

**POLICY AMENDMENT  
HILLHURST/SUNNYSIDE (WARD 7)  
TRANSIT ORIENTED DEVELOPMENT AREA  
BYLAW 19P2015**

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**EXECUTIVE SUMMARY**

The Hillhurst/Sunnyside Area Redevelopment Plan (ARP) provides a bonus density system on sites located within the TOD Area Boundary. The density bonus system provides the option for cash contributions to the proposed Hillhurst/Sunnyside Community Amenity Fund (HSCAF) in exchange for bonus density. This report seeks Calgary Planning Commission's recommendation of approval to amend the ARP, and receive for information the Terms of Reference for the HSCAF to enable expenditures of the Fund.

**PREVIOUS COUNCIL DIRECTION**

On 2012 June 25, Council approved the recommendations of the SPC on Planning and Urban Development with respect to report PUD2012-0266 Charges for Redeveloping Communities as follows:

- “3. Direct Administration to immediately cease applying the Hillhurst/Sunnyside Transit Oriented Development Area Park Improvement Development Charge; and
4. Pending further results from the Corporate Framework for Growth and Change project:
  - a) Explore options for an alternate development charge approach for the Hillhurst/Sunnyside Transit Oriented Development Area and report back through the October SPC on Planning and Urban Development concurrent with the next update on the Funding and Financing Component of the Corporate Framework for Growth and Change project; and
  - b) Direct Administration, through all future Land Use Redesignation applications through Council within the Hillhurst/Sunnyside Transit Oriented Development Area, to address funding and financing options for the required public realm improvements identified in the Hillhurst/Sunnyside Area Redevelopment Plan with respect to Part 2 Transit Oriented Development Area, including, but not limited to density bonus opportunities.”

On 2012 November 05, Council approved the recommendations of Calgary Planning Commission with respect to report CPC2012-082 to amend the Hillhurst/Sunnyside Area Redevelopment Plan to the density bonusing options for developers to:

- a) Contribute to a “Hillhurst/Sunnyside Park Improvement Fund”; or
- b) Construct an entire, or portion of an “urban design initiative” as identified on Map 3.4 Urban Design Initiatives of the ARP, equivalent in value to the cash contribution. This could include a specific improvement in one of the triangular park areas.

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**ADMINISTRATION RECOMMENDATION(S)**

2015 April 23

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

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

That Council hold a Public Hearing on Bylaw 19P2015; and

1. **REFUSE** the proposed amendment to the Hillhurst/Sunnyside Area Redevelopment Plan; and
2. **ABANDON** the proposed Bylaw 19P2015.

**REASON(S) FOR RECOMMENDATION:**

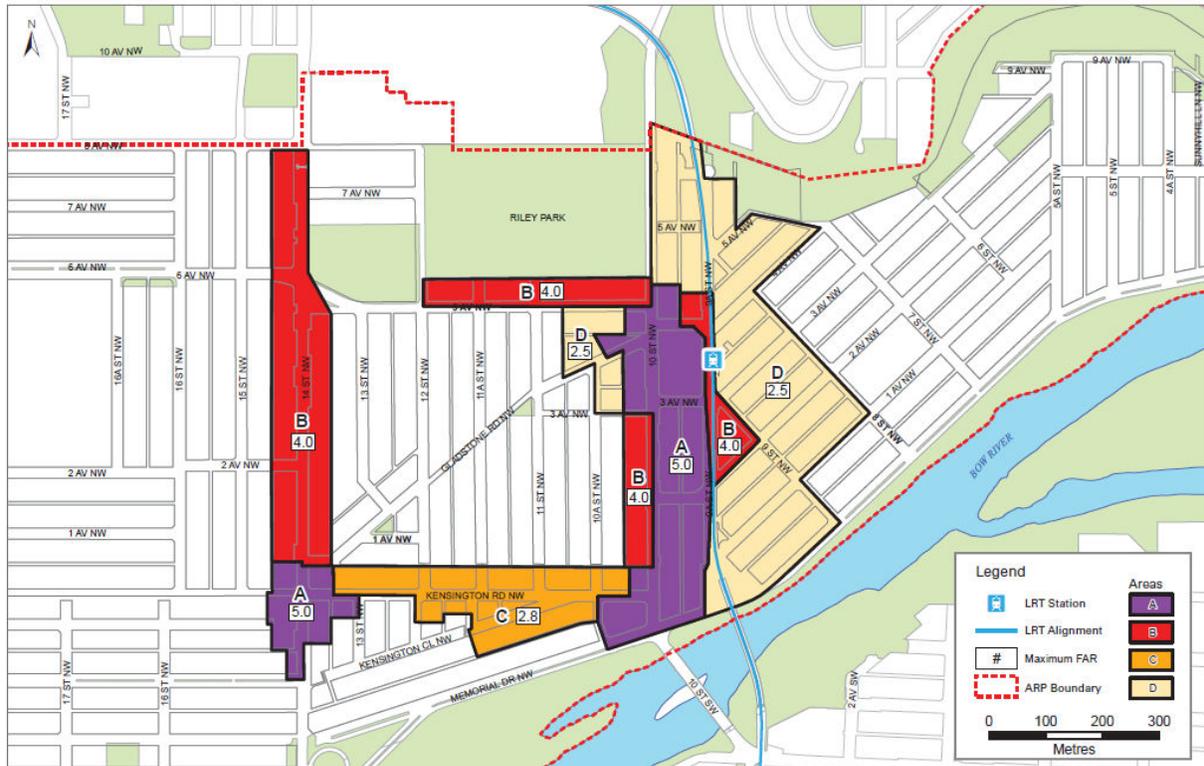
As of November 2014, the Hillhurst/Sunnyside Park Improvement Fund (HSPIF) has been fully funded by the ENMAX Legacy Fund, receiving \$5.9 million towards the Bow to Bluff triangle parks open spaces. The proposed fund, HSCAF, would essentially replace the current fund. The HSCAF would consist of a broader scope of improvement projects, implementing a new Terms of Reference, and requiring the bonusing rate be determined on an individual project basis at Development Permit stage. The HSCAF Terms of Reference will be presented to Planning & Urban Development for recommendation to Council.

