

**POLICY AMENDMENT AND LAND USE AMENDMENT
DOWNTOWN EAST VILLAGE (WARD 7)
7 AVENUE SE AND 5 STREET SE
BYLAWS 16P2015 AND 86D2015**

MAP 15C

EXECUTIVE SUMMARY

This Land Use Amendment for 0.37 hectares ± (0.92 acres ±) and Policy Amendment to the East Village Area Redevelopment Plan are proposed to accommodate a mixed-use residential apartment building at the intersection of 7 Avenue SE and 5 Street SE in East Village. The Land Use Amendment is a heritage transfer of density to facilitate the construction of a 221 unit rental apartment building with a daycare and retail services on the ground floor.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2015 April 23

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 16P2015 and 86D2015; and

1. **ADOPT** the proposed amendments to the East Village Area Redevelopment Plan, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 16P2015.
3. **ADOPT** the proposed redesignation of 0.37 hectares ± (0.91 acres±) located at 611 – 7 Avenue SE and 618 Confluence Way SE (Plan 1411722, Block 56, Lot 39; Plan 0914003, Block 125, Lot 3) from Centre City East Village Primarily Residential District (CC-EPR), Centre City East Village Mixed Use District (CC-EMU) **to** DC Direct Control District to accommodate mixed use residential and commercial, in accordance with Administration's recommendation; and
4. Give three readings to the proposed Bylaw 86D2015.

REASON(S) FOR RECOMMENDATION:

The Land Use Amendment retains the stock uses intended currently; however, it facilitates the heritage density transfer from the Simmons Building block to the subject site. Further, the proposed amendment to the East Village Area Redevelopment Plan is in line with upcoming changes to the overall ARP and still retains the heritage transfer within the confines of the East Village neighbourhood.

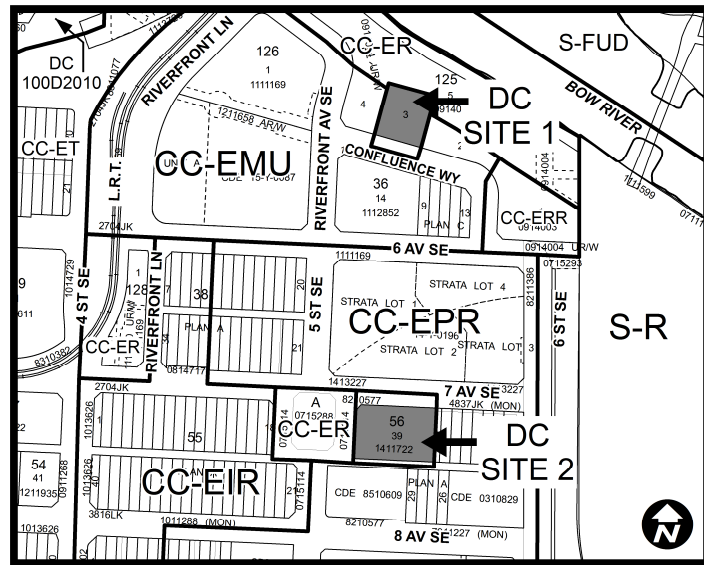
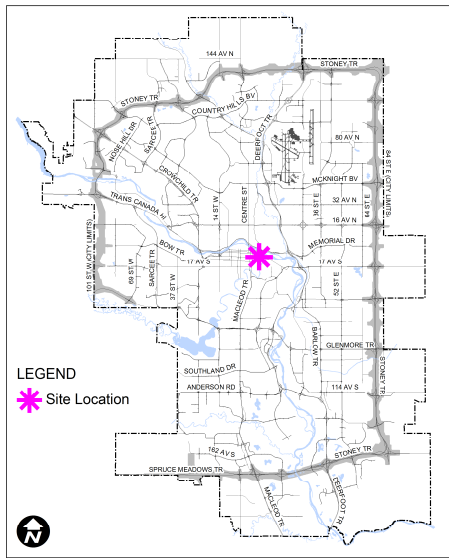
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ATTACHMENTS

1. Proposed Bylaw 16P2015
2. Proposed Bylaw 86D2015
3. Public Submission

LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed amendments to the East Village Area Redevelopment Plan (APPENDIX III).

