

LAND USE AMENDMENT
BANFF TRAIL (WARD 7)
NORTHWEST CORNER OF 16 AVENUE AND BANFF TRAIL NW
BYLAW 136D2015

MAP 29C

EXECUTIVE SUMMARY

This application proposes a DC Direct Control District to accommodate a mix of retail, office, hotel, and residential uses. A preliminary development proposal anticipates approximately 21,200 square metres of office and 2,500 square metres of retail/restaurant space, as well as approximately 100 hotel rooms, and 230 dwelling units.

The proposed DC land use district includes site-specific height and density limits, including density bonus provisions, taken directly from the Banff Trail Station Area Redevelopment Plan (ARP).

This application represents a significant step forward in realizing the ARP vision for the transformation of Motel Village into a mixed-use, transit-oriented precinct and helping move Calgary enable the type and form of development called for by the Municipal Development Plan (MDP).

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION

2015 July 16

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 136D2015; and

1. **ADOPT** the proposed redesignation of 1.38 hectares ± (3.41 acres ±) located at 2227 and 2227R Banff Trail NW and 2304, 2312 and 2316 – 16 Avenue NW (Plan 9310554, Block 5, Lots 4 and 5; Plan 349HU, Block 5, Lots 2 and 3) from DC Direct Control District to DC Direct Control District to accommodate increase in height and density bonus provisions, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 136D2015.

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REASON(S) FOR RECOMMENDATION:

Administration recommends approval of this application because the proposed DC land use district aligns with the policies in the ARP and the MDP, and enables transit oriented development in close proximity to the Banff Trail LRT station.

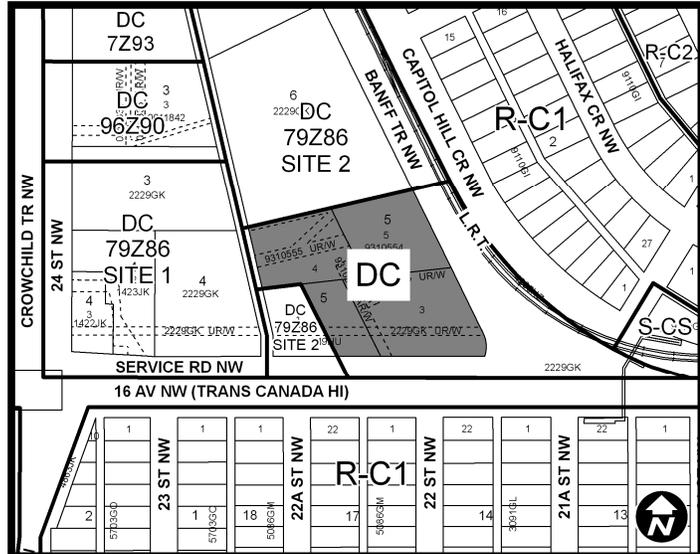
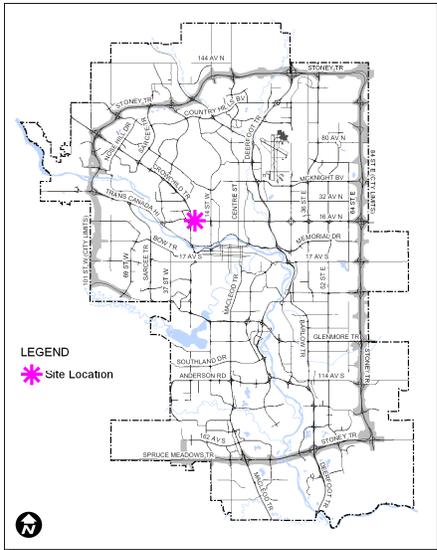
ATTACHMENT

1. Proposed Bylaw 136D2015

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 1.38 hectares \pm (3.41 acres \pm) located at 2227 and 2227R Banff Trail NW and 2304, 2312 and 2316 – 16 Avenue NW (Plan 9310554, Block 5, Lots 4 and 5; Plan 349HU, Block 5, Lots 2 and 3) from DC Direct Control District to DC Direct Control District to accommodate increase in height and density bonus provisions with guidelines (APPENDIX II).