**ATTACHMENT**

1. Proposed Bylaw 19P2015
2. Public Submissions

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**LOCATION MAPS**



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the Hillhurst/Sunnyside Area Redevelopment Plan (APPENDIX I).

**2015 April 23**

**MOTION:** The Calgary Planning Commission **FILED** Administration's recommendation of **APPROVAL** and recommends that Council:

1. **REFUSE** the proposed amendment to the Hillhurst/Sunnyside Area Redevelopment Plan; and
2. **ABANDON** the proposed Bylaw.

**Moved by: R. Honsberger**

**Carried: 7 – 2**

Opposed: R. Wright and  
G.-C. Carra

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

- In spite of Administration's assertion this is not voluntary.
- No certainty of costs for land owner/applicant.
- Disincentive to increase density.
- No list of projects to fund, just creating a slush fund for pet projects.
- Huge jump on costs for current amount \$17.00/square metre to an unknown value as a onetime change.
- Administrative oversight is non-existent, self-policed, unstructured and unregulated.
- How are legitimate public realm improvements differentiated from projects eligible for this fund.
- Acknowledgement that there is no accountability for payments made by the Developer.
- Question the legality under MGA.

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

- This fund was started for a reason, to aid the Bow to Bluff project. Now that it has been funded through the Enmax Legacy Fund, the monies collected to date are sitting in an account and need to be spent. I would support a proposal to spend those fund, but not collect more money for possible future projects.

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- What is the role of the municipality in providing the public realm, if funds like this are being used to offset costs?
- If we actually zoned for the density we really need, this notion of density bonusing wouldn't be needed. If we feel developers should contribute to public realm, then be clear and negotiate a required contribution as a cost of doing business.

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

- Lack of certainty for developers without a fixed amount.
- There are more transparent means of addressing community impacts (i.e. development charges).
- Disingenuous to set an artificially low density for the purpose of extracting financial benefits out of developers.
- This should not only apply to Hillhurst/Sunnyside, it's a mechanism for desirable communities to become more desirable, yet is not available in areas (i.e. 36 Street) that need it more. So this tool is inequitable.

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

- Need to define calculations for fund by determining projects required for improvements to the neighbourhood in order to develop specific capital costs funds that can be administrated.
- How to align this fund with the MGA? This contribution fund should be transparent with its calculations and tied to capital improvements.

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

- This amendment provides incentive for the community to embrace change and growth. The funds will enrich both the physical environment and the social engagement of deciding best solutions for allocation of funds. However, the development of how to manage such funds needs to be more community driven, rather than seeing the majority of the committee being made up of City staff. Secondly, it may be appropriate for the City to provide matching funds from general revenues as it is public amenity spaces which it normally would provide.

