

**POLICY AMENDMENT AND LAND USE AMENDMENT  
BELTLINE (WARD 8)  
SE CORNER OF 10 AVENUE SE AND 1 STREET SE  
BYLAWS 33P2015 AND 153D2015**

**MAP 15C**

**EXECUTIVE SUMMARY**

The purpose of this Land Use Amendment is to facilitate development of a mixed use high rise development consisting of retail, office and residential uses within a single building. This application proposes to replace the existing Direct Control District (Bylaw 63Z2005) with a new DC Bylaw based on the Centre City Mixed Use District (CC-X) of Bylaw 1P2007. Bylaw 63Z2005 was approved in 2005 by Council, the existing land use is 'tied to plans' and includes a similar mix of uses as proposed in this new DC Bylaw. A new DC is proposed to eliminate the 'tied to plans' requirement and to allow for the previous approved maximum floor area ratio (FAR) of 12.78. Construction commenced under the existing DC but the project stalled in 2008 and has been inactive since that time with only the below grade parkade constructed.

An amendment to the Beltline Area Redevelopment Plan is required to accommodate this land use amendment application. The policy amendment proposes a slight increase in density, from 12.0 to 12.78 FAR, to 'grandfather' the maximum FAR granted to the original development.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2015 July 30

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

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

That Council hold a Public Hearing on Bylaws 33P2015 and 153D2015; and

1. **ADOPT** the proposed amendment to the Beltline Area Redevelopment Plan, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 33P2015.
3. **ADOPT** the proposed redesignation of 0.24 hectares ± (0.60 acres ±) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District to DC Direct Control District to accommodate a mixed use development, in accordance with Administration's recommendation; and
4. Give three readings to the proposed Bylaw 153D2015.

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**REASON(S) FOR RECOMMENDATION:**

This proposed land use amendment is in conformance with the applicable policies of the Beltline Area Redevelopment Plan as amended. Administration supports the proposal as it maintains both the intent and density of the existing Direct Control District (Bylaw 63Z2005) by providing a mixed use high rise development that includes both commercial and residential uses.

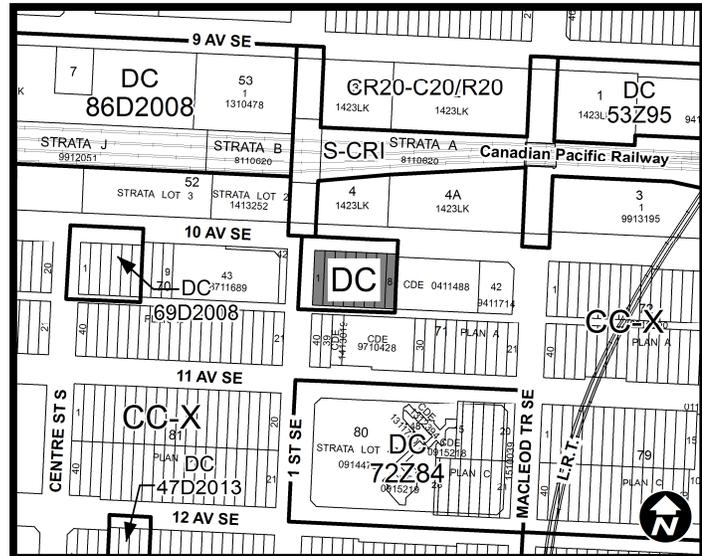
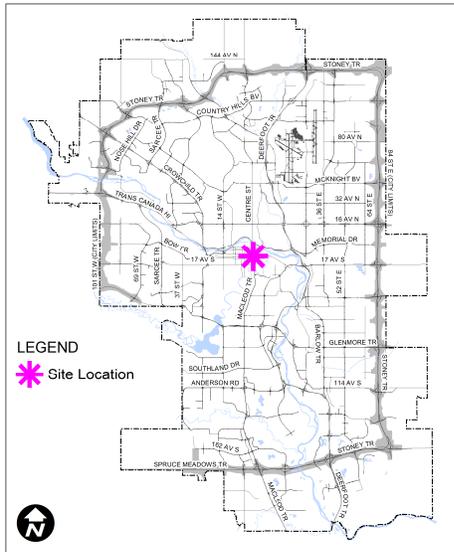
**ATTACHMENTS**

1. Proposed Bylaw 33P2015
2. Proposed Bylaw 153D2015

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendment to the Beltline Area Redevelopment Plan (APPENDIX III).  
  
**Moved by: M. Tita** **Carried: 6 – 0**
  
2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.24 hectares ± (0.60 acres ±) located at 201 – 10 Avenue SE (Plan A, Block 71, Lots 1 to 8) from DC Direct Control District **to** DC Direct Control District to accommodate a mixed use development with guidelines (APPENDIX II).  
  