Moved by: S. Lockwood

Carried: 9 – 0

Comments from Mr. Morrow:

- While I voted in favour of the land use, if this project goes forward without the east/west street to the north of the site, then we will not have complied with the intent of the Banff Trail ARP and will seriously damage the walkability of this Transit Oriented Development. We need to start looking at how we can better achieve the vision, rather than only look at the individual parcel.

Comments from Ms. Wade:

- My concern is we have an ARP that requires a east/west connection and the issue of the road right-of-way as identified in the ARP impacts the proposed land use that is unresolved.
- Through the next steps of the planning process the right-of-way issue will need to be resolved to meet ARP policies. To date Administration is working on a custom road standard which is at 14 metres and may require further reduction to address site context and use.
- With bonus provision for recreation, open space it is hoped that the surplus lands (B) could be utilized by the Applicant to achieve additional density for the site.

Comments from Ms. Gondek:

- Commission had a very lengthy, and unfruitful, discussion around how we can encourage the Applicant to create a road network with rights-of-way that conform to the ASP. Debate involved whether Council should recommend the land be purchased, or whether it should be expropriated. An alternative raised was to include street design in accordance with the ARP as a bonusing provision. However, such a directive would require revisiting the ARP as well as tabling of the item to draft the bonusing provision. I would suggest Council consider whether street design should be “bonus-worthy” to avoid purchasing or expropriation measures.

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Applicant:

Gibbs Gage Architects

Landowner:

DAL Holdings Ltd

| Planning Evaluation Content | *Issue | Page |
|---|--------|------|
| Density <i>Is a density increase being proposed.</i> | Yes | 5 |
| Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i> | No | 5 |
| Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i> | Yes | 5 |
| Transportation Networks <i>Do different or specific mobility considerations impact this site</i> | Yes | 6 |
| Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i> | No | 8 |
| Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i> | No | 8 |
| Growth Management <i>Does this site have the appropriate growth management direction.</i> | No | 8 |
| Public Engagement <i>Were major comments received from the circulation</i> | No | 8 |

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site includes five parcels covering 1.38 hectares \pm (3.41 acres \pm) at the northwest corner of Banff Trail and 16 Avenue NW. The site's surroundings include (see numbers on Figure 1 below):

1. To the west: a quick service restaurant with drive through (immediately adjacent) and a motel and full service restaurant (across an alley);
2. To the north: a hotel and a motel (immediately adjacent, with a 27 metre length of the hotel portion constructed on the property line with no setback);
3. To the east: single detached residential development in Banff Trail (50 metres distance across Banff Trail, the LRT right-of-way, a landscaped buffer and Capitol Hill Crescent NW); and
4. To the south: single detached residential development in Briar Hill (40 metres distance across a two lane service road, 16 Avenue NW, and a small residential portion of 16 Avenue NW).



Figure 1

The quick service restaurant to the west and the hotel/motel to the north present challenges to the redevelopment of this site that will require resolution through the development permit (DP) process. Limited redevelopment, including the refurbishment and reconstruction of two hotel properties, has occurred since Council adopted the Banff Trail Station ARP in 2011.

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Redesignation of this property to accommodate mixed-use, transit-oriented development represents a significant step towards implementing The City's vision for the transformation of Motel Village into a Major Activity Centre that blends hospitality functions with opportunities for more Calgarians to live and work in a strategic location served by the Primary Transit Network. A preliminary development proposal anticipates approximately 21,200 square metres of office and 2,500 square metres of retail/restaurant space, as well as approximately 100 hotel rooms, and 230 dwelling units.

LAND USE DISTRICTS

The application proposes an increase in density from 3.0 to between 3.0 and 6.0 floor area ratio (FAR), contingent upon a bonus mechanism as set forth in the ARP. The application also proposes an increase in height from the current limit of 23 metres to a system of multiple height limits ranging from 20 to 90 metres, directly aligned with ARP policy.