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<b>Planning Evaluation Content</b>	<b>Issue</b>	<b>Page</b>
<b>Density</b> <i>Is a <b>density increase</b> being proposed?</i>	N/A	6
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>?</i>	N/A	6
<b>Legislation and Policy</b> <i>Does the application comply with policy direction and legislation?</i>	N/A	6
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site?</i>	N/A	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>	N/A	7
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	N/A	7
<b>Growth Management</b> <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns?</i>	N/A	7
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation?</i>	N/A	7

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**PLANNING EVALUATION**

**PURPOSE**

The ARP currently allows for the earning of bonus density on sites located within the Transit Oriented Development Study Area Boundary as per Map 3.2 Maximum Densities of the ARP.

**BACKGROUND**

The proposed Hillhurst/Sunnyside Community Amenity Fund allows Administration to implement density bonusing policies presented in the Hillhurst/Sunnyside Area Redevelopment Plan. The collected funds would facilitate and finance improvements to the public realm in the Hillhurst/Sunnyside community.

As of November 2014, the Hillhurst/Sunnyside Park Improvement Fund (HSPIF) has been fully funded by the ENMAX Legacy Fund, receiving \$5.9 million towards the Bow to Bluff triangle parks open spaces. The proposed fund, HSCAF, would essentially replace the current fund. The HSCAF would consist of a broader scope of improvement projects, implementing a new Terms of Reference, and requiring the bonusing rate be determined on an individual project basis at Development Permit stage. The HSCAF Terms of Reference will be presented to Planning & Urban Development for recommendation to Council.

Appendix I contains the Draft Policy Amendment for the Hillhurst/Sunnyside Area Redevelopment Plan. This amendment is removing reference to the current fund (HSPIF) and implementing the new fund (HSCAF).

For information only, Appendix II provides a Draft Terms of Reference (ToR) for the Hillhurst/Sunnyside Community Amenity Fund, including the makeup of the Administrative Committee, approval and authorization process, funding sources, any conditions and restrictions on use. The Draft Terms of Reference will be presented to Planning and Urban Development for recommendation of approval.

**LAND USE DISTRICTS**

Upon submission of a density bonusing application, a Direct Control District will be required for the site, identifying the requirement for a project based analysis determining the contribution rate. Contribution amounts will be collected at time of Development Permit approval.

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**LEGISLATION & POLICY**

The Hillhurst/Sunnyside Area Redevelopment Plan currently provides a policy framework for the option of density bonusing, as per Section 3.1.5. and Map 3.2 of the ARP. This report proposes Section 3.1.5. be updated to remove reference to the Hillhurst/Sunnyside Park Improvement Fund, as this has been fully funded. This report recommends Section 3.1.5 be updated to create the Hillhurst/Sunnyside Community Amenity Fund. The draft policy wording is attached in Appendix I.

**STAKEHOLDER ENGAGEMENT, RESEARCH AND COMMUNICATION**

The policy amendment and Terms of Reference were prepared in consultation with local contributing developers, applicable City departments and the Hillhurst/Sunnyside Multi-stakeholder Task Force. Administration attended the Multi-stakeholder Task Force meeting 2015 February 17 to present and discuss the project. Administration also held an individual meeting with local developers and landowners. The draft policy amendment and Terms of Reference reflect the input received where feasible.

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**APPENDIX I**

**PROPOSED AMENDMENTS TO THE HILLHURST/SUNNYSIDE  
AREA STRUCTURE PLAN**

**Hillhurst/Sunnyside ARP Density Bonusing Amendment 2015**

- (a) Under Section 3.1.5, Policy 4, delete i. and ii. and replace with the following and renumber accordingly:

“4. Eligible bonus items include the following:

- i. Contribution to a Hillhurst/Sunnyside Community Amenity Fund

**Description:**

The Hillhurst/Sunnyside Community Amenity Fund (HSCAF) has been established as a means of gaining amenities. The fund will be used for projects within the Hillhurst/Sunnyside Community, including but not limited to:

- the Urban Design Initiatives as identified on Map 3.4 and Section 3.3
- streetscape design and improvements within City rights-of-way
- implementation of urban design strategies and public art on public land
- historic resource retention
- community support facilities
- transit enhancements
- community planning studies and enhancement projects
- and other projects deemed appropriate by the Administrative Committee

**Eligibility:**

Upon creation of the HSCAF, any development proposing to build above the maximum density allowed for the subject site is eligible to make a contribution to the HSCAF.

