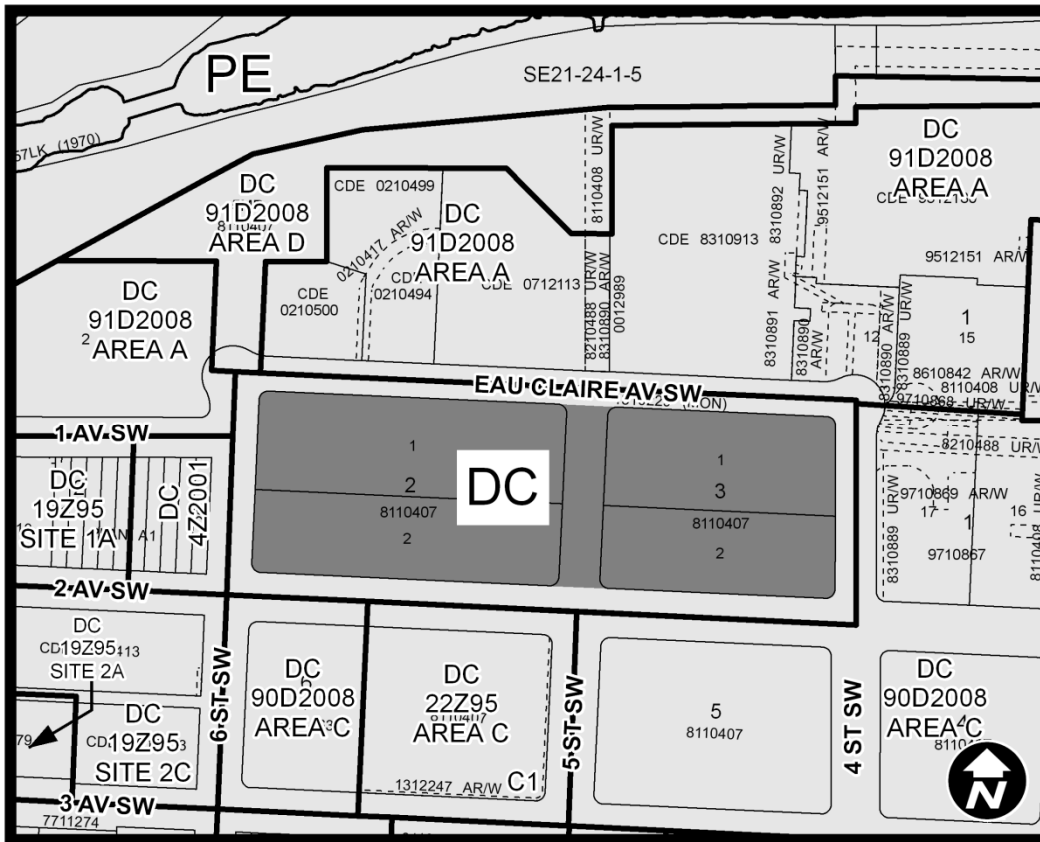


ROAD CLOSURE AND LAND USE AMENDMENT	ITEM NO: 02	
	FILE NO:	LOC2013-0082
	CPC DATE:	2013 December 19
	COUNCIL DATE:	2014 February 10
	BYLAW NO:	2C2014
	BYLAW NO:	12D2014

EAU CLAIRE
(Ward 7 - Councillor Farrell)



RECOMMENDATION:

CALGARY PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

That Council:

1. **ADOPT** the proposed closure of 0.182 hectares ± (0.450 acres ±) of road (Plan 1313356, Area A) adjacent to 501 and 601 Eau Claire Avenue SW and 520 and 660 – 2 Avenue SW, in accordance with the Corporate Planning Applications Group recommendation; and
2. Give first and second reading to the proposed Bylaw; and
3. **WITHHOLD** third reading pending the finalization of access and utility easement agreements.

Moved by: M. Logan

Carried: 7 – 1

Opposed: R. Honsberger

4. **ADOPT** the proposed redesignation of 2.55 hectares ± (6.30 acres±) located at 501 and 601 Eau Claire Avenue SW, 520 and 660 – 2 Avenue SW and the closed road (Plan 8110407, Block 2, Lots 1 and 2; Plan 8110407, Block 3, Lots 1 and 2; Plan 1313356, Area A); from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a mixed use residential, retail and commercial development, in accordance with the Corporate Planning Applications Group recommendation; and
5. Give first and second reading to the proposed Bylaw; and
6. **WITHHOLD** third reading pending the finalization of access and utility easement agreements.