A DC Direct Control land use district is required in order to implement the density bonus provisions of the ARP. The proposed DC guidelines are included in APPENDIX II. This proposed DC district is a significant update to the existing land use that aligns with and enables the implementation of the ARP vision.

LEGISLATION & POLICY

The application proposes a DC district that fully conforms with the provisions of the ARP and enables development that aligns with The City's policies relating to transit oriented development, as set out in the MDP and the Transit Oriented Development Policy Guidelines.

The ARP also seeks to enable the future redevelopment of sites to the west, north, and northwest of the subject site, through the creation of a new grid of streets within the Motel Village area, including a proposed street running east-west along the northern edge of the subject site. While this new street is not strictly needed in order to service redevelopment of the subject site alone, it is essential to the overall functionality of a redeveloped Banff Trail station area, including the redevelopment of adjacent sites. The City does not currently own right-of-way for this proposed street and this application does not resolve this issue, and may render future acquisition more challenging.

The ARP also calls for a cap on development in excess of 80,000 square metres within the plan area until the connection between 16 Avenue NW and Crowchild Trail NW is made, and as such that connection has been included in the next four year budget as part of Investing in Mobility. This would most likely impact development permit applications for this site until the construction of such a connection is underway.

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TRANSPORTATION NETWORKS

The site is within close proximity to the Banff Trail LRT station, and is directly adjacent to a future North Crosstown bus rapid transit (BRT) station. Bus routes 19, 40 and 91 also serve the area. The subject site is also in close proximity to Crowchild Trail NW, but the ongoing corridor study is not expected to have a direct impact on any boundaries or designs of this site, other than to create additional capacity within the road network to accommodate the proposed growth.

The ARP calls for the creation of a new mobility network within the plan area, as outlined in Figure 2 (at right), including:

- the closure of the existing service road that runs parallel to 16 Avenue NW;
- a new direct connection from west-bound 16 Avenue NW to north-bound Crowchild Trail NW;
- upgrading the existing north/south lane from 16 Avenue NW to the first internal intersection; and
- the creation of a new grid of complete streets to better facilitate movement throughout the plan area.