**Bonus Rate:**

The contribution amount will be calculated at the time of development permit approval, based on 75% of the land value per square metre of gross useable floor area as established by The City. For example, if the land value is established to be \$272 per metre square, and the developer is proposing to build 1,000m<sup>2</sup> of bonus floor area, then the amount of contribution will be calculated as follows:

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Land value x Proposed amount of bonus gross useable floor area (metres squared) x 75% = Contribution

$$\$272 \times 1,000\text{m}^2 \times 0.75 = \$204,000$$

The contribution amount is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

The land value is to be prepared by a Professional Chartered Surveyor or a Designated Real Estate Appraiser and provided to The City at the time of Development Permit application.”

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APPENDIX II

HILLHURST/SUNNYSIDE COMMUNITY AMENITY FUND TERMS OF REFERENCE

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**1 INTRODUCTION**

**1.1 BACKGROUND**

The Hillhurst/Sunnyside Area Redevelopment Plan (ARP) (approved 2012 November 5, Bylaw 27P2012) allows for the earning of bonus density through cash contributions to a community enhancement fund, the Hillhurst/Sunnyside Park Improvement Fund (HSPIF). The Fund was created in conjunction with the density bonusing policies outlined in the Hillhurst/Sunnyside Area Redevelopment Plan and implemented through the Direct Control Bylaws in place within the Transit Oriented Development area indicated in Figure 1 – Area of Applicability. At the discretion of the Approving Authority, any development desiring to utilise the density bonus provisions of the Direct Control Bylaws are eligible to make a contribution to the HSPIF, which is calculated based on the square footage of the development. The collected monies can be used to facilitate and implement physical improvements to the triangular open spaces identified in Figure 1.1 – Area of Implementation

**1.2 STATUS**

Since 2012 November, The City has been accepting contributions to the HSPIF as part of the density bonusing system for development permit applications within the Transit Oriented Development area of the Hillhurst/Sunnyside ARP. In November 2014, \$5.9 million was provided to fund the Bow to Bluff (triangle parks open spaces) improvements by the ENMAX Legacy Fund.

As the existing HSPIF has been fully-funded, the HSCAF Terms of Reference are being presenting concurrently with an ARP Amendment to update Section 3.1.5 of the Hillhurst/Sunnyside Area Redevelopment Plan to reflect this.

**1.3 PURPOSE**

The purpose of this document is to define the Terms of Reference of the new Hillhurst/Sunnyside Community Amenity Fund, which will replace the now fully-funded HSPIF.

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**2 TERMS OF REFERENCE**

**2.1 AREA OF APPLICABILITY**

The regulations of the HSCAF apply in the area as defined in the Hillhurst/Sunnyside Area Redevelopment Plan (see Figure 1 and 1.1).

