **Assisted Living, Dwelling Units, Hotel suites** or **Live Work Units** has a maximum **floor plate area** of 1600.0 square metres.
- (3) Each floor of a **building** located partially or wholly above 20.0 metres above **grade**, and containing primarily **Offices** has a maximum **floor plate area** of 3000.0 square metres.

**Site #3** ( $\pm 0.083$  hectares, 0.21 acres)

**Application**

- 46 The provisions in sections 47 through 49 apply only to Site 3.

**Permitted Uses**

- 47 The **permitted uses** of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the addition of:
- (a) **Child Care Service**, where located within existing approved **buildings**.

**Discretionary Uses**

- 48 The **discretionary uses** of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
- (a) **Fitness Centre**;
- (b) **Restaurant: Licensed – Large**;
- (c) **Restaurant: Licensed – Small**; and
- (d) **Retail and Consumer Service**.

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**Development Guidelines**

- 49** Unless otherwise specified, the rules of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 apply in this Direct Control District.

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SUPPLEMENTARY APPENDIX IV

EAU CLAIRE COMMUNITY ASSOCIATION LETTER



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

info@eauclaireca.com  
www.eauclaireca.com

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ECCA Letter to CPC on DP2104-0054 – July 22, 2015

Attn. Russ Mouny Planning and Development, City of Calgary

ECCA has written two major letters to CPC documenting our comments on Land Use Amendment 2104-0054. Since our last submission Harvard has met with the CPC and have had follow up meetings with City Planners and one meeting with ECCA.

ECCA's current understanding is that CPC requested that Harvard respond to seven concerns.

Apply for a land use change concurrently with the DP for Phase1  
Explore the integration of Transit into the project  
Explore where a transit related bonus might go  
Determine the future of the plus 15s  
Demonstrate that the project has at least the same residential floor area as the prior project  
Reduce the massing to minimize shadowing of the Plaza  
Explore the proposed relocation of the Heritage Smokestack

We, ECCA, had meetings with City Planning and Harvard after that decision and we understand that Harvard has responded to those requests and will return to CPC in August.

Before we comment on what we understand those responses to be we would like to make some overall comments on the proposal.

The architectural drawings look great.  
The three residential towers plus the hotel tower are a welcome addition to the area.  
The proposed grocery store and keeping of the cinema is good.  
The hope for a vitalized 2<sup>nd</sup> ave. is most welcome.  
We support Plus 15 connections to a redeveloped Market as we believe this would enhance the economic viability of the project.

However we still have the following concerns.

The land is not, and has never been, licensed for a major office tower. ECCA is unanimously opposed to a stand alone significant traditional office tower as proposed by Harvard in their design. We also note that is not aligned with the ARP. ECCA has had numerous discussions with Harvard regarding a mixed use tower that would contain both residential and commercial space including traditional type corporate office space as a compromise. The example that we continually reference

R. Mouny

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in this regard is the approved Telus Sky development. To put this into context we include our letter of May 15, 2015 for your reference.

We understand that Harvard proposes to apply for only 1<sup>st</sup> reading of a land use change and to ask for 2<sup>nd</sup> and 3<sup>rd</sup> readings after submitting the DP for Phase 1.

The concept of approving the land use change without a DP is still a major hurdle for the community since we would not be allowed to communicate again with Council for readings 2 and 3 when a DP is available. Additionally, not requiring a concurrent DP for phases 2 and 3 allows for substantial changes to the overall plans for the site post land-use approval.

With respect to Transit we are only aware that most of the options for a North line connection to downtown involve 2<sup>nd</sup> Ave.

On the subject of residential floor area, it is of vital importance that Eau Claire becomes a viable residential community. Only then can a new commercial development be a thriving development. The last thing we want to see is a new Market built only to decline into something like the current facility.

We are opposed to a relaxation of the sun shadow guidelines. We refer you back to 2008 when Harvard submitted their last development plan and at that time the sun shadow guideline was relaxed. The relaxation remains even though the development was never built – and now we are asked for another relaxation without even the submission of a Development Permit.

Opinions on moving the smokestack are mixed on the ECCA board. Some believe that the structure should be where it was when in use, and others are ambivalent. We leave any decision on this up to the Heritage Review Board.

Yours truly,

Roger Brundrit  
Chair – Planning Committee

Paul Denaeghel  
Planning Committee

CC. Councilor Ward 7 (by email)  
Downtown Business Association – Maggie Schofield (by email)  
Harvard Property Development – Roseanne Hill Blaisdell (by email)

Attached ECCA Letter of May 15

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May 15, 2015

**Subject:**

Eau Claire Community Association (ECCA) Board response to the "Revised Direct Control District" / Eau Claire Market Site, Previous Document Reference LOC2014 – 0054 (Eau Claire Market Redevelopment / E1 Lands)

Dear Mr. Mouny (by e-mail)

The ECCA Board has reviewed the latest land use document on the City of Calgary website named the "Revised Direct Control District" / Eau Claire Market Site.

Our response to this document carries on from and includes comments made in our March 5, 2015 letter re LOC2104 – 0054 (Eau Claire Market Redevelopment / E1 Lands).

Since our March 5, 2015 letter we (ECCA Board Planning Committee) have had individual discussions to get a better understanding of the latest document with Harvard and City Planning in addition to a joint meeting with City Planning, our Counsellor and Harvard, as well as, attending the joint City Planning / Harvard sponsored Open House at the Eau Claire Market for all interested parties including residents of Eau Claire.

The key concern and learning from this latest round of discussions and analysis for the ECCA Board is that all of the proposed changes detailed in subject document and the associated changes to the ARP are based on a set of concept pictures / artist renderings not architectural hard design / ready for construction drawings that would provide even a small measure of certainty as to what will be built on the site. As a Board we were under the impression that the proposed changes to the current Eau Claire Market land use and associated ARP changes were based on more than a set of concept pictures / artist renderings.

It was made clear to the ECCA Planning Committee at our meeting with City Planning, the Counsellor and Harvard that there is nothing behind the artist renderings at this time in terms of architectural hard design / ready for construction drawings that one would expect to be presented with such important changes to the current land use and ARP. This is truly concerning given that Harvard is looking to obtain a development permit for only phase 1 on site 1 this year with no further commitment for any of the other phases of the redevelopment yet requesting a land use and ARP changes that impact the entire site.

Based on this situation and our learning over the last two weeks the ECCA Board does not support the proposed changes to the subject land use document or revisions to the ARP until there is a measure of certainty as to what will be built for both site 1 and site 2 as supported by contractual wording between the City and Harvard that is referenced or embodied in the final land use document and further reflected in the ARP. This would also need to include the

R. Mouny

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architectural design / ready for construction drawings as part of the contractual arrangement. We do not think this an unreasonable request given the importance of this development to the Eau Claire precinct and the City of Calgary.

If some measure of certainty were to be agreed as to what will be built for both site 1 and site 2 and in the spirit of moving this process forward then we offer the following comments on the Harvard concept and subject land use change document;

We continue to disagree with the traditional corporate "office" designation for the E1 lands. We are also concerned about the FAR calculations, phasing and obligations (certainty as to what is to be built) on the developer to make the residential and mixed use commercial development a priority in completing this redevelopment.

In order to put our response to the latest Harvard submission into a proper context we will again be using **relevant sections** of the Eau Claire ARP, which we see as most applicable to the updated Land Use Change Application.

We do not understand the reluctance of Harvard to provide a complete Plan / Set of Construction Drawings in order to set context for the requested change as stated earlier, regardless, the ECCA Board will use the guiding principles and policies in the ARP as its primary tool to provide the required and proper context for its response to the updated Land Use Change Application.

## **Eau Claire ARP**

### **1.0 INTRODUCTION (page 1)**

**"An Area Redevelopment Plan (ARP) is a statutory document, adopted as a by-law by City Council, which sets out comprehensive land use policies and other planning proposals for an already established part of the City. The purpose of the ARP, which must conform with the City Land Use By-Law, is to provide a detailed area context which will allow planning decisions to take account of local concerns....."**

**The anticipated time span of the ARP for Eau Claire is ten to fifteen years..... It will be reviewed when City Council decides circumstances have changed sufficiently to warrant it."**

The Eau Claire ARP was created in 1995 and updated in 2003, 2007, 2008 and 2011. The ECCA Board views this document as current, with legal standing and very relevant in the review of Land Use Change and Development Permit Applications.

The ECCA believes that the Land Use Changes made to the E1 Lands (Eau Claire Market Site) in 2008 were developed and agreed to by Harvard in the context of the Eau Claire ARP.

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This ARP, although having been drawn up recognizing the potentially greater value of the lands if used for office space, specifically intended to restrict that use in order to enhance the character of the area as a primarily residential community as part of an overall plan for the city, and with a reasonable expectation that viable projects consistent with the ARP could and would be developed. In other words, when the ARP was developed (and passed by Council) everybody would have recognized that office development would be more economic but that was taken off the table for the sake of providing an attractive downtown residential area. Other developers, Anthem to the east and GWLR to the west, have proposed and are proceeding with more purely residential/commercial projects in the same general area and consistent with the ARP.

It is our view that the Goals and General Land Use Policy agreed in 2008 are still very relevant to the subject Land Use Application.

**3.0 GOALS OF THE AREA REDEVELOPMENT PLAN (page 10)**

**3.2 “To encourage the redevelopment of the Eau Claire area as a primarily residential neighborhood, with commercial uses concentrated close to the downtown commercial core and the Barclay Mall.”**

**3.4 “To achieve a more pedestrian and human scale environment in Eau Claire.”**

**3.6 “To encourage medium to high-density forms of residential development to accommodate a range of household types and incomes.”**

**3.7 “To provide for the growth of commercial and recreational activities in the area and their use by large numbers of visitors.”**

**3.10 “To create an innovative street environment with a unique character which will encourage pedestrianization of the area.”**

**3.13 “To encourage the preservation, where practical, of heritage buildings and features in the community”**

**3.14 “To provide sufficient flexibility in the Plan to allow for changing market conditions.”**

**4.0 GENERALIZED LAND USE POLICY (page 13)**

**4.1 “ For the purpose of defining major land use policies ,the Eau Claire ARP has been divided into four generalized land use areas..... a belt of parkland along the riverbank, a residential neighborhood in the middle of the ARP area, a primarily commercial precinct**

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adjoining the downtown commercial core and a mixed-use precinct on the eastern edge of the community”.

4.3 “ In the residential neighborhood, it is estimated that the land and building densities have been allocated to accommodate up to 2600 additional housing units and about 5,000 people in a range of dwelling types (including the approximately 1700 currently living in the area). The maximum densities permitted are in the order of 250- 435 units per hectare (100-176 units per acre) and floor area ratios (FARs) of 2.0 to 6.0, depending on location. Limited commercial uses would be allowed in the residential neighborhood either because they are already allowed by an approved development permit or because they serve the local population in suitable specific locations.”

4.5 “ In the mixed-use precinct of E1, land is designated as primarily for residential with a mix of commercial (retail and entertainment) and non-“traditional” office. In the mixed-use precinct of E2, a greater level of mixing is allowed to accommodate residential, office, hotel and supporting commercial / retail.....”

## **5.0 RESIDENTIAL POLICIES**

### **5.2 Goals**

5.2.1 “ To encourage the redevelopment of the Eau Claire area as a primarily residential neighborhood, with commercial uses concentrated close to the downtown commercial core and the Barclay Mall.”

5.2.5 “ to encourage medium to high-density forms of residential development to accommodate a range of household types and incomes.”

### **5.3 Objectives**

5.3.1 “To provide sufficient housing potential to accommodate a residential population of about 5000.”

5.3.5 “ To encourage, where practical, mixed commercial and residential use of lands intended primarily for commercial use.”

## **6.0 COMMERCIAL POLICIES**

### **6.3 Objectives**

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**6.3.2 “To create a predominately commercial or mixed commercial/residential neighborhood in blocks bordering the downtown core, including allowing large-scale office buildings in suitable locations.”**

**6.0B MIXED-USE POLICIES**

**6.0B.4 Policies/Actions for E1 Lands**

**6.0B4.2 “To facilitate primarily residential mixed-use buildings that will provide an increase of approximately 1000 residential units and contribute towards a residential population of approximately 5000 people for Eau Claire.”**

**6.0B4.7 “To support a “non-traditional” office typology that is different in form and design from typical corporate office space..... Such “non-traditional” office space shall only be supported for this precinct:**

- **As a part of the redevelopment of a mixed-use building that includes residential;**
- **On upper levels of a podium of a building and will not be supported in any form at-grade or in a high-rise tower;**
- **With a maximum at-grade office lobby frontage of 7.5 metres.”**

With the exception of the Traditional Office Tower shown on the South East corner of the property the ECCA board views the other elements of the Harvard conceptual plan for redevelopment of the Eau Claire Market (E1 Lands) to be aligned with the current ARP Policies, Goals and Objectives for residential and mix-use commercial development.

The Board has heard all the Harvard arguments regarding the need for the Traditional Office Tower (the main one being that without the Office Tower the economics of the project do not work) but is looking for compromise on this element of the project to include traditional office and residential space in the same building and offer a commercial streetscape and ground floor which flows with the rest of the commercial streetscape as shown in the artist renderings and conceptual massing diagram for the project.

The ECCA Board has been following with interest the Telus Sky Project in the Calgary Downtown Core. This is a 58 story project and includes 750,000 square feet of mixed-use development of which 450,000 square feet will be dedicated to office space while some 29 floors of the structure will feature 326 residential rental units. Apparently there are two major tenants interested in the office space and from their experience in other locations including Vancouver the developer indicates “there is always a market for space that overachieves, that

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puts a new innovative design out there in the market". The smaller Solara tower in Eau Claire also has residential units above office space.

Over the last three weeks we have again discussed with Harvard and City Planning our desire to get away from the terms Traditional and Non- Traditional office space and move to a descriptor for this element of the project, which is more in keeping with the intent of the current ARP, i.e. a true "mixed-use" tower accommodating both office and residential space.

Harvard again advised that it is open to further investigating this type of "mixed-use" tower as an element of their development. The latest conceptual drawing already shows some loft type residences as an element of the office tower on the third floor of the building on the River Front Ave side of the building. We again encouraged Harvard to review the Telus Sky Project with a view to providing more residential space as a part of the office tower in keeping with the spirit of the current ARP and offering a unique center piece to their overall development. We understand that City Planning would not support the loft proposal and would need to see residential space above the office space in such a "mixed use" tower. We also understand that Harvard is open to investigating this approach as their concept evolves.

We have a number of residents in the Eau Claire Precinct and individuals on the ECCA Board who have lived abroad and in other major cities in Canada and experienced the successful execution of mixed-use commercial / residential including traditional corporate office space in the same building. At a meeting on April 30 City Planning indicated their support for this concept.

As stated in our March 5, 2015 response the ECCA Board believes that the current Land Use Policies, Goals and Objectives in the ARP for the E1 lands are current and capture the Land Use requirements envisioned for this site including a building in the south east corner of the E1 lands that could be in part corporate type office space but accommodate significant high rise residential space and street level commercial in line with the current designation of "non-traditional" or true "mixed-use" office / residential space as currently envisioned by the ECCA Board and the ARP.

Again as stated in our March 5, 2015 response the ECCA Board also reviewed the Land Use Change Application for the E2 Lands (current City Centre Project under construction) at the time and worked with the developer / architect (BKDI) to understand and agree what was being planned. This block became the transitional block having both residential and office components. We supported that change and the subsequent Development Permit for the first phase. We did this in the context of the Land Use for the E1 lands being already agreed and in place. It seems to the Board that the subject Land Use Change Application for the E1 lands looks a lot like the E2 designation which in the Board's view does not align with the overall Land Use Policy as described in the ARP.