Moved by: R. Wright
Absent: G.-C. Carra

Carried: 8 – 0

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.37 hectares ± (0.91 acres±) located at 611 – 7 Avenue SE and 618 Confluence Way SE (Plan 1411722, Block 56, Lot 39; Plan 0914003, Block 125, Lot 3) from Centre City East Village Primarily Residential District (CC-EPR), Centre City East Village Mixed Use District (CC-EMU) **to** DC Direct Control District to accommodate mixed use residential and commercial with guidelines (APPENDIX II).

Moved by: R. Wright
Absent: G.-C. Carra

Carried: 8 – 0

Reasons for Approval from Ms. Wade:

- Excellent report, laid out density transfers from donor/receiving sites calculations in a very clear manner.
- Parking seems high given how we have addresses parking on other sites in the East Village – should this be reduced?

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Applicant:

NORR Architect Planners

Landowner:

Calgary Municipal Land Corporation

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>	Yes	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	No	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	8
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	8
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	8
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	8
Public Engagement <i>Were major comments received from the circulation</i>	No	9

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located at the south east corner of 7 Avenue SE and 5 Street SE in the community of East Village. The site is currently designated Centre City East Village Primarily Residential District (CC-EPR) that allows for a variety of development typologies that support primarily residential living. The subject site is within walking distance of the City Hall LRT Station and within close proximity to the Riverwalk system, connecting to the city's bike network.

LAND USE DISTRICTS

Site 1: Current land Use District – Centre City East Village Mixed Use District (CC-EMU)

The subject lands are currently designated CC-EMU that is intended to provide for:

- a mix of commercial and residential uses
- uses that are sensitive to adjacent districts that allow for primarily residential uses
- a range of intensity of development where intensity is measured by floor area ratio; and
- a building form that is street oriented at grade

The proposed DC Direct Control District retains this as the base district for Site 1, but amends the allowable floor area ratio to transfer heritage density to Site 2.

Site 2: Current Land Use District – Centre City East Village Primarily Residential District (CC-EPR)

The subject lands are currently designated CC-EPR that is intended to provide for:

- a mainly residential area with a limited range of support commercial uses;
- support commercial uses located on the ground floor; and
- a building form that is street oriented at grade.

The proposed DC Direct Control District retains this as the base district but amends the allowable floor area ratio to include heritage transfer density from Site 1.

Proposed Direct Control District

Heritage Density Transfer – Floor Area Ratio:

The proposed DC Direct Control Bylaw is to provide for site specific density limits that are to be accommodated by recognizing the transfer of density from a Municipal Heritage Resource (Simmons Building) to the subject site at 7 Avenue SE and 5 Street SE. The existing floor area ratio at the Simmons Building is 5.65, and is to remain at this density in the proposed DC Direct Control District. The proposed transfer of heritage density is to establish the floor area ratio of the receiving site (Site 2) as 9.16. Without the heritage density transfer, the floor area ratio of Site 2 would be limited to 6.65.

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LEGISLATION & POLICY

Existing policy in the East Village ARP limits the transfer of heritage density to abutting parcels only.

Proposed Amendment

Amend sections 4.2 and 4.3 of the East Village ARP to remove restrictions limiting transfer of density to directly abutting parcels and allows for the transfer of heritage density from a source parcel to any parcel located within the community of East Village. The amendments are detailed in APPENDIX III of this report.

Rationale

Removing the restriction requiring density to be transferred to directly abutting parcels:

- Creates a consistent approach to the transfer of heritage density as compared with other areas of the Centre City;
- Maintains the ability to transfer potential heritage density to abutting parcels but does not require it, thereby maintaining the potential for adaptive reuse of designated historic resources;
- Allows for flexibility to transfer heritage density to parcels where the impacts of additional density (i.e. building massing and shadows) may contribute to a better outcome for the community;
- Provides clear direction on the intended public benefit of heritage density transfer – to encourage the preservation of historic resources; the more receiving opportunities the greater the incentive; and
- Communicates the process required to transfer heritage density in order to track density transfers and ensure the public benefit is achieved.