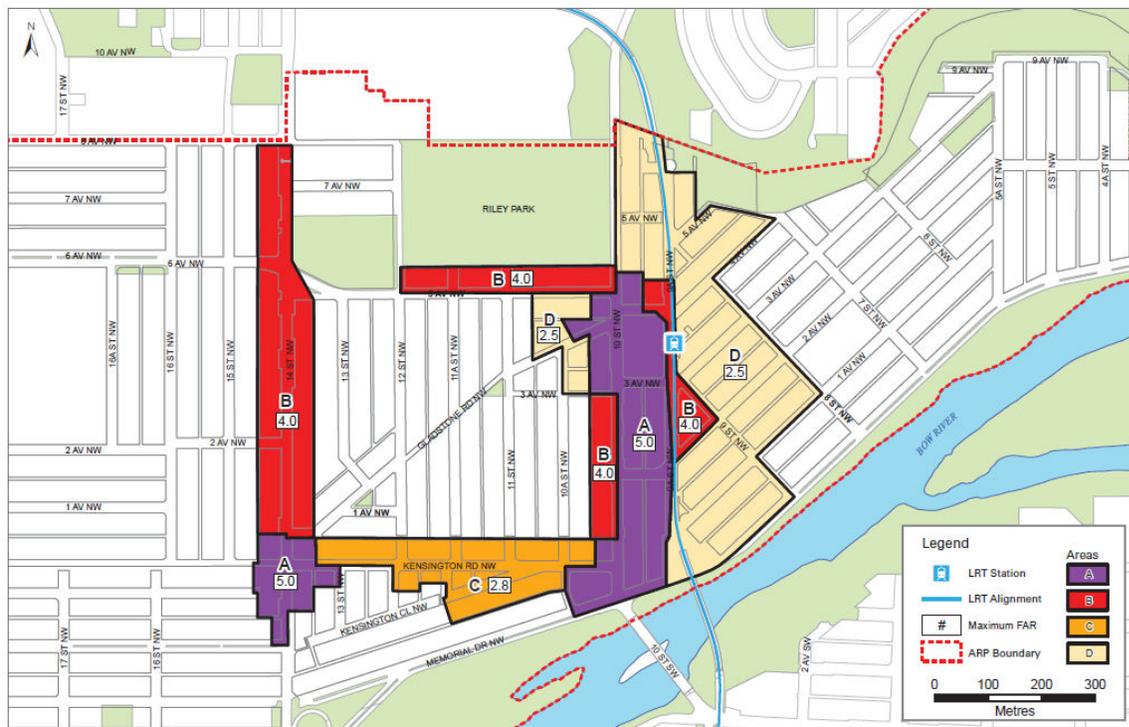


Figure 1: Area of Applicability

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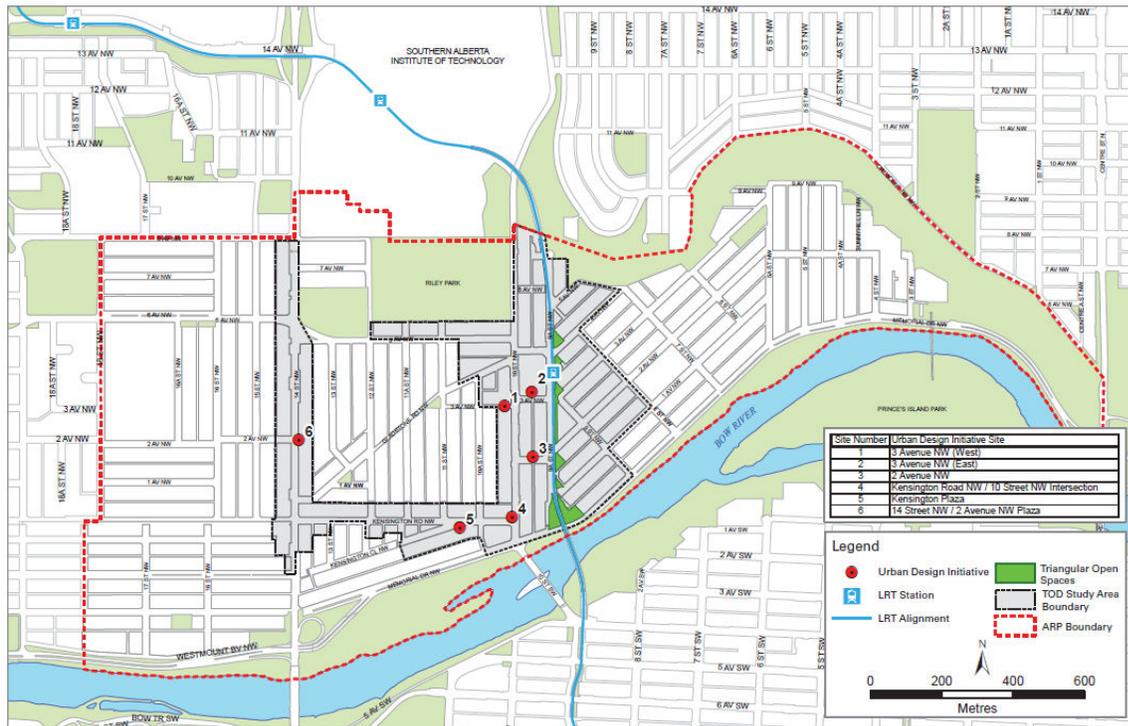


Figure 1.1: Area of Implementation

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## **2.2 PURPOSE OF THE HILLHURST/SUNNYSIDE COMMUNITY AMENITY FUND**

As development intensity within Hillhurst/Sunnyside increases, increased demands are placed on the public realm. Elements such as public parks and open spaces, and sidewalks are impacted by the additional residents and users of the area. In order to support both existing and future residents with a quality public environment, inclusive of additional or improved parks and open space and enhanced existing spaces and facilities, funding will be needed for these elements. Upgrading the public environment will ensure vibrancy, promote local initiatives and guarantee that Hillhurst/Sunnyside is a more attractive residential and business location now, as well as in the future.