**Moved by: M. Tita** **Carried: 6 – 0**

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**Applicant:**

IBI Group

**Landowner:**

One Capital Corp

<b>Planning Evaluation Content</b>	<b>*Issue</b>	<b>Page</b>
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	No	5
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	Yes	5
<b>Legislation and Policy</b> <i>Does the application comply with policy direction and legislation.</i>	Yes	6
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	7
<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>	No	7
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
<b>Growth Management</b> <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	7
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	7

\*Issue - Yes, No or Resolved

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**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is located at the southeast corner of 10 Avenue and 1 Street SE in an area of the Beltline that is characterized by a mix of converted warehouse buildings and newer commercial infill development. The site functions as a gateway to the Beltline community enroute from Downtown as it is located south of the 1 Street railway underpass. The Imperial Lofts, a historic warehouse structure converted to a mix of residential and commercial uses, is located immediately south of the site across the lane.

**Site History**

The existing land use designation of the site is a Direct Control District (Bylaw 63Z2005). This existing DC was conceived and approved by Council prior to the creation of the current Beltline land use districts in 2007 (as found in Part 11 of Bylaw 1P2007) and the approval of the Beltline Area Redevelopment Plan (2006). The existing land use is for a comprehensively designed mixed-use building that includes commercial and residential uses and references the Permitted and Discretionary Use rules of the CM-2 Downtown Business District under Bylaw 2P80. The DC allows for a maximum of 12.78 FAR, of which a bonus of 1.78 FAR was achieved through a contribution to the Heritage Incentive Program Fund prior to release of a Development Permit on site. The DC also requires that the building design and site layout, as part of a development permit application, substantially conform to the plans and renderings available to City Council during its consideration of said Bylaw.

A Development Permit (DP) proposing an Apartment Building (220 Units) with Commercial at grade and levels 5 to 8 at a density of 12.78 FAR was approved for the site in 2006 but lapsed in 2009. One of the requirements under the Conditions of Approval was for a payment of \$75,000 to be made to the Heritage Incentive Program Fund as per the DC at the time of Development Permit Release. A payment of \$75,000 was made by the applicant to The City of Calgary on 2007 October 29 and was deposited into The City's Heritage Incentive Reserve.

A second Development Permit proposing an Apartment Building (220 Units) with Office and Retail (changes to previous DP approval) at a density of 12.78 FAR was approved and released in 2008. Construction commenced on site in 2008 but was halted in 2009 with only the six level underground parkade built. The site has remained in an inactive, suspended state to date.

**LAND USE DISTRICTS**

The application proposes a new Direct Control District based on the Centre City Mixed Use District (CC-X) of Bylaw 1P2007. A new DC is proposed to eliminate the 'tied to plans' requirement, which cannot be relaxed, under the existing Bylaw 63Z2005 and therefore allow for flexibility in building design. The proposed DC is also intended to 'grandfather' the previous approved density of 12.78 FAR. As such, there is no increase in density proposed for this Land Use Amendment.

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However, in order to ensure Council's intent in respect of a development which provides a mixed use building as set out in the existing DC, the proposed Direct Control District Bylaw (see DC guidelines in APPENDIX II) establishes Floor Area Ratios (FAR) as follows:

- (1) The maximum **floor area ratio** for:
  - (a) **non-residential uses** is 5.0; and
  - (b) any other **use** is 9.0.
- (2) The maximum cumulative **floor area ratio** is 12.78.

**LEGISLATION & POLICY**

Development of the site is guided by the policies of the Beltline Area Redevelopment Plan. The application is contained within and conforms to the policies of the 'Urban Mixed-Use Area', and in particular, the following objectives:

- *Provisions for uses that serve the local and broader population;*
- *Promotion and support of innovation in how different uses can be combined within new and existing buildings;*
- *Promotion of residential uses above the street level; and*
- *Compatibility of adjacent uses, within and among buildings and properties, particularly with respect to residential uses.*

Supporting the 'Urban Mixed-Use Area', the site is contained within **Density Area C** of the Beltline ARP. This area allows for higher density due to its proximity to the Downtown as well as being located along major transportation corridors. The densities allowed in this area are:

- A base of 5.0 FAR for Commercial Development;
- A base of 8.0 FAR for Residential/Mixed Use Development;
- An increase from 5.0 to a maximum of 8.0 FAR for Commercial Development drawing from the bonus provisions contained within the Beltline ARP; and
- An increase from 8.0 to a maximum of 12.0 FAR for Residential/Mixed Use Development drawing from the bonus provisions contained within the Beltline ARP.