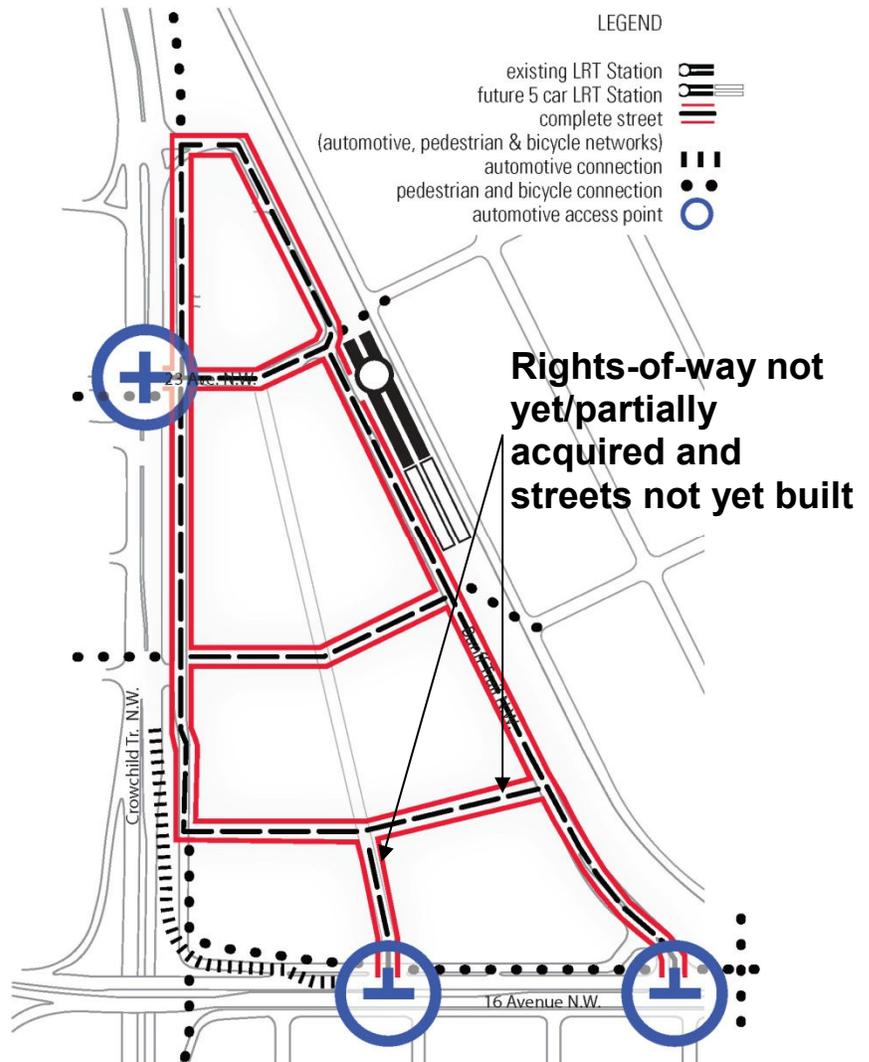


Figure 2

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The grid network requires the creation of new streets, where currently there is no right-of-way. The ARP recognizes this as a challenge, and suggests that land exchanges and purchasing would be required in order to fulfill the vision of the ARP, with the opportunity arising at the time of application. The Banff Trail Station ARP also calls for a cap on development in excess of 80,000 square metres within the plan area until the connection between 16 Avenue NW and Crowchild Trail NW is made, and as such that connection has been included in the next four year budget as part of Investing in Mobility.

With the subject application, Transportation identified what land requirements would be needed from the property, and what surplus lands could be made available in order to complete the ARP vision. Surplus lands would be created by the closure of the existing service road, while right-of-way (ROW) would need to be purchased for a new east/west road along the north boundary of the subject site. Figure 3 (below) provides a conceptual illustration of The City's ROW needs (marked by the letter A) and surplus ROW (marked by the letter B), overlaid on a conceptual site plan created by the applicant.