The City of Calgary has an incentive density system in Hillhurst/Sunnyside that applies to the TOD Study Area, as outlined in the Hillhurst/Sunnyside ARP. This system provides for the approval of additional development density in exchange for community amenities or public benefits. The intent of the policy is achieve higher residential or commercial development in locations where addition residential or commercial floor space is desirable, while generating public benefits, amenities or building features that achieve the objectives set out in the Municipal Development Plan (MDP) and local policies.

The HSCAF can be used to implement features and physical improvements to the TOD Study Area Boundary identified in Figure 1.1 consistent with any designs approved by The City.

## **2.3 TYPE OF FUND**

The HSCAF is an interest-bearing capital deposit fund administered by the Local Area Planning & Implementation (LPI) Business Unit of the City of Calgary. The regulations of The City of Calgary's capital financing program apply to it.

## **2.4 ACCEPTANCE OF THESE TERMS**

By applying for, and accepting, a development permit utilising the density bonus instrument through a contribution to the HSCAF, the applicant accepts these Terms of Reference.

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## **2.5 ADMINISTRATION**

### **2.5.1 Administrative Committee**

The HSCAF's Administrative Committee must at all times be fully aware of the development priorities and policies as developed by The City's business units and as directed by Council. Intimate knowledge of the planning context of the Hillhurst/Sunnyside Community from the perspective of the development industry and community association is equally important. Achieving a high level of interdisciplinary integration is furthermore key to ensuring HSCAF monies are allocated most effectively.

In light of this, the HSCAF shall be managed by an Administrative Committee that will be chaired by the Manager of Local Area Planning & Implementation – North. The Committee shall be composed of a representative from each of the following City business units and key stakeholder groups:

1. Chair: Manager of Local Area Planning & Implementation – North, LPI;
2. Local Area Planning & Implementation Planner, LPI;
3. Urban Design, CPI;
4. Heritage, CPI;
5. Transportation;
6. Parks;
7. Hillhurst/Sunnyside Community Association;
8. Kensington BRZ
9. Local contributing developers;
10. Ward Councillor.

The composition of the Committee is intended to ensure that the Administrative Committee is fully aware of any proposed projects in City business planning units that have the most direct bearing on the public realm, while also incorporating knowledge of the priorities of the community and industry.

### **2.5.2 Appointment to the Committee**

The five City representatives shall be appointed by their respective business units. The two stakeholder representatives shall be appointed by their respective organizations. It is at the respective organizations' discretion to determine the appropriate method for selecting their representatives.

### **2.5.3 Term of Committee Members**

The term of Chair of the Committee shall be for so long as the person holds the position of the Manager, LPI – North (or delegate). The terms of the Administrative Committee members representing City business units shall be determined by the respective business units. The term of the Administrative Committee members representing the public stakeholders shall be determined by their respective organizations.

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#### **2.5.4 Committee Responsibilities**

The Committee is responsible for:

- Consultation with business units and community stakeholders;
- Reviewing applications for funding;
- Recommending projects for funding through the HSCAF for Council's approval;
- Funding decisions up to an amount of \$250,000.00 total per project;
- Financial oversight of the HSCAF;
- Monitoring of projects; and
- Reporting to Council.

#### **2.5.5 Administrative Committee Meetings**

The Committee should strive to meet once per year, or as deemed necessary by the members, to discuss ongoing and planned developments, relevant issues and possible public realm improvement projects and to examine potential project opportunities. In the event that a member cannot attend a meeting in person, he/she may appoint a delegate to attend in his/her stead. Written minutes of the meetings shall be kept.

The Chair should strive to set the meeting dates and venues such that all members can attend. Meetings should be announced 14 business days in advance.

The Committee shall determine its meeting protocols and method of decision making.

#### **2.5.6 Project Decisions and Recommendations to City Council**

The Administrative Committee will decide by majority vote which projects it shall approve for funding and/or recommend to Council for funding approval. In the event of a tie, the proposal shall be considered defeated.

#### **2.5.7 Dialogue with Business Units**

The Administrative Committee must be well aware of various business units' planning activities, such as those of Transportation, Roads, Transit, etc. in order to ensure public realm development activities occur in an integrated, comprehensive and mutually supportive manner. Dialogue with the other business units will be managed by the PDA Administrative Staff as required. Dialogue may occur by inviting representatives of business units or other stakeholders to the Committee meetings.

Therefore, the Administrative Staff should consult with other business units as required on ongoing and planned projects and potential unit priorities and constraints. The business units' recommendations should be taken into consideration by the Committee when it compiles the list of Strategic Projects for the HSCAF and determines fund allocations. In so doing, the Committee must ensure that the HSCAF is not used to substitute City budgets where these can and should be used to finance a project.