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This concern manifests itself with Harvard's continuous reference to their development as the "Transition Zone" to the downtown core, which is one of the justifications used for the Traditional Corporate Office Space Tower. The transition zone to the downtown core re pure office space vs. primarily residential space in Eau Claire has always been the block between 2<sup>nd</sup> and 3<sup>rd</sup> Ave SW. The ECCA board has heard suggestions that the City Centre Project may request a change to their land use designation and build a second office tower on E2 Lands as opposed to the designated hotel, pure residential apartment / condo and public amenity space if the Eau Claire Market Development has a Traditional Corporate Office Tower as a part of its offering and continues with its message being the "Transition Zone" to the downtown core. This would seriously impact the Eau Claire ARP vision for a residential population of some 5000 residents for our precinct. We need all the remaining lands in Eau Claire to be developed as planned in order to meet this residential target. This includes the compromise re residential space in the Eau Claire Market's proposed office tower.

There continues to be three other items in the Harvard submission that require comment:

1. ECCA Board is supportive of Plus 15 connections to the development. We feel that these connections are would assist in the long term commercial success of the mixed-use commercial / residential offering.
2. We have reviewed the Sun Shadow study in Harvard's updated application. The current design does lead to violations of the guideline that the ECCA does not support. The guidelines were changed to accommodate the prior Harvard design in 2008, which was never built. It would probably lead to plan modifications for the E2 lands that would then use "Harvard's shadows" as justification to increase theirs.
3. We need clarification on the planned building sequence for Site 1, Phase 1. Based on the F.A.R. calculations it is still not clear that the residential rental towers will be built before the Office Tower (whatever version of the office complex is finally accepted). Harvard has indicated that the residential rental tower will precede the office development. It would be good if this could be clearly stated in the land use application.

We understand that Harvard is still not totally accepting of our position on the "Mixed-Use" office / residential space and also understand that the ECCA Board position as described by Harvard could put the entire project at risk. We take this comment very seriously and feel that proper Community Engagement is required to get a view on whether the Board's position on this matter is supported by the residents of Eau Claire or whether Harvard's conceptual plan as presented is acceptable to residents. In this regard we have agreed with Harvard to undertake a joint community engagement process (still being defined) to ask residents if they view the current conceptual plan including the Traditional Office Tower space as acceptable in the context of the Eau Claire ARP re the E1Lands or if the "mixed-use" office / residential tower as presented by the ECCA Board is more acceptable, as well as, meeting the Harvard requirement of being economically viable and not putting the project at risk of not being built.

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Regardless of the City Planning / Harvard Open House held on May 6, 2015 there is still need for a true Eau Claire Community engagement session to see if there is support for the Harvard concept or what is being proposed by the ECCA Board specific to the "mixed-use" office / residential tower.

Having said this, the ECCA Board's comments specific to the subject Land Use Change Application are in the context of the current ARP Polices, Goals and Objectives as stated for the E1 lands.

**OUR LATEST TECHNICAL COMMENTS ON REVISED DIRECT CONTROL DISTRICT**

**Discretionary Uses**

We would like to draw a stronger distinction between Sites 1 and 2. Site 2 is completely surrounded by residences and should be treated differently from Site 1. Our concern is with the Discretionary Uses that may be permitted on Site 2. The following uses should be excluded from Site 2.

Auction Market – other goods  
Hotel  
Office  
Parking Lot – Grade (except for on street parking)  
Post Secondary Learning Institution  
Radio and Television Studio  
Schools of all types and sizes including school authority which would be an office  
Sign – Class E

**Garbage**

All garbage should be handled inside

**Location of Uses**

A mixed use office tower should be truly mixed use e.g. at least 1/3 residential and at most 2/3 office, as in the Telus Sky project. We are concerned that clause 17 (4) does not provide sufficient certainty that a development in line with the architect's rendering is the only style that will be built. That is once the law has been changed as submitted, business outlook may change drastically in Calgary, Harvard may withdraw, and a new developer may build almost anything that satisfies the new law. We really need the Harvard proposal tied to something more substantial than artist renderings.

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**Use Area**

Since Site 2 is surrounded by residences care needs to be taken as to the precise location of these large spaces, the location of entrances/exits, and hours of operation.

**Floor Plate – Floor Area Ratio and Maximum Height**

Taken at face value, as a new owner might, these together would allow for a podium of 8 floors of office on Site 1 and 5 floors of office on Site 2. While Harvard's architects do not have this in mind currently it is another example of why we need something stronger than renderings in order for ECCA to support these changes.

**Sun Shadow**

We do not support any relaxation of the Sun Shadow criteria at this time as it is not yet clear what Harvard actually intends to build. This is another area where we cannot support changes without a more robust idea of what will actually be constructed.

**Site 3**

The Use of Site 3 as a Child Care Service is a valuable addition to our neighborhood and should be a Permitted Use. However the Discretionary Use requested of Licensed Restaurants – Small, Medium and Large should not be allowed. The neighbours to this property recall the many nights contacting the Police about a prior occupant – The Hard Rock Café.

**Summary**

We remain opposed to a large conventional office block on this site.

This is inconsistent with the ARP, which states that Eau Claire is primarily a residential community and the block to the South being the transitional block. It would encourage others to request more offices on the block to the South, which the city might find difficult to refuse. It diminishes the amount of residential units that can be accommodated on the site. We would accept a mixed residential/office tower if there were significant residences in the tower. Harvard understood the ARP and land use when they bought the property in 2008; in fact the land use was modified to suit them. It looks to us that Harvard should now propose a development to fit the rules rather than propose a development that requires more rule changes.

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We are opposed to see a relaxation of the shadow restriction on the Plaza.

This becomes a “creeping” relaxation as Harvard requested a relaxation in 2008 for a building plan, which was never built, and the block to the South will also use the new shadows as available to them.

We would support +15 connections to benefit the commercial development.

We have asked for explanation and clarification on a number of points in the Land Use.

Following the last 3 weeks of meetings with Harvard / our Councillor / City Planning we now have significant doubts that Harvard will indeed build what the architects have drawn for Site 1 and Site 2.

The ECCA Board does not support any of the proposed changes to the subject land use application or associated ARP without a mixed use residential/office tower and increased certainty on what be built on both Site 1 & 2.

We would like this position noted in any submissions being presented to the City Planning Commission or City Council.

Regards

James Hughes  
Chairman

Paul Denaeghel  
Planning Committee

Roger Brundrit  
Chair Planning  
Committee

CC Councillor Ward 7 – by e-mail  
Harvard Developments – Roseanne Hill Blaisdell – by e-mail

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**EXECUTIVE SUMMARY**

This application seeks to redesignate two blocks incorporating the Eau Claire Market and the surface parking lot to the south, comprising 2.94 hectares  $\pm$  (7.26 acres  $\pm$ ) located in Eau Claire, from a DC Direct Control District tied to plans to a DC Direct Control District generally tied to concept.

The proposed DC Direct Control District seeks to allow for an increase in Floor Area Ratio across the site, an increase in the amount of office use, an increase to the level of shadowing of the Eau Claire Plaza, the ability to relocate a municipally designated heritage resource and increased flexibility in building design in subsequent Development Permit applications.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 May 21

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

The Calgary Planning Commission:

1. **REFERRED** the proposed amendments to the Eau Claire Area Redevelopment Plan **for revision**; and
2. **REFERRED** the proposed redesignation of 2.94 hectares  $\pm$  (7.26 acres  $\pm$ ) located at 111 – 2 Street SW, 342 and 382 – 2 Avenue SW and 101, 201 and 208 Barclay Parade SW (Plan 9410601, Block 1, Lots 8 to 11, 13 and 14) from DC Direct Control District **to** DC Direct Control District to accommodate a mixed use development back to the Administration **for revision** to address the following:
  1. Bringing back Development Permit(s) concurrent with LOC and ARP revisions;
  2. Explore the integration of Transit into the project;
  3. Explore a Transit related density bonus for office in excess of the current Bylaw
  4. Determine the future of the +15 component
  5. Require no less than the amount of residential gross floor area as per the current Bylaw;
  6. Reduce the massing to minimize shadowing on Eau Claire Plaza;
  7. Explore the relocation of the Historic Smokestack;

and return to Calgary Planning Commission no later than 2016 March 24.

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**REASON(S) FOR RECOMMENDATION:**

The proposed DC Direct Control District would erode the primarily residential character of the Eau Claire Community and extend the primary office location into the adjoining neighbourhood.

The cumulative impact of a significant amount of additional office space and the lack of clarity in respect of a transition zone defined in the Eau Claire Area Redevelopment Plan would adversely affect the character and appearance of the Eau Claire and Chinatown communities. There are many sites within the downtown and others within the Centre City that can accommodate conventional office space without detrimental impacts.

The proposed land use, by virtue of the additional shadow that would be cast on the Eau Claire Plaza, would have a materially adverse impact on the amenities of the public realm that the public might reasonably expect to enjoy. Sunlight access for key parks, including Eau Claire Plaza, is a significant policy of the Centre City Plan and the Eau Claire Area Redevelopment Plan (ARP).

The proposed land use and ARP amendment would undermine The City's heritage assets and national guidance.

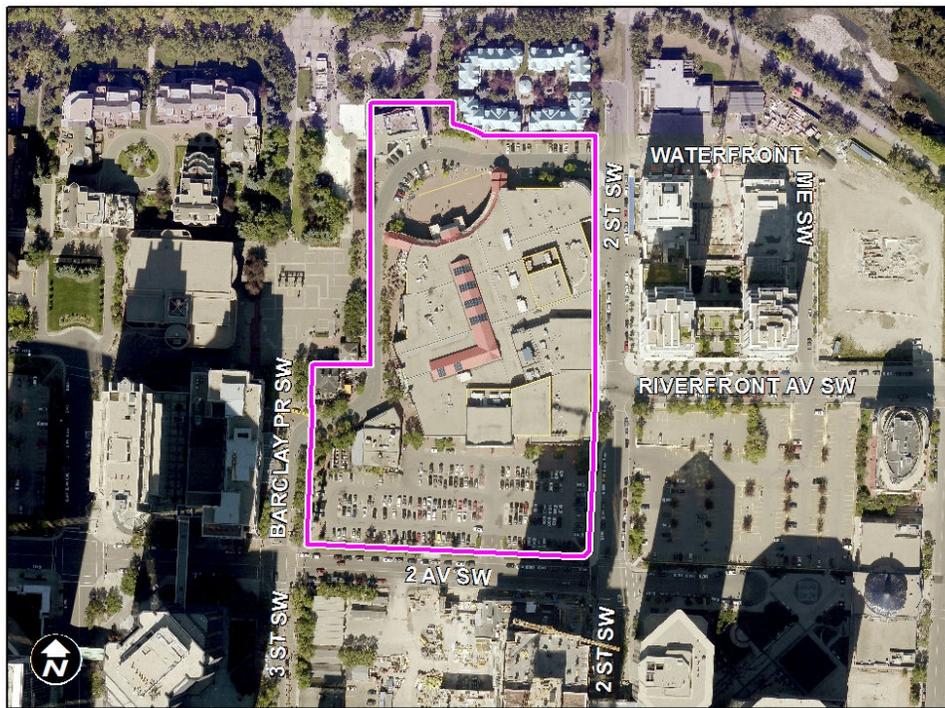
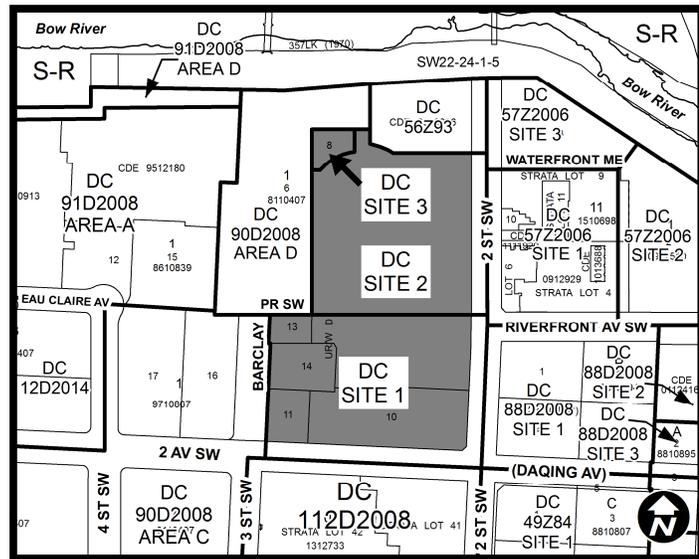
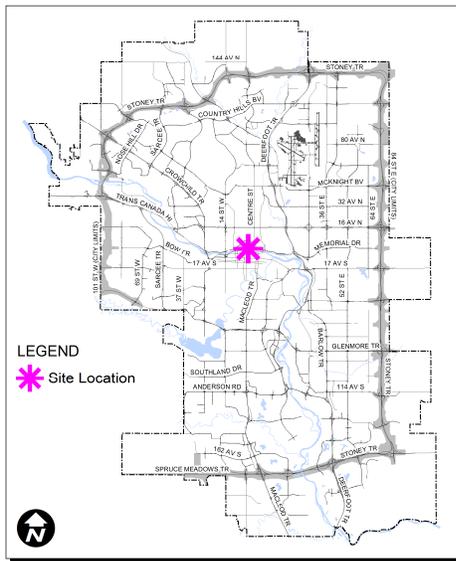
The proposed land use and ARP amendment by virtue of promoting the +15 Skywalk in advance of a Development Permit application is contrary to the +15 Policy and Centre City Plan.

The submitted DC Direct Control District does not provide an adequate level of certainty to ensure that the aims of the Eau Claire Area Redevelopment Plan, Centre City Plan and +15 Policy are met.

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

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

**Moved by: R. Wright**

**LOST: 2 – 6**

Opposed: G. Morrow, M. Wade,  
M. Logan, G.-C. Carra,  
R. Honsberger and  
J. Gondek

2. Recommend that Council **REFUSE** the proposed redesignation of 2.94 hectares ± (7.26 acres ±) located at 111 – 2 Street SW, 342 and 382 – 2 Avenue SW and 101, 201 and 208 Barclay Parade SW (Plan 9410601, Block 1, Lots 8 to 11, 13 and 14) from DC Direct Control District to DC Direct Control District to accommodate a mixed use development with guidelines (APPENDIX IV).

**Moved by: R. Wright**

**LOST: 2 – 6**

Opposed: G. Morrow, M. Wade,  
M. Logan, G.-C. Carra,  
R. Honsberger and  
J. Gondek

Reasons for support of the Refusal recommendation from Mr. Wright:

- Complete breach of basic downtown policies of office intrusion, +15 areas, heritage preservation and residential precincts to no public benefit and no certainty as to outcomes. At best we have puffery and misleading statements (i.e. optimizing shadows), for the proposal and as such, anything less than a refusal undermines many years of efforts to launch Eau Claire and this very special district. The introduction of new issues associated with transportation also requires re-thinking of the entire proposal.

Reasons for support of the Refusal recommendation from Mr. Friesen:

- Administration did a good job of reviewing the application and describing the reasons for refusal. I agreed with most of the reasons and did not see that a significant increase in development potential was warranted given the number of qualities of the site that were compromised by the proposed development and the lack of clarity regarding the detail nature of the future development.
- It was suggested that relocating the Smokestack was OK given so much of the site was going to change significantly. I disagree. In fact when many things are changing on a site that is precisely the situation where the location of heritage elements must be protected in their original location. We preserve historic elements to remind us of how things were, where they were and when things were different.

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- These elements provide a reference point for the past. Particularly in a young city like Calgary the little bit of history that we do have should be protected with vigour.
- Sun light and the warmth of the sun are critical to the success of an open space in a northern location such as Calgary. Any shadowing of a central amenity space like Eau Claire Plaza should be kept to a bare minimum.