No significant risks have been identified. The proposed amendments:

- Align with existing policy objectives (MDP, Centre City Plan)
- Maintain existing development entitlements
- Clarify administrative process for tracking heritage density transfer

Impacted Parcels

There are only two remaining designated historic resources potentially impacted by the proposed amendment: Simmons Building (parcel A) and Hillier Block (parcel B). However, given current policy restrictions for parcels abutting those remaining designated historic resources, the impact of the proposed policy amendment is significant.

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The following table summarizes the limitations of existing policy and the potential impact of proposed amendments.

Source Parcel	Lot Area (m ²)	Maximum Density (FAR)	Potential Gross Floor Area (m ²)	Additional Policy Restrictions
A (Simmons Building)	1390.0 m ^{2*}	5.65 FAR (max)	7853.5 m ²	<p>3.6.3 Riverfront District Buildings in this area are envisioned to step back upper storeys to protect the public riverfront from shadows.</p> <p>Land Use Bylaw 1P2007 (1264) Riverbank sunlight protection regulated through Land Use Bylaw 1P2007</p> <ul style="list-style-type: none"> Additional density transferred to abutting parcels would shadow the protected area
B (Hillier Block)	301.98 m ^{2*}	7.0 FAR (max)*	2113.84 m ²	<p>3.6.4 Heritage Commercial District The construction of new buildings should be designed to reflect the scale, massing and form of existing structures</p> <ul style="list-style-type: none"> Additional density transferred to abutting parcels would result in larger building massing in an area envisioned to respect the scale of existing buildings

*Lot Area is based on approximate numbers and are not based on information from an official survey

Alignment with other East Village Policy

3.6.3 Riverfront District

The buildings within the Riverfront District activate a public riverfront plaza with ground floor entertainment and retail oriented commercial uses with upper storey residential uses stepping back to protect the public riverfront from shadows.

- Transferring potential heritage density to a directly abutting parcel would have additional shadow impacts on the riverfront plaza and therefore a transfer of density would likely be unsupportable.

3.6.4 Heritage Commercial District

The redevelopment of 8 Avenue S.E. between the LRT tracks and 4 Street is proposed as a Heritage Commercial District. Refurbishment of existing heritage buildings and the construction of new buildings designed to respect the scale, massing and form of existing structures is envisioned.

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- Adding density to existing parcels abutting the Hillier Block make it more difficult to respect “the scale, massing and form of existing structures” and is likely to cast additional shadow on the historic main street of 8 Avenue (also identified as a Heritage Commercial District)

TRANSPORTATION NETWORKS

As proposed the transportation network is sufficient to support a development of the potential density that is allowable under this DC Direct Control District.

UTILITIES & SERVICING

Public water, sanitary and storm mains are currently available to service the subject site.

ENVIRONMENTAL ISSUES

No environmental issues affect the subject site.

A Sun/Shadow Study was submitted through the related Development Permit process (DP2014-5460). The report indicated no shadow impact within the sun shadow protection areas of Fort Calgary Park and riverfront open space

A Risk Management Plan was submitted through the related Development Permit process. The report provided recommendations pertaining to soil, vapour and groundwater management. The material was reviewed and approved for content by Environmental and Safety Management; pending the submission of a “Letter of Commitment”, which is required as to ensure that the developer commits to carrying out the recommendations outlined in the 2015 Risk Management Plan document.

All flood requirements have been satisfied in the design of the building proposed in the Development Permit.

GROWTH MANAGEMENT

The proposed amendment(s) does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

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PUBLIC ENGAGEMENT

Community Association Comments

A copy of the application was circulated to the East Village Neighbourhood Association. The Association responded back with no objections.

Citizen Comments

No comments received by CPC Report submission date.

Public Meetings

No public meetings were held for this application.

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APPENDIX I

APPLICANT'S SUBMISSION

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Land Use Redesignation Application
618 Confluence Way SE and 611 – 7 Avenue SE (East Village)

The subject parcels are located in the East Village. Site 1 is occupied by the historic Simmons Building and consists of 0.14 ha (0.34 ac). Site 2 is vacant and consists of 0.23 ha (0.58 ac). The proposed development for Site 2 is primarily residential development in the form of rental housing with support community space (a child care facility) on the ground floor. The owner wishes to take advantage of a heritage density transfer; however, current policy in the East Village ARP does not permit density transfers to sites that are not adjacent to the donor site, and restricts the amount of density that can be transferred to the site.