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### **2.5.8 Administrative Staff**

The daily operation of the Fund and support to the Administrative Committee will be undertaken by staff of the Local Area Planning & Implementation business unit.

The Administrative Staff is responsible for:

- Supporting the Administrative Committee;
- Liaising with business units and key stakeholder groups;
- Allocation of funds to receiving projects;
- Financial tracking of Fund monies;
- Monitoring of projects and development;
- Reporting to the Administrative Committee; and
- Organisational matters of committee meetings, e.g. minutes.

## **2.6 ELIGIBLE PROJECTS**

### **2.6.1 Public Realm Improvement Projects**

The HSCAF is to be used for projects on public lands or within public rights-of-way within the boundary identified as the TOD Study Area in Figure 1.1: Area of Implementation (Section 2.1) related to public realm improvements, including but not limited to:

- Urban Design Initiatives as identified on Map 3.4 and Section 3.3 of the Hillhurst/Sunnyside ARP;
- Streetscape design and improvements within City rights-of-way;
- Implementation of urban design strategies and public art on public land;
- Historic resource retention;
- Community support facilities;
- Transit enhancements; and
- Community planning studies and enhancement projects.

Projects to be funded in whole or in part with HSCAF monies should, where required, be included within the approved Capital Budget. Where possible, projects will be funded through multiple sources, including mill rate support.

## **2.7 APPLICATION PROCESS**

### **2.7.1 Requirements**

To be considered for funding through the HSCAF a letter describing the project must be submitted to the Administrative Committee for review. This applies both to projects that are initiated by City business units as well as projects proposed by external, community

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stakeholders. It is at the discretion of the Administrative Committee to determine the information required for the application; however, as a guideline, letters should include the following:

- A description of the project;
- An explanation of the project's benefit to the public realm and alignment with relevant City policies and plans;
- A description of the necessary works required, i.e. text, maps, sketches, drawings, schedules; and
- A work schedule/project overview and cost estimate/quote verifying that the proposed project budget is feasible.

The Administrative Committee may also invite applicants to attend a Committee meeting to discuss the proposal or provide a presentation of its contents, and request additional information required to make a decision.

### **2.7.2 Timelines**

Letters requesting HSCAF expenditures should be submitted to the Administrative Staff two weeks (14 days) in advance of a scheduled Committee meeting. The Committee will strive to complete its assessment and make its decision known to the applicant in a timely manner.

## **2.8 FUND ALLOCATION**

### **2.8.1 Allocation Principles**

With the purpose of the HSCAF being to advance public realm improvements as development densities increase, the objective is to support implementation in such a manner that the positive effects of the funded projects are achieved prior to, or upon completion of, the higher densities.

### **2.8.2 Allocation Approval Authority**

To facilitate operation of the Fund, the Administrative Committee shall have the authority to decide upon projects and allocate funds to a total amount of \$175,000.00 per individual expenditure without previous approval by Council. This supports the timely allocation of funds and the implementation of these as illustrated above.

All projects and allocations to receiving projects that exceed \$175,000.00 must be approved by Council and must be identified in the relevant City business unit's Capital Budget.

## **2.9 PAYMENT AGREEMENT**

The development permit grants specific development rights in the form of additional Floor Area Ratio above the base density when density bonusing is applied. The calculated financial contribution shall be paid in full at the time of release of the development permit. Contributions will not be refunded to the contributor.

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## **2.10 CONTRIBUTION CALCULATION**

Contributions to the HSCAF are calculated during the development permit approval process. The method of calculation is established in the report to Council.

The contribution amount will be calculated at the time of development permit approval, based on 75% of the land value per square metre of gross useable floor area as established by The City. For example, if the land value is established to be \$272 per metre square, and the developer is proposing to build 1,000m<sup>2</sup> of bonus floor area, then the amount of contribution will be calculated as follows:

Land value x Proposed amount of bonus gross useable floor area (metres squared) x 75% =  
Contribution

$$\$272 \times 1,000\text{m}^2 \times 0.75 = \$204,000$$

The contribution amount is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

The contribution amount represents what the developer would, on average, have to pay for the additional land within the TOD boundary necessary to support the additional floor area.

The Average Land Value is prepared by a Professional Chartered Surveyor or Designated Real Estate Appraiser and provided to The City at the time of Development Permit. The contribution amount will be confirmed by The City and applied as a Permanent Condition of DP approval.