**2015 May 21**

**MOTION:** The Calgary Planning Commission did not accept the correspondence from:

- Eau Claire Community Association dated 2015 May 15; and
- “Applicant’s Submission” from Perkins + Will Architect’s Canada; as distributed.

**Moved by: R. Wright**

**Carried: 7 – 1**

Opposed: G.-C. Carra

**MOTION:** To **TABLE** Item 5.01 to the end of the Agenda.

**Moved by: J. Gondek**

**Carried: 8 – 0**

**MOTION:** The Calgary Planning Commission **LIFTED THE ITEM FROM THE TABLE.**

The Calgary Planning Commission:

1. **REFERRED** the proposed amendments to the Eau Claire Area Redevelopment Plan **for revision**; and

**Moved by: G. Morrow**

**Carried: 6 – 0**

Absent: R. Wright and C. Friesen

2. **REFERRED** the proposed redesignation of 2.94 hectares ± (7.26 acres ±) located at 111 – 2 Street SW, 342 and 382 – 2 Avenue SW and 101, 201 and 208 Barclay Parade SW (Plan 9410601, Block 1, Lots 8 to 11, 13 and 14) from DC Direct Control District to DC Direct Control District to accommodate a mixed use development back to the Administration **for revision** to address the following:
  1. Bringing back Development Permit(s) concurrent with LOC and ARP revisions;
  2. Explore the integration of Transit into the project;

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3. Explore a Transit related density bonus for office in excess of the current Bylaw
4. Determine the future of the +15 component
5. Require no less than the amount of residential gross floor area as per the current Bylaw;
6. Reduce the massing to minimize shadowing on Eau Claire Plaza;
7. Explore the relocation of the Historic Smokestack;  
and return to Calgary Planning Commission no later than 2016 March 24.

**Moved by: G. Morrow**

**Carried: 5 – 1**

Absent: R. Wright and C. Friesen

Opposed: R. Honsberger

Reasons for Opposition from Mr. Honsberger:

- Support the referral motion, but not point 7., whereby we accept the possible relocation of the historic smokestack.

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Applicant:

Perkins + Will Architect's Canada

Landowner:

Eau Claire Market Inc

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	Yes	6
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	7
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	9
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	Yes	19
<b>Utilities &amp; Servicing</b> <i>Is the site in an area under <b>current servicing</b> review and/or has <b>major infrastructure</b> (water, sewer and storm) concern</i>	No	19
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	20
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	20
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	Yes	20

## **PLANNING EVALUATION**

### **INTRODUCTION**

The purpose of this application is to redesignate 2.94 ha (7.26ac) from DC Direct Control District to DC Direct Control District to allow the development of a high density mixed use residential, commercial and office development.

The subject property is the Eau Claire Market lands located in the Eau Claire Community between the Sheraton Suites, YMCA and Eau Claire Plaza and the Riverfront condominiums and the City Centre mixed-use development.

The proposed land use redesignation requires amendments to the Eau Claire Area Redevelopment Plan, and this would be a prerequisite for the land use to proceed.

In addition, the proposed land use redesignation and amendments to the Eau Claire Area Redevelopment Plan would also require the Municipal heritage designation of the Eau Claire Smokestack to be removed or amended.

### **SITE CONTEXT**

The subject parcels were deemed an important redevelopment site in 2008 when LOC2006-0153 was considered due to the prominence of the Bow River and the proximity of the Eau Claire Plaza, Chinatown and the downtown. The Centre City Plan identifies an urban structure that includes a specific downtown core and surrounding mixed use neighbourhoods. The intent for the Eau Claire neighbourhood was to provide a balance that focused on primarily residential developments.

As a result of these contextural sensitivities, an urban design response was required to be sensitive to both the site's context and multiple interfaces. The redevelopment of the site was considered to be an important opportunity to create a high standard of residential livability and commercial vitality within an important Centre City neighbourhood. It was not intended to be an extension of the downtown office environment.

Land use application LOC2006-0153 addressed these considerations and was approved as DC 20Z2008, and complies with the Eau Claire Area Redevelopment Plan and Centre City Plan.

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## **LAND USE DISTRICTS**

The site currently resides under DC Direct Control District 20Z2008, the purpose of which is to provide for a primarily residential, medium to high density, comprehensively planned, mixed use development. This also allows for modest, innovative office space to assist in the animation of the site throughout the day.

The area covered by the DC Direct Control District is divided into 4 sites with specific discretionary uses allocated to each.

The Floor Area Ratio for each site is stated, together with rules for the design, character and appearance of developments. The protection of the Eau Claire Plaza from shadowing by redevelopment is highlighted with a specific rule.

The proposed DC Direct Control District provides for a definition of residential uses, since these are a requirement for each of Sites 1, 2 and 3 and include hotel use. In addition, temporary marketing centre is defined since this relates to the marketing of development beyond the residential. The permitted and discretionary uses are similar to that of the existing DC Direct Control District, but reflect the 1P2007 terminology.

The general rules draw from the Commercial Residential District CR20 and reflect the criteria set out for developments in the downtown.

The proposal seeks to amend the rules of the existing DC Direct Control District to allow for:

- increase in FAR for both site1 and site 2
- increased shadowing of the Eau Claire Plaza
- an increase in office use on the site
- a specific location for a traditional office tower
- a concept for site layout, principles and building design
- maximum use areas of 1200 square metres
- two 3600 square metre retail uses
- two 2400 square metre retail uses
- specific parking stall requirements
- a maximum floor plate size of 1400 square metres for residential towers
- a maximum floor plate size of 3000 square metres for residential towers
- the provision for the use of density bonus initiatives
- use specific floor area ratio requirements
- a phasing restriction for any office development on the site

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See APPENDIX IV for the proposed DC Direct Control Districts.

	Proposed DC Direct Control District	Existing DC Direct Control District
FAR	Site 1 - 11 FAR (160,600 m <sup>2</sup> ) Site 2 - 4.0 FAR (56,400 m <sup>2</sup> )	Site 1 – 8.93 FAR (128,592 m <sup>2</sup> ) Site 2 – 5.20 FAR / 1.49 FAR (54,970 m <sup>2</sup> )
Approximate Area of Plaza in Shadow	± 2944 m <sup>2</sup> (31,689 ft <sup>2</sup> )	± 1152 m <sup>2</sup> (12,400 ft <sup>2</sup> )
Office Use	66, 900 m <sup>2</sup> (720,106 ft <sup>2</sup> )	27884 m <sup>2</sup> (300,150 ft <sup>2</sup> )
Office Location	Traditional office tower SE corner Site 1	Non-traditional office within development Site 1
DC type	Tied to concept	Tied to plans
Use Areas	1200 m <sup>2</sup> with the exception of Financial Institution restricted	Various – Restaurants, Drinking Establishments, Laboratories, Printing Establishments were all restricted.
Parking Requirement	0.5 - 2.0 stalls per Dwelling Unit, 1 stall per 3 Hotel room. Restricted parking Policy only applies to Office use	S18 of 2P80 applies with the exceptions of max. 0.9 stalls per Hotel room and 1.5 per Dwelling Unit
Floor Plate Sizes	1400 m <sup>2</sup> Residential 3000 m <sup>2</sup> Office	Tied to plans and ranging from 660 m <sup>2</sup> – 1087 m <sup>2</sup>
FAR Requirements	Site 1 – Min. 3.0 FAR Residential Max. 0.9 FAR Commercial Max 4.3 FAR Office Site 2 Min. 1.75 FAR Residential	Tied to plans – Primarily Residential
Phasing	No office use until a minimum 3.0 FAR of residential uses have been, or are simultaneously being, constructed.	Tied to plans

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**LEGISLATION & POLICY**

The Municipal Development Plan (MDP) acknowledges the Centre City as the pre-eminent mixed-use area, made up of diverse and unique 'neighbourhoods'. The land use policies identify developing high density residential and support services, encouraging a greater mix of cultural, recreational and leisure activities, providing high quality pedestrian connections within the Centre City and preserving existing public lands in the Centre City for civic and cultural facilities, such as parks and any other creative venues that will enliven it as a destination for residents, employees and visitors.

The Eau Claire Area Redevelopment Plan (ARP) provides a detailed area context that allows planning decisions to take account of local concerns. The Eau Claire Market site is identified as the E1 lands within the ARP, where land is designated primarily for residential with a mix of commercial retail and entertainment and a limited amount of 'non-traditional' office.

The E2 lands to the south (City Centre Development) allow for a greater mix to accommodate residential, office, hotel and supporting commercial retail.

The ARP considered that the densities in the E1 and E2 lands were sufficient to accommodate the needs of residents, visitors and workers to the area and protect the Eau Claire Plaza.

The ARP also specifically refers to stepping residential building heights and respecting the shadow protection guidelines.

In the past, Council's policy has been to allow expansion of the downtown commercial core into the southern-most blocks of the Eau Claire ARP area. In accordance with these policies, some 140,000 square metres (1.5 million square feet) of office floor space now exist in this area. The E1 lands are not located within this area and were not intended for traditional high density office development under the ARP. The downtown still has significant capacity to accommodate traditional, high density office development, while prime residential sites are more limited, particularly in the Eau Claire area.

The Centre City Plan envisioned Eau Claire as a primarily residential neighbourhood along the Bow River. It recognizes that although evolving as a very livable neighbourhood, this is challenged by an increased desire to develop Downtown scale commercial/office developments. The Centre City Plan therefore seeks to reinforce the vision of the Eau Claire ARP and provide a sensitive integrated transition between the Downtown and the Eau Claire Community along 3 Avenue SW and 4 Avenue SW.

The policies for Eau Claire include support for the redevelopment of the Eau Claire Market as a vital mixed-use development that interfaces with the Eau Claire Plaza and the surrounding residential development. However, the policies also seek to protect existing open space along the riverfront and Eau Claire Plaza is one of the limited number of public spaces within the downtown.

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In allowing DC Direct Control District 20Z2008, Council acknowledged a degree of flexibility was necessary to support redevelopment of the Eau Claire Market site and amended the Eau Claire ARP accordingly.

## **PLANNING ANALYSIS**

The applicant submitted supporting information with the land use amendment, a summary and analysis of which is presented below.

### Project Vision – Application Summary

The applicant states that the vision for the redevelopment of Eau Claire Market is to create an iconic, cohesive, functional and seamlessly integrated mixed use development. To achieve the project vision, a number of critical considerations have been addressed in the land use redesignation:

- Optimization of a rich mix of uses and users through a mixed use strategy that promotes diversity and vitality in a complete and livable urban neighbourhood. The draw from riverfront living will add new residents, a new hotel creates a destination facility and commercial retail will thrive with the mix of people, providing a unique shopping experience that capitalizes on the plaza and the river setting
- Provision of a transition in scale from the development to the south to the existing Eau Claire Community. The Eau Claire Market is located between the higher density commercial and office uses of the downtown core and the residential character of the Eau Claire neighbourhood. The land use redesignation continues the transition of the E2 lands to the south with site 1 providing increased allowable density and a mix of residential retail and office uses, and site 2 providing lower density and focusing on residential and retail use.
- Creation of a building form with street orientated development and links to the surrounding community and the downtown core by encouraging street orientated retail uses along the streets and the plaza and providing +15 Skywalk connections.
- Creation of synergy with Eau Claire plaza, one of the city's premier open spaces, by connecting visually, physically and actively through active uses lining the plaza and strong links along 3 Street SW, Riverfront Avenue and the +15 Skywalk.
- Protection of daylight to public open space with the use of sculpted building forms to protect and enhance the public realm.

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Administration's Analysis

The submitted application is for a land use amendment, with no development plans and only a proposal to tie any subsequent development to the generalities of a concept. The proposed vision is not significantly different from that approved under 20Z2008.

The 2008 DC Direct Control District, tied to plans, provided for a rich mix of uses and users through a mixed use strategy that promoted diversity and vitality in a complete and livable urban neighbourhood. It provided for a transition of scale to the surrounding development, street orientated development and a synergy with the Eau Claire Plaza.

However, it did not create the significant shadow impact on Eau Claire Plaza, introduce the potential for significant office development or expand the transition area.

If the transition area of the E2 lands is expanded into the E1 lands, the result is likely to generate an increase in office development in the E lands as a whole, with a consequential loss of residential development.

Design Principles – Application Summary

The foundation of the project's vision is established through seven key design principles, with the overall aim of connecting the city with the river. These principles tie directly to policy goals and principles of the Centre City plan and the Eau Claire Area Redevelopment Plan (ARP).

- Create an outstanding identity by using dramatic sculpted forms to transition from the city [downtown] to the river and clearly distinguish the development from the adjacent downtown context.
- Create a vibrant mixed use destination by creating a critical mass of new residential, cultural and retail amenities and link the river, Eau Claire plaza and the downtown.
- Ensure all edges are active at grade through perimeter block development.
- Link the city to the river along 3 Street SW, Riverfront Avenue and the +15 Skywalk.
- Engage and enhance the plaza, reinforcing the plaza's role as a premier civic space, especially through vibrant, interactive ground floor uses.
- Optimize day lighting of the public realm through the use of sculpted building forms to minimize new shadows cast on the plaza by new construction.
- Honour heritage resources by locating the smokestack in a prominent location with interpretive resources.

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Administration's Analysis

Administration is not satisfied that the key design principles have been addressed through the DC Direct Control District or that they tie directly, or otherwise, to the policy goals and principles of the Centre City Plan and the Eau Claire ARP.

The 'dramatic', sculpted forms' are an aspiration of the applicant only. The proposed DC Direct Control District does not tie the land use to plans. It only proposes the site layout and principles of building design generally conforms with the concept plan. This is vague and provides no commitment to the renderings included in the accompanying information to the application and is therefore not an inclusion within the proposed DC Direct Control District

Although the proposed DC Direct Control District does propose to increase the potential retail floor space from that which was considered to be more than adequate in 2008, there is no wording that would guarantee a vibrant mixed use destination, or indeed necessarily the uses suggested.

There is no commitment to a timescale for the provision of a 'critical mass' or an explanation of what that 'critical mass' refers to and how it relates to the wider community. In addition the river, Eau Claire Plaza and the downtown are already linked and this DC Direct Control District would offer nothing additional in this respect.

Perimeter block development is a general design principle and does not guarantee active edges. The proposed DC Direct Control District does not contain wording that would ensure all edges are active and any development permit would only have to provide for 'principles of building design [that] generally conform with the concept plan.

The city is already linked to the river along 3 Street SW and the proposed DC Direct Control District does not provide any additional connectivity. The extension of Riverfront Avenue would not provide a link between the city and the river.

The linking element of the +15 Skywalk is proposed in phase 3, which has no anticipated timeline, however even if constructed to the concept plan the +15 Skywalk would not link to the river. Notwithstanding the lack of connectivity between the city and the river proposed by +15 concept, any +15 connection would be considered as a result of the Development Permit process and is not included in the proposed DC Direct Control District.

The proposed DC Direct Control District does not provide any wording that would ensure the engagement or enhancement of the Eau Claire Plaza and provides no timeline commitment. It is only Site 2 (phase 3) that would provide for this potential of activation and the applicant has indicated that the development of Site 2 is a long term project.

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The proposed DC Direct Control District does not 'optimize the day lighting of the public realm. The proposed wording allows for increased shadowing of the Eau Claire Plaza even with the suggested sculpted building forms to optimize day lighting of the public realm. The sculpted forms would be subject to the generalities of the concept drawing and the wording that states that the 'principles of building design generally conform with the concept plan.

The Eau Claire Smokestack has Municipal designation through Bylaw 37M2008, and would need to be addressed independently through a Council motion, which is neither recommended, nor supported by Administration. The proposed DC Direct Control District does not, and cannot, include wording to address this 'key design principle'. The Standards and Guidelines for the Conservation of Historic Places in Canada states in its general standards that the heritage value of a historic place should be conserved. Its intact or repairable character defining elements should not be removed, replaced or substantially altered and where no part of a historic place should be moved if its current location is a character defining element.