Moved by: M. Logan

Carried: 7 – 1

Opposed: R. Honsberger

Reasons for Opposition from Mr. Honsberger:

- Not supportive of need for road closure without seeing the DP application.
- It looks like a road, sounds like a road, but not a road.
- Would have preferred to understand site plan and development plan to justify need for closure.

PLANNING COMMISSION DECISION: 2013 December 19

AMENDMENT: Withhold third reading of the road closure and land use bylaws, pending the finalization of access and utility easement agreements.

Moved by: M. Logan

Carried: 7 – 1

Opposed: R. Honsberger

PROPOSAL:
 To close 0.182 ha ± (0.450 ac ±) of road (Plan 1313356, Area A) adjacent to 501 and 601 Eau Claire Avenue SW and 520 and 660 – 2 Avenue SW.

To redesignate 2.55 ha ± (6.30 ac ±) located at 501 and 601 Eau Claire Avenue SW, 520 and 660 – 2 Avenue SW and the closed road (Plan 8110407, Block 2, Lots 1 and 2; Plan 8110407, Block 3, Lots 1 and 2; Plan 1313356, Area A) from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a mixed use residential, retail and commercial development.

(Map 16C)

APPLICANT: NORR Architects Planners	OWNER: BCIMC Realty Corporation
CURRENT DEVELOPMENT: Surface Parking Lots (Impark)	

ADJACENT DEVELOPMENT:

NORTH: Multi-Residential – High density Development

SOUTH: Commercial – Office, High-Rise Office, Surface Parking Lot

EAST: Commercial – High-Rise Office

WEST: Commercial – Low-Rise Office

SUMMARY OF CIRCULATION REFEREES	
ENVIRONMENTAL MANAGEMENT	Not Applicable
URBAN DESIGN REVIEW PANEL	Not Applicable
SPECIAL REFEREE(S)	
TELUS Communications	TELUS has extensive facilities along 5 Street and Right of Way Agreement will be necessary.
ATCO Gas	No Objections.
Shaw Cable systems	No Objections, although Shaw Cable systems does have facilities along 5 Street.

SUMMARY OF CIRCULATION REFEREES	
EAU CLAIRE COMMUNITY ASSOCIATION	Qualified support was given and is attached at APPENDIX II

PLANNING EVALUATION

Introduction

This land use redesignation is to implement the existing DC Direct Control Bylaw 108D2010 on the section of 5 Street SW that currently bisects the two blocks. This DC Direct Control Bylaw would then be superseded through this LOC application.

This application seeks to re-designate 2.55 hectares from road right-of-way and DC Direct Control District (108D2010) to DC Direct Control District.

The purpose of the application is to incorporate the road right-of-way (0.182 hectares) into the land holdings either side of this section of 5 Street SW, since it has no existing land use and bisects the two blocks that are covered by the DC Direct Control District.

The applicant intends to integrate the roadway into the development concept for a two block mixed use proposal, retaining the road, but providing a more pedestrian orientated characteristic.

Site Context

The two blocks are located between Eau Claire Avenue SW and 2 Avenue, and 4 Street SW and 6 Street SW.

The subject site represents an important transition zone between the downtown commercial core to the south, and the predominantly residential community of Eau Claire located to the north. Opportunities in the vicinity include a close proximity to the Bow River, the riverfront open space system and the existing Eau Claire market.

The surrounding blocks are relatively dense in nature, reflecting the proximity to the downtown core. To the north, the Princeton Cityscape development comprises six residential towers and the Eau Claire Estates development comprises a series of residential buildings along the edge of the river park.

To the east is the 23 storey Ernst and Young commercial office tower and the Sheraton Suites Hotel. To the south is Centennial Place, which comprises commercial office tower with retail at grade, fronting the site, and on the +15 level, Centennial 3 is under construction and the Shaw Building.

Site Characteristics

The site is relatively level without significant topographical features and is currently paved and edged with landscaping. It has existed as surface parking lot since 1987.