## **2.11 HANDLING OF MONIES**

### **2.11.1 Deposit Fund**

Contributions to the HSCAF shall be deposited into a liability account of the Local Area Planning & Implementation Business Unit of the City of Calgary. Unless stated otherwise in the following, The City's regulations and guidelines pertaining to interest-bearing funds apply to the HSCAF.

### **2.11.2 Interest**

Accrued interest will be allocated to the HSCAF.

### **2.11.3 Accounting**

Accounting of the funds occurs internally through the Administrative Staff, which tracks the liabilities against the balance in the deposit fund. Staff will keep a schedule for the commitments, received funds and non-allocated monies. When the decision has been made to allocate funds to a specific project, the Administrative Staff and the manager of the receiving project shall establish a payment schedule. The Administrative Staff will place liabilities against

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the required funds as per the payment schedule. This ensures that the monies are properly reserved for the project. It may also be required in order for the receiving project to meet potential grant eligibility requirements.

**2.11.4 Payment of Funds to Receiving Projects**

Upon authorization from the Administrative Committee Chair, allocated monies from the deposit fund will be transferred through journal to the receiving project. This can entail either the entire funding amount or incremental amounts until the full allocation has been achieved. Payments should be made upon completion of the agreed upon works or project stages.

**2.11.5 Minimum Balance**

The Fund is to be used to improve the public realm in conjunction with increased densities. As such, funds should be allocated to projects as deemed appropriate by Council and the Administrative Committee. Therefore, there is no minimum balance requirement for the HSCAF fund.

**2.11.6 Refund of Contributions**

The contribution to the HSCAF is a condition of the development permit and is non-refundable. It is at the contributor's discretion to use the HSCAF rather than utilising other bonusing options, or to remain within the base density allowed in the Land Use Bylaw. Therefore, the contribution to the Fund is a voluntary decision on the part of the developer for the purpose of receiving floor area above the base density.

*Developers who wish to avail themselves of a density bonus through a contribution to the Hillhurst/Sunnyside Community Amenity Fund pursuant to Direct Control District XXXDXXXX are asked to sign the following acknowledgement:*

*That the Developer acknowledges that the contribution to the Hillhurst/Sunnyside Community Amenity Fund is being made on an entirely voluntary basis and is non-refundable and is not to be credited against the payment of development charges or other fees and charges that the City may impose in respect of the development site. The City shall not be liable to account to the Developer for any payments made by the Developer to the HSCAF. Upon payment being made by the Developer, the City shall retain the whole of the sum of \$\_\_\_\_\_ as the consideration for the density bonus approved within DP \_\_\_\_\_.*

**2.11.7 Cancellation and Delay of Funded Projects**

In the event that a HSCAF-funded project is cancelled, the Administrative Committee, with the Chair's approval, will remove the liability placed against the Fund and make the funds available for other projects.

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If a HSCAF-funded project is substantially delayed, i.e. by more than two years, or put on hold indefinitely, the Administrative Staff shall consult with the project manager to determine how long the liability against the allocated funds will be maintained.

Over time, The City's strategic priorities may change. Therefore, at its discretion Council may rescind its approval for previously approved Strategic Projects if a payment schedule has not been established with the receiving project.

## **2.12 MONITORING**

### **2.12.1 Regular Monitoring Report**

The Administrative Committee will report to Council on the status of the HSCAF, list of Strategic Projects, implemented projects, allocated funds and any changes proposed to the contribution calculation method or applicable Average Land Value on a regular basis. The Administrative Committee will determine the report intervals and format of the report and the report may be contained within other regular or annual reports. An overview of the status and activities of the HSCAF should also be included in the Hillhurst/Sunnyside Community Monitoring Report.

### **2.12.2 Project Accountability**

At its discretion, the Administrative Committee may require that a project account for its expenditures. If the expenditure does not comply with the project contents and terms agreed upon, the Administrative Committee may refuse payment of the allocated funds.

## **2.13 LIFESPAN OF THE HSCAF**

The public realm must be maintained, modified and enhanced in step with the community as it grows and changes. The HSCAF and these Terms of Reference remain in effect until such time as Council decides their termination.

## **2.14 REVIEW AND AMENDMENTS**

The successfulness of the processes defined in these terms should be monitored for the first three years of their implementation. After three years, the terms should be reviewed and either confirmed or amended as required.

Amendments to the Terms of Reference shall be reviewed by the Administrative Committee and must be approved by Council to become effective.

## **2.15 EFFECTIVE DATE**

These Terms of Reference are effective on the date that they are adopted by Council.