Benefits of Mixed Use Development – Application Summary

A mixed-use strategy promotes diversity and vitality in a complete and livable neighbourhood. Riverfront living will add new residents, a hotel creates a destination facility, office use provides critical daytime patrons for retail businesses and the retailers help create a unique shopping experience with vibrant venues that capitalize on the plaza and river setting to ensure day and night time street activity throughout the year.

The proposed mixed use development provides for residential uses within the podiums and four residential towers, creating variety in residential typologies. All of the residential towers face onto Eau Claire plaza.

It provides for office use in the southeast corner at the intersection of higher density office use, allowing synergies with the surrounding buildings.

It also provides for retail uses designed to maximize active retail, restaurant and other public commercial activity at grade. It reintroduces a pedestrian friendly shopping street along the Riverfront avenue extension. The frontages to 2 Avenue SW and 2 Street as well as much of the frontages to the plaza are designed as pedestrian, active and engaging commercial areas.

Administration's Analysis

Administration recognizes the benefits of mixed use developments. However the existing DC Direct Control District 20Z2008 provides for a mixed use development that promotes diversity and vitality.

The existing DC Direct Control District 20Z2008 provides for a variety of residential typologies. However, the proposed DC Direct Control District contains no wording that would ensure an increase in actual number of residential units provided by a development.

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The proposed DC Direct Control District provides for an increase of 34,896 square metres (375,617 square feet) of office space which represents an additional 125 percent increase in office use on the site. The existing DC Direct Control District 20Z2008 allows for office use and the Eau Claire ARP sought a “non-traditional” office typology to provide for innovative and creative services which would allow for synergies with the surrounding buildings.

Although the proposed DC Direct Control District would allow for a range of retail uses, it also allows for one use of 3600 square metres and one use of 2400 square metres on both Site 1 and Site 2. This would allow for the potential for approximately 50 percent of the ground floor of each site to comprise only 2 uses. Administration considers this scale of use to be more appropriate at the upper level of a podium and that in order to activate the street and create vitality for the community and the Eau Claire Plaza, a smaller scale of use would be more appropriate at grade. Typically large scale floor space of the type proposed does not provide for “retail uses designed to maximize active retail” because of floor layouts, window design and operator requirements.

Density, Massing & Access to sunlight – Application Summary

The proposed development can meet the ARP’s residential and project density goals while shadowing the Eau Claire Plaza less than surrounding development and current on site buildings and providing over 930 new residential units.

The design for the new development is specifically carved through advanced 3D modeling to provide sunlight access to Eau Claire plaza. The towers slope downward at a specific angle and are rotated to the sun’s position to minimize impact.

Massing has been compared between the original proposal and the concept that shows an increase in floor area and residential development. The applicant believes that the proposed concept offers residential in line with the ARP, supports the retail, creates a mixed use and provides for iconic architectural forms.

Administration’s Analysis

The submitted application is for land use only, with wording that provides for only ‘principles of building design [that] generally conform with the concept plan’. The concept plans indicates that the Eau Claire Plaza would be shadowed significantly more than would be allowed under the existing DC Direct Control District 20Z2008.

Under the proposed DC Direct Control District more of the Eau Claire Plaza would be shadowed for more of the time on September 21.

Based on the concept plans, although all of the residential towers, including the hotel, do cast shadows onto the Eau Claire Plaza beyond those addressed in the existing 20Z2008 Bylaw, it is the office tower that makes the greatest impact and creates the most significant shadowing.

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The proposed DC Direct Control District does not approve, or make any commitment for, the design for any development on the Eau Claire Market site. The 3D modeling represented would mitigate the shadow cast by the development indicated, but the proposed DC Direct Control District allows for a significantly greater level of shadow to be cast on the Eau Claire Plaza than currently exists in DC20Z2008.

The applicant provided a massing comparison in the supporting information. However, the 'No New Shadows Development' does not reflect the development approved by Council in 2008 and does not use comparable base-line information. The residential unit size in the 'Proposed Development' (which has not been submitted as part of the Land Use Amendment) is smaller, thereby suggesting a greater residential unit count. Notwithstanding this issue, although the residential towers of the concept drawing would create additional shadow in the Eau Claire Plaza, it is the office development that creates the greatest impact.

Although the residential development shown in the concept may support the retail and create a mixed use, the existing DC Direct Control District already provides for this. The provision of iconic architectural forms is not a commitment or guarantee of the proposed DC Direct Control District and the concept does not comply with the Eau Claire ARP, as it does not meet the shadow restrictions.

Connecting to the +15 System – Application Summary

Connecting hotel guests, and office workers to the downtown core via the +15 Skywalk will be key to the success of a mixed use tower with office and hotel uses.

The proposed development includes a daylit multi level public area along the spine with an architectural element called the "Crystal" accessible to Eau Claire Plaza and the +15 Skywalk system. This significant circulation feature forms part of both the functional and the visibly iconic identity of the development and provides a clear iconic terminus to the +15 Skywalk.

An east/west +15 Skywalk connection through Site 1 would connect the Sheraton Eau Claire and a future office development. Each +15 Bridge will be carefully designed to appear light and unobtrusive with minimal structure and clear glazing to preserve view corridors.

Administration's Analysis

The existing DC Direct Control District 20Z2008 does not contain rules for the connection of the site of the +15 Skywalk.

The Eau Claire ARP specifically states that "...only at-grade pedestrian linkages (i.e. no +15 bridges) will be supported..." and the site is located outside of the +15 Policy Boundary in both the +15 Policy and the Centre City Plan.

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BYLAWS 35P2015 AND 158D2015**

**MAP 15C & 22C**

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Connection to the +15 Skywalk was never considered to be a “key to success” in respect of the 20Z2008 DC Direct Control District. Although the applicant has submitted letters from both a cinema and supermarket operator, neither of these two types of operation have traditionally been reliant on a +15 connection and such a connection is not necessary for financial viability.

The submitted application is for land use only, with wording that provides for only ‘principles of building design [that] generally conform with the concept plan’. Any connection to the +15 Skywalk would be considered as a result of the Development Permit process and is not included in the proposed DC Direct Control District.

Honouring the Heritage Resource – Application Summary

The applicant has proposed to move the Eau Claire Smokestack, a designated heritage resource, with the justification that with the exception of maintaining the existing location, all identified character defining elements remain unchanged.

The applicant acknowledges that the Eau Claire Smokestack is a valuable historic landmark in Calgary, but believes that the current context for the smokestack is one of isolation and disconnection. The brick smokestack is a remnant of the Calgary Transit System Garage that stood on the site from 1947 until 1988 and is the sole tangible link to an era of Eau Claire’s development history.

The 27.4 metre (90 foot) high smokestack, dating from 1947, was built in conjunction with the heating and boiler system for the large garage erected to house the Calgary Transit System maintenance and storage facilities. The Eau Claire complex represented a major period of modernization for the City’s Transit System. In the 1980’s the entire complex was demolished, with the exception of the smokestack, to make way for the Eau Claire Market and the plaza.

The applicant maintains that, based on the submitted concept, if the smokestack remains in its original location, the landmark character with an open and unobstructed immediate context would be lost. However, by moving it, only its original location would be lost.

The applicant presents arguments in respect of the relative strength of the smokestack’s link to the past site of the transportation facility, the diminished scale and presence of the smokestack, concerns for the heritage resource during construction and the financial impact to their development.

By moving the heritage resource the applicant believes that its heritage significance would be maintained because its scale and presence would be more prominent. In addition the applicant believes that wider urban design considerations and Centre City Plan policies would be met.

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Administration's Analysis

The Eau Claire Smokestack is designated under Bylaw 33M2008 and the proposed DC Direct Control District would not amend that Bylaw.

Notwithstanding basic conservation philosophy regarding the moving of historic assets, without technical details as to how a relocation of the Smokestack would be enabled, the applicant cannot guarantee that its character defining elements would remain unchanged.

The proposed concept plan would not supercede the Municipal heritage designation Bylaw (33M2008), which provides for a 10 metre by 10 metre setback around the Smokestack. Since the Smokestack was originally constructed in association with the boiler system for the large transit garage, the loss of an 'open and unobstructed immediate context' is unjustified and unsubstantiated.

The diminished scale and presence of the smokestack is directly related to the applicant's proposed concept plan and the request to increase the heights and densities on the site. Any concerns during construction can be addressed through planning conditions and appropriate conservation measures and the financial impact was considered by both the applicant and The City during the original land use application.

Administration sees no planning or heritage merit to remove or amend the current Municipal heritage designation for the Eau Claire Smokestack and moving it to another location.

The applicant acknowledges that the relocation of the Eau Claire Smokestack and its setback requirements would create an economic benefit to their proposal as it would no longer encumber the south west corner of the E1 lands. However, the applicant has not addressed this in the submission.

Concept Plans – Application Summary

In the Concept Plan - Design Statement section, the applicant references development being 'iconic structures carved by the sun', with the design transitioning from the river to the city. The development would comprise two residential towers, scaled in response to neighbouring residential developments, on a retail podium for the northern site (Site 2) and two residential buildings and a mixed-use building, containing residential, office and commercial uses located on the southern site (Site 1).

In addition, the applicant states that a multi-level 'crystalline' circulation spine would form both the functional and iconic identity of the Eau Claire Market Redevelopment.

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In the Concept Plan –Massing section, the applicant provides text and an illustration describing the development as being:

- three towers on Site 1;
- two towers on site 2;
- carved building forms with maximum heights indicated; and
- a mix of uses, indicated as commercial, office and residential.

In the Concept Plan – Active Uses the applicant has indicated residential, hotel, retail restaurant and office lobby locations on the podiums.

In the Concept Plan – Circulation & Access section, the applicant has indicated circulation around the perimeter of the two blocks, including the Riverfront Avenue extension, along the sidewalks and through the site via +15 Skywalk connections.

Administration's Analysis

The submitted application is for land use, with wording that provides for only 'principles of building design [that] generally conform with the concept plan'.

Notwithstanding the emphasis placed on the "multi-level 'crystalline' circulation spine" by the applicant, it does not appear in the text of the DC Direct Control District. In terms of principles of building design, it is simply a mid-block link. Given the vague wording of the proposed DC Direct Control District, that link could not be reasonably required when phase 3 is submitted.

The concept expressed, with the exception of the carved forms which are only an aspiration and not part of the proposed DC Direct Control District, represents the development presented in LOC2006-0153 (20Z2008). Since there is no commitment to the carved forms, the concept offers nothing more than the existing DC Direct Control District (20Z2008).

The heights of the podium shown on the Concept Plan – Massing diagram do not reflect the renderings in the supporting documents or the applicant's model used to show the impact of the proposal in respect of the shadow on Eau Claire Plaza. On Site 1, the concept plan shows a 30 metre podium, while the shadow model used an 18 metre podium. An increase in the podium would impact the public realm and the ability of the development to provide the active edge and engagement of the Eau Claire Plaza suggested.

Active uses at grade were presented in LOC2006-0153 and the proposed DC Direct Control District provides for no innovation or requirements that provide for a significantly different development.

The site is bounded by sidewalks, therefore the circulation at grade does not change from the existing situation or that proposed in LOC2006-0153. Circulation at the +15 Skywalk level is not part of the land use application and would be considered as a result of the Development Permit process. Including this as part of a concept at this stage is premature.

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## **TRANSPORTATION NETWORKS**

The Transportation Impact Assessment (TIA) was based on the development of a residential, hotel, office, retail, supermarket, cinema and restaurant uses. This development was modelled as generating 343 primary trips during the morning peak period, 351 during the afternoon peak. The modelling also generated an expected 1,945 pedestrian movements during the morning peak and 1,592 during the afternoon peak.

The TIA included a capacity analysis on the existing intersections which confirmed that the intersections within the study area are currently operating within acceptable capacity parameters. It further confirms that all of the study area intersections would continue to operate within acceptable capacity parameters and no changes would be required to the existing road network.

The TIA did however note, that in post development conditions the Barclay Parade and 2 Street SW south bound approach at 4 Street SW and 2 Avenue SW would not operate efficiently, and recommend altering the traffic light timing at this location.

In terms of alternative modes, the TIA indicates that there is adequate connectivity for pedestrian and cyclists from the site to major destinations within 3 kilometres of the site. All roadway links in the vicinity of the site have sidewalks on both sides of the street and no upgrades are considered necessary.

In addition, the development site is well served by existing transit routes, which are currently operating with spare capacity and would be able to accommodate the increased ridership from the new development.

However, the TIA is not based on the submitted Land Use Amendment, but uses assumptions for a development based on the concept plan which is neither definitive nor guaranteed.

## **UTILITIES & SERVICING**

Public water, sanitary and storm deep main utilities exist within the adjacent public right-of-way. Ultimate development servicing will be determined at the future Development Permit and Development Site Servicing Plan (DSSP) circulation stage(s); to the satisfaction of Water Resources. If applicable, the developer would be required to pay for any necessary upgrades. At that time, the developer shall remit payment towards the Centre City Utility Levy Bylaw (38M2009).

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At the future Development Permit stage, the developer shall submit a Sanitary Servicing Letter, which will provide comparison between pre-development VS anticipated post-development sanitary peak flows, among other things.

It is probably that a Storm Water Management Report will also be required at the future Development Permit stage; given the site of the site and its close proximity to the Bow River.

### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Site assessment reports were submitted in connection with LOC2006-0153 which identified soil and groundwater impacts; which will require a Remedial Action Plan and Risk Management Plan at the future Development Permit stage. The reports (then) shall document how the site will be remediated or risk managed to such an extent that the site will be suitable for the future / intended development.

The subject site lands currently reside within the "Flood Fringe" flood risk area; as per current Council approved flood maps. As such, the future development design shall be subject to current Provincial and Municipal regulations outlined in Land Use Bylaw 1P2007, Part 3, Division 3. The current designated flood elevation is 1046.70 metres (geodetic).

### **ENVIRONMENTAL SUSTAINABILITY**

Not applicable in connection with the Land Use Amendment.

### **GROWTH MANAGEMENT**

There are no Growth Management issues identified for the Eau Claire ARP area, which includes the subject site.

### **PUBLIC ENGAGEMENT**

#### **Community Association Comments**

The Eau Claire Community Association provided a letter dated 2015 March 05 raising concerns about office development on the E1 lands, an increase in FAR, the phasing and the obligations to provide residential development in the Eau Claire community.

#### **Citizen Comments**

Cineplex provided a letter of support dated 2014 June 02 indicating support for the project and consider the +15 a key asset.

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Loblaw provided a letter of support dated 2014 June 02 indicating support of the proposal to connect the Eau Claire redevelopment to the +15 Skywalk.

Innvest REIT provided a letter of support dated 2014 September 16 indicating support for a development permit application for a +15 Skywalk connection to the Sheraton Eau Claire Suites Hotel.

Anthem Properties provided a letter of support dated 2014 September 26 indicating support for the proposed land use redesignation.

**Public Meetings**

The applicant held two Public Open House meetings; 2014 November 14 and 2015 May 06 in the Eau Claire Market, attended by the applicant and City representatives. Proposed changes to the Eau Claire ARP and content of the applicant's submission were discussed.