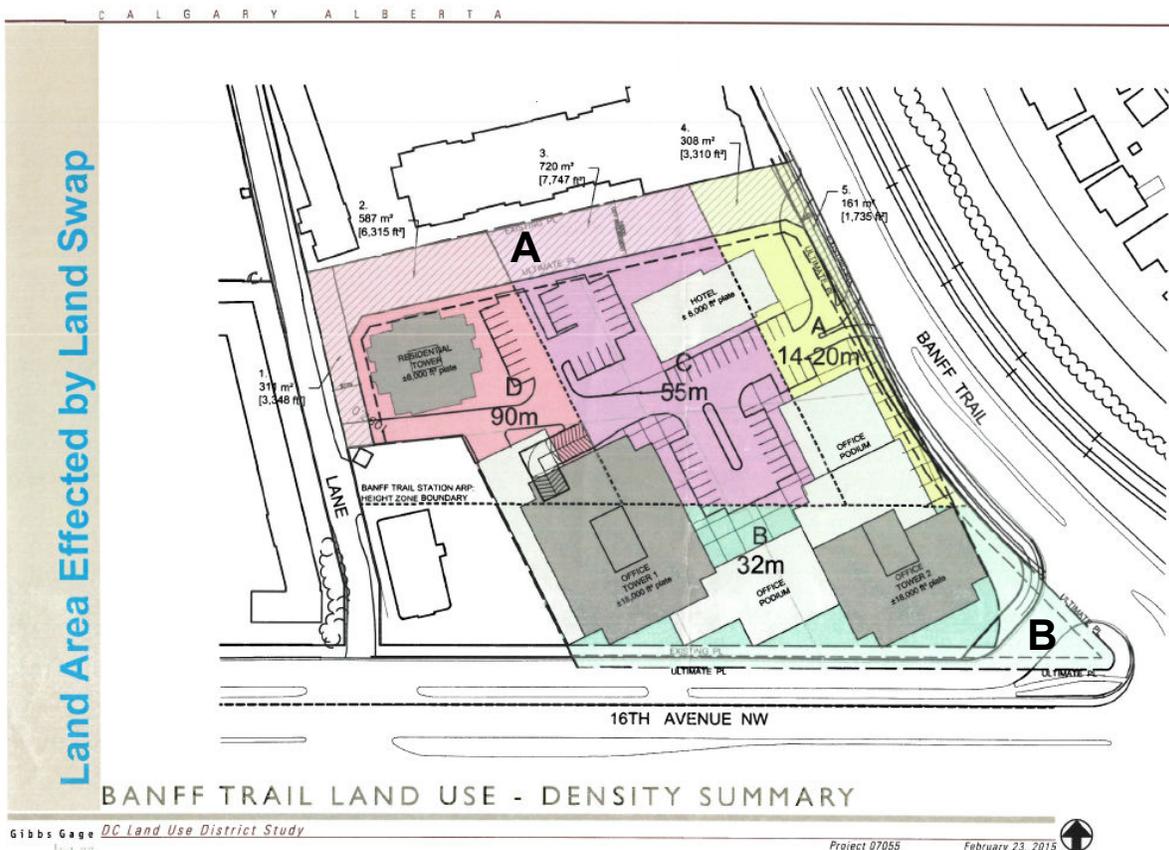


Figure 3

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Administration worked to minimize the amount of land that would need to be acquired to fulfill the vision of the ARP, in order to minimize the cost of implementing the network, and the impact on the developability of the applicant's parcel. A full 7.0 metre boulevard is retained for 16 Avenue NW, as per the requirements for an Urban Boulevard. The resulting land requirement is approximately 2,087 square metres (22,455 square feet).

With the closure of the 16 Avenue NW service road as called for by the ARP, surplus land will be created in the SE corner of the site, and for a portion of Banff Trail NW. The north-south lane currently has a ROW of only 9.0 metres, so the acquisition of approximately 6.75 metres from the western edge of the subject parcel was required to create a Collector Street ROW, with the remaining ROW to be coming from adjacent parcels as and when redevelopment occurs. The landowner/applicant has indicated that they are not interested in acquiring this surplus property.

The new east-west roadway is a custom cross section (figure 4, below), developed to accommodate the expected vehicular traffic. The proposed cross-section would create a new 2.0 metre sidewalk and boulevard that would also include street trees and provide alignments for shallow utilities as necessary, while minimizing overall width at a total ROW of 14.0 metres. Upon future redevelopment of the property to the north, a proper boulevard could be constructed.