Proposed Land Use District

The proposed land use district would reflect the existing DC Direct Control District Bylaw 108D2010 currently in place and would not change or alter any of the existing rules or definitions with the exception of paragraph 3: Reference to Bylaw 1P2007 where the following would be text would be added to avoid any future confusion with the new Downtown District:

“Within this Direct Control District, a reference to a section of Part 10 of Bylaw 1P2007 is deemed to be a reference to the section as existed on the date of the passage of this Direct Control District Bylaw.”

The text that references the setback along 5 Street, paragraph 14 Yards (iv) contained in the existing DC Direct Control District Bylaw 108D2010 would be deleted.

Legislation & Policy

The Centre City Plan (2007) supports the Eau Claire Area Redevelopment Plan (ARP) and specifies the vicinity of 2 Avenue SW and 5 Street SW for the establishment of a new local neighbourhood centre, providing local gathering spaces and amenities.

It also seeks to incorporate innovative traffic control and calming measures to create a pedestrian scale environment

The subject site falls within the scope of the Eau Claire Area Redevelopment Plan (2011 Office Consolidations) identifies the lands as a ‘primarily residential area’. The ARP also indicates a maximum density of 4 FAR and a maximum height of 25 storeys.

The overall goals of the Eau Claire ARP include encouraging medium to high density forms of residential development and emphasizing the retention of the residential feel of the community, without restricting a steady growth of commercial uses to service a steadily growing residential population. A stated objective is to allow the redevelopment for residential purposes of the A and B lands, in accordance with approved land use designations.

The residential polices of the ARP indicate that a minimum of 1250 dwellings units would be constructed on the Eau Claire ‘A’ lands (located directly adjacent to the Bow River between 3 Street SW and 7 Street SW) and the Eau Claire ‘B’ lands (the application site), with maximum densities ranging from 250 to 435 units per hectare and 2.0 to 6.0 FAR.

Site Access & Traffic

No Transportation Impact Assessment (TIA) was submitted for this application since it would not materially alter the position created in connection with DC - Direct Control District 108D2010.

The applicant has been advised that further TIA analysis would be required at the development Permit stage.

Parking

A parking study was not required for this application, but may be considered at the Development Permit stage.

Site Servicing for Utilities

All relevant public deep main utilities (water, sanitary and storm) exist adjacent to the development site, within the public road right-of-way for the purposes of developing servicing.

The ultimate development site servicing requirements will be determined at the future development permit and development site servicing plan (DSSP) circulation processes.

Environmental Site Assessment

An Environmental Site Assessment (ESA) was not required for the purposes of the application scope.

Community Association Comments

Princeton Waterfront/Cityscape Condominium Corp.

- Opposed to the proposed road closure due to the resultant traffic congestion that would be caused on the surrounding roads and the impact on EMS response times.

Princess Island Estates

- Support the development in principle, but request that 5 Street remains open and an appropriate width.

Adjacent Neighbour Comments

Neighbour comments have been received expressing concerns over access, increased congestion and delays to emergency service vehicles.

CONCLUSION:

The proposal is supported for the following reasons:

1. The land use provisions of the DC Direct Control district Bylaw conform to the general policy directions of the Centre City Plan.
2. The DC Direct Control District Bylaw provides for compatible land use and densities within Eau Claire.

CORPORATE PLANNING APPLICATIONS GROUP RECOMMENDATION: **APPROVAL**

- A. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.182 hectares \pm (0.450 acres \pm) of road (Plan 1313356, Area A) adjacent to 501 and 601 Eau Claire Avenue SW and 520 and 660 – 2 Avenue SW subject to the following conditions:
 1. All existing utilities within the road right-of-way shall be protected by easement or be relocated at the applicant's expense.
 2. All existing access to the affected properties in the area shall be maintained or alternative access constructed at the applicant's expense.