A land use application has been submitted to reconcile the heritage density transfer from the donor site (Site 1) to the receiving site (Site 2). The proposed land use designation is a Direct Control District which continues to use the base districts of the existing land use designations (CC-EMU and CC-EPR) with additional clarity on density and density transfer rules.

The proposed rules for the Simmons Building site, located at 618 Confluence Way SE, are based on the Centre City East Village Mixed Use District (CC-EMU). The proposed new rules identify how much density can be transferred to other sites in the East Village including the gross floor area (5,915 square metres) that can be transferred to Site 2. The new rules for Site 2 located at 611 – 7 Ave. SE will allow an additional 2.54 FAR (or 5,915 square metres) to be transferred from the Simmons Building (Site 1) to Site 2 for residential uses.

The proposed land use amendment maintains the intent of the existing land use designations; however, it seeks additional heritage density on Site 2 which will contribute to the vitality of the East Village Community and provide additional rental housing in the area. For these reasons, we respectfully request Calgary Planning Commission and Council's support of our application

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APPENDIX II

PROPOSED DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
- (a) Provide for additional residential **density** achieved through a heritage density transfer between the donor site (**Site 1**) and receiving site (**Site 2**).
 - (b) Provide for a mix of commercial and residential **uses**; and
 - (c) 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, 4 and 12 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.

Site 1

0.14 hectares ± (0.34 acres ±)

- 4 The provisions in sections 5 through 8 apply only to Site 1.

Permitted Uses

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

Discretionary Uses

- 6 The **discretionary uses** of the Centre City East Village Mixed Use District (CC-EMU) 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 East Village Mixed Use District (CC-EMU) of Bylaw 1P2007 apply to Site 1.

Density

- 8 The maximum **floor area ratio** is 4.11.

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Site 2

0.23 hectares ± (0.58 acres ±)

9 The provisions in sections 9 through 13 apply only to Site 2.

Permitted Uses

10 The *permitted uses* of the Centre City East Village Primarily Residential District (CC-EPR) of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

11 The *discretionary uses* of the Centre City East Village Primarily Residential District (CC-EPR) of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District.

Bylaw 1P2007 District Rules

12 Unless otherwise specified, the rules of the Centre City East Village Primarily Residential District (CC-EPR) of Bylaw 1P2007 apply.

Density

13 (1) The maximum *floor area ratio* is:

- (a) 9.19 for an *East Village – High Rise Building*;
- (b) 8.19 for an *East Village – Mid Rise Building*

(2) In this section, for the purpose of calculating *floor area ratio* for an *East Village – High Rise Building* the following *uses* must be excluded from the calculation to a cumulative maximum of 1.0 *floor area ratio*:

- (a) **Child Care Service**;
- (b) **Community Recreation Facility**;
- (c) **Indoor Recreation Facility**;
- (d) **Place of Worship – Small**;
- (e) **Protective and Emergency Service**;
- (f) **School – Private**;
- (g) **School Authority – School**;
- (h) **Service Organization**;
- (i) **Social Organization**; and
- (j) **Utilities**.

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APPENDIX III

PROPOSED AMENDMENTS TO THE EAST VILLAGE
AREA REDEVELOPMENT PLAN

(a) In Section 4.2, Densities, delete the fifth bullet and replace with the following:

- “• *Heritage density may only be transferred from a donor site to a receiving site where both sites are located within the East Village community.*”

(b) Delete Section 4.3, Density Transfer, and replace with the following:

“A building designated as a Municipal Historic Resource under the Historical Resources Act is eligible to transfer the difference between the building’s existing gross floor area and its potential gross floor area to a receiving site within East Village in accordance with Land Use Bylaw 1P2007. In order to track the transfer of heritage density, where heritage density is transferred from one site to another, a direct control district will be required for both the donor parcel and the receiving parcel.”