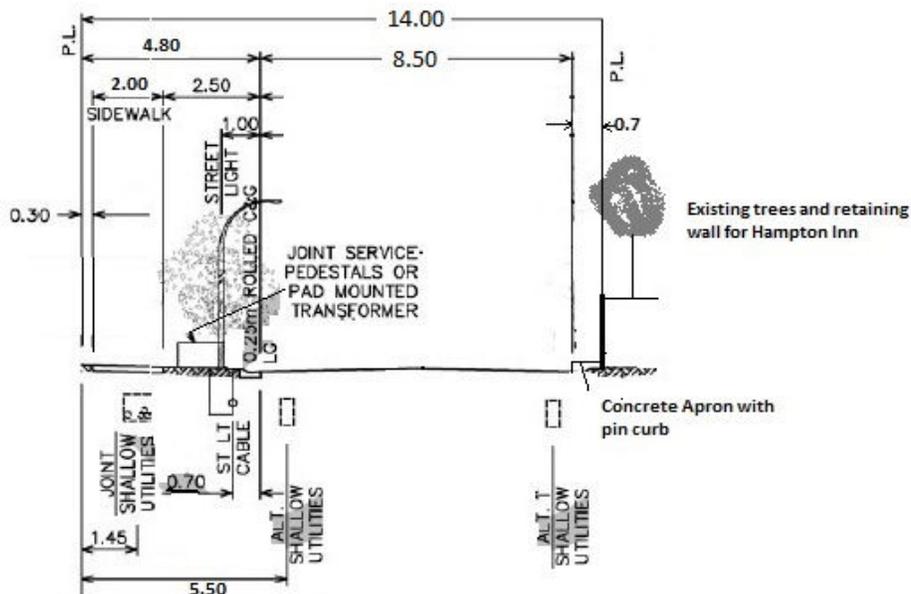


Figure 4

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Corporate Properties has worked with Transportation to identify a funding source for acquisition of the required ROW and Corporate Properties has been in negotiations with the applicant. These negotiations are at an impasse due to disagreement over price. The applicant commissioned an independent assessment from a third party and submitted a current purchase offer at \$140 per square foot while Corporate Properties values the land at no more than \$100 per square foot, based upon an internal evaluation of comparable property transactions.

As noted above, the landowner/applicant is also not interested in purchasing/exchanging for the surplus lands; it is their position the surplus lands will not contribute to the development or add value to the sites as these areas would only be used for landscaping. While these new streets are not required in order for development of the subject site alone to proceed, they are needed in order to allow for comprehensive redevelopment of the Motel Village area, including adjacent sites, as called for in the ARP.

UTILITIES & SERVICING

A sanitary servicing letter was reviewed as part of this application. Necessary water pipe network and potentially other upgrades will be required through the DP process.

ENVIRONMENTAL ISSUES

The site has no known environmental issues. No Environmental Site Assessment was required.

ENVIRONMENTAL SUSTAINABILITY

By enabling an increase in the supply of housing in proximity to the primary transit network, this application has the potential to advance The City's efforts to reduce energy and emissions from transportation. Intensification of areas such as this site is key to The City's overall MDP objectives around creating a transit-supportive land use framework, enabling more Calgarians to benefit from investments in public transit and to live and work in places that encourage walking and reduce vehicle kilometres travelled.

GROWTH MANAGEMENT

The subject site is within the Banff Trail Station ARP, which ranked ninth (MDP alignment score of 2.96/5) in the comparative evaluation undertaken by the Corporate Growth Management Project. The capacity of existing infrastructure is the principal constraint to growth in this location.

The site is within a Major Activity Centre designated by the MDP, already served by the existing primary transit network and set to see increased transit service through the North Crosstown BRT project.

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PUBLIC ENGAGEMENT

Community Association Comments

This application was circulated to the Banff Trail and Briar Hill Community Associations. The Banff Trail Community Association indicated that they “have no current objection of the DC application, however, we request a schedule for the construction of the new off ramp from the City of Calgary before a development permit is approved for this site.” The full letter from the Banff Trail Community Association is available in APPENDIX III.

Citizen Comments

No citizen comments were received by CPC Report submission date.

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APPENDIX I

APPLICANT'S SUBMISSION

Dal Holdings is the current owner of five properties (2227, 2227r Banff Trail NW, 2304, 2312, 2316 16th Avenue NW) on the south east corner of Banff Trail and 16th Avenue NW totalling approximately 150,000 square feet (13,850s.m.) of area, and has been trying to redevelop these lands since 2007. Previous efforts to advance this involved being encouraged to increase the Density of a previous DP application, participation in the TOD planning development input efforts, and participation in the Banff Trail Station ARP development input efforts.

This current Land Use re-designation application, therefore, is based on a modified C-COR2 land use district (1 P2007) in a proposed DC to include both the density and height modifier zones outlined in the Banff Trail Station ARP. We propose that a further modification should be the elimination of the discretionary automotive uses listed in the base C-COR2 land use. We propose therefore that the drafted DC land use district will allow for an appropriate highest and best use of these lands in this context, and is in alignment with the goals of the community.