At the 2015 May 06 Open House, the applicant prepared a questionnaire for attendees to complete following that meeting. Questions included:

- will the proposal meet the communities expectations for entertainment and live/work;
- would the community support connection to the City's +15 Sky Walk system;
- would the community support the relocation of the Eau Claire Smokestack;
- would the community support an office tower as part of the proposed mix of uses;
- and
- is the shadow incursion into Eau Claire Plaza offset by the public benefits of the project.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

This submission for Land Use Redesignation is intended to replace the existing Direct Control district with a new Direct Control Bylaw to create a more dynamic mixed use precinct. The vision for the redevelopment of the Eau Claire Market site is iconic, vibrant, dense and diverse, incorporating residential, retail, hotel, office and entertainment uses which will animate the development and the Plaza, engaging people at all times of the day. With its proximity to the Bow River, Prince's Island and the river pathway system, this pedestrian oriented redevelopment plan celebrates Calgary's best aspects of urban living while showcasing world class architecture. Working with adjacent community stakeholders and a number of City Departments, Harvard Developments is committed to a project that will meet the Centre City Vision, and to Eau Claire Market becoming a unique and lively gathering place in the heart of downtown.

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THE FUTURE OF EAU CLAIRE MARKETPLACE

## CONCEPT PLAN - DESIGN STATEMENT



Every aspect of the Eau Claire Market Concept celebrates Calgary's relationship with the Bow, creating an iconic identity that emerges from a deep sense of place and reunites the City with the River.

This begins with a group of iconic structures carved by the sun to create "crystalline" tower forms. The design transitions from the river to the city, both in use and density. Two residential buildings with a mixed-use podium of commercial retail and residential uses are located on the northern ½ of the site, Site 2. These towers are scaled in response to the neighboring residential communities and to minimize shadows to public open space. The design transitions from the northern site to the southern site, Site 1, proposes two residential buildings, and a third mixed-use building of office, residential and commercial uses, located on the corner of 2nd Avenue and 2nd Street. The towers' carving sun angles create a transition from the lower heights of the northern site to the southern edge of the site and the City beyond.

A daylight, multi-level "crystalline" circulation spine forms part of both the functional and the iconic identity of Eau Claire Market Redevelopment. It creates strong north-south and east-west pedestrian connections both at grade and at the +15 level.

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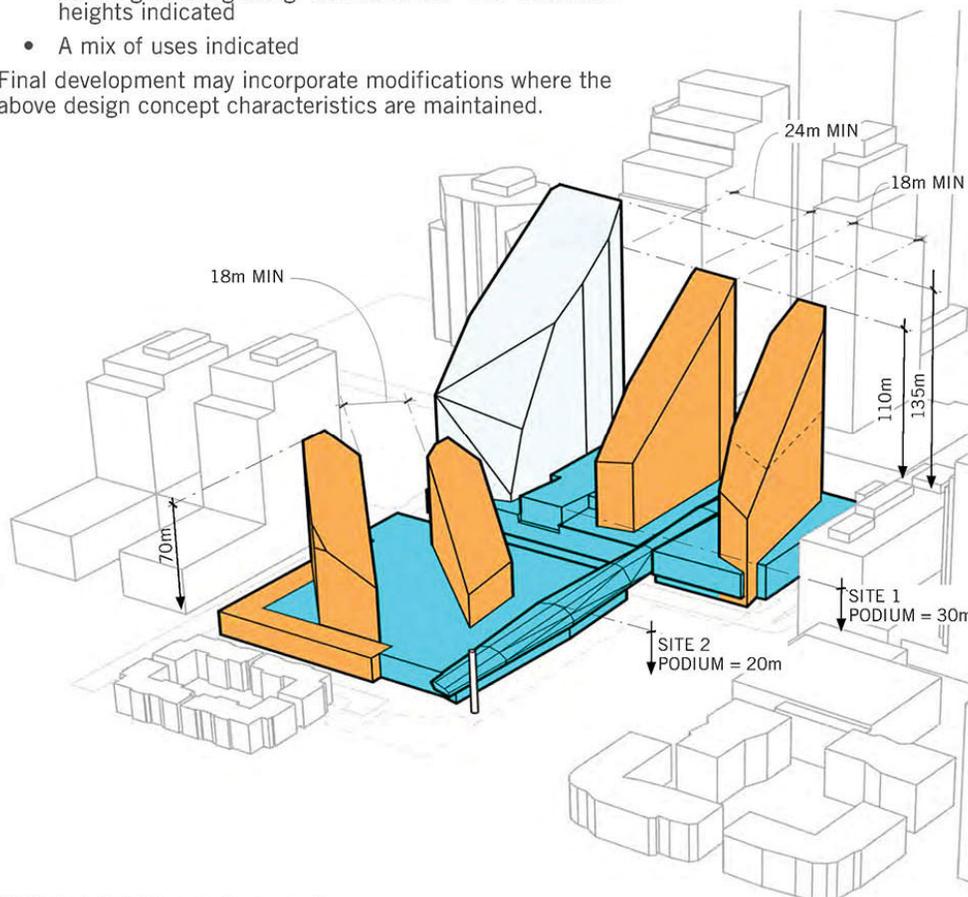
SECTION 13 DIRECT CONTROL DISTRICT - CONCEPT PLANS

CONCEPT PLAN - MASSING  
 Height and Separation

Final mixed-use development will include:

- 3 Towers over a podium on Site 1
- 2 Towers over a podium on Site 2
- Building massing using “carved forms” with maximum heights indicated
- A mix of uses indicated

Final development may incorporate modifications where the above design concept characteristics are maintained.



All Noted Heights are from grade.



- RESIDENTIAL
- MIXED-USE: COMMERCIAL, OFFICE & RESIDENTIAL
- MIXED-USE: OFFICE & RESIDENTIAL

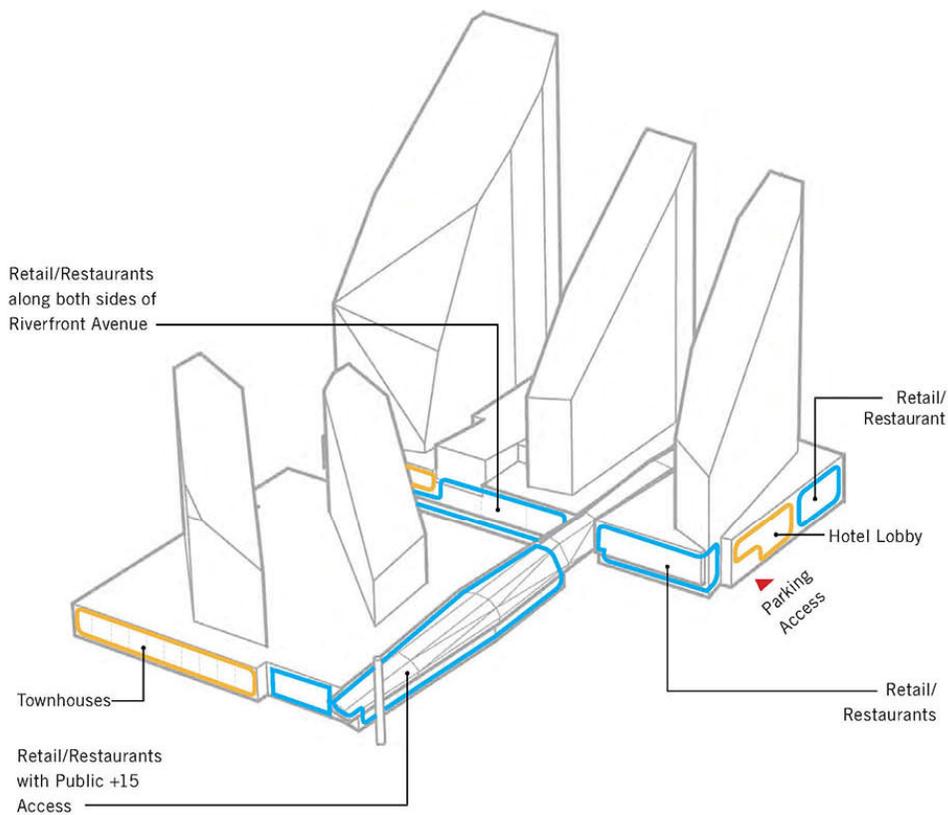
POLICY AMENDMENT AND LAND USE AMENDMENT  
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THE FUTURE OF EAU CLAIRE MARKETPLACE

CONCEPT PLAN - ACTIVE USES

Ground Floor and +15 Level Uses



Final mixed-use development will include:

- 3 Towers over a podium on Site 1
- 2 Towers over a podium on Site 2
- Building massing using “carved forms” with maximum heights indicated
- A mix of ground floor uses indicated

Final development may incorporate modifications where the above design concept characteristics are maintained.

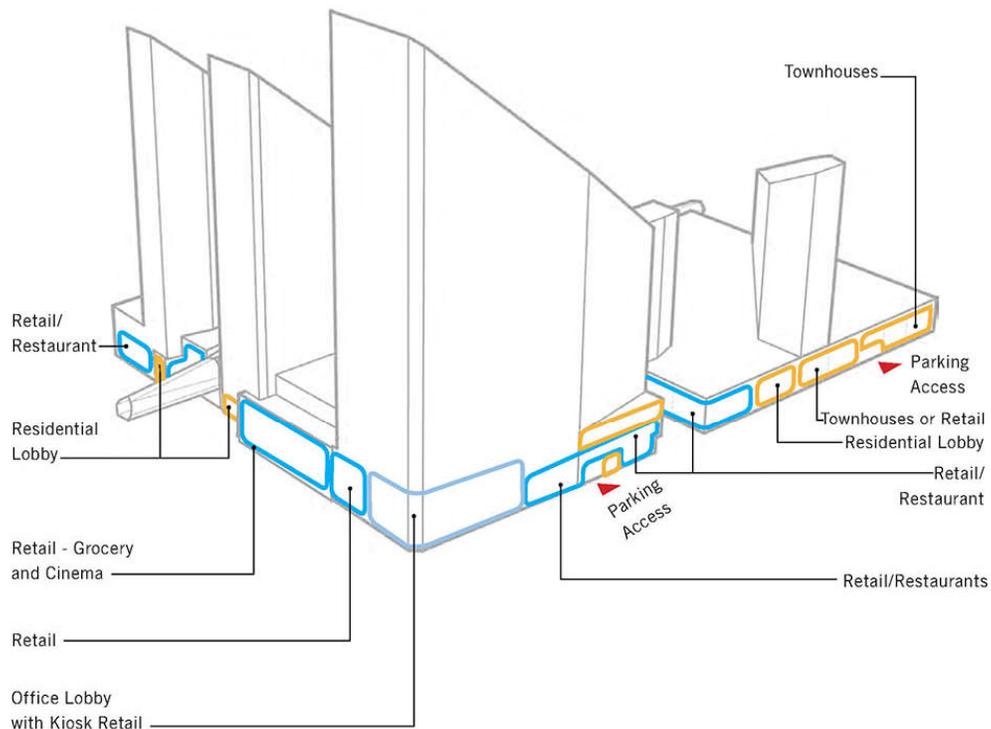
- Residential/Hotel
- Retail/Restaurants
- Office

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SECTION 13 DIRECT CONTROL DISTRICT - CONCEPT PLANS

CONCEPT PLAN - ACTIVE USES  
 Ground Floor and +15 Level Uses



Final mixed-use development will include:

- 3 Towers over a podium on Site 1
- 2 Towers over a podium on Site 2
- Building massing using “carved forms” with maximum heights indicated
- A mix of ground floor uses indicated

Final development may incorporate modifications where the above design concept characteristics are maintained.

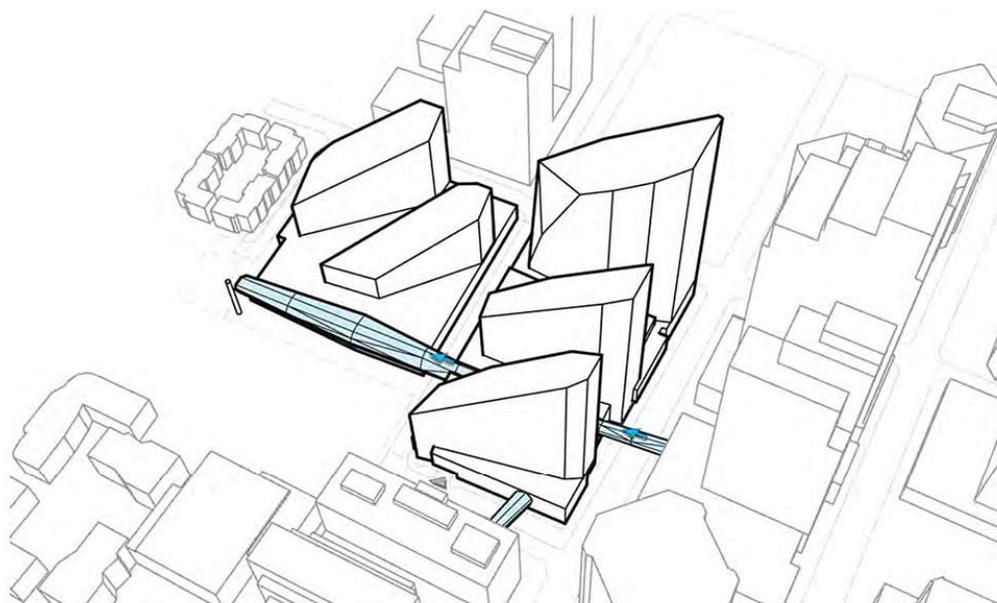
- Residential/Hotel
- Retail/Restaurants
- Office

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THE FUTURE OF EAU CLAIRE MARKETPLACE

## CONCEPT PLAN - CIRCULATION & ACCESS



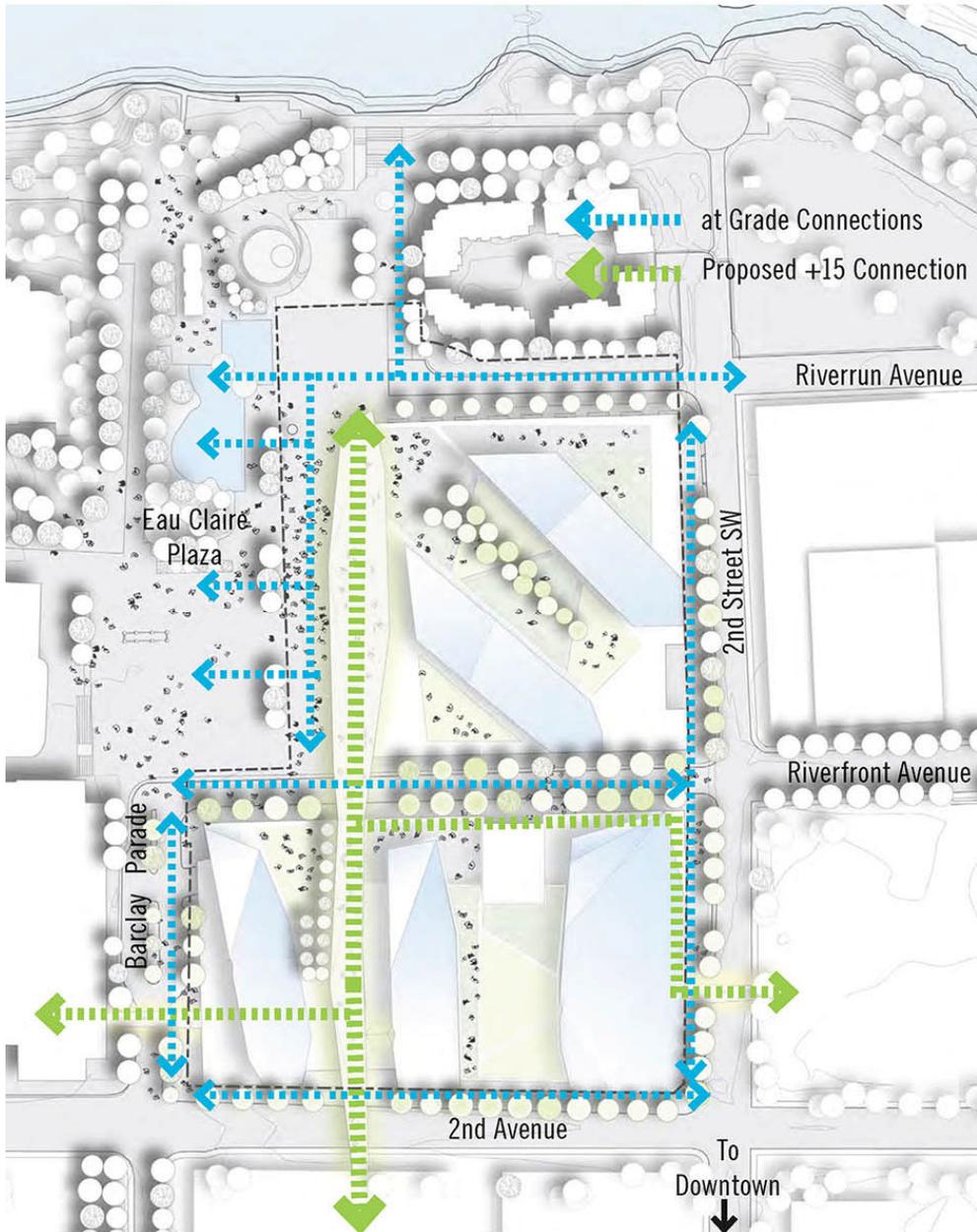
Once built, the new Eau Claire Market will create an urban destination for Calgarians to enjoy both indoors and out. The project will bring new activity to these outdoor spaces, with new residents and visitors enlivening Eau Claire Plaza and street life in the Eau Claire neighbourhood. The proposed north-south and east-west pedestrian connections are directly accessible to and contiguous with the +15 system in downtown Calgary.