3. The developer is responsible for all costs associated with the road closure including all necessary physical construction, removal, rehabilitation, utility relocation, survey etc.
 4. That the closed road right-of-way be consolidated with the adjacent lands at 501 and 601 Eau Claire Avenue SW , 520 and 660 – 2 Avenue SW
 5. The developer provide a perpetual access easement agreement within Plan 1313356 Area 'A' to provide public access between Eau Claire Avenue and 2 Avenue SW.
- B. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 2.55 hectares \pm (6.30 acres \pm) located at 501 and 601 Eau Claire Avenue SW, 520 and 660 – 2 Avenue SW and the closed road (Plan 8110407, Block 2, Lots 1 and 2; Plan 8110407, Block 3, Lots 1 and 2; Plan 1313356, Area A); from DC Direct Control District and Undesignated Road Right-of-Way **to** DC Direct Control District to accommodate a mixed use residential, retail and commercial development with the following guidelines:

Purpose

- 1 This Direct Control District is intended to provide for the redevelopment of the blocks bounded by Eau Claire Avenue and 2 Avenue and 4 Street and 6 Street SW to create a pedestrian-oriented, primarily residential development within the Eau Claire Community.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Sections 1 through 4 of Part 1, sections 21(1), (2) and 22 of Part 2, Part 10 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 Part 10 of Bylaw 1P2007 is deemed to be a reference to the section as existed on the date of the passage of this Direct Control District Bylaw.

General Definitions

- 4 In this Direct Control District:
 - (a) **“Bicycle parking stall”** means an area approved as a bicycle parking stall – class 1 or bicycle parking stall – class 2 that is equipped to store a bicycle and must include a device:
 - (i) specifically designed to park a bicycle; and
 - (ii) designed to allow a bicycle frame and both wheels to be secured; and
 - (iii) designed to support the bicycle frame and both wheels; and
 - (iv) that is anchored to a hard surface or fixed structure;
 - (b) **“Bicycle parking stall – class 1”** means a bicycle parking stall in a secured or controlled area;
 - (c) **“Bicycle parking stall – class 2”** means a bicycle parking stall in an unsecured or uncontrolled area;

- (d) **“Commercial development”** means a development, or a portion thereof, that is not Residential development;
- (e) **“Commercial uses”** means all those uses that are not Residential Uses;
- (f) **“Group A bonus features”** means standards A1, and A3 set out in the Bonus Density Table in section 42.3 of Part 10 of Bylaw 1P2007;
- (g) **“Group B bonus features”** means standards B1, B2, B3, B5, B6, B10, B11, B12, B14, and B15 set out in the Bonus Density Table in Section 42.3 of Part 10 of Bylaw 1P2007.
- (h) **“Public area”** means the floor area of a uses that allows access to the public but does not include washrooms, hallways accessing washrooms or entrance vestibules;
- (i) **“Residential development”** means a development, or a portion thereof, that is contains primarily Residential Uses;
- (j) **“Residential uses”** include apartment buildings, dwelling units, home occupations – class 1, home occupations – class 2, stacked townhouses, and townhouses;
- (k) **“Use area”** means:
 - (i) the entire floor area of a building that is separated from other portions of the building and is accessible by the same entrance or entrances and is occupied by a specific use;
 - (ii) for greater certainty, (i) must be interpreted to mean that whenever a person inside of a building must exit the building or enter a common internal corridor to access a different portion of the building, those two portions of the building are separate; and
 - (iii) the measurement of use area includes the floor area of:
 - (A) all mezzanines and storeys capable of being accessed by the same entrance without leaving the building or using a common internal corridor;
 - (B) all mechanical rooms, offices, and other spaces that support the use and can be accessed without leaving the building or using a common internal corridor; and
 - (C) all spaces within a building capable of being accessed by the same entrance without leaving the building or using a common internal corridor regardless of whether the space is open to the public including washroom facilities storage rooms, employee-only areas, and similar spaces; and
 - (iv) does not apply to dwelling units.

Defined Uses

5 In this Direct Control District:

- (a) **“Artist’s studio”** means a use:
 - (i) where art is produced by individuals;
 - (ii) that may include the instruction of the art to one person at a time; and
 - (iii) that may include the sale of art pieces produced by that use.

- (b) **“Catering service – minor”** means a use:
 - (i) where food is prepared, stored and delivered for consumption; off the premises without provision for pick-up by customers on the premises;
 - (ii) that is entirely within a building; and
 - (iii) that may only have delivery vehicles that are necessary for the operation of the use.

- (c) **“Counselling service”** means a use where people receive treatment, advice or guidance for emotional, psychological or life management issues;

- (d) **“Drinking establishment”** means a use:
 - (i) where liquor is sold for consumption on premises;
 - (ii) where a license for the sale of liquor, that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission;
 - (iii) that may include the preparation and sale of food for consumption on the premises;
 - (iv) that has a public area of less than 300.0 square metres; and
 - (v) that may have the maximum of 10.0 square metres of public area used for the purpose of providing entertainment.