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APPENDIX II

DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) accommodate a pedestrian oriented mixed-**use development** in compliance with the policies of the local area redevelopment plan; and
 - (b) implement the provisions of the density bonus system in the applicable local area redevelopment plan.

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) “**bonus provisions**” means those items which may be provided by the applicant in order to earn extra **floor area ratio**.

Permitted Uses

- 5 The **permitted uses** of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:
- (a) **Auto Service – Major;**
 - (b) **Auto Service – Minor;**
 - (c) **Car Wash – Multi Vehicle;**
 - (d) **Car Wash – Single Vehicle;**
 - (e) **Drive Through;**
 - (f) **Gas Bar;**
 - (g) **Vehicle Rental – Major;**
 - (h) **Vehicle Rental – Minor;**
 - (i) **Vehicle Sales – Major; and**

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(j) **Vehicle Sales – Minor.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 apply in this Direct Control District.

Building Height

- 8 (1) The maximum **building height** is 90 metres.
- (2) New **buildings** must have a minimum **building height** of 12.0 metres from **grade** at the front façade.

Density

- 9 (1) The minimum **floor area ratio** is 1.5.
- (2) Unless otherwise referenced in subsection (3), the maximum **floor area ratio** is 4.0.
- (3) The **floor area ratio** may be increased to a maximum of 6.0 in accordance with the **bonus provisions** contained in Schedule C.

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Schedule C

Bonus Provisions

1.0 Introduction

Approval of this Direct Control Bylaw will realize the potential for redevelopment of the subject parcel.

2.0 Bonus System

2.1 Rationale: A bonus system may be used by the developer, and has been designed to balance the higher density development with the provision of appropriate public benefits and amenities based on the following principles:

- a) Density Bonuses should only be established for items or features that provide a perpetual or enduring benefit to the community in which the density is being accommodated.
- b) Density Bonuses should not be granted for elements of building or site design that can be achieved or required through other means.
- c) The amount of floor area granted through a bonus should be based on the additional monetary value added to the land as a result of the bonus and the cost to the developer of providing the bonus item.

2.2 Approach

Development sites can be developed up to a maximum floor area ratio of 4.0 without providing any bonus items. In order to develop above the maximum density and up to a maximum floor area ratio of 6.0, developments may provide one or more bonus items in exchange for a defined amount of additional density.

Any combination of bonus items can be used to earn additional density, subject to the discretion of the Approving Authority and the local context of the lands contained within this Direct Control Bylaw.

Average land value is approved by Council, reviewed annually and can be changed to represent market conditions. Expert analysis may also be used to determine current market value if Council has not adopted and approved a value.

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3.0 Eligible Bonus for Provision of Recreational or Cultural Space

3.1 Description

Recreational or Cultural Space is defined as floor area made available within the proposed development, for City of Calgary not for-profit community purposes including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities and other social activities.

3.2 Rationale:

With an increasing population, new facilities and new ways of delivering such facilities need to be provided in order to create the necessary social infrastructure to foster the development of a strong community. Having such community uses within private projects can also be an advantage to the developer if the project is paired with a complementary use or group that fits the overall project objectives, for example, providing space for seniors programming in an adult oriented building.

3.3 Eligibility

Projects must provide physical space of a location, size and configuration that is acceptable to The City and the proposed user group when the proposed user group is not directly affiliated with The City. The space must be secured for The City in perpetuity through ownership or other acceptable means. The City will then contract the space to specific user groups. Developers are encouraged to develop their own relationships with possible users or consult with The City on potential users for Recreational or Cultural Space within their project.

3.4 Bonus Rate

The allowable bonus floor area will be based on the construction cost of the raw floor space and, where provided, any improvements to the space required by the proposed user. It does not include operating costs. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

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4.0 Eligible Bonus for Provision of Publicly Accessible Private Open Space

4.1 Description

Publicly accessible private open space is defined as a portion of a private development site that is made available to the public through a legal agreement acceptable to The City that is in a location, form and configuration and is constructed in a way that is acceptable to The City.