A minor textual amendment will be required to 'grandfather' the density of the existing DC (Bylaw 63Z2005) of 12.78 FAR, which was approved prior to the passing of the Beltline ARP. The text amendment is outlined in APPENDIX III.

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**TRANSPORTATION NETWORKS**

A transportation study was not required and there are no specific mobility considerations that impact this site. Access to the site for underground parking has already been built along 10 Avenue SE through the previously constructed underground parkade as part of most recent development permit.

**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.

**ENVIRONMENTAL ISSUES**

The subject site is within the Elbow River 1:100 year "Overland Flow" 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.

**ENVIRONMENTAL SUSTAINABILITY**

Not applicable in connection with the Land Use Amendment.

**GROWTH MANAGEMENT**

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

**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Victoria Park BRZ has no objection to this application. Circulation to the Beltline Communities of Victoria Park and Connaught was not required as the community association is currently not receiving applications for comment.

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**Citizen Comments**

A letter was received on 2015 July 10 from an adjacent resident, on behalf of the board of directors of the Imperial Lofts. The comments received regarding the land use amendment identify concerns over the proposed additional density above the maximum FAR allowed in the Beltline ARP without provisions for density incentives. Administration has considered these comments and the rationale for the approach taken by Administration is outlined in the Site Context, Land Use Districts and Legislation and Policy sections above.

**Public Meetings**

The applicant has advised that they have held three meetings with the adjoining property owners (Imperial Lofts residents) to discuss the land use amendment and development permit applications. At the time of report submission, the applicant also advised they are working on a summary of the outcomes of the meetings, which are anticipated to factor into the development permit review.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

The project is located at 201 10 Avenue SE in the Beltline Community. The site contains an underground parkade and is currently temporarily halted pending a new Development Permit (DP). The project is zoned Direct Control – DC63Z2005. This land use is for a comprehensively designed mixed-use building, which includes commercial and residential uses and references the Permitted and Discretionary rules of the CM-2 Downtown Business District (City of Calgary Land Use Bylaw 2P80). The DC (Section 2 (h)) indicates that the building design and site layout substantially conform to the plans and renderings available to City Council during its consideration of the Bylaw. A Floor Area Ratio (FAR) of 12.78 was previously granted on the project site due to a contribution to the Heritage Incentive Program Fund.

A Direct Control District is requested based on the CC-X District as it is the most appropriate. The proposed DC District is intended to honour the previously approved FAR of 12.78 granted by a contribution to the Heritage Incentive Program Fund (approved under DC63Z2005/DP2008-0170). A concurrent Development Permit application will be submitted to support the Land Use Redesignation. The proposed building has been redesignated to create a signature building that adds to the value of the neighbourhood and adjacent properties. In addition the above ground and deck parking have been eliminated from the original design to provide a better interface with the neighbouring properties.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

**Purpose**

- 1 This Direct Control District is intended:
  - (a) to provide for a mixed use high rise **development** consisting of **Retail and Consumer Service, Office and Multi-Residential Development uses** within a single **building**.
  - (b) for mixed **uses** that are sensitive to adjacent districts that allow residential **uses**;
  - (c) to provide for intense **development** where intensity is measured by **floor area ratio**; and
  - (d) to provide 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) "**non-residential uses**" means all **uses** other than:
    - (i) **Assisted Living**;
    - (ii) **Dwelling Units**;
    - (iii) **Hotel**;
    - (iv) **Multi-Residential Development**; and
    - (v) **Residential Care**.

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**Permitted Uses**

- 5 The ***permitted uses*** of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District.

**Discretionary Uses**

- 6 The ***discretionary uses*** of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District.

**Bylaw 1P2007 District Rules**

- 7 Unless otherwise specified, the rules of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 apply in this Direct Control District.

**Floor Area Ratio**

- 8 (1) The maximum ***floor area ratio*** for:
- (a) ***non-residential uses*** is 5.0; and
  - (b) any other ***use*** is 9.0.
- (2) The maximum cumulative ***floor area ratio*** is 12.78.

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APPENDIX III

PROPOSED POLICY AMENDMENT TO THE  
BELTLINE AREA REDEVELOPMENT PLAN

- (a) In Table 5.1: Density Areas under the heading **Maximum Density (in FAR) for Density Area C**, the following text and corresponding footnote is to be added:
- *“\*\*12.78 for Residential/Mixed Use for the legal parcel known as Plan A, Block 71, Lots 1 to 8” and*
  - Footnote: *“\*\*Where an approved Development Permit has commenced, but construction has been suspended past the maximum days allowed as per the approved Building Permit requirements, prior to 2011 January 01, the maximum **floor area ratio** may be 12.78 provided that retail, office and residential uses are included in the development.”*