- (e) **“Fitness centre”** means a use:
 - (i) where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical fitness or skills relating to physical activities; and
 - (ii) that may include the incidental sale of products relating to the service provided.

- (f) **“Live work unit”** means a use:
 - (i) where a business is operated from a Dwelling Unit, by the resident of the Dwelling Unit, but does not include a Home occupation – class 1 or Home occupation – class 2;
 - (ii) that may incorporate only the following uses in a Dwelling unit to create a Live work unit:
 - (A) Artist’s studio;
 - (B) Personal service business;
 - (C) Counselling service;
 - (D) Office;
 - (E) Repair or sales or apparel, crafts and jewelry that are made on the premises;

- (iii) that must be contained within a Multi-Residential Development;
- (iv) must not exceed 50.0 percent of the gross floor area of the Dwelling unit;
and
- (v) may have two persons, other than a resident of the Live work unit,
working at the residence where the use is located.

(g) **“Market”** means a use:

- (i) where individual vendors provide goods for sale directly to the public;
- (ii) where the goods may be sold both inside and outside of a building;
- (iii) where the vendors may change on a frequent or seasonal basis;
- (iv) where the goods being sold are finished consumer goods, food products,
produce, handcrafted articles, antiques or second hand goods;
- (v) where the goods being sold are not live animals; and
- (vi) that does not include a Grocery store, Retail store, Retail food store or
Supermarket.

(h) **“Restaurant: Food Service Only”** means a use:

- (i) where food is prepared and sold for consumption on the premises and
may include the sale of prepared food for consumption off the premises;
- (ii) that is not licensed for the sale of liquor by the Alberta Gaming and Liquor
Commission;
- (iii) that has a public area less than 400.0 square metres; and
- (iv) that may have a maximum of 10.0 square metres of public area used for
the purpose of providing entertainment.

(i) **“Restaurant: Licensed”** means a use:

- (i) where food is prepared and sold for consumption on the premises and
may include the sale of prepared food for consumption off the premises;
- (ii) where a specific license for the sale of liquor is issued by the Alberta
Gaming and Liquor Commission that allows minors on the premises at
any time;
- (iii) that has a public area less than 400.0 square metres; and
- (iv) that may have a maximum of 10.0 square metres of public area used for
the purpose of providing entertainment.

(j) **“Retail garden centre”** means a use:

- (i) where gardening products, plants, seeds, shrubbery, trees and other
gardening related products are sold to the public from a permanent
building;
- (ii) that may accommodate temporary structures such as greenhouses for the
planting and growing of plants;
- (iii) that may accommodate temporary structures and specifically identified
outdoor areas for the storage, display and sale of plants and products;
and
- (iv) that may not accommodate the sale of produce or other food stuff;
- (v) that may have an enclosed outdoor sales area of a size and location to be
determined at the discretion of the Approving Authority.

- (k) **“Specialty food store”** means a use:
- (i) where food and non-alcoholic beverages for human consumption are made;
 - (ii) where live animals are not involved in the processing of the food;
 - (iii) where the food products associated with the use may be sold within the premises;
 - (iv) with a maximum gross floor area of 465.0 square metres;
 - (v) that has the functions of packaging, bottling or shipping the products made as part of the use;
 - (vi) where the only mechanical systems that are not completely contained within the building are those systems and equipment required for air conditioning, heating or ventilation; and
 - (vii) that may include a limited seating area no greater than 15.0 square metres within the total gross floor area of the use.
- (l) **“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; and
 - (v) that may include a limited seating area no greater than 50.0 square metres for the consumption of food prepared on the premises;
- (m) **“Temporary residential sales centre”** means a use:
- (i) where units are offered for sale to the public;
 - (ii) that may include sales offices and displays of materials used in the construction of the units that are offered for sale; and
 - (iii) that must only occur:
 - (A) in a unit, which may be temporarily modified to accommodate the use; or
 - (B) in a temporary building.

Permitted Uses

- 6 The permitted uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the permitted uses in this Direct Control District with the addition of:

Accessory building;
Dwelling unit;
Essential public service;
Parks and playgrounds;
Special function tents (recreational); and
Utilities.