4.2 Rationale

Actual acquisition of park and open space by the City should not be relied on to build the entire open space network over time. Opportunities often exist to utilize private lands for public purposes that can benefit both the private development and the public. Such arrangements can help mitigate density impacts on both an individual site or the cumulative impact of density in a broader area.

4.3 Eligibility

Any development that can provide a publicly accessible private space that is in a location, form and configuration that is acceptable to the City is eligible for this bonus.

4.4 Bonus Rate

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor.

For example, if the cost to the developer to construct the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

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5.0 Eligible Bonus for Provision of Affordable Housing Units

5.1 Description

Affordable housing units, as per Council's approved definition, are owned and operated by The City or any bona fide non-market housing provider recognized by The City, provided within the proposed development.

5.2 Rationale

As allowable densities increase, so does the likelihood that smaller, affordable rental apartment buildings will be redeveloped to higher density uses. Providing for some affordable housing units within new developments will help increase the supply of existing affordable housing in the city.

5.3 Eligibility

Any new development that can provide affordable housing units for a minimum of twenty years, within a proposed development in a number, operating plan, location and of a design acceptable to the City or other bona fide non-market housing provider recognized by the City, is eligible for this bonus.

5.4 Bonus Rate

The allowable bonus floor area will be based on the total construction of the units to a standard acceptable to the City. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the units and associated parking stalls is \$500,000 and the of average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$ 215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus. Further, the provided affordable housing units and associated parking stalls shall not be included in the calculation of gross floor area.

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6.0 Eligible Bonus for Contribution to a Community Enhancement Fund (CEF)

6.1 Description

A developer may obtain bonus density by contributing funds at the bonus rate set forth in Section 6.4 of this Schedule. Any such funds paid by the developer will fund a CEF, which may be used within the vicinity of the Banff Trail LRT Station area to fund endeavours including but not limited to: park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within City rights-of-way, implementation of urban design strategies and public art on public land.

6.2 Rationale

As development intensity increases, there is an increased demand for public parks and open spaces, sidewalks, lanes and roads. In order to provide future residents with a quality public environment, new park space should be provided.

6.3 Eligibility

Any development proposing to build above a floor area ratio of 4.0 is eligible to make a contribution to the CEF. The contribution may be one component of a larger package of bonus items.

6.4 Bonus Rate

The amount of the contribution will be calculated at the time of the development permit approval based on the average market land value per square metre of buildable floor area as established by The City.

For example, if the average market land value per square metre of buildable floor area for the area is \$215, and the developer is proposing to build 1,000 square metres of floor area, then the amount of the contribution will be calculated as follows:

Average market land value x Proposed amount of bonused floor area =
Contribution

\$215 x 1,000 square metres = \$215,000

Note: This contribution amount is intended to represent what a developer would, on average, have to pay for the additional land.

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APPENDIX III

LETTERS SUBMITTED

January 15, 2014

Dear Mr. Blik;

Subject: LOC2013-0067

This application requests higher density, based on the Banff Trail Station ARP. If this application is approved, the gross floor area of buildings planned in the forthcoming development permit, combined with the gross floor area of the existing building within Motel Village, will exceed 80,000 square metres. The Banff Trail ARP contains the following clause:

- 3.1.2.4 The gross floor area of buildings within the Motel Village commercial area should not exceed 80,000 square metres, until a new dedicated off ramp lane is under construction directly linking 16 Avenue N.W. westbound traffic to northbound Crowchild Trail N.W.

We have no current objection of the DC application, however, we request a schedule for the construction of the new off ramp from the City of Calgary before a development permit is approved for this site.

Please let us know when we can discuss this with the pertinent department(s) as soon as possible.

Thank you.

Sincerely,
Robert Hirsch
Banff Trail Community Association.