

**LAND USE AMENDMENT
BELTLINE (WARD 8)
16 AVENUE SW, BETWEEN 8 AND 9 STREET SW
BYLAW 11D2015**

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EXECUTIVE SUMMARY

This land use application seeks to modify the existing DC Direct Control District Bylaw to add “Special Purpose Temporary Residential Sales Centre” as a Discretionary use, to those uses previously approved under DC Direct Control District (Bylaw 68D2013).

The existing DC Bylaw identifies 3 Sites, accommodating residential, commercial and park development. This application would permit the development of a Temporary Residential Sales Centre for Site 3 of the DC. This site has been identified as a future City Park.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2014 November 20

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 11D2015; and

1. **ADOPT** the proposed redesignation of 0.09 hectares ± (0.22 acres ±) located at 916, 918, 920, 928 and 936 – 16 Avenue SW and 1515 – 8 Street SW (Plan A1, Block 111, Lots 21 to 40) from DC Direct Control District to DC Direct Control District to accommodate temporary residential sales centre, in accordance with Administration’s recommendation; and
2. Give three readings to the proposed Bylaw 11D2015.

REASON(S) FOR RECOMMENDATION:

Administration finds that the introduction of a temporary residential sales centre is an appropriate interim use, prior to the ultimate development of the subject site.

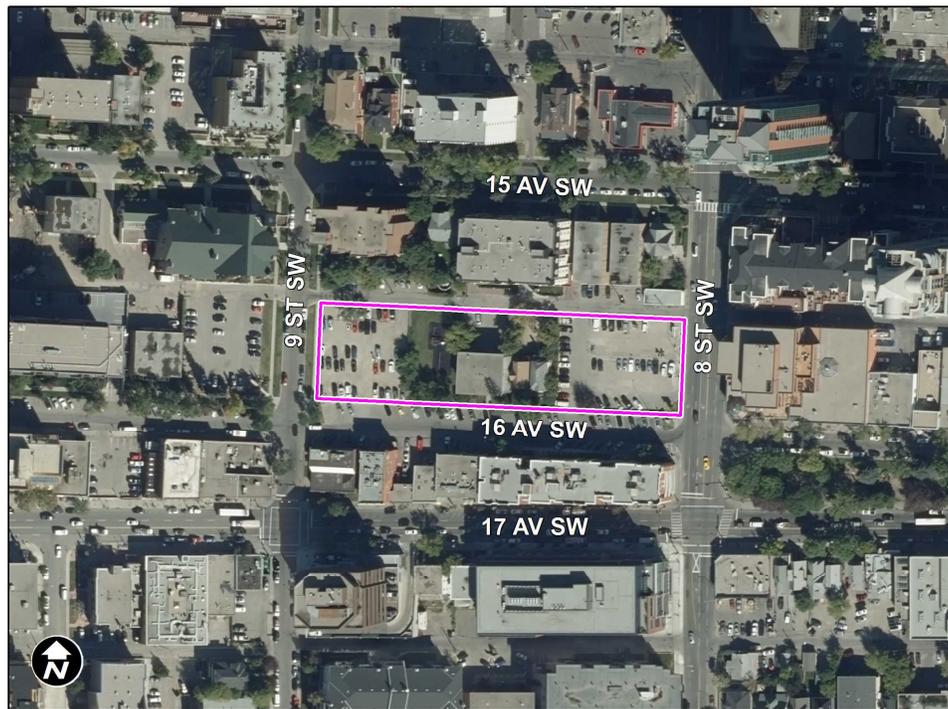
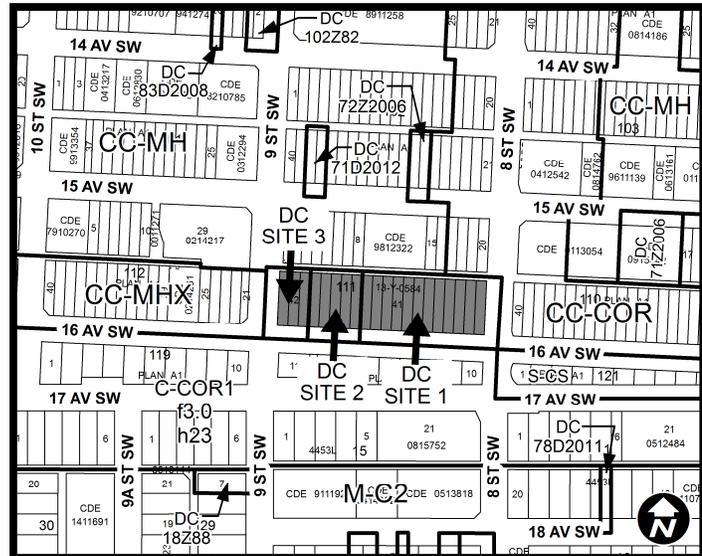
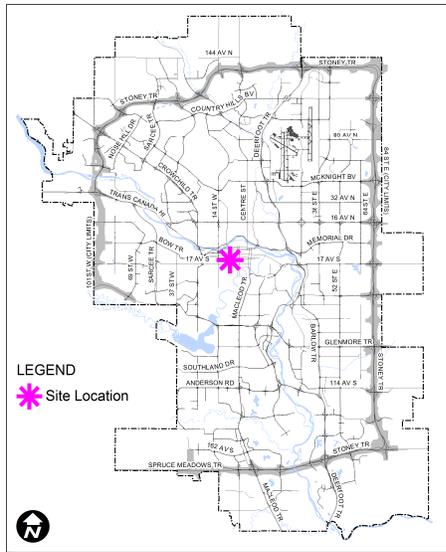
ATTACHMENT

1. Proposed Bylaw 11D2015

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.09 hectares \pm (0.22 acres \pm) located at 916, 918, 920, 928 and 936 – 16 Avenue SW and 1515 – 8 Street SW (Plan A1, Block 111, Lots 21 to 40) from DC Direct Control District **to** DC Direct Control District to accommodate temporary residential sales centre with guidelines (APPENDIX II).

Moved by: R. Wright
Absent: M. Logan

Carried: 8 – 0

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Applicant:

Abugov Kaspar

Landowner:

City of Calgary
 First Capital Holdings (ALB) Corporation

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	1
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>	Yes	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	5
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	5
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	6
Public Engagement <i>Were major comments received from the circulation</i>	No	6

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site represents a collection of lands assembled under a DC Direct Control District, to accommodate a mixed-use, residential/commercial development and a future City Park. The proposed DC bylaw maintains the rules of the previously approved land use (Bylaw 68D2013), while allowing for a temporary sales centre on the future park site (Site 3 of the proposed DC).

Surrounding development consists of a mix of mid-rise/high-rise residential buildings and commercial development of varying scales.

LAND USE DISTRICTS

The proposed DC land use is a housekeeping item to add Special Purpose Temporary Residential Sales Centre as a discretionary use to a previously approved DC District (DC68D2013). Special Purpose Temporary Sales Centre is a newly defined use, in order to align with the base district of Site 3 of the DC (Special Purpose - Community Service (S-CS) District) and to define temporary use parameters (maximum 5 year temporary use).

LEGISLATION & POLICY

Aligns with the Beltline Area Redevelopment Plan.

TRANSPORTATION NETWORKS

The subject site is fully accessible and benefits from a rear lane.

UTILITIES & SERVICING

Development servicing will be determined at both the Development Permit (DP) and Development Site Servicing Plan (DSSP) stages.
Public water, sanitary and storm utilities exist within the adjacent public right of way for development servicing purposes.

ENVIRONMENTAL ISSUES

None identified.

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ENVIRONMENTAL SUSTAINABILITY

None relative to this application.

GROWTH MANAGEMENT

None relative to this application.

PUBLIC ENGAGEMENT

Community Association Comments

No comments were received at the time of writing this report.

Citizen Comments

No comments were received at the time of writing this report.

Public Meetings

No public meetings were conducted for the purposes of this land use.

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APPENDIX I

APPLICANT'S SUBMISSION



APPLICANT'S STATEMENT

The purpose of this Land Use Redesignation application is to seek approval on an additional discretionary use for a *Temporary Residential Sales Centre* while the residential building is being developed. After completion, the temporary structure will be removed and the land will be renewed for a public park to be developed by the City of Calgary.

- architecture
- urban design
- engineering
- interior design



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APPENDIX II

PROPOSED DC DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) allow for the **development** of a large **Supermarket use** at **grade**;
 - (b) relocate a **City** park to a new location;
 - (c) modify parking requirements to reflect the central location of the **development**;
 - (d) allow for the **development** of a parking structure underneath a **City** park; and,
 - (e) allow for the temporary **use** of a residential sales centre.

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 For the purposes of this District:
 - (a) "**Open Space**" means a contiguous space with a minimum area of 908.136 square metres, that is available to the public and located on Site 3, fronting the entire **property lines** shared with 9 Street SW and 16 Avenue SW and covering the entire site area.
 - (b) "**Site FAR**" means the quotient of the total **gross floor area** of all **buildings** on both Site 1 and Site 2 divided by the total cumulative area of both Site 1 and Site 2.

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Defined Uses

5 In this Direct Control District:

- (a) **"Parking Lot – Structure (below grade)"** means a *use*:
- (i) where ***motor vehicle parking stalls*** are provided for vehicles in a parking area designed in tiers of floors located entirely below ***grade***; and
 - (ii) requires a minimum number of ***bicycle parking stalls - class 1*** and ***class 2*** based on 2.5 per cent of the number of ***motor vehicle parking stalls*** provided, and
 - (iii) where ***motor vehicle parking stalls*** may be used for a short duration, independent of a *use*, then in that event such ***motor vehicle parking stalls*** must:
 - (a) have a convenient public access to ***street*** level and adjoining publicly accessible ***uses***, and
 - (b) be identified through appropriate signage; and
 - (c) be prominently signed at the ***street*** level indicating the availability and conditions of use of such stalls, and
 - (iv) as a condition of approval of any ***motor vehicle parking stalls*** to be used for a short duration, independent of a *use*, the ***Development Authority*** may require that a Special Development Agreement be entered into which sets out the manner in which such ***motor vehicle parking stalls*** are to be managed and maximum duration of parking.
- (b) **"Special Purpose Temporary Residential Sales Centre"** means a *use*:
- (i) where ***units*** are offered for sale to the public;
 - (ii) that is located on Site 3 of this Direct Control District;
 - (iii) that may include sales offices and displays of materials used in the construction of the ***units*** that are offered for sale; and
 - (iv) that must only occur:
 - (a) in a ***unit***, which may be temporarily modified to accommodate the ***use***; or
 - (b) in a temporary ***building***;

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- (v) must not operate longer than five (5) years.
- (vi) does not require **motor vehicle parking stalls**; and
- (vii) does not require bicycle **parking stalls – class 1** or **class 2**.

Site 1 and Site 2

Application

6 The provisions in sections 7 through 9 apply only to Site 1 and Site 2.

Density

- 7
- (1) Subject to section 14, the maximum commercial **Site FAR** allowed within Site 1 and Site 2 combined is 3.0.
 - (2) Subject to section 23, the maximum residential **Site FAR** allowed within Site 1 and Site 2 combined is 5.0.
 - (3) The maximum cumulative **Site FAR** pursuant to section 7(1) and 7(2) is 5.0, subject to the bonusing as set out in section 14 and section 23.
 - (4) For the purposes of this Direct Control District Bylaw, maximum residential **Site FAR** is calculated to include only the following **uses**:
 - (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Custodial Care;**
 - (d) **Duplex Dwelling;**
 - (e) **Dwelling Unit;**
 - (f) **Live Work Unit;**
 - (g) **Multi-Residential Development;**
 - (h) **Residential Care;** and
 - (i) **Semi-detached Dwelling.**
 - (5) For the purposes of this Direct Control District Bylaw, maximum commercial **Site FAR** is calculated to include only the **uses** not listed in subsection (4).

Underground Parking Structure

8 Where **motor vehicle parking stalls** are provided in a **Parking Lot – Structure (below grade)** that is located both on Site 1 and Site 2, the portion of **motor vehicle parking stalls** that are located in the **Parking Lot – Structure (below grade)** on Site 2 must be provided only for those **uses** on Site 2.

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Phased Development

- 9 (1) Approval of this Direct Control District Bylaw does not constitute approval of a ***development permit***.
- (2) The first ***development permit*** for Site 1 and Site 2 or either of them, must include both Site 1 and Site 2.
- (3) Underground parking for Site 1 and Site 2 shall be included in Phase 1 of the ***development permit***.

Site 1 (±0.36 ha)

Application

- 10 The provisions in sections 11 through 18 apply only to Site 1.

Permitted Uses

- 11 The ***permitted uses*** of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District.

Discretionary Uses

- 12 The ***discretionary uses*** of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District with the addition of:
- (a) **Parking Lot – Structure (below grade).**

Bylaw 1P2007 District Rules

- 13 Unless otherwise specified, the rules of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 14 The maximum ***Site FAR*** provided in section 7(1) may be increased on Site 1 in accordance with the following provisions:
- (a) Only ***developments*** containing ***units*** totalling a minimum ***gross floor area*** equal to a ***Site FAR*** of 2.0 are eligible for bonusing under this section.
- (b) Subject to subsection (a), the maximum ***Site FAR*** with bonuses, calculated in accordance with sections 7(1) and this section, is 9.0 for ***developments*** containing ***units*** when the bonusable ***Site FAR*** is provided as ***units***.

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Use Area

- 15 (1) For a **Retail and Consumer Service, Supermarket** or a **Supermarket** combined with any other *use*, the maximum *use area* on the ground floor of a *building* is 3500.0 square metres.
- (2) Where a **Retail and Consumer Service** or **Supermarket** combined with any other *use* has a *gross floor area* on the ground floor of a building greater than 1400.0 square metres another *use* must be located between the **Retail and Consumer Service** or **Supermarket** combined with any other *use* and the *property line* shared with a *street* for no less than 40.0 per cent of that *property line*.
- (3) Where a **Supermarket** has a *gross floor area* greater than 1400.0 square metres on the ground floor of a *building*, it must provide openings glazed with unobscured glass for a minimum of 40.0 per cent of each façade shared with a *street*.

At Grade Uses

- 16 Where a *use* shares a *property line* with a *street* it must have:
- (a) a public entrance facing the *street*; and
 - (b) a sidewalk connecting that *public entrance* to a public sidewalk.

Setback Areas

- 17 (1) For *parcels* located on 8 Street SW, the *front setback area* has a minimum depth of 2.134 metres and a maximum depth of 3.0 metres.
- (2) For *parcels* located on 16 Avenue SW, the *front setback area* must have a minimum depth of 1.5 metres and a maximum depth of 3.0 metres.
- (3) Where a *parcel* shares a *rear property line* with a *lane*:
- (a) the *rear setback area* must have a minimum depth of 3.0 metres for each storey of a building containing **Dwelling Units** or **Live Work Units**; and
 - (b) in all other cases, the *rear setback area* has no minimum depth requirement.

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- (4) Where a *parcel* shares a *side property line* with a *lane*:
- (a) the *side setback* area must have a minimum depth of 3.0 metres for each *storey* of a *building* containing *Dwelling Units* or *Live Work Units*; and
 - (b) in all other cases, the *side setback area* has no minimum depth requirement.
- (5) Where a *parcel* shares a *side property line* with a Special Purpose District or an *Open Space* the *side setback area* must have a minimum depth of 3.0 metres.

Requirement for Motor Vehicle and Bicycle Parking Stalls

- 18 (1) Unless otherwise specified in this section, the General Rules for the Centre City Commercial Land Use Districts of Part 11, Division 4 of Bylaw 1P2007 regarding *motor vehicle parking stalls, visitor parking stalls, bicycle parking stalls – class 1* and *bicycle parking stalls – class 2* apply in this Direct Control District.
- (2) The minimum number of *visitor parking stalls* for each *Live Work Unit* is 0.1 per unit.
- (3) The minimum number of *motor vehicle parking stalls* for all *uses* other than *Assisted Living, Dwelling Unit, Hotel* and *Live Work Unit* is 2 per 100 square metres of *gross useable floor area*.

Site 2 (±0.15 ha)

Application

- 19 The provisions in sections 20 through 28 apply only to Site 2.

Permitted Uses

- 20 The *permitted uses* of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

- 21 The *discretionary uses* of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District, with the addition of:
- (a) **Parking Lot – Structure (below grade).**

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Bylaw 1P2007 District Rules

22 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

23 The maximum residential **Site FAR** provided in section 7(2) may be increased on Site 2 in accordance with the following provisions:

- (a) Any of the following items, or combination thereof, may be used to earn a density bonus:
 - (i) provision of indoor community amenity space within the **development**, as defined in section 1213 of Bylaw 1P2007;
 - (ii) provision of publicly accessible private open space within the site, as defined in section 1214 of Bylaw 1P2007;
 - (iii) provision of affordable housing units within the **development**, as defined in section 1215 of Bylaw 1P2007;
 - (iv) Municipal Historic Resource designation by bylaw, registered covenant or equivalent agreement pursuant to the provisions set out in the Alberta Historical Resources Act, and restoration,
 - (v) contribution to the Beltline Community Investment Reserve Fund, as established by **Council**;
 - (vi) heritage density transfer from a site other than the **development** site designated by bylaw as a Municipal Historic Resource; or
 - (vii) density transfer from a **parcel** of land transferred to the **City** for park purposes.
- (b) For the bonus earning items listed in subsection 23 (a)(i), (ii) and (iv), the allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by the average land value per square metre of buildable floor area multiplied by 0.75, such that:
$$\text{Allowable bonus floor area} = \text{total construction cost} / (\text{average land value} \times 0.75).$$
- (c) For the bonus earning item listed in subsection 23(a)(iii), the allowable bonus floor area in square metres is equal to the total construction cost of the affordable housing units, divided by the average land value per square metre of buildable floor area multiplied by 0.75, plus the **gross floor area** of the affordable housing units such that:

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Allowable bonus floor area = (total construction cost/(average land value X 0.75))
+ gross floor area of affordable housing units.

- (d) For the bonus earning item listed in subsection 23(a)(v), the allowable bonus floor area in square metres is equal to the contribution, divided by the average land value per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution/average land value.

- (e) For the bonus earning item listed in subsection 23(a)(vi), the heritage density transfer floor area in square metres is equal to the unconstructed **gross floor area** of a **parcel**, plus any floor area earned through restoration costs under the bonus earning item listed in subsection 23 (a)(iv) and as calculated in subsection 23(b), as a result of designation of a **parcel** by bylaw as a Municipal Historic Resource. Unconstructed **gross floor area** is equal to the maximum allowable **floor area ratio** for that **parcel** and district, including applicable bonuses, multiplied by the **parcel** size and, subtracting the **gross floor area** of the Municipal Historic Resource, such that:

Transferable bonus floor area = maximum allowable **gross floor area** –
Municipal Historic Resource **gross floor area**.

- (f) For the bonus earning item listed in subsection 23(a)(vii), the transferable bonus floor area in square metres is equal to the maximum **floor area ratio** of the district, not including bonus provisions, multiplied by 2.5, such that:

Transferable bonus floor area = base density X 2.5.

- (g) (i) There is no provision for density transfer from one **parcel** to another other than those bonus earning items listed in subsection 23(a)(vi) and (vii).
- (ii) Bonus earning items listed in subsection 23(a)(vi) and (vii), heritage density transfer and park dedication transfer, may be from source sites located outside the bonus area boundaries set out in section 1196 of Bylaw 1P2007 and shall be located within the community in accordance with the purpose statements of the CC-MH, CC-MHX, CC-X and CC-COR districts as specified in section 1122(e), 1132(e), 1162(e) and 1179(f) of Bylaw 1P2007.

Maximum Floor Area Ratio

- 24** Subject to Section 1202 of Bylaw 1P2007, the maximum residential **Site FAR** on Site 2 with bonuses, calculated in accordance with sections 7(2) and 23, is 7.0.

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Location of uses

25 Only those *uses* listed in the Residential Group of Schedule A of Bylaw 1P2007 may be located above the second *storey*.

At Grade Uses

26 Where a *use* shares a *property line* with a *street* it must have:

- (a) a public entrance facing the street; and
- (b) a sidewalk connecting that public entrance to a public sidewalk.

Setback Areas

27 Where a *parcel* shares a *side property line* with a Special Purpose District or an *Open Space* the *side setback area* must have a minimum depth of 3.0 metres.

Requirement for Motor Vehicle and Bicycle Parking stalls

- 28** (1) Unless otherwise specified in this section, the parking requirements specified in the General Rules for the General Rules for Centre City Multi-Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007 for *motor vehicle parking stalls, visitor parking stalls, bicycle parking stalls - class 1* and *bicycle parking stalls - class 2* apply in this Direct Control District.
- (2) The minimum number of *visitor parking stalls* for each *Live Work Unit* is 0.1 per unit.
- (3) The minimum number of *motor vehicle parking stalls* for all *uses* other than the **Assisted Living, Dwelling Unit, Hotel, Live Work Unit, Multi-Residential Development, Secondary Suite, Secondary Suite – Detached Garage, Secondary Suite – Detached Garden, Semi-Detached Dwelling and Single Detached Dwelling** is 2 per 100 square metres of *gross useable floor area*.

Site 3 (±0.09 ha)

Application

29 The provisions in Sections 29 through 33 apply only to Site 3.

Permitted Uses

30 The *permitted uses* of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the *permitted uses* in this District.

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Discretionary Uses

31 The *discretionary uses* of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 are the *discretionary uses* in this District, with the addition of:

- (a) **Parking Lot – Structure (below grade); and**
- (b) **Special Purpose Temporary Residential Sales Centre.**

Bylaw 1P2007 District Rules

32 Unless otherwise specified, the rules of the Special Purpose - Community Service (S-CS) District of Bylaw 1P2007 apply in this Direct Control District.

Open Space

- 33 (1) **Open Space** must be provided on Site 3 and must include the following:
- (a) zero **grade** separation at the interface between the **street** and the **Open Space**, in order to provide seamless transition and clear sightlines into the **Open Space**;

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- (b) a minimum of 50.0 per cent of the area of the *Open Space* as *soft surfaced landscaped area*;
 - (c) where a structure is located below the *soft surfaced landscaped area*, to a depth of good growing medium, to the approval Parks Department; and
 - (d) general design and amenities according to The City of Calgary Parks Class A standards.
- (2) Parking may be located beneath the *Open Space*.
- (3) Vehicle access must not be located within the *Open Space*.

Requirement for Motor Vehicle and Bicycle Parking Stalls

34 All *motor vehicle parking stalls* must be located below *grade*.

Requirements for Special Purpose Temporary Residential Sales Centre

35 The rules of Section 33 and Section 34 of this Direct Control District do not apply to *Special Purpose Temporary Residential Sales Centre use*.