Vehicular circulation around the site will be organized to connect the site to the city, and promote a pedestrian friendly urban realm. The project extends Riverfront Avenue to Barclay Mall. This creates a vehicular connection that extends the city grid, removes vehicular traffic at the east edge of Eau Claire Plaza, and allows River Run Avenue to remain a quiet residential street for local access only.

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SECTION 13 DIRECT CONTROL DISTRICT - CONCEPT PLANS



**APPENDIX II**

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

- (l) Delete the existing Figure 4 entitled “Major Building Locations” and replace with the revised Figure 4 entitled “Major Building Locations”
- (m) In Section 2.8, at the beginning of the second sentence, insert “In 2015”.
- (n) 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”
- (o) In Section 6.1.4, in the third sentence, delete the words “31,850 square metres (342,842 square feet)” and replace with the following:  
  
“range of 37,200 to 41,800 square metres (400,000 to 450,000 square feet).”
- (p) In Section 6.0B.4.1, after the first sentence, insert the following:  
  
“Where existing residential developments are adjacent to proposed new development, a residential-to-residential interface will also be considered as an appropriate/active edge.”
- (q) In Section 6.0B.4.7, delete the text and replace with the following:  
  
“To support office typologies provided they are appropriately designed for their context. Metrics of evaluation for office typologies may include, but are not limited to: Height, massing, scale, shadow, privacy, proximity to surrounding uses and other such factors as deemed appropriate by the approving authority. Such office space shall only be supported for this precinct when designed:
- As part of a mixed-use development that includes residential, commercial and retail uses that contribute to the vitality of the area and provide for comprehensive community amenities;
  - With a maximum cumulative gross floor area of 66,900 square metres (720,106 square feet); and
  - With a maximum at-grade office lobby frontage of 30 metres along each facade of a lobby.

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Such office space in a tower form shall only be supported for this precinct when:

- designed to be appropriately scaled;
- Located adjacent to any existing office development or parcels allowing future office development pedestrian podium; and
- Located above grade in any building form.”

(r) In Section 6.0B.4.9, delete the text and replace with the following:

“To ensure active streetscapes, at grade pedestrian linkages will be prioritized in development reviews. Where deemed appropriate and where it can be shown to maintain active edges at grade and protected view corridors, +15 connections between the mixed-use precinct and surrounding developments will be allowed by the approving authority.”

(s) In Section 6.0B.5.8, delete the first sentence and replace with the following:

“Where deemed appropriate and where it can be shown to address and honour view corridors to the river, the Barclay Mall, and landmark views to the Chinese Cultural Centre, new +15 connections crossing 3 Street SW, 2 Street SW and 2 Avenue SW will be permitted subject to the ruling of the approving authority.”

(t) In Section Policy 9.3.9, delete the second and third sentences and replace with the following:

“Provided that moving the smokestack to a new location can be demonstrated to create a benefit to the community and enhance the prominence of its historical designation, re-location of the smokestack to another location on E1 lands may be considered.”

(u) In Section 11.4.6(d), delete the text and replace with the following:

“the area of the Eau Claire Plaza:

- d. north of a line drawn parallel and 210 feet north of the 1 Ave. S. right-of-way and west of a line drawn 45 feet from the east boundary of the Plaza, at 10:00 am, MDT on September 21;
- e. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way at 12:30 pm, MDT on September 21; and

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- f. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way and west of a line drawn parallel to and limited to 50 feet from the east boundary of the Plaza at 2:30 pm, MDT on September 21.”
- (v) In Section 12.4.3, delete the text and replace with the following:
- “In order to reinforce a vibrant public realm for residents of Eau Claire and users of Eau Claire Plaza and surrounding amenities as well as preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre along 2 Avenue SW, at grade pedestrian linkages will be prioritized. Where deemed appropriate and where it can be shown to not impact the active edges at grade; and where it can be shown to honour and preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre, +15 connections between the E1 mixed-use precinct and surrounding developments may be considered.”

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APPENDIX III

SUMMARY OF PROPOSED AMENDMENTS TO THE  
 EAU CLAIRE AREA REDEVELOPMENT PLAN

Text Location	Eau Claire ARP Text	Harvard Proposed Text
Page 7 Section 2.4	In 2008, Block E1 and E2 were added to Figure 3 to reference new policies guiding the new developments on the Eau Claire Market site and the site bounded by 2 and 3 Streets SW and 2 and 3 Avenues SW. <b>Bylaw 65P2008</b>	
Page 8 Figure 4 Major Building Locations	The Smokestack is shown in its current location.	Map amendment
Page 9 Section 2.8	In 2008, the lands on the Eau Claire Market site (E1) were sold to Harvard Developments, Inc. A new Direct Control District was approved by Council to guide a comprehensively designed mixed use retail, office and residential development on site. For the lands bounded by 2 and 3 Streets SW and 2 and 3 Avenues SW (E2), a land use amendment application was submitted in 2006, and a development permit application was submitted in 2007. The development permit application includes office commercial uses (Phase 1) in conjunction with hotel and residential uses on site (Phase 2) with increased density. As a result of these applications, policy changes were made to this ARP to guide the proposed mixed-use developments on the E1 and E2 lands. <b>Bylaw 65P2008</b>	In 2008, the lands on the Eau Claire Market site (E1) were sold to Harvard Developments, Inc. In 2015 a new Direct Control District was approved by Council to guide a comprehensively designed mixed use retail, office and residential development on site. For the lands bounded by 2 and 3 Streets SW and 2 and 3 Avenues SW (E2), a land use amendment application was submitted in 2006, and a development permit application was submitted in 2007. The development permit application includes office commercial uses (Phase 1) in conjunction with hotel and residential uses on site (Phase 2) with increased density. As a result of these applications, policy changes were made to this ARP to guide the proposed mixed-use developments on the E1 and E2 lands.
Page 10 Section 3.1	3.1 To establish policies for achieving development and change in Eau Claire, within the overall context provided by the <b>General Municipal Plan</b> and <b>Core Area Policy Brief</b> .	

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<p>Page 13 Section 4.5</p>	<p>In the mixed-use precinct of E1, land is designated primarily for residential with a mix of commercial (retail and entertainment) and “non-traditional” office. In the mixed-use precinct of E2, a greater level of mixing is allowed to accommodate residential, office, hotel, and supporting commercial/retail. Densities in these precincts are sufficient to accommodate medium to high-density mixed-use developments to meet the needs of residents, workers and visitors in the area. The densities allowed in these precincts will ensure sunlight preservation for the Eau Claire Plaza and the Barclay Mall, and reinforce the all-seasons, and day and night “vitality” of the public realm for the Eau Claire Community. <b>Bylaws 9P2008 &amp; 65P2008</b></p>	
<p>Page 14 Figure 6</p> <p>Major Building Locations</p>	<p>E1 Overall FAR: 6.1</p>	<p>E1 Overall FAR: 7.8</p> <p>Plan amendment required</p>
<p>Page 21 Section 6.1.4</p>	<p>City policies revised in 2010 allow a maximum of 9,000 square metres (96,875 square feet) of commercial space, excluding offices, on the B lands. There is some potential for similar retail commercial type uses along 4 Avenue SW. In conjunction with the anticipated 31,850 square metres (342,842 square feet) of retail and entertainment on E1 lands, and an additional 6,300 square metres (68,000 square feet) of retail commercial on the E2 lands, these sites are considered more than adequate to serve the future demand generated by increases in the number of residents, workers and both local and regional users of the commercial and recreational facilities in the community.</p>	<p>City policies revised in 2010 allow a maximum of 9,000 square metres (96,875 square feet) of commercial space, excluding offices, on the B lands. There is some potential for similar retail commercial type uses along 4 Avenue SW. In conjunction with the anticipated range of 37,200 to 41,800 square metres (400,000 to 450,000 square feet) of retail and entertainment on E1 lands, and an additional 6,300 square metres (68,000 square feet) of retail commercial on the E2 lands, these sites are considered more than adequate to serve the future demand generated by increases in the number of residents, workers and both local and regional users of the commercial and recreational facilities in the community</p>

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<p>Page 25 Section 6.0B.1.1</p>	<p>In this section, Mixed-Use refers to 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. <b>Bylaw 65P2008</b></p>	<p>No change proposed</p>
<p>Page 25 Section 6.0B.1.2</p>	<p>Since the Eau Claire Market was built in 1993, it has become a special site for the Eau Claire community, the Centre City and Calgary. Although the success of the Market itself and its integration with the community has not been fully realized, the components of achieving that success are better understood. Innovative approaches to developing the site and buildings with a mix of uses to enhance “vitality” and “livability” and the evolution of the Eau Claire community as a primarily residential community have provided the opportunity to revitalize this area of the community with a new vision that better meets the policies within the ARP. A new generalized land use of a mixed-use precinct for the Eau Claire Market site provides an opportunity to implement new policies that will achieve a more livable and vibrant redevelopment. <b>Bylaw 65P2008</b></p>	<p>No change proposed</p>
<p>Page 26 Section 6.0B.4.1</p>	<p>To establish a vital, high-quality mixed-use redevelopment that has active edges interfacing with the Eau Claire Plaza, riverfront and surrounding residential developments.</p>	<p>To establish a vital, high-quality mixed-use redevelopment that has active edges interfacing with the Eau Claire Plaza, riverfront and surrounding residential developments.</p> <p>Where existing residential developments are adjacent to proposed new development, a residential-to-residential interface will also be considered as an appropriate/active edge.</p>
<p>Page 26 Section 6.0B.4.2</p>	<p>To facilitate primarily residential mixed-use buildings that will provide an increase of approximately 1000 residential units and contribute towards a residential population of approximately 5000 people for Eau Claire.</p>	<p>No change proposed</p>

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<p>Page 26 Section 6.0B.4.3</p>	<p>Set Direct Control guidelines to ensure that the residential component is sensitively-designed to minimize the impact of commercial activities on residential units, protect residents' privacy, provide amenity space and require separate access for residential and commercial uses.</p>	<p>No change proposed</p>
<p>Page 26 Section 6.0B.4.4</p>	<p>To encourage a mix of residential unit types to accommodate a diverse population and support a mix of commercial land uses.</p>	<p>No change proposed</p>
<p>Page 26 Section 6.0B.4.5</p>	<p>To ensure that a sufficient mix of retail commercial and entertainment is provided to meet the needs of the local residents such as grocery, health, community association facilities, childcare and seniors amenities, as well as, meet the needs of workers and visitors in the area.</p>	<p>No change proposed</p>
<p>Page 26 Section 6.0B.4.6</p>	<p>To ensure that the retail commercial uses are designed to contribute to a pedestrian-scaled environment and add "vitality" to both public and private streetscapes.</p>	<p>No change proposed</p>
<p>Page 26 Section 6.0B.4.7</p>	<p>To support a "non-traditional" office typology that is different in form and design from typical corporate office space. The "non-traditional" office typology provides unique character spaces with a focus towards innovative and creative services such as artists, architects, technology companies, cultural industries, electronic arts as well as applied office space for doctors, dentists, wellness programs, etc. The intent is to provide innovative office uses that contribute to the "vitality" of the area by providing a creative mix that will enhance a day and night environment. Such "non-traditional" office space shall only be supported for this precinct:</p> <ul style="list-style-type: none"> <li>• As a part of the redevelopment of a mixed-use building that includes residential;</li> <li>• On upper levels of a podium of a building and will not be supported in any form at-grade or in a high-rise tower;</li> <li>• With a maximum, cumulative gross floor area of 27,884 square metres (300,150 square feet) and</li> </ul>	<p>To support office typologies provided they are appropriately designed for their context. Metrics of evaluation for office typologies may include, but are not necessarily limited to: Height, massing, scale, shadow, privacy, proximity to surrounding uses, and other such factors as deemed appropriate to make a considered decision by the approving authority. Such office space shall only be supported for this precinct:</p> <ul style="list-style-type: none"> <li>• As a part of a mixed-use development that includes residential, commercial and retail uses that contribute to the vitality of the area and provide for comprehensive community amenities.</li> <li>• With a maximum cumulative gross floor area of 66, 900 square metres (720,106 square feet) and</li> <li>• With a maximum at-grade office lobby frontage of 30 metres along each facade of a lobby.</li> </ul> <p>Such office space in a tower form shall only be supported for this precinct:</p>

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	<ul style="list-style-type: none"> <li>With a maximum at-grade office lobby frontage of 7.5 metres.</li> </ul>	<ul style="list-style-type: none"> <li>when designed with an appropriately scaled</li> <li>in a location adjacent to any existing office development or parcels allowing future office development pedestrian podium.</li> </ul> <p>Such office space shall NOT be supported for this precinct in any form at-grade.</p>
Page 27 Section 6.0B.4.9	To ensure active streetscapes, only at-grade pedestrian linkages (i.e. no +15 bridges) will be supported as a connection between the mixed-use precinct and surrounding developments. See also 12.4.3 Pedestrian Circulation.	To ensure active streetscapes, at grade pedestrian linkages will be prioritized in development reviews. Where deemed appropriate and where it can be shown to maintain active edges at grade and protected view corridors, +15 connections between the mixed-use precinct and surrounding developments will be allowed by the approving authority.
Page 29 Section 6.0B.5.8	In order to protect the landscape views to the river along the Barclay Mall and landmark views to the Chinese Cultural Centre along 2 Avenue SW, new +15 bridges crossing 3 Street SW and 2 Avenue SW are generally discouraged. Where permitted or otherwise required, the impact of the new +15 bridges on the views shall be minimized through transparent design treatments and other innovative design solutions.	Where deemed appropriate and where it can be shown to address and honour view corridors to the river, the Barclay Mall, and landmark views to the Chinese Cultural Centre, new +15 connections crossing 3 Street SW, 2nd Street SW and 2nd Avenue SW will be permitted subject to the ruling of the approving authority. Where permitted or otherwise required, the impact of the new +15 bridges on the views shall be minimized through transparent design treatments and other innovative design solutions.
Page 41, 9.3.9	The historic smokestack artifact at the northeast corner of Barclay Mall (3 Street SW) and 2 Avenue SW (See Figure 4: Major Building Locations) is in its original location. Consideration shall be given to designating the historic smokestack artifact as a Municipal Historic Resource at the time of any land use amendment affecting the site. A minimum 10-metre building setback surrounding the historic smokestack is required to provide an appropriately integrated built-form and an urban public open space. <b>Bylaw 9P2008</b>	The historic smokestack artifact at the northeast corner of Barclay Mall (3 Street SW) and 2 Avenue SW (See Figure 4: Major Building Locations) is in its original location; however, When evidence can be provided that moving the smokestack to a new location will create a benefit to the community and enhance the prominence of its historical designation, re-location of the smokestack to another location on E1 lands will be considered
Page 49 Section 11.4.6.(d)	Development close to the Bow River and the Barclay Mall should not place more of the following areas in shadow than is already in shadow as a result of existing buildings:	Development close to the Bow River and the Barclay Mall should not place more of the following areas in shadow than is already in shadow as a result of existing buildings excepting:

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	<p>d. the area of the Eau Claire Plaza north of a line drawn parallel and 60 feet north of the 1 Ave. S. right-of-way between 10.00a.m. and 2.30 p.m., MDT, on September 21.  <b>Bylaw 9P2008</b></p>	<p>d. the area of the Eau Claire Plaza as shown on Schedule A Eau Claire Plaza Shadow Limits:</p> <ol style="list-style-type: none"> <li>1. north of a line drawn parallel and 210 feet north of the 1 Ave. S. right-of-way and west of a line drawn 45 feet from the east boundary of the Plaza, at 10:00 am, MDT;</li> <li>2. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way at 12:30 pm, MDT; and</li> <li>3. north of a line drawn parallel and 110 feet north of the 1 Ave. S. right-of-way and west of a line drawn parallel to and limited to 50 feet from the east boundary of the Plaza at 2:30pm, MDT.</li> </ol>
<p>Page 57          Section 12.4.3</p>	<p>In order to reinforce a vibrant public realm for residents of Eau Claire and users of the Eau Claire Plaza and surrounding amenities as well as preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre along 2 Avenue SW, no +15 linkages shall be supported as a connection of the E1 lands with the riverbank, Eau Claire residential/hotel/office to the west, Chinatown to the east and the downtown commercial core to the south (See Figure 9). For the same reasons, new +15 bridges crossing 3 Street SW and 2 Avenue SW are generally discouraged.  <b>Bylaws 9P2008 &amp; 65P2008</b></p>	<p>In order to reinforce a vibrant public realm for residents of Eau Claire and users of Eau Claire Plaza and surrounding amenities as well as preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre along 2nd Avenue SW, at grade pedestrian linkages will be prioritized in development reviews. Where deemed appropriate and where it can be shown to not impact the active edges at grade, and where it can be shown to honour and preserve views of the escarpment to the north along Barclay Mall and to the Chinese Cultural Centre, +15 connections between the E1 mixed-use precinct and surrounding developments will be considered.</p>

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APPENDIX IV

PROPOSED DC DIRECT CONTROL DISTRICT GUIDELINES

**Eau Claire Market Site**

**Purpose**

- 1 This Direct Control District is intended to provide:
- (a) a primarily residential and commercial **development** to meet the needs of the workers, visitors and local and regional users, and in recognition of the site as a destination for retail **uses** where flexible and creative **development** encourages an exciting and energetic environment;
  - (b) a mix of residential, commercial, **office** and cultural **uses**;
  - (c) intensive **development** where intensity is measured by **floor area ratio**; and
  - (d) a **building** form that is street oriented at **grade**.

**Compliance with Bylaw 1P2007**

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

**Reference to Bylaw 1P2007**

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

**General Definitions**

- 4 In this Direct Control District:
- (a) "**residential use**" means one or more of the following **uses**:
    - (i) **Assisted Living**;
    - (ii) **Dwelling Unit**;
    - (iii) **Hotel**;
    - (iv) **Live Work Unit**;
    - (v) **Multi-Residential Development**; and
    - (vi) **Townhouse**; and
  - (b) "**commercial uses**" means all of the **discretionary uses** in this Direct Control District other than:
    - (xxiii) **Residential Uses**;
    - (xxiv) **Child Care Service**;

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- (xxv) **Community Entrance Feature;**
- (xxvi) **Community Recreation Facility;**
- (xxvii) **Home Occupation – Class 2;**
- (xxviii) **Indoor Recreation Facility;**
- (xxix) **Library;**
- (xxx) **Parking Lot – Grade;**
- (xxxi) **Parking Lot – Grade (Temporary);**
- (xxxii) **Performing Arts Centre;**
- (xxxiii) **Power Generation Facility – Small;**
- (xxxiv) **Residential Care;**
- (xxxv) **School Authority – School;**
- (xxxvi) **School Authority – Major;**
- (xxxvii) **School Authority – Minor;**
- (xxxviii) **Service Organization;**
- (xxxix) **Sign – Class C;**
- (xl) **Sign – Class E;**
- (xli) **Special Function – Class 2;**
- (xlii) **Temporary Residential Sales Centre; and**
- (xlili) **Utility Building.**

**Defined Uses**

**5** In this Direct Control District "**Temporary Marketing Centre**":

- (e) means a **use**:
  - (iv) where **units** are offered for sale to the public;
  - (v) that may include sales offices and displays of materials used in the construction of the **units** that are offered for sale; and
  - (vi) that must occur in a **unit**, which may be temporarily modified to accommodate the **use**, or in a temporary **building**;
- (f) must not operate for longer than 4 years;
- (g) does not require **motor vehicle parking stalls**; and
- (h) does not require **bicycle parking stalls – class 1 or class 2**.

**Application**

**6** The provisions in sections 7 through 29 apply only to Site 1 and Site 2.

**Permitted Uses**

**7** The following **uses** are **permitted uses** in this Direct Control District:

- (e) **Accessory Residential Building;**
- (f) **Park;**

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- (g) **Protective and Emergency Service;** and
- (h) **Sign – Class D.**

**Discretionary Uses**

**8** The following *uses* are *discretionary uses* in this Direct Control District:

- (ooo) **Accessory Food Service;**
- (ppp) **Accessory Liquor Service;**
- (qqq) **Artist’s Studio;**
- (rrr) **Assisted Living;**
- (sss) **Auction Market – Other Goods;**
- (ttt) **Catering Service – Minor;**
- (uuu) **Child Care Service;**
- (vvv) **Community Entrance Feature;**
- (www) **Community Recreation Facility;**
- (xxx) **Computer Games Facility;**
- (yyy) **Convenience Food Store;**
- (zzz) **Cultural Support;**
- (aaaa) **Dinner Theatre;**
- (bbbb) **Drinking Establishment – Medium;**
- (cccc) **Drinking Establishment – Small;**
- (dddd) **Dwelling Unit;**
- (eeee) **Financial Institution;**
- (ffff) **Fitness Centre;**
- (gggg) **Food Kiosk;**
- (hhhh) **Health Services Laboratory – With Clients;**
- (iiii) **Home Occupation - Class 2;**
- (jjjj) **Hotel;**
- (kkkk) **Indoor Recreation Facility;**
- (llll) **Instructional Facility;**
- (mmmm) **Library;**
- (nnnn) **Liquor Store;**
- (oooo) **Live Work Unit;**
- (pppp) **Market;**
- (qqqq) **Market – Minor;**
- (rrrr) **Medical Clinic;**
- (ssss) **Multi-Residential Development;**
- (tttt) **Museum;**
- (uuuu) **Office;**
- (vvvv) **Outdoor Café;**
- (wwww) **Outdoor Recreation Area;**
- (xxxx) **Parking Lot – Grade;**
- (yyyy) **Parking Lot - Grade (Temporary);**
- (zzzz) **Performing Arts Centre;**

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- (aaaaa) Pet Care Service;
- (bbbbb) Place of Worship – Small;
- (ccccc) Post Secondary Learning Institution;
- (dddd) Power Generation Facility – Small;
- (eeee) Print Centre;
- (ffff) Radio and Television Studio;
- (ggggg) Residential Care;
- (hhhhh) Restaurant: Food service only – Large;
- (iiii) Restaurant: Food service only – Medium;
- (jjjj) Restaurant: Food service only – Small;
- (kkkkk) Restaurant: Licensed – Medium;
- (llll) Restaurant: Licensed – Large;
- (mmmmm) Restaurant: Licensed – Small;
- (nnnnn) Retail and Consumer Service;
- (oooo) School – Private;
- (ppppp) School Authority – School;
- (qqqqq) School Authority Purpose – Major;
- (rrrrr) School Authority Purpose – Minor;
- (sssss) Service Organization;
- (tttt) Sign – Class C;
- (uuuuu) Sign – Class E;
- (vvvvv) Special Function – Class 2;
- (wwwww) Specialty Food Store;
- (xxxxx) Supermarket;
- (yyyyy) Take Out Food Service;
- (zzzzz) Temporary Residential Sales Centre;
- (aaaaa) Townhouses;
- (bbbbb) Utility Building; and
- (ccccc) Veterinary Clinic.

**General Landscaped Area Rules**

- 9** (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) A landscape plan for the entire **development** must be submitted as part of each **development permit** application, where changes are proposed to the **building** or **parcel**, and must show at least the following:
- (a) the existing and proposed topography;
  - (b) the existing vegetation and indicate whether it is to be retained or removed;

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- (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls, screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**; and
  - (d) the types, species, sizes and numbers of plant material and the types of **landscaped areas**.
- (3) The **landscaped areas** shown on the landscape plan, approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

**Planting Requirements**

- 10 (1) All plant materials must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association.
- (2) Deciduous trees must have a minimum **calliper** of 50 millimetres and at least 50.0 percent of the provided deciduous trees must have a minimum **calliper** of 75 millimetres at the time of planting.
- (3) Coniferous trees must have a minimum height of 2.0 metres.
- (4) Shrubs must be a minimum height or spread of 0.6 metres at the time of planting.
- (5) For **landscaped areas** with a **building** below, planting areas must have the following minimum soil depths:
- (d) 1.2 metres for trees;
  - (e) 0.6 metres for shrubs; and
  - (f) 0.3 metres for all other planting areas.
- (6) The soil depths referenced in subsection (5) must cover an area equal to the mature spread of the planting material.

**Low Water Irrigation System**

- 11 (1) When a **low water irrigation system** is provided, only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area.
- (2) When a **low water irrigation system** is provided, trees and shrubs that have similar water consumption requirements must be grouped together.

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**Additional Landscaping Rules**

- 12 (1) Unless otherwise referenced, all areas of a **parcel**, except for those portions specifically required for motor vehicle access, **motor vehicle parking stalls**, **loading stalls**, garbage facilities or any purpose allowed by the **Development Authority**, must be a **landscaped area**.
- (2) Every **building** on a **parcel** must have at least one sidewalk connecting the **public entrance** to a public sidewalk, or in the case where there is no public sidewalk, to the nearest **street**.
- (3) Where a **building** contains more than one **use**, every **use** that has an exterior **public entrance** must either:
- (c) have a sidewalk connecting the **public entrance** to the sidewalk required by subsection (2); or
  - (d) have a sidewalk connecting that **public entrance** to a public sidewalk.
- (4) Where a sidewalk provided in satisfaction of this section, is next to a portion of a **building**, the sidewalk must extend along the entire length of that side of the **building**.
- (5) Every sidewalk provided must:
- (e) be a **hard surfaced landscaped area**;
  - (f) be a minimum width of 2.0 metres;
  - (g) have different surfacing than the surfacing of the parking areas on the **parcel**; and
  - (h) be raised above the surface of the parking area when located in a parking area.
- (6) Except for access ways from public thoroughfares, all adjoining City boulevards must be landscaped.

**Residential Amenity Space**

- 13 (1) The required minimum **amenity space** is 5.0 square metres per **unit**.
- (2) **Amenity space** may be provided as **common amenity space**, **private amenity space** or a combination of both.
- (3) When the **private amenity space** provided is 5.0 square metres or less per **unit**, that specific area will be included to satisfy the **amenity space** requirement.

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- (4) When the **private amenity space** exceeds 5.0 square metres per **unit**, only 5.0 square metres per **unit** may be included to satisfy the **amenity space** requirement.
- (5) **Private amenity space** must:
- (c) be in the form of a **balcony, deck** or **patio**; and
  - (d) where the **private amenity space** is a **deck** or **patio** have no minimum dimensions of less than 2.0 metres.
- (6) **Common amenity space**:
- (e) may be provided as **common amenity space – indoors** and as **common amenity space – outdoors**;
  - (f) must be accessible from all the **units**;
  - (g) must have a contiguous area of not less than 50.0 square metres with no dimension less than 6.0 metres; and
  - (h) may be located at or above **grade**.
- (7) A maximum of 50.0 percent of the required **amenity space** may be provided as **common amenity space – indoors**.
- (8) **Common amenity space – outdoors** must provide a **balcony, deck** or **patio** and at least one of the following as permanent features:
- (c) a barbeque; or
  - (d) seating.

### Garbage

14 Garbage containers and waste material must be stored either:

- (c) inside a **building** that contains another approved **use**; or
- (d) in a **screened** garbage container enclosure approved by the **Development Authority**.

### Recycling Facilities

15 Recycling facilities must be provided for every **building**.

### Mechanical Screening

16 Mechanical systems or equipment that are located outside of a **building** must be **screened**.

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**Visibility Setback**

- 17 **Buildings**, finished **grade** of a **parcel** and vegetation within a **corner visibility triangle** must not be located between 0.75 metres and 4.6 metres above the lowest elevation of the **street**.

**Sunlight Protection Areas**

- 18 (1) The following sunlight protection areas should 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 in shadow as the result of an existing or approved **development**:
- (a) Riverbank (not including the Riverbank Promenade and between 3 and 7 Streets SW): an area 20.0 metres wide abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m., MDT;
  - (b) Riverbank Promenade (between 3 Street SW and Centre Street): an area 9.0 metres wide abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m., MDT;
  - (c) Barclay (3 St SW) Mall: the westerly 8.0 metres of the right-of-way and setback area of the Barclay Mall, from 12:30 p.m. to 1:30 p.m., MDT; and
  - (d) Barclay (3 St SW) Mall: the easterly 8.0 metres of the right-of-way and setback area of the Barclay Mall, from 1:30 p.m. to 2:30 p.m., MDT.
- (2) The Eau Claire Plaza (the "Plaza") should not be placed in greater shadow by a **development** as measured on September 21, at the times, than were already in shadow as the result of an existing or approved **development** excepting:
- (a) south of a line drawn parallel to and 210 feet from the south boundary of the Plaza and east of a line drawn parallel to and 45 feet from the east boundary of the Plaza, at 10:00 a.m., MDT;
  - (b) south of a line drawn parallel to and 110 feet from the south boundary of the Plaza at 12:30 p.m., MDT; and
  - (c) south of a line drawn parallel to and 110 feet from the south boundary of the Plaza and east of a line drawn parallel to and 50 feet from the east boundary of the Plaza, at 2:30 p.m., MDT.

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**Location of Uses within Buildings and on Site**

- 19 (1) **Offices uses** must not be located on the ground floor of a **building**.
- (2) **Office uses** within Site 1 may only be located:
- (a) 30 metres or more above **grade**; and
  - (b) in a **building** located at the northwest corner of 2 Avenue and 2 Street SW.
- (3) **Restaurant: Licensed – Large** must not have its primary entrance fronting onto the northernmost boundary of Site 2.
- (4) Approval of this Direct Control Bylaw does not constitute approval of a **development permit**. Comprehensive plans must be submitted to the Approving Authority as part of a **development permit** application. In considering such an application, the Approving Authority must ensure that the site layout and principles of building design generally conform with the concept plan available to City Council during its consideration of this Direct Control District Bylaw.