Discretionary Uses

- 7 The following uses are discretionary uses in this Direct Control District:

Accessory food service;
Apartment building;
Artist’s studio;
Catering service – minor;

Child care facility;
Counselling service;
Drinking establishment;
Fitness centre;
Grocery store;
Home occupations – class 1;
Home occupations – class 2;
Hotel;
Liquor store;
Live work unit;
Market;
Medical clinic;
Outdoor café;
Parking structure;
Parking areas (temporary);
Parking area;
Personal service business;
Power generation facility – mid-scale;
Power generation facility – small-scale;
Private clubs and organizations;
Public group or organization;
Public or quasi-public building;
Restaurant: Food Service Only;
Restaurant: Licensed;
Retail Food Store;
Retail Garden Centre;
Retail store;
Signs – class 1;
Special care facility;
Specialty food store;
Stacked townhouse;
Supermarket;
Temporary residential sales centre;
Townhouse; and
Veterinary clinic

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the General Rules for Downtown Districts of Section 42.1 Part 10 of Bylaw 1P2007 apply in this Direct Control District.

Special Site Requirements

9

- (a) The use of outdoor speaker systems is prohibited within the uses Drinking Establishment and Restaurant: Licensed.
- (b) Liquor stores
 - (i) No Liquor Store may be located closer than 300.0 metres to any other liquor store.
 - (ii) The 300.0 metre separation distance must be measured from the closest point of a Liquor store to the closest point of another Liquor store.
 - (iii) No Liquor store must be located closer than 150.0 metres to a site that contains a public school, separate school, or private school.

- (iv) The 150.0 metre separation distance must be measured from the closest point of a Liquor store to the closest point of a site that contains a public school, separate school, or private school.

Density

10 The maximum floor area ratio (F.A.R.):

- (a) is 4.0 except as provided for in section 10(b) of this Direct Control District and where all development, regardless of density, must provide all Group A bonus features; and
- (b) is 6.0 where Group B bonus features are also provided.

Commercial Use Area

11

- (a) The combined gross floor area of all commercial uses within this district must not exceed 9000.0 square metres;
- (b) Commercial uses located on the ground floor level of a building must not exceed a gross floor area of 1500.0 square metres, with the exception of the following uses:
 - (i) Market; and
 - (ii) Supermarket.

Location of Residential Uses

12

- (a) Residential uses at grade must have direct access to the street;
- (b) Live work units must be located on the first 4 storeys of a building and must not be located above any Dwelling unit.
- (c) No Dwelling unit may be located below commercial or retail floor space.

Location of Commercial Uses

13

- (a) Commercial uses located at grade on Eau Claire Avenue must not exceed 10 percent of the total frontage;
- (b) At grade commercial uses adjacent to public thoroughfares must only contain the following uses:
 - (i) Drinking establishment
 - (ii) Grocery store;
 - (iii) Liquor store;
 - (iv) Market;
 - (v) Outdoor café
 - (vi) Personal services;
 - (vii) Restaurant: Food Service Only;
 - (viii) Restaurant: Licenses;
 - (ix) Retail store;
 - (x) Specialty food store; and
 - (xi) Supermarket.
- (c) Retail uses must be limited to the first three storeys of a building and must have entrances separate from those of the residential uses.
- (d) Retail uses at grade must have entrances adjacent to public thoroughfares;
- (e) A development permit must not be issued for a Temporary residential sales centre for a time period exceeding four (4) years.

Yards

14

- (a) The minimum setback of a building:
 - (i) facing a property line shared with Eau Claire Avenue is 1.5 metres;
 - (ii) facing a property line shared with 2 Avenue SW is zero metres;
 - (iii) facing a property line shared with 4 Street is 2.13 metres and a maximum of 3.0 metres;
 - (iv) facing a property line shared with 6 Street is 2.13 metres and a maximum of 3.0 metres; and
 - (v) facing a property line shared with a lane or another parcel is zero metres;

Building Height

15

- (a) Building heights should transition up from the north-west corner of the district to the south-east corner of the district.
- (b) The height and scale of any portion of the development along Eau Claire Avenue must be contextually compatible with the adjacent residential context.

Building Design

16

- (a) Upon submission of development permit application, the applicant shall submit a shadow study demonstrating how the building has been designed so as to minimize the overshadowing of public, communal and private open spaces