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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015

**MAP 16C** 

### **EXECUTIVE SUMMARY**

This land use amendment application proposes the redesignation of the subject parcel in the Downtown from Commercial Residential District (CR20-C20/R20) to DC Direct Control District to accommodate the protection of the distinctive heritage character of the existing building on the site. The applicant is also seeking to address what they consider to be a specific parking situation.

The Minister of Alberta Culture, Administration and the applicant agreed to a concurrent Land Use application, rather than the historic designation of the Barron building, as a mechanism to protect its historic character and progress a development permit application for the site.

In the Land Use application submitted, the applicant has sought to amend the downtown parking rules and it is for this reason that Administration is recommending Refusal.

### PREVIOUS COUNCIL DIRECTION

None.

#### **ADMINISTRATION RECOMMENDATION(S)**

2015 April 23

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

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

That Council hold a Public Hearing on Bylaw 94D2015; and

- 1. **ADOPT**, by bylaw, the proposed redesignation of 0.24 hectares ± (0.59 acres ±) located at 610 8 Avenue SW (Plan A1, Block 48, Lots 21 to 28) from Commercial Residential District (CR20-C20/R20) **to** DC Direct Control District to accommodate the protection of the heritage building, as amended; and
- 2. Give three readings to the proposed Bylaw 94D2015.

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### **REASON(S) FOR RECOMMENDATION:**

Administration does not support the Land Use application as there is no reasoned planning justification for the proposed amendments to the motor vehicle parking stall rules of the Commercial Residential District and this would undermine the Bylaw and The City's Restricted Parking Policy.

# **ATTACHMENT**

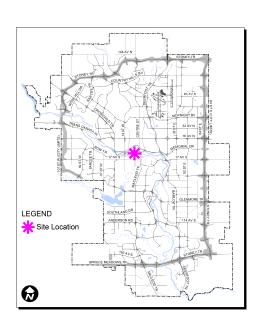
1. Proposed Bylaw 94D2015

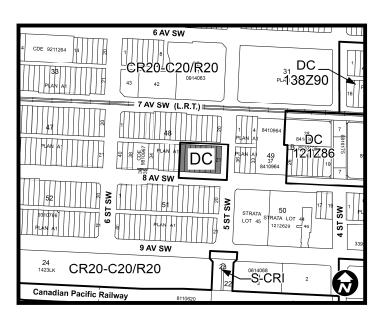
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**MAP 16C** 

## **LOCATION MAPS**







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**MAP 16C** 

### ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **REFUSE**, the proposed redesignation of 0.24 hectares  $\pm$  (0.59 acres  $\pm$ ) located at 610 – 8 Avenue SW (Plan A1, Block 48, Lots 21 to 28) from Commercial Residential District (CR20-C20/R20) **to** DC Direct Control District to accommodate the protection of the heritage building with guidelines (APPENDIX II).

### 2015 April 23

#### **MOTION:**

Delete the "Proposed DC Direct Control District", guideline "7" in its entirety and insert the following:

- "(1) The required number of motor vehicle parking stalls for the development, conforming to the plans attached at Schedule E, is 66.
- (2) A cash-in-lieu payment for the difference between the total number of motor vehicle parking stalls required in subsection (1) and the number of motor vehicle parking stalls provided must be made.
- (3) Payments made under subsection (2) must be in accordance with Council's policy and calculated at the rate per motor vehicle parking stall established by Council at the time the payment is made."

Moved by: G. Morrow Carried: 9 – 0

#### **MOTION:**

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

- ADOPT, by bylaw, the proposed redesignation of 0.24 hectares ± (0.59 acres ±) located at 610 8 Avenue SW (Plan A1, Block 48, Lots 21 to 28) from Commercial Residential District (CR20-C20/R20) to DC Direct Control District to accommodate the protection of the heritage building, as amended; and
- 2. Give three readings to the proposed Bylaw.

Moved by: S. Keating Carried: 9 – 0

Reasons for support for the Adoption recommendation from Ms. Gondek:

- The Barron Building facade is being preserved.
- The structural interior of the Barron building is also being preserved.
- By keeping the facade and providing historic continuity of the streetscape, the Applicant is practising heritage preservation.

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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015

**MAP 16C** 

- Therefore, the integrity of the parking principles of the Barron Building deserve to be preserved.
- Remove the Barron Building from the parking calculation and take advantage of the parking the can now be accommodated on site with the side and back of the Barron Building being opened up.

Reasons for support for the Adoption recommendation from Mr. Wright:

 Granting of parking relaxations associated with Barron would result in a less than 2 million dollar loss of cash-in-lieu, but would result in saving the facade of the Barron Building. Fair trade.

Reasons for support for the Adoption recommendation from Mr. Morrow:

- Required parking should be based on a newly constructed floor area

   this includes the new building and any newly constructed floor area
   in the Barron Building.
- Simply rehabbing in the existing floor plates of the Barron Building should not require this area be included in the calculation for parking.
- Since the only newly constructed floor area in the Barron Building is on the 2nd level, which is exempt from parking, then the parking requirements should be based on the new buildings.
- Therefore the requirement should be 66 spaces -- 30 provided on site, 36 cash-in-lieu

Reasons for support for the Adoption recommendation from Mr. Friesen:

- This building has significant historic and architectural merit. In a
  young city like Calgary every opportunity to preserve even a portion of
  existing architectural heritage through adaptive reuse must be
  supported. The new building designed to attach to the back and side
  of the old structure is complementary in form and also of good quality.
- The notion that all of the floor plate, including the portions of the old Barron Building that are being kept, should be used to calculate the parking requirement is an interpretation of the planning rules which does nothing to improve the value of the building itself. It leads only to additional cash for an already large 'in lieu' fund. The developers have already planned to build as much parking into the redevelopment as they can.
- Recently a new building was approved in the middle of east village
  with no parking required at all to provide a variety of building types
  and achieve good planning objectives. It seems only reasonable that
  in this case we can apply the rules in a way that is favourable to a
  developer working to preserve an existing building of merit.

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<u>Applicant</u>: <u>Landowner</u>:

Manu Chugh Architect 1402801 Alberta Ltd (Ken Toews)

Planning Evaluation Content	*Issue	Page
Density	Nie	NI/A
Is a density increase being proposed.	No	N/A
Land Use Districts		
Are the changes being proposed housekeeping or simple bylaw amendment.	No	6
Legislation and Policy		
Does the application comply with policy direction and legislation.	No	6
Transportation Networks		
Do different or specific <b>mobility considerations</b> impact this site	No	7
Utilities & Servicing		
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.	No	8
Environmental Issues		
Other considerations eg. sour gas or contaminated sites	No	8
Growth Management		
Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.	No	9
Public Engagement	N.I.	•
Were major comments received from the circulation	No	9

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**MAP 16C** 

### PLANNING EVALUATION

#### SITE CONTEXT

The subject site is located in the downtown core where the general character of the surrounding development is intensively urban.

To the east, 8 Avenue SW is the primary retail area, however the site is located in an area that is more a mix of restaurants, entertainment and office development. To the north of the site the Manulife tower is currently under construction, to the east is a surface parking lot, to the south is a similarly scaled office development to the Barron building and to the west is a 3 storey retail building.

#### **HERITAGE**

The site currently includes the 11 storey Barron Building, constructed in 1951 by J. B. Barron. On the ground floor, the former Uptown Theatre was an integral part of the building's purpose and utilized the single screen concept. The single screen was subsequently redeveloped to provide two screens in 1973.

According to The City's Inventory of Evaluated Historic Resources, the Barron building is considered to be a Calgary landmark and the finest example of Art Moderne-style architecture in the city and among the best examples of its type in western Canada.

The upper floors of the building were constructed as high quality office accommodation. At the time, this captured an increased need for such space following the Leduc oil strike, and the building was occupied by various oil companies including Mobil, Shell and Sun Oil.

In April 2013, the Minister of Alberta Culture determined that pursuant to Section 37(2) of the Historical Resources Act the applicant for development permit application DP2013-0215 (Barron Building) was required to conduct a Historic Resources Impact Assessment.

Following discussions between the applicant, Administration and the Minister of Alberta Culture, The City of Calgary was confident that a Ministerial Order to designate the Barron Building would not be necessary in this instance and that the character defining exterior elements of the front facade, as contained in the project proposal, could be adequately preserved through the Municipal planning system.

It was proposed that this protection could occur through the use of DC Direct Control District and that this could run concurrently with the Development Permit application (DP2013-0215). The wording of the proposed DC Direct Control District would tie it to the plans provided with the Development Permit application, but does allow for the repair and conservation of the character defining exterior elements where necessary.

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**MAP 16C** 

#### LAND USE DISTRICTS

The site is located within the Commercial Residential District (CR20-C20/R20). This district provides for a base density of 3.0 FAR with the ability to use bonus incentives to achieve up to 20.0 FAR.

The proposed DC Direct Control District would provide confirmation and clarification in writing and illustrations, which would specify the character defining exterior elements that the Minister of Alberta Culture was concerned to protect.

However, unrelated to the heritage issue, the Land Use application submitted also includes text that seeks to amend the parking stall requirements of the Commercial Residential District (CR20-C20/R20).

The applicant argues that since the Barron Building has historically had no associated parking, its situation has not changed and since the owner is committed to preserving the character defining exterior elements, all of the floor space associated within the Barron Building should be exempt from any parking calculation.

Administration considers that the protection of the character defining exterior elements would meet the Bylaw requirements for the use of a DC Direct Control District, However the amendment to the parking stall requirement does not and if considered appropriate could be addressed through a relaxation of the rules contained in the Bylaw.

In terms of parking requirements, the development has no unique characteristics, is not considered to be innovative and does not require specific regulation. This aspect would not therefore meet the requirements for a DC Direct Control District.

#### **LEGISLATION & POLICY**

The Centre City Plan (2007) provides the policy framework for the downtown and provides overall guidance and direction for development.

The Centre City Plan recognizes that the downtown will remain the foundation of the Centre City because of the economic role that it plays for Calgary as a whole and that it has the potential to evolve substantially and contribute to the Centre City's overall vitality and livability.

The Centre City Plan also recognizes that the city's heritage is a precious resource that adds an immeasurable quality to a thriving Centre City and seeks to ensure that The City provides leadership in preserving and enlivening heritage resources.

The Downtown Parking Strategy identifies that the amount of long stay parking spaces in the downtown will be managed over time, in conjunction with employment growth and redevelopment, to achieve 60 percent transit mode share for all work travel downtown.

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The Downtown Parking Policy acknowledges that the cash-in-lieu program continues to require that, within the Restricted Parking Area defined in the land use bylaw, developments are limited to providing a maximum of 50 percent of their required parking on-site with a requirement to make a cash-in-lieu payment for the balance, with the exception of developments:

- a) of 3 FAR or less;
- b) on sites of up to 1800 square metres in size;
- c) in commercial developments on the ground floor of a residential project.

The Calgary Transportation Plan, adopted in September 2009, reaffirms support for the Downtown Parking Strategy. It specifically states that "The Downtown Parking Strategy is a key element to manage downtown traffic demand, and should continue to be aligned with long-term transit mode split targets for the Centre City."

#### TRANSPORTATION NETWORKS

Administration did not require a Transportation Impact Assessment (TIA) or a Parking Study in the review of this proposal.

#### **PARKING**

The direct result of providing a parking stall relaxation, where those stalls can physically be provided would be to undermine the requirements of the Restricted Parking Area and the Downtown Parking Strategy, and thus The City's desire to both control and mitigate increased traffic within the downtown as a result of development.

Included within the purpose statement of the proposed DC Direct Control District is text that states that the DC is intended to:

"(c) address the existing parking situation in respect of the redevelopment of the site."

Section 8 of the DC states:

"Up to a maximum of 9365.0 square metres of *gross floor area* from the *building* existing at the time of the effective date of this Direct Control Bylaw will be excluded from the calculation used to determine the parking requirements for the site."

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This wording would exclude the gross floor space of the existing Barron Building from any calculation for required parking stalls in a redevelopment of the site, calculated on net floor area. This would essentially provide a parking stall relaxation of up to 66 stalls.

Administration does not support this wording because there is no provision within the Commercial Residential District (CR20-C20/R20 – Bylaw 33P2013) to exempt gross usable floor space from the calculation for the required parking stalls for a development or redevelopment. By including the wording in the DC Direct Control District, there is no discretion in its use and no connection between its use and the heritage of the site.

The Land Use Bylaw provides the ability for relaxations to the parking stall requirements for uses in building's that are listed on The City's inventory of potential heritage sites. The test for a relaxation must be based on satisfaction of the tests for relaxations in Section 36 of the Bylaw, the ability of the site to accommodate the parking stalls and the number to be relaxed.

In this particular case, the test required by Section 36 could be met, since it is unlikely that the relaxation would affect the use, enjoyment or value of adjoining properties and the development would conform to a prescribed use.

However, the entire site can accommodate the provision of parking stalls, since only defined exterior elements are subject to any level of protection and these are on only a very limited portion of the site.

Administration considers that there is no justified planning or transportation rationale to relax the requirements of Part 13 (33P2013) of the 1P2007 Land Use Bylaw and the goals and aims of City Downtown Parking Policy.

#### **UTILITIES & SERVICING**

Public water, sanitary and storm utilities exist within the adjacent public right of way, for development servicing purposes.

Development servicing will be determined at the Development Site Servicing Plan (DSSP) stage, to the satisfaction of Water Resources.

#### **ENVIRONMENTAL ISSUES**

There are no known environmentally related concerns associated with the site or proposal.

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**MAP 16C** 

#### **GROWTH MANAGEMENT**

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

#### **PUBLIC ENGAGEMENT**

### **Community Association Comments**

Not required as there is no Community Association in this area.

#### **Citizen Comments**

No comments received by CPC Report submission date.

## **Public Meetings**

None

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**MAP 16C** 

### **APPENDIX I**

### **APPLICANT'S SUBMISSION**

The subject application on behalf of 1402801 Alberta Ltd seeks re-designation of the property located in Downtown (City Centre) of the City of Calgary. This re-designation will facilitate the re-adaption of a complementary addition to, the existing Barron Building located at 610-8 Ave SW Calgary from its existing land use district to Direct Control with CR 20-C20/R20 guidelines.

The DC Land Use District is necessary to ensure that the re-purposing and modernization of the existing Barron Building retains the character refining elements contained on the facade of this historically significant building. These Character-defining elements were identified through a Provincial process which determined that historic designation of the existing Barron Building was not required to preserve theses elements. Rather, preservation could be accomplished through the use of a Direct Control Bylaw, which would allow for a full redevelopment and repurposing of this important building.

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**MAP 16C** 

### **APPENDIX II**

## PROPOSED DIRECT CONTROL GUIDELINES

## **Purpose**

- 1 This Direct Control District is intended to:
  - achieve the protection of the distinctive heritage character of the existing building on the site, through the preservation of acknowledged character defining exterior elements;
  - (b) recognize the historic value of the existing *building* by incorporating an interpretive display within the site; and
  - (c) address the existing parking situation in respect of the redevelopment of the site.

### 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

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.

#### **Permitted Uses**

The *permitted uses* of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

### **Discretionary Uses**

The **discretionary uses** of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

### **Bylaw 1P2007 District Rules**

6 Unless otherwise specified, the rules of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 apply in this Direct Control District.

#### **Required Motor Vehicle Parking Stalls**

7 Up to a maximum of 9365.0 square metres of *gross floor area* from the *building* existing at the time of the effective date of this Direct Control Bylaw will be excluded from the calculation used to determine the parking requirements for the site.

### **Development Permit Requirements**

8 (1) Approval of this Direct Control Bylaw does not constitute approval of a development permit.

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- (2) Subject to subsection (3), a **development permit** application must conform to the plans attached to this Bylaw as Schedule E.
- (3) Minor adjustments to the design of the **development** shown in the plans and renderings attached to this Bylaw as Schedule E may be considered by the **Approving Authority** and may include:
  - (a) a change to architectural and exterior materials and finishes, that are not identified in Schedule C and D of this Bylaw, or any portion of them, if in the opinion of the *Approving Authority* the change does not significantly reduce the overall attractiveness or the heritage quality of the *development*; and
  - (b) a change to the **development** as the result of Building Code requirements or City specifications related to engineering and transportation standards.

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**MAP 16C** 

#### **SCHEDULE C**

The following character-defining exterior elements must be preserved as per existing site conditions and in accordance with the development plans attached as Schedule E to this Direct Control Bylaw:

### 1 South Elevation (see Drawing CD 3.01)

- (a) form of the original rooftop mechanical and elevator housing;
- (b) stepped-back form and massing of the existing 11-storey structure, accentuated by honed Tyndall limestone vertical central frontispiece on storeys 2 through 11;
- (c) flat roofs (terraces) where the building steps back at the 8 and 11 storey;
- (d) 11 storey penthouse with deep overhanging eaves; (to be reconstructed)
- (e) 11 storey curved, stylized aluminum panels and Art-Moderne ornamentation displaying carved, low-relief panels; (to be salvaged and reused or replicated)
- (f) 4 vertical bands of windows with scalloped sheet aluminium cladding details at spandrel panels and aluminium-clad pilasters on central frontispiece rising from storey 2 to storey 10;
- (g) fenestration comprised of existing ribbon windows with scalloped sheet aluminium cladding details at corners and in front of the columns from storeys 4 through 10;
- (h) buff-coloured brick spandrel panels in the façades of storeys 4 through 10:
- (i) concrete window sills in the façade of storeys 5 through 11;
- (j) honed Tyndall limestone window sills, copings, spandrel panels and ornaments for storeys 2 through 4; and
- (k) black granite cladding framing the 1 storey glazing. (modified from the exisiting).

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**MAP 16C** 

### 2 West Elevation (see Drawing No. CD 3.02)

- (a) form of the original rooftop mechanical and elevator housing;
- (b) stepped-back form and massing of the existing 11-storey structure, accentuated by honed Tyndall limestone vertical central frontispiece on storeys 8 through 11;
- (c) flat roofs (terraces) where the building steps back at the 8 and 11 storey;
- (d) 11 storey penthouse with deep overhanging eaves; (to be reconstructed);
- (e) 11 storey curved, stylized aluminum panels and Art-Moderne ornamentation displaying carved, low-relief panels; (to be salvaged and reused or replicated)
- (f) 3 vertical bands of windows with scalloped sheet aluminium cladding details at spandrel panels and aluminium-clad pilasters on central frontispiece rising from the storey 8 through 10;
- (g) fenestration comprised of existing ribbon windows with scalloped sheet aluminium cladding details at corners from storeys 4 through 10;
- (h) buff-coloured brick spandrel panels in the façades of storeys 4 through 10; and
- (i) concrete window sills in the façade of storeys 4 through 11.

#### 3 North Elevation (see Drawing No. CD 3.03)

(a) form of the original rooftop mechanical and elevator housing.

### 4 East Elevation (see Drawing No. CD 3.04)

- (a) form of the original rooftop mechanical and elevator housing;
- (b) stepped-back form and massing of the existing 11-storey structure, accentuated by honed Tyndall limestone vertical central frontispiece on storeys 8 through 11;
- (c) flat roofs (terraces) where the building steps back at the 8th and 11th storey;

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- (d) 11 storey penthouse with deep overhanging eaves; (to be reconstructed);
- (e) 11 storey curved, stylized aluminum panels and Art-Moderne ornamentation displaying carved, low-relief panels; (to be salvaged and reused or replicated);
- (f) 3 vertical bands of windows with scalloped sheet aluminium cladding details at spandrel panels and aluminum-clad pilasters on central frontispiece rising from the storey 8 through 10;
- (g) fenestration comprised of existing ribbon windows with scalloped sheet aluminium cladding details at corners from storeys 4 through 10;
- (h) buff-coloured brick spandrel panels in the façades of storeys 4 through 8;
- (i) concrete window sills in the façade of storeys 5 through 11;
- (j) honed Tyndall limestone window sills, copings, and ornaments on storeys 2 through 4; and
- (k) black granite cladding return at 1 storey. (modified from the exisiting).

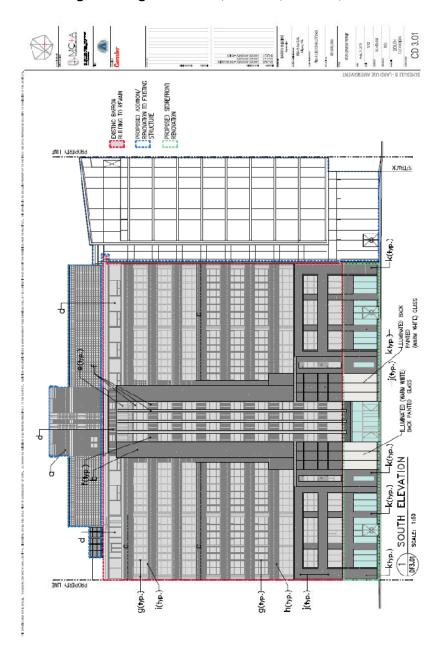
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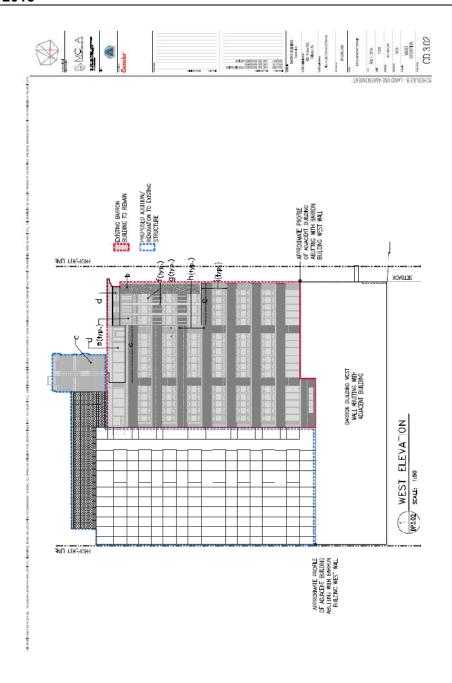
### **SCHEDULE D**

## Character Defining Drawings - CD3.01; CD3.02; CC3.03; CD3.04 and CD3.05



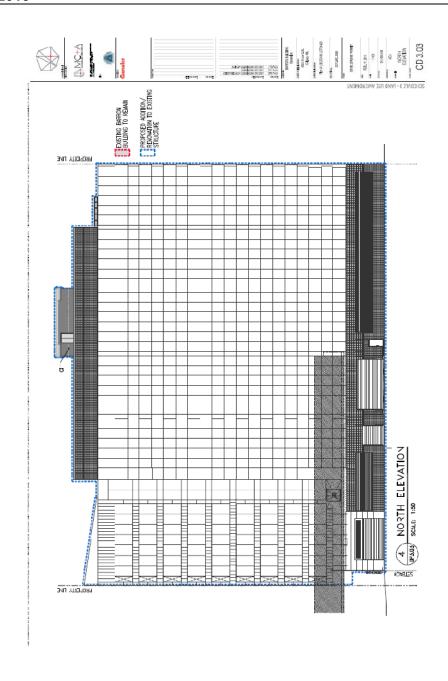
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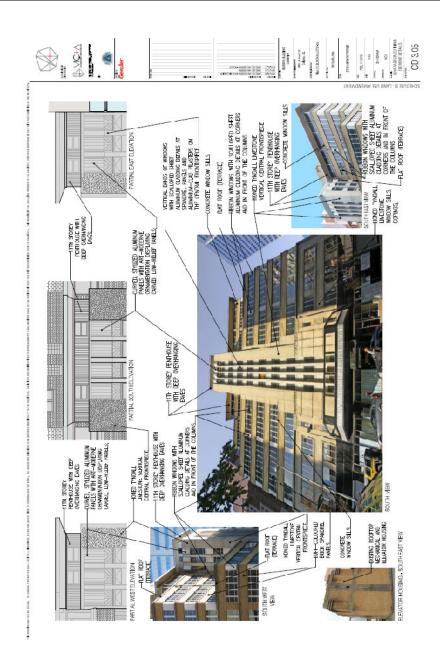
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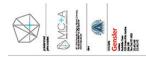


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**MAP 16C** 

### **SCHEDULE E**



**BESPONSE TO DTR # 2 (DP 2013-0215)** 

Project Number - 1059 FEB. 02, 2015

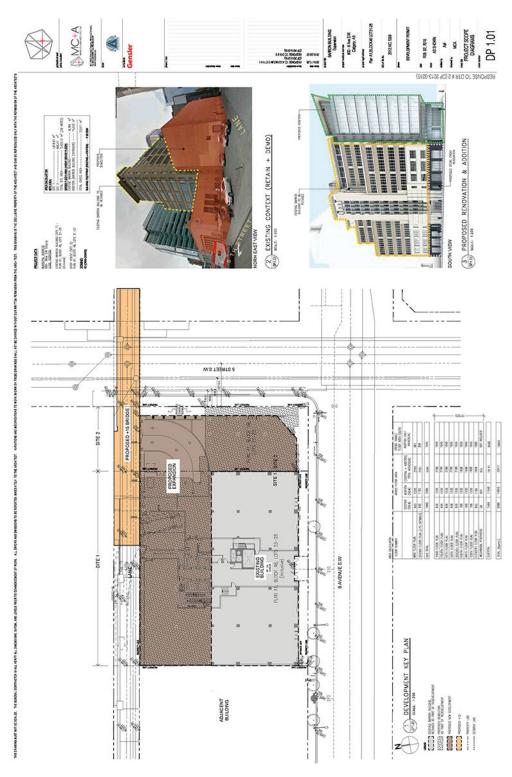


BARRON BUILDING EXPANSION 600 - 8 Ave S.W. Calgay, AB



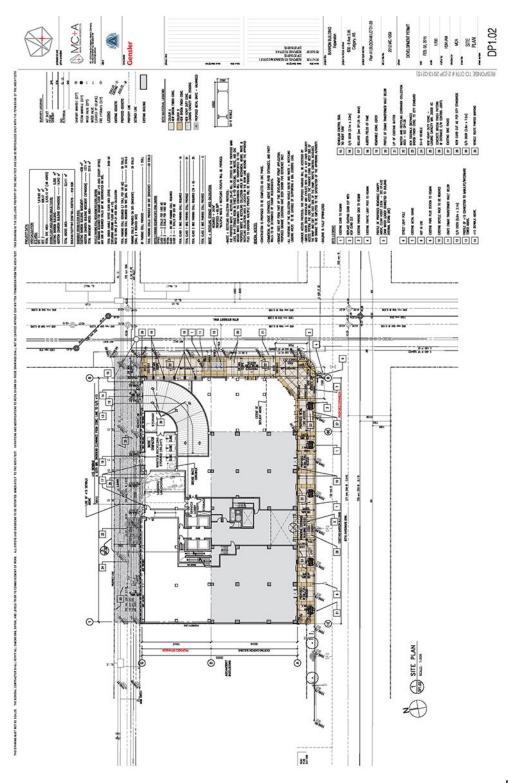
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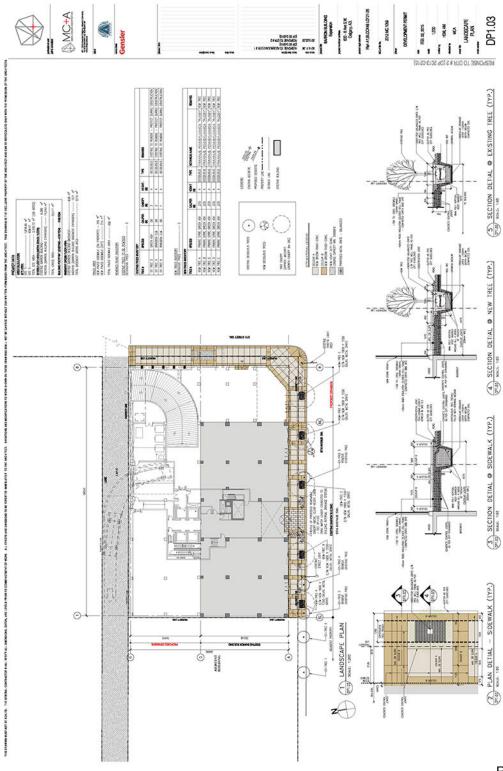
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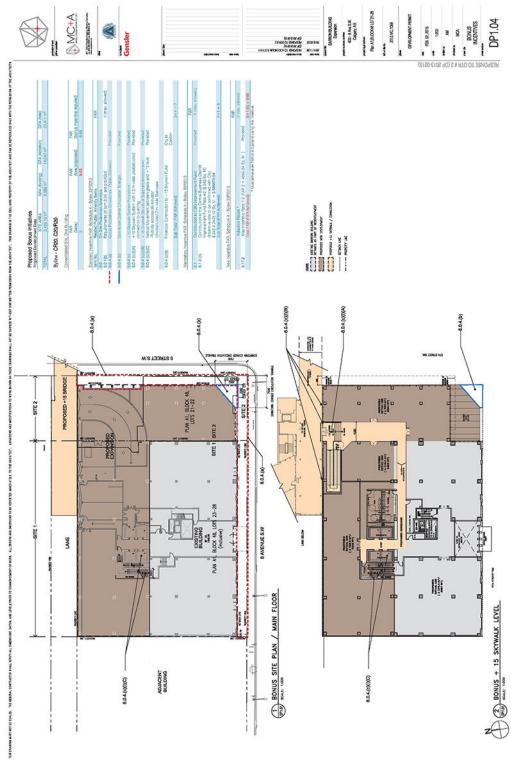
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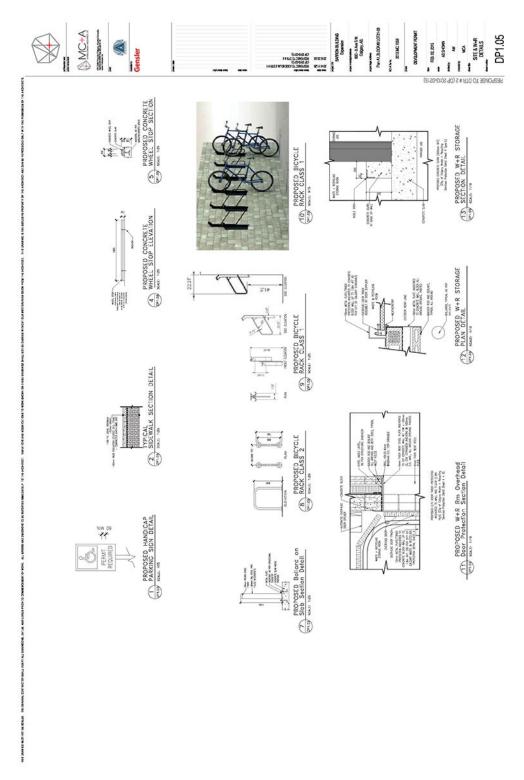
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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015



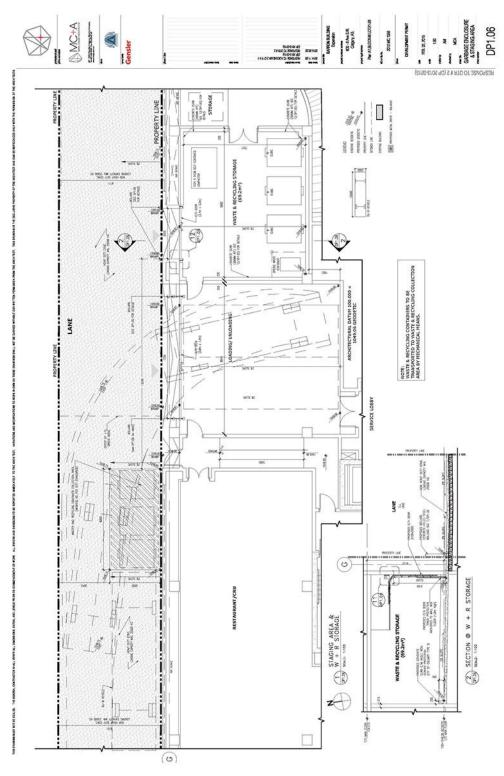
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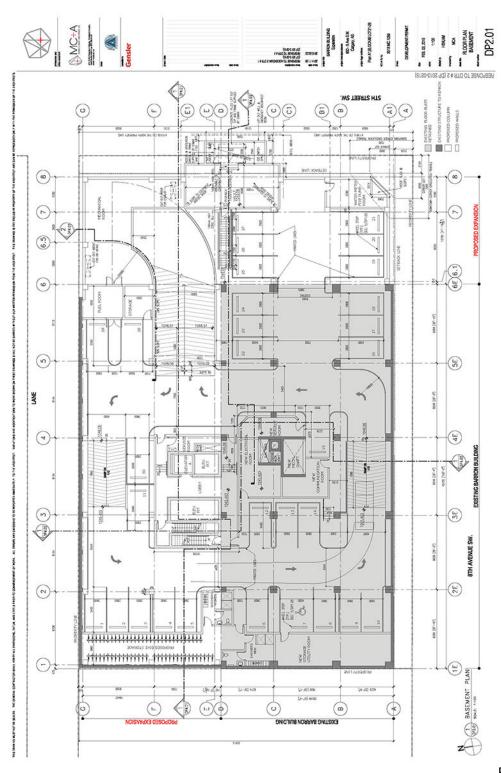
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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015



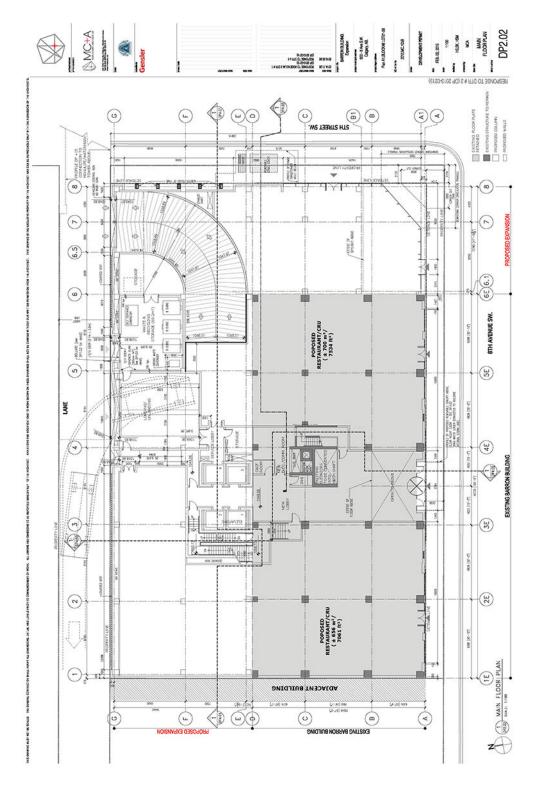
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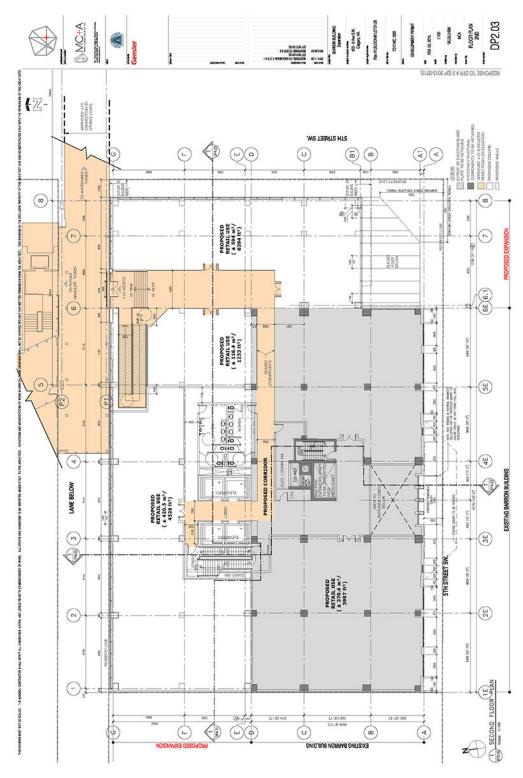
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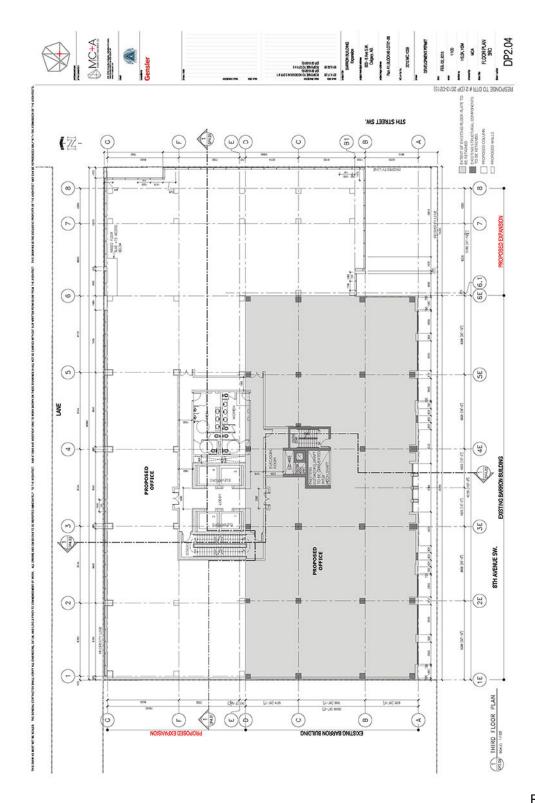
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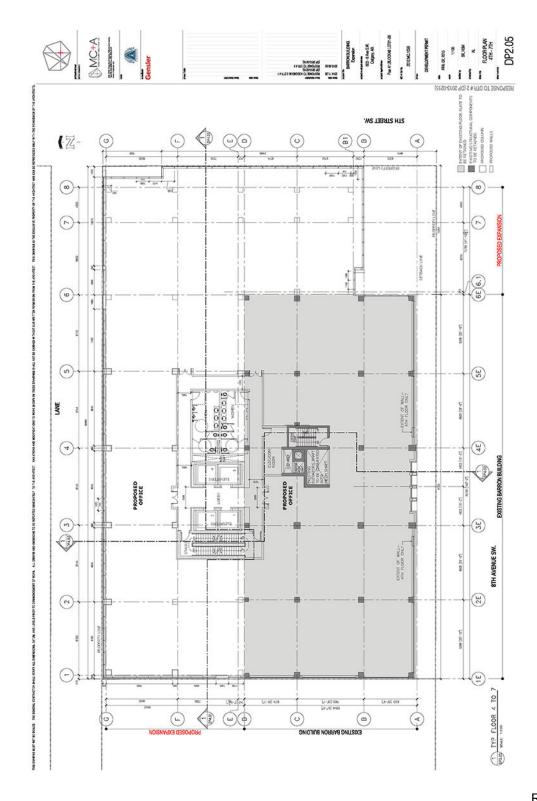
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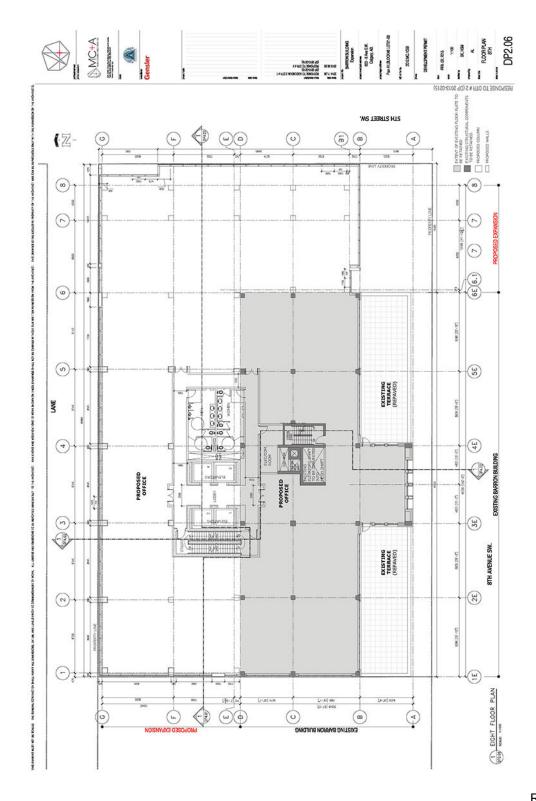
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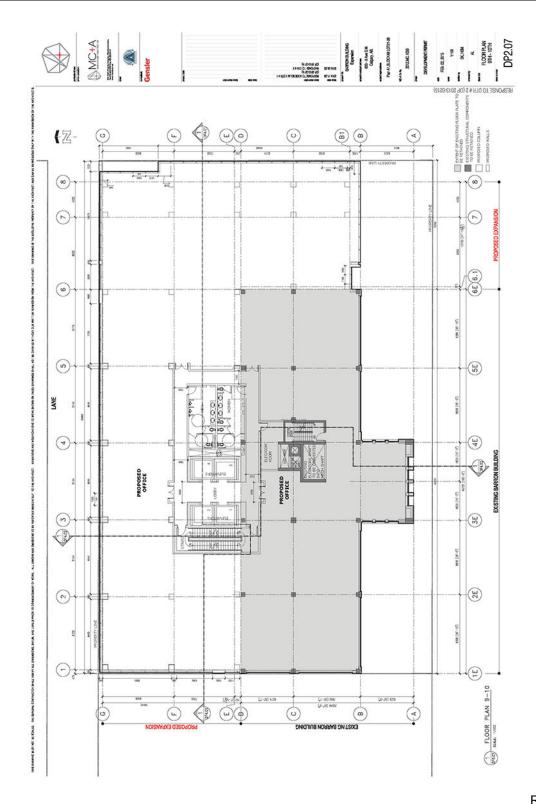
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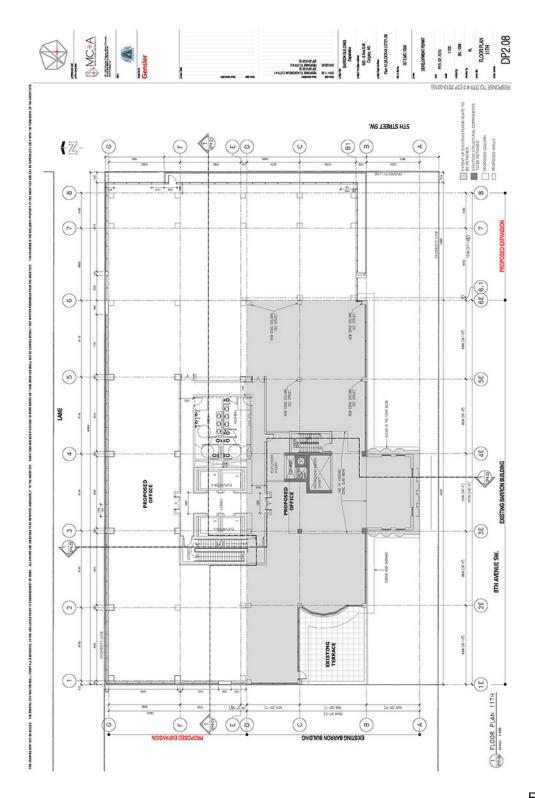
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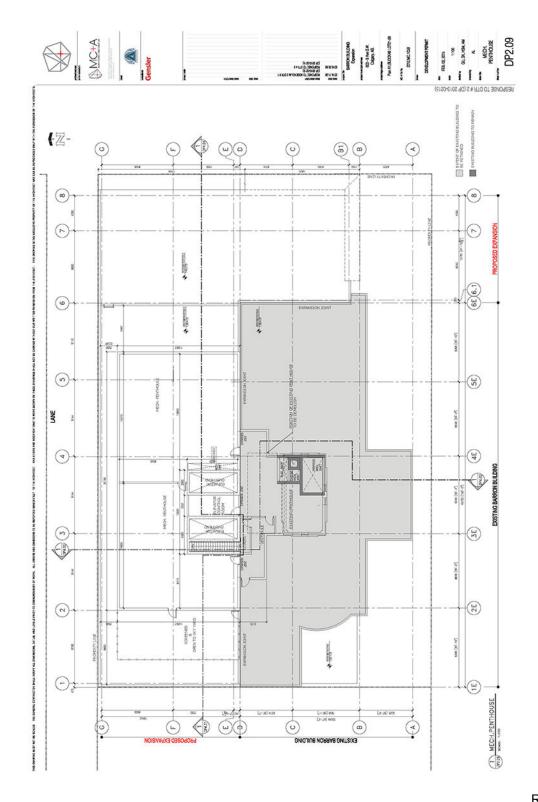
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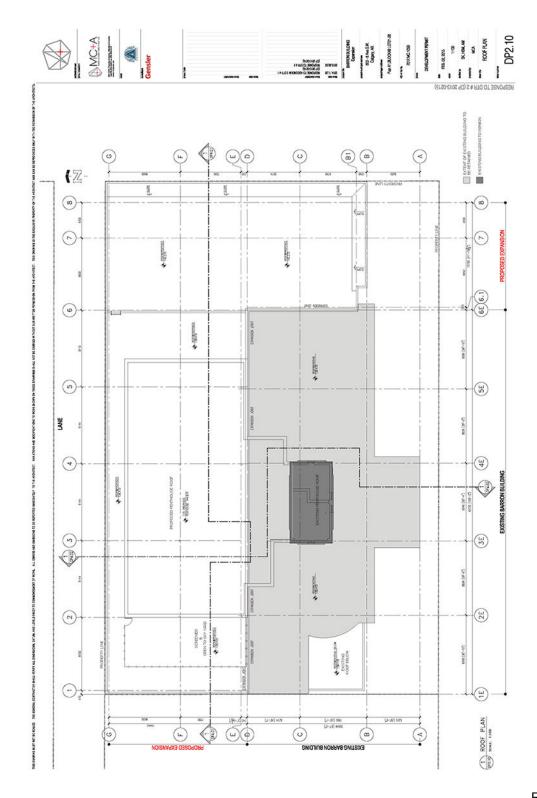
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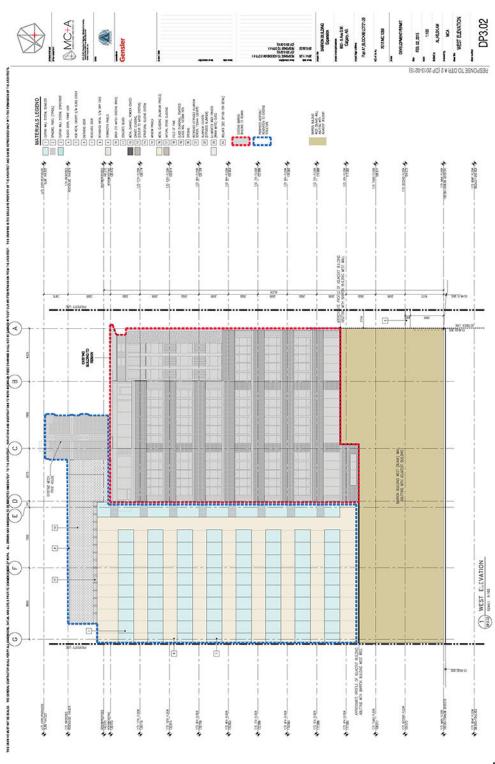
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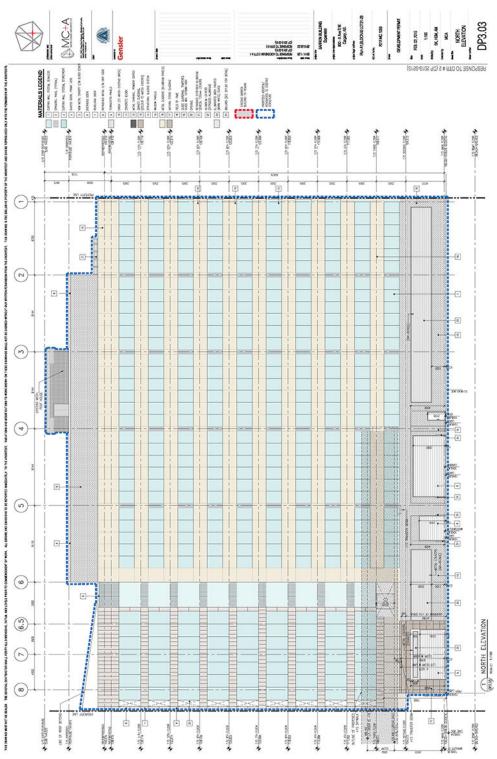
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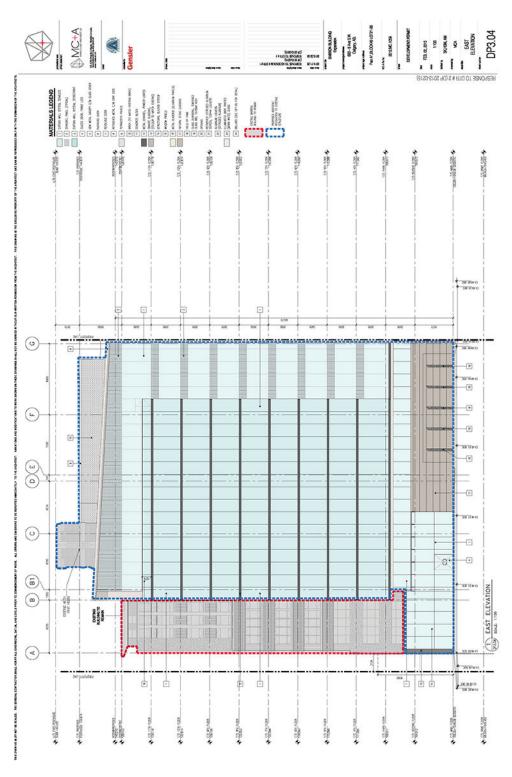
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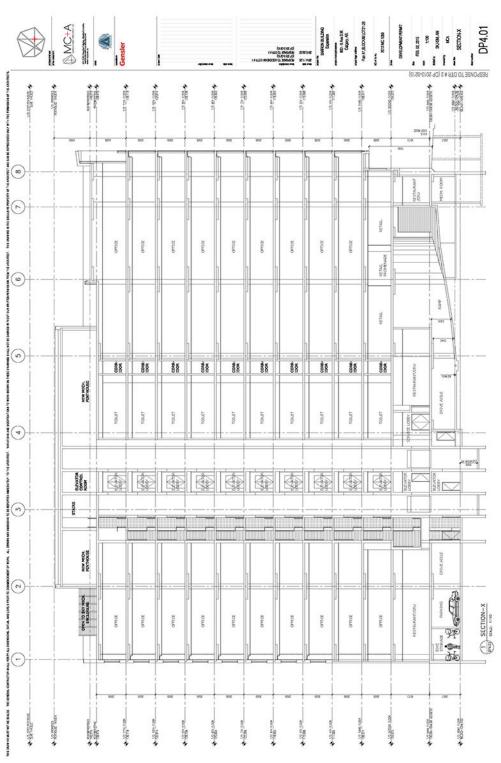
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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015



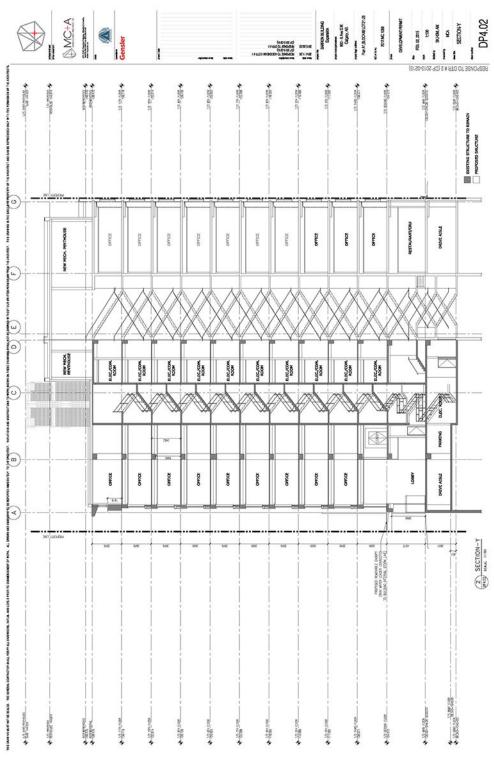
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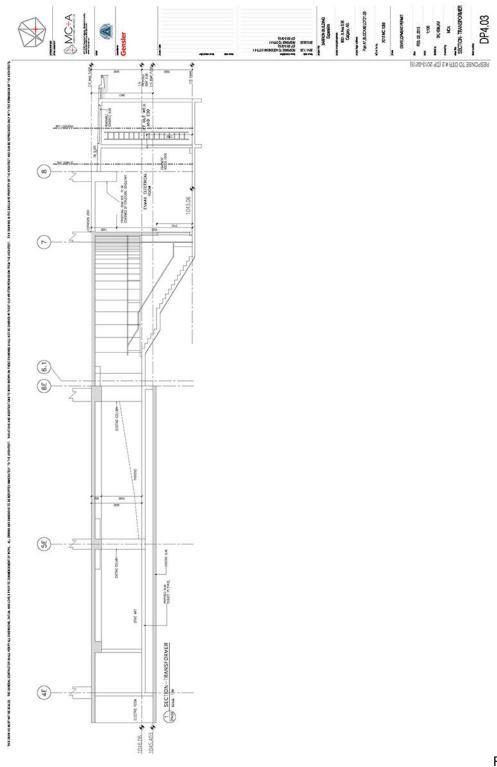
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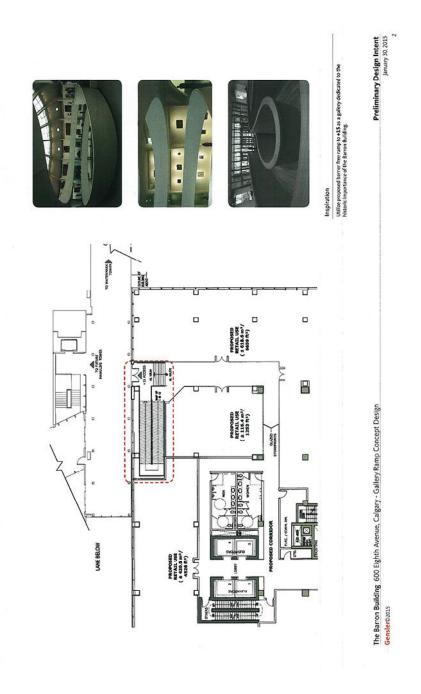
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**MAP 16C** 









The Baron Building 600 Eighth Avenue, Calgary - Gallery Ramp Concept Design Genslerozos:

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LAND USE AMENDMENT DOWNTOWN COMMERCIAL CORE (WARD 8) 8 AVENUE SW AND 5 STREET SW BYLAW 94D2015





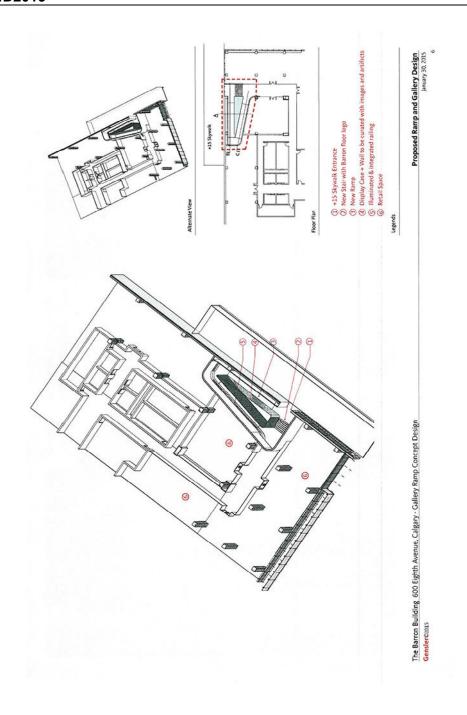
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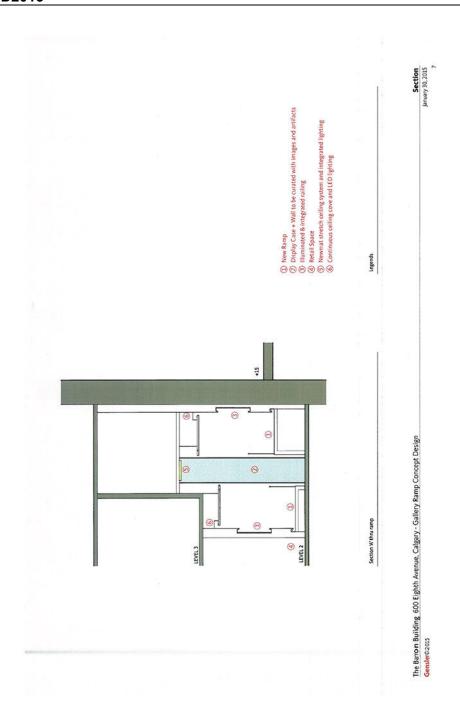
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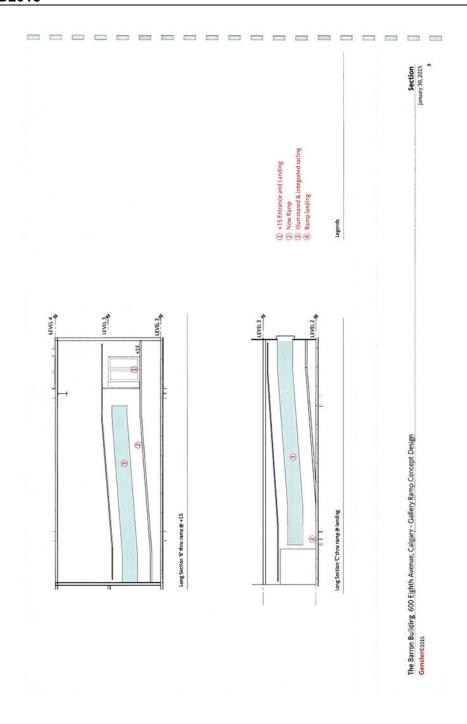
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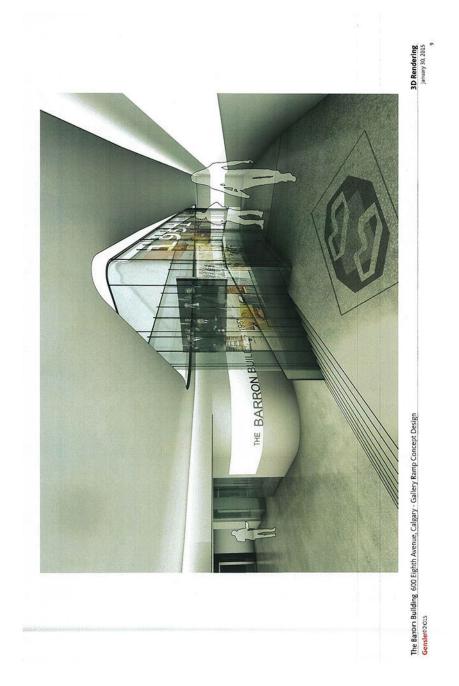
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