**Use Area**

- 20 (1) Unless otherwise referenced in this Section, the maximum **use area** for **uses** located on the ground floor of a **building** is 1200.0 square metres.
- (2) For **Retail and Consumer Service, Supermarket**, or a **Supermarket** combined with any other **use**, there may be:
- (a) one such maximum **use area** of 3600.0 square metres and one such maximum **use area** of 2400.0 square metres on the ground floor of a **building** on Site 1; and
  - (b) one such maximum **use area** of 3600.0 square metres and one such maximum **use area** of 2400.0 square metres on the ground floor of a **building** on Site 2.
- (3) The maximum **use area** of a **Financial Institution** when located on the ground floor of a **building** is 465.0 square metres of **public area**.

**Motor Vehicle Parking Stalls**

- 21 (1) For **Dwelling Units** or **Live Work Units**:
- (a) the minimum **motor vehicle parking stall** requirement is 0.5 stalls per **unit**;

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- (b) the maximum number of ***motor vehicle parking stalls*** that may be provided is:
  - (i) 1.0 stalls per ***unit*** where the ***unit's gross floor area*** is less than or equal to 125.0 square metres; and
  - (ii) 2.0 stalls per ***unit*** where the ***unit's gross floor area*** is greater than 125.0 square metres; and
- (c) the ***visitor parking stall*** requirement is 0.1 stalls per ***unit***.
- (2) For a **Hotel**, the minimum number of required ***motor vehicle parking stalls*** is 1.0 per 3.0 guest rooms.
- (3) The following ***uses*** require a parking study to determine the required minimum number of ***motor vehicle parking stalls***, ***bicycle parking stalls – class 1*** and ***bicycle parking stalls – class 2***:
  - (a) **Indoor Recreation Facility;**
  - (b) **Library;**
  - (c) **Museum;**
  - (d) **Performing Arts Centre;** and
  - (e) **Post-secondary Learning Institution.**
- (4) For **Office**, the minimum number of required ***motor vehicle parking stalls*** is 0.7 per 100.0 square metres of ***gross useable floor area***, which must be provided:
  - (a) 50 per cent as stalls; and
  - (b) 50 per cent as cash in lieu.
- (5) For all other ***uses***, the minimum required ***motor vehicle parking stalls*** is the requirement referenced in Part 4 of Bylaw 1P2007.
- (6) Payments made under subsection (4) (b) must be in accordance with ***Council's*** policy and calculated at the rate per ***motor vehicle parking stall*** established by ***Council*** at the time the payment is made.

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**Short Stay Parking Stalls**

22 The number of **motor vehicle parking stalls** required in section 21 of this Direct Control Bylaw may be increased up to a total of 24.0 additional **motor vehicle parking stalls** to provide **parking area – short stay** stalls where such stalls are:

- (a) located in a portion of the **development** approved for use as a **parking area – short stay**;
- (b) included in a parking area which is operated as part of a **scramble parking** arrangement that is open to the public; and
- (c) prominently signed at the street level indicating the availability and conditions of use of such stalls.

**Use of Parking Areas**

- 23 (1) All **uses** may share an entrance to areas of a parking structure.
- (2) **Motor vehicle parking stalls and bicycle parking stalls** required for **uses** on Site 1 and Site 2 may be shared and supplied on any one Site or both Sites, but those such stalls required for **residential use** (except **Hotel**) must be physically separated from stalls for other **uses**.
- (3) Notwithstanding subsection (2), **motor vehicle parking stalls and bicycle parking stalls** required for **Office** use must be physically separated from stalls for **residential use** (except **Hotel**).

**Bicycle Parking Stall Requirements**

- 24 (1) Unless otherwise referenced in this section, the minimum number of required **bicycle parking stalls – class 1** and **class 2** is the requirement referenced in Part 4 of Bylaw 1P2007.
- (2) For an **Office**, the minimum number of required:
- (a) **bicycle parking stalls - class 1** is 2.0 per 1000.0 square metres of **gross usable floor area**; and
  - (b) **bicycle parking stalls - class 2** is 2.0 per 1000.0 square metres of **gross usable floor area**.
- (3) For a **Dwelling Unit** or **Live Work Unit**, the minimum number of **bicycle parking stalls – class 1** is 0.5 per **unit** for **developments** with greater than 20.0 **units**.

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- (4) Where **bicycle parking stalls – class 1** are required for an **Office** in a proposed **building**, the following amenities must be provided:
- (a) lockers at a ratio of 1.0 per 4.0 **bicycle parking stalls – class 1**; and
  - (b) where a minimum of 25.0 **bicycle parking stalls – class 1** are required:
    - (i) private change rooms at a minimum of 0.4 square metres per required **bicycle parking stalls – class 1** or 20.0 square metres, whichever is greater;
    - (ii) showers at a minimum of 0.4 square metres per required **bicycle parking stalls – class 1** or 20.0 square metres, whichever is greater; and
    - (iii) an unobstructed area for bicycle maintenance which must:
      - (A) be a minimum of 6.0 square metres; and
      - (B) have no minimum dimensions less than 2.0 metres.

**Location of Bicycle Parking Stalls**

- 25 **Bicycle parking stalls – class 1** must be located at **grade** or within the first parking level directly below **grade**.

**Tower Separation**

- 26 Each floor of a **building** located partially or wholly above 30.0 metres above **grade** for Site 1, or 20.0 metres above **grade** for Site 2, must provide a horizontal separation of 18.0 metres from each floor of any other **building** located partially or wholly above 30.0 metres above **grade** for Site 1 or 20.0 metres above **grade** for Site 2.

**Floor Plate**

- 27 (1) Each floor of a **building** located partially or wholly above 30.0 metres above **grade** for Site 1, or 20.0 metres above **grade** for Site 2, and containing **Assisted Living, Dwelling Units, Hotel suites, Live Work Units** or **Offices** has a maximum horizontal dimension of 85.0 metres.
- (2) Each floor of a **building** located partially or wholly above 30.0 metres above **grade** for Site 1, or 20.0 metres above **grade** for Site 2, and containing **Assisted Living, Dwelling Units, Hotel suites** or **Live Work Units** has a maximum **floor plate area** of 1400.0 square metres.
- (3) Each floor of a **building** located partially or wholly above 30.0 metres above **grade** for Site 1, or 20.0 metres above **grade** for Site 2, and containing primarily **Offices** has a maximum **floor plate area** of 3000.0 square metres.

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**Roof**

28 The roof of any podium located below 30.0 metres above **grade** should be a **landscaped area**, and roof-top equipment should be screened.

**Incentive Density Calculation Method**

29 (1) The **floor area ratio** of this Direct Control District may be increased by up to an additional 2.4 through a financial contribution to Eau Claire Plaza Revitalization Fund.

(2) The amount of additional **gross floor area** achieved by providing the financial contribution to the Eau Claire Plaza Revitalization Fund is calculated by dividing the contribution amount to the Eau Claire Plaza Revitalization Fund by the Incentive Rate 1 of Part 13 Division 3 of Bylaw 1 P2007 as established by Council, and amended from time to time.

Site 1(±1.46 hectares, ± 3.62 acres)

**Application**

30 The provisions in sections 31 through 35 apply only to Site 1.

**Additional Discretionary Uses**

31 The following **uses** are additional **discretionary uses** in this Direct Control District:

(a) **Cinema.**

**Floor Area Ratio**

32 (1) The cumulative total maximum **floor area ratio** is 11.0.

(2) The minimum **floor area ratio** is 1.5 for any **building** containing **residential uses**.

(3) The minimum **floor area ratio** is 0.9 for **commercial uses**.

(4) The maximum **floor area ratio** is 1.9 for **Office use**.

(5) The maximum **floor area ratio** for **Office use** may be increased from the maximum **floor area ratio** listed in subsection (4), to a maximum of 4.3 in accordance with the bonus incentives provisions contained in section 29.

(6) The cumulative **floor area ratio** for **residential use** must be greater than the cumulative **floor area ratio** for **Office use**.

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**Maximum Height**

- 33 (1) The maximum height of the podium is 30 metres from **grade**.
- (2) The maximum height of any tower is 135 metres from **grade**.

**Connections**

- 34 A vehicular connection extending Riverfront Avenue SW between 2 Street SW and 3 Street SW with sidewalks along its full length on both the north and south sides must be completed prior to the issuance of the first **development completion permit**.

**Phasing**

- 35 No **Office use** may be constructed above **grade** until the minimum **floor area ratio** of 3.0 for **residential uses** have been, or are simultaneously being, constructed.

**Site #2** ( $\pm 1.41$  hectares, 3.50 acres)

**Application**

- 36 The provisions in sections 37 through 39 apply only to Site 2.

**Floor Area Ratio**

- 37 (1) The cumulative maximum **floor area ratio** is 4.0.
- (2) The minimum **floor area ratio** is 1.75 for **residential uses**.
- (3) The cumulative **floor area ratio** for **residential use** must be greater than the cumulative **floor area ratio** for all other **uses**.

**Building Setbacks**

- 38 The **building setbacks** are:
- (a) 0.0 metres on 2 Street SW;
  - (b) 11.0 metres from the west **property line** with Eau Claire Plaza; and
  - (c) 20.0 metres from the north **property line**.

**Maximum Height**

- 39 (1) The maximum height of the podium is 20 metres from **grade**.
- (2) The maximum height of any tower is 70 metres from **grade**.

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Site #3 (±0.083 hectares, 0.21 acres)

**Application**

40 The provisions in sections 41 through 43 apply only to Site 3.

**Permitted Uses**

41 The **permitted uses** of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the addition of:

(a) **Child Care Service**, where located within existing approved **buildings**.

**Discretionary Uses**

42 The **discretionary uses** of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Fitness Centre;**
- (b) **Restaurant: Licensed – Large;**
- (c) **Restaurant: Licensed – Small; and**
- (d) **Retail and Consumer Service.**

**Development Guidelines**

43 Unless otherwise specified, the rules of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 apply in this Direct Control District.

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APPENDIX V

LETTERS SUBMITTED



1303 Yonge Street, Toronto, Ontario, M4T 2Y9

Chris Doulos  
Executive Director, Real Estate  
Phone: (416) 323-5383  
Fax: (416) 323-6607  
Email: chris.doulos@cineplex.com

**Delivered Via Email**

June 2, 2014

Russ Mouny -Senior Planner  
Centre City Planning & Design  
Land Use Planning & Policy  
The City of Calgary  
P.O. Box 2100  
AB, Canada T2P 2M5

Dear Mr. Mouny:

**Re:** Eau Claire Marketplace Redevelopment Support

As you may be aware, we are actively in discussions with Harvard Developments regarding the redevelopment of the Eau Claire Centre and the existing Cineplex Eau Claire theatre. We are anxious to redevelop our existing non-state of the art asset and be part of the development proposed by Harvard Developments. We are very supportive of this project, what it represents for downtown Calgary, and our involvement in it. With this development, we will be able to bring a new state of the art theatre facility into downtown Calgary.

As you can imagine, this requires a significant investment on our behalf and there are numerous contributing factors that led to our decision for this location. A critical element of the redevelopment and a reason for our decision to redevelop is that we are excited with all the development activity currently going on in the downtown core. These developments are continuously building the customer base for that market. Every additional residential and office building built continues to strengthen the customer base and day time population, both which are key to the success and continued growth of our business.

Another key element that attracted us to the development is the incorporation of the Plus 15. This element and access point allows for our customers to gain direct and easy access to our facility. This was an extremely important factor to us due to the cold weather during the winter

R. Mouny

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Loblaw Properties West Inc.  
3225 – 12<sup>th</sup> Street N.E.  
Calgary, AB T2E 7S9  
Tel: (403) 769-9604  
Fax: (403) 769-9660

June 2, 2014

The City of Calgary  
Land Use Planning & Policy  
Centre City Planning & Design  
P.O. Box 2100, Stn. M. #8117  
Calgary, AB Canada T2P 2M5

**Attention: Russ Mouny, Senior Planner**

**Re: Eau Claire Redevelopment  
Consideration for Multiple Plus 15 Connections**

Dear Russ Mouny,

We are writing to confirm our support of the proposal to connect the Eau Claire redevelopment project to the City's Plus 15 pedestrian network via multiple ingress/egress points.

In urban locations such as this, the success of a Loblaw banner supermarket depends heavily on the ability to effectively attract and drive pedestrian traffic to the store. The provision to allow for several Plus 15 connections will help to strengthen the viability of Loblaw's tenancy in this location by providing our walk-in customers with multiple choices to access the development. This is particularly important in this location, as we anticipate a strong daily usage of our products and services by customers who are employed and live in the immediate area and in-turn, will likely walk to the store. Multiple Plus 15 connections will only help to increase the connectivity to the development and enhance the overall quality of the pedestrian realm.

We enthusiastically support the ability to provide multiple Plus 15 connections to the Eau Claire project and feel that it will be a positive addition to the redevelopment.

I trust the forgoing is satisfactory.

Yours truly,

**LOBLAW PROPERTIES WEST INC.**

Michel Avigliano  
Vice President, Real Estate – Western Canada

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September 16, 2014

Mr. Russ Mouny, MSc MRTPI  
Senior Planner  
Centre West  
The City of Calgary  
P.O. Box 2100, Stn. M.# 8117  
Calgary, AB, Canada T2P 2M5

Dear Sir:

**Re: Letter of Support  
Plus 15 connection from Eau Claire Market Development to Sheraton Eau Claire Suites  
Hotel located at 255 Barclay Parade Southwest**

We understand that Harvard Developments intends to submit a development permit application to the City of Calgary for a plus 15 pedestrian bridge from their Eau Claire Market lands which would connect into the Sheraton Eau Claire Suites Hotel located at 255 Barclay Parade Southwest. We understand the plus 15 pedestrian bridge would be constructed in connection with a proposed development on the Eau Claire Market lands in downtown Calgary.

We wish to acknowledge our support of the plus 15 bridge development permit application only and the plus 15 bridge connection at the location shown on the attached preliminary plans, subject to: (i) our internal approvals being given for the plus 15 bridge and the connection; and (ii) the execution of agreements acceptable to us, including the location and final designs of the plus 15 bridge and the connection, and financial and operating provisions that we require arising out of the plus 15 bridge and the connection. Subject to the referenced conditions being met to our satisfaction, we would grant the appropriate easement agreement on terms and conditions acceptable to us.

Yours truly,

A handwritten signature in black ink, appearing to read 'Edward B. Pitoniak'.

Edward B. Pitoniak  
Managing Director & Trustee

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September 26<sup>th</sup>, 2014

Russ Mounty, MSc MRTPI  
Senior Planner  
Centre West  
The City of Calgary  
P.O. Box 2100, Stn. M. #8117  
Calgary, AB Canada T2P 2M5  
P.403.268.8694 F.403.268.3542 E. [russ.mounty@calgary.ca](mailto:russ.mounty@calgary.ca)



Dear Mr. Mounty,

**RE: File LOC120-0054**

Please accept our letter of support for the proposed land use redesignation of Eau Claire Marketplace by Harvard Buildings Inc.

As the developer of Waterfront, the neighbouring mixed-use development located at 2<sup>nd</sup> Street SW and Riverfront Avenue, we support the notion to redevelop and improve the existing Eau Claire Marketplace. We see the proposed redevelopment as an opportunity to bring further vibrancy to downtown Calgary, particularly in the historic Chinatown and Eau Claire neighbourhoods.

We believe that the proposed new retail, residential, office and recreational use in the area will complement the fabric of this newly reenergized community.

Sincerely,

Eric Carlson, CEO  
Anthem Properties Group Ltd.

And

Rob Blackwell,  
Senior Vice President, Development  
Anthem Properties Group Ltd.

Creating Real Estate That Works

R. Mounty