

**ROAD CLOSURE AND LAND USE AMENDMENT
DOWNTOWN WEST END (WARD 8)
10 & 11 STREET SW & 8 & 9 AVENUE SW
BYLAWS 14C2014 AND 115D2014**

MAP 16C

EXECUTIVE SUMMARY

This application seeks to redesignate the existing DC Direct Control District (Bylaw 47Z92) for the subject parcel, including the proposed road closure portion, to a new DC Direct Control District, to allow for a comprehensive commercial/residential mixed use project. The land use provisions of the proposed DC District are based on the previous DC District (Bylaw 47Z92) as well as the CC-X District (Centre City Mixed Use District), with some specific modifications to the parking requirements and to the maximum FAR allowed for the site.

The road closure portion of this application seeks to close the existing lane and will be part of a land transfer between the owner and the City which will ultimately see the development of a new lane further to the west within the existing block fronting 8 Avenue SW.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2014 August 28

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 14C2014 and 115D2014; and

1. **ADOPT** the proposed closure of 0.051 hectares \pm (0.13 acres \pm) of road (Plan 1412076, Area A and B) adjacent to 1121, 1123, 1127 and 1129 – 8 Avenue SW and 1110 – 9 Avenue SW, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Closure Bylaw 14C2014.
3. **ADOPT** the proposed redesignation of 1.04 hectares \pm (2.57 acres \pm) located at 1121, 1123, 1127 and 1129 – 8 Avenue SW, 1110 – 9 Avenue SW and the closed road (Plan A1, Block 56, a portion of Lots 6 and 7 and Lots 8 to 10; Plan 5012JK, Block 56, Lot 41; Plan 1412076, Area A and B) from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a mixed use development, in accordance with Administration's recommendation, as amended; and
4. Give three readings to the proposed Bylaw 115D2014.

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REASON(S) FOR RECOMMENDATION:

This application is supported finding the proposal aligns with the vision of the Centre City Plan to encourage significant residential growth in Calgary's core and to support the West End community as a vibrant, primarily residential area with local support commercial uses.

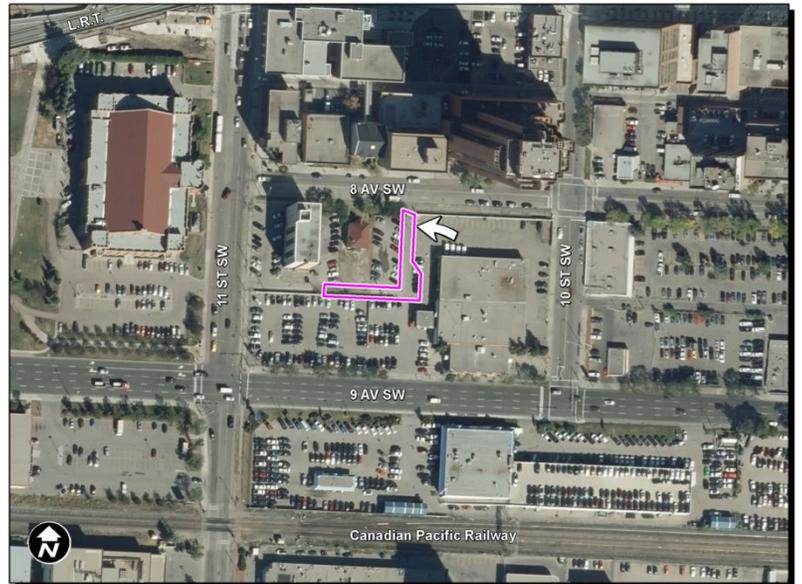
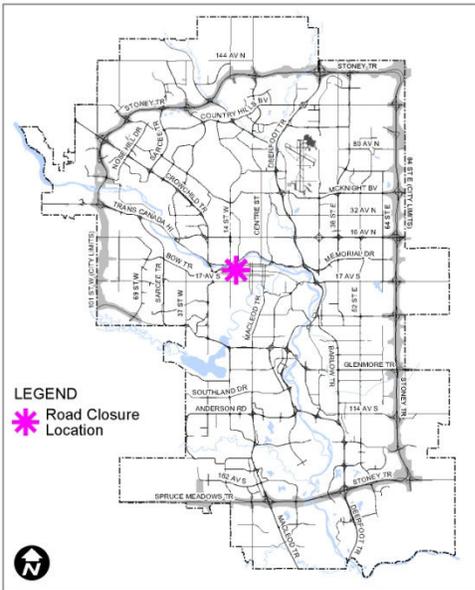
ATTACHMENTS

1. Proposed Bylaw 14C2014
2. Proposed Bylaw 115D2014
3. Public Submission

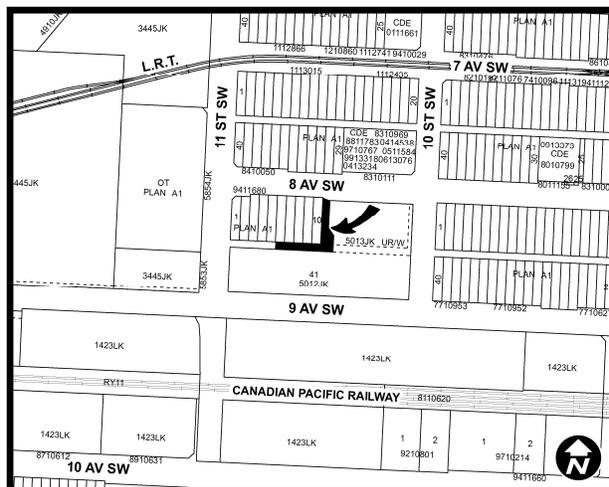
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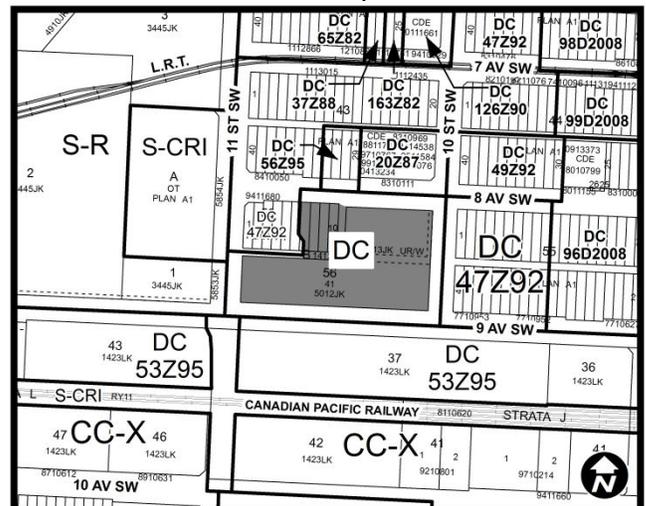
LOCATION MAPS



Road Closure Map



Land Use Amendment Map



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ADMINISTRATION'S RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.051 hectares \pm (0.13 acres \pm) of road (Plan 1412076, Area A and B) adjacent to 1121, 1123, 1127 and 1129 – 8 Avenue SW and 1110 – 9 Avenue SW.

Moved by: R. Honsberger

Carried: 7 – 0

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 1.04 hectares \pm (2.57 acres \pm) located at 1121, 1123, 1127 and 1129 – 8 Avenue SW, 1110 – 9 Avenue SW and the closed road (Plan A1, Block 56, a portion of Lots 6 and 7 and Lots 8 to 10; Plan 5012JK, Block 56, Lot 41; Plan 1412076, Area A and B) from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a mixed use development with guidelines (APPENDIX II).

Moved by: R. Honsberger

Carried: 7 – 0

Comments from Ms. Wade:

- Reference to specification 454.1004.005 (Roads Standards Specification Manual) regarding the new lane design raises concern that the current lane design may not meet this specification and innovation in treatment may be lost. The intent of design needs to be considered in the DP processing not lost by regulation. Hopefully creative regulation and tools will be utilized.

2014 August 28

AMENDMENT: Amend DC Guideline "14.(3)(a)" after "parking stall requirement is" and before "stalls per unit; and" delete "0.9" and insert "0.5".

Moved by: P. Battistella

Carried: 6 – 1

Opposed: R. Honsberger

AMENDMENT: Amend DC Guideline "14.(3)(b)" after "parking stall requirement is" and before "stalls per unit." delete "0.15" and insert "0.1".

Moved by: P. Battistella

Carried: 6 – 1

Opposed: R. Honsberger

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Applicant:

NORR Architects

Landowner:

1701063 Alberta Ltd. (Abed Itani)

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>	No	5
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i>	No	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	6
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i>	No	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
Growth Management <i>Does this site have the appropriate growth management direction.</i>	No	7
Public Engagement <i>Were major comments received from the circulation</i>	No	7

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PLANNING EVALUATION

SITE CONTEXT

The subject site comprises nearly a full city block in the Downtown West end between 8 and 9 Avenues SW and 10 and 11 Streets SW. The current use of this site is as a surface parking lot, supported by commercial development. The ultimate development will result in a density increase over the existing 7.0 FAR cap to an FAR of 7.5

This site is located at a prominent gateway into the downtown core, directly adjacent to a major vehicular corridor (9 Avenue SW) providing access into the core. The character of the community at this location is a mix of residential and commercial uses. To the south of the subject site is the Metro Ford site. An apartment complex is located immediately to the west of the subject site with small scale commercial developments to the east. Shaw Millennium Park/Mewata Armory lie further to the west, across 11 Street SW. High-rise apartment complexes and small scale commercial developments can be found to the north. The primary land uses around the subject site are all Direct Control Districts, with the exception of Shaw Millennium Park and Mewata Armory.

LAND USE DISTRICTS

The site is currently zoned DC Direct Control District (Bylaw 47Z92). This DC Bylaw originally applied to a significant area of the West End, with the purpose of allowing for predominantly high density residential development and low to medium density commercial development. This Bylaw currently permits a total FAR of 7.0 inclusive of a maximum of 3.0 FAR for commercial uses.

The proposed DC Direct Control District incorporates elements of Bylaw 47Z92, but uses the CC-X District (Centre City Mixed Use District) as its base, as the CC-X District most closely resembles the nature of development proposed for the subject site. This application proposes minor alterations to the rules and regulations of both the CC-X District and Bylaw 47Z92, specifically the additional 0.5 FAR and the parking calculations.

LEGISLATION & POLICY

Municipal Development Plan

Centre City Section 3.2.1 –

- “Reinforce the Centre City as the focus of business, employment, cultural, recreation and high-density housing within Calgary.”
- “Support the development of distinct, vibrant, mixed-use neighbourhoods in the Centre City, well connected and easily accessible to the Downtown and to one another.”

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Centre City Plan

This proposal meets many of the goals and visions of the Centre City Plan. For example:

- **Section 2.0 – Vision and Principles**
 - Provision of significant residential growth in the Centre City
 - Well designed public spaces and buildings
 - Creation of lively, active and animated environments through architecture, retail services, lighting, landscaping etc.

- **Section 4.2.1 – West End Neighbourhood Policies**
 - Evolve the West End neighbourhood as a vibrant primarily residential neighbourhood with opportunities for local amenities and integration with surrounding neighbourhoods.
 - Extend the pedestrian-oriented and enhanced public realm of 8 Avenue SW between 8 Street SW and 11 Street SW.

TRANSPORTATION NETWORKS

A Transportation Study was completed as part of this application to the satisfaction of Transportation Planning.

The subject site is located within the boundaries of the Downtown Parking Area and, as such, is subject to the Restricted Parking Rules. However, this application invokes Section 1326 of Bylaw 33P2013 which exempts developments with a cumulative gross useable floor area (GUFA) of 9300.0 square metres or greater of retail space from the Restricted Parking Rules. The 9300.0 square metres of retail associated with this application is distributed on the ground floor and second floor of the shared podium. As such, there is no cash-in-lieu requirement for this application, as long as the cumulative retail maintains the critical mass of 9300.0 square metres or greater.

UTILITIES & SERVICING

Water Resources confirms that there is an existing 375 millimetre storm main, which currently resides within the existing lane right of way which is proposed to be closed. As such, should the storm main continue to reside within said lands and not be relocated at the developer's expense, and then the utility shall be protected by way of easement or utility right-of-way. Should the storm main be relocated (which is apparently the desire of the developer), then it shall be relocated to the satisfaction of Water Resources at the developer's expense.

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A new / relocated storm main will be required for / within the new location of the new lane intersection proposed by the developer, mainly for the purposes of storm water catchment and management. The scope / work related to the storm sewer relocation shall be subject to the terms and conditions of an Indemnification Agreement. Said relocation shall not cause any adverse impacts to the downstream storm system.

Public sanitary and water mains are available to service the development site (ultimate redevelopment proposed in DP2014-0946).

The applicant is currently coordinating the removal / relocation of other existing utilities that are currently located within the redevelopment lands. They are doing so as to make way for the scope proposed for the proposed development. As such, the developer shall coordinate with the relevant utility owner(s) for the removal and/or relocation of existing utilities located within the subject development lands, to the utility owner's satisfaction.

The new lane / lane intersection proposed (which essentially replaces the existing lane / lane intersection that is proposed to be closed) is required to be designed and constructed as per Specification 454.1004.005 (Roads Standards Specification Manual).

The applicant has demonstrated that they are able to comply with said specification / design.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment II report was deemed required by Environmental and Safety Management through the related Development Permit (DP2014-0946).

The report was recently submitted and is currently under review.

ENVIRONMENTAL SUSTAINABILITY

Not applicable

GROWTH MANAGEMENT

Not applicable

PUBLIC ENGAGEMENT

Community Association Comments

Administration has not received any comments regarding this Land Use Amendment application from either the Downtown Calgary Association or the Downtown West Community Association as of the date of this report. However, the Downtown Calgary Association did provide a letter of support in regards to the companion Development Permit

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associated with this application. In addition, the applicant met with the Downtown West End Community Association in March of this year and also attended their Annual General Meeting where they provided a presentation of the proposal in open house format.

Citizen Comments

Administration has not received any comments from neighbours or citizens as of the date of this report.

Public Meetings

Public meetings were not required or held as part of the review of this proposal.

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APPENDIX I

APPLICANT'S SUBMISSION

This application seeks to redesignate approximately 1.039 ha (2.567 ac) from Road (LANE) and Direct Control District (DC 47Z92) to a new Direct Control district based on CC-X. The subject lands are bounded by 8th & 9th Avenue, and by 10th and 11th Street SW. The municipal addresses are:

1129 8 Avenue SW
1127 8 Avenue SW
1123 8 Avenue SW
1121 8 Avenue SW
1110 9 Avenue SW

The purpose of the application is to close and incorporate a portion of the Lane (approximately 0.051 ha) into the land holdings to allow for a mixed use development on the subject lands. In order to accomplish this, a redesignation of the Land holding previously registered as a Lane is required. A Road Closure application has been submitted concurrently with the Land Application, and Land acquisition is currently under negotiations with The City of Calgary to purchase the mentioned Lane areas and include it in the Land Use Redesignation Application.

The rules of the existing DC bylaw have been incorporated into the proposed Direct Control District for the subject lands. The intent for redesignation is that, the new DC will follow the CCX Guidelines with specific items carried over from the existing DC, refreshes it and brings in to the current legal standards under Bylaw 1P2007, as well as, to align the Landuse Bylaw with the DP permit application.

For the reasons noted above, we request the support of Calgary Planning Commission and Council in the proposed Land Use Amendment.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) provide for predominantly high density residential development, with low to medium density commercial development.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definitions

- 4 In this Direct Control District:
 - (a) “Non-Residential **uses**” means all those **uses** listed in sections 6 and 7, except **Assisted Living, Dwelling Unit, Hotel, Live Work Unit and Multi-Residential Development**.

Defined Uses

- 5 In this Direct Control District:
 - (a) “**Urban Supermarket**” means a **use**:
 - (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a building;
 - (iv) that has a minimum gross floor area greater than 465.0 square metres;
 - (v) that may include a seating area no greater than 170.0 square metres for the consumption of food prepared on the premises; and
 - (vi) that may include the preparation of food and non-alcoholic beverages for human consumption.

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Permitted Uses

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

Discretionary Uses

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

- (a) **Urban Supermarket.**

Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 9 (1) The cumulative maximum total **floor area ratio** is 7.0.
- (2) The maximum **floor area ratio** for non-residential **uses** is 3.0.
- (3) Notwithstanding subsections (1) and (2), the maximum **floor area ratio** may be increased by an additional 0.5 FAR for bonus amenity space for a:
- (a) **Performing Arts Centre;**
- (b) **Cinema;**
- (c) **Urban Supermarket;** or
- (d) any of the Community support facilities **uses** listed in section 8.12.4 of Table 8: Public Amenity Items of Part 13 of Bylaw 1P2007, provided those **uses** are also **uses** listed in sections 6 and 7.
- (4) Where additional **floor area ratio** is provided under subsection (3):
- (a) the **uses** listed in subsection (3) must be provided within the first phase of the **development permit**; and
- (b) for any subsequent **development permit** for a change of **use** for the bonus amenity space referred to in subsection (3) to any **use** other than one of the **uses** listed in subsection (3), the **development** must provide a

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contribution to the West End Improvement Fund in an amount according to the following formula:

Contribution = bonus amenity space to be removed x Incentive Rate 1 in Part 13, Division 3 of Bylaw 1P2007 at the time of that subsequent **development permit's** approval

Front Setback Area

- 10 Where the **parcel** shares a **front property line** with a **street**, the **front setback area** must have a maximum depth of 3.0 metres for 75 percent of the frontage and a maximum depth of 6.0 metres for the remaining 25 percent of the frontage.

Rear Setback Area

- 11 Where the **parcel** shares a **rear property line** with a **street**, the **rear setback area** must have a maximum depth of 3.0 metres.

Side Setback Area

- 12 The **side setback area** must have a minimum depth of 3.0 metres for **parcels** located on the following **streets**:
- (a) 10 Street SW; and
 - (b) 11 Street SW.

Floor Plate Restrictions

- 13 Each floor of a **building** located partially or wholly above 36.0 metres above **grade**, and containing **Dwelling Units**, **Hotel suites** or **Live Work Units**, has a maximum:
- (a) **floor plate area** of 930.0 square metres; and
 - (b) horizontal dimension of 44.0 metres.

Motor Vehicle Parking Stall Requirements

- 14 (1) Unless otherwise specified in subsection 16 (1) (b), the minimum number of **motor vehicle parking stalls** established in this section must not be exceeded.
- (2) For **Assisted Living**, **Custodial Care** and **Residential Care**, the minimum number of required **motor vehicle parking stalls** is the requirement referenced in Part 4 of Bylaw 1P2007.

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- (3) For **Dwelling Units** or **Live Work Units**:
- (a) the minimum **motor vehicle parking stall** requirement is 0.5 stalls per **unit**, and
 - (b) the **visitor parking stall** requirement is 0.1 stalls per **unit**.
- (4) For a **Hotel**, the minimum number of required **motor vehicle parking stalls** is 1.0 per 3.0 guest rooms.
- (5) For **Urban Supermarket** and **Retail and Consumer Service uses**, the minimum number of required **motor vehicle parking stalls** is 1.0 stalls per 100.0 square metres of **gross usable floor area**.
- (6) For all other **uses**, the minimum **motor vehicle parking stall** rules of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 apply.

Required Bicycle Parking Stalls

- 15 (1) There is no requirement for **bicycle parking stalls – class 1** for an **Urban Supermarket**.
- (2) The minimum number of **bicycle parking stalls – class 2** for:
- (a) **Urban Supermarket** is 1.0 stalls per 250.0 square metres of **gross usable floor area**.
- (3) For all other **uses**, the minimum **bicycle parking stall** rules of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 apply.

Restricted Parking

- 16 (1) The maximum number of **motor vehicle parking stalls** for **developments** is:
- (a) the minimum number of **motor vehicle parking stalls** required in section 14 where:
 - (i) the **building** has a **floor area ratio** less than or equal to 3.0 when located on a **parcel** equal to or less than 1812.0 square metres;
 - (ii) the stalls are required for **Assisted Living, Custodial Care, Residential Care, Dwelling Units, Hotel** guest rooms or **Live Work Units**, including **visitor parking stalls**;

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- (iii) a **development** has been approved for a cumulative 9300.0 square metres or greater of **gross usable floor area** for **uses** contained in the Sales Group of Schedule A of Bylaw 1P2007; or
 - (iv) the stalls are required for **Urban Supermarket** and **Retail and Consumer Service uses**;
- (b) for **Dwelling Units** or **Live Work Units**:
- (i) 1.0 stalls per **unit** where the **unit's gross floor area** is less than or equal to 125.0 square metres; and
 - (ii) 2.0 stalls per **unit** where the **unit's gross floor area** is greater than 125.0 square metres;
- (c) in all other cases, 50.0 percent of the required **motor vehicle parking stalls** provided.
- (2) Unless otherwise specified, a cash-in-lieu payment for the difference between the total number of **motor vehicle parking stalls** required in section 14 and the number **of motor vehicle parking stalls** allowed for in this section must be provided.
- (3) No cash-in-lieu under subsection (2) will be provided for **Dwelling Units** or **Live-Work Units**.
- (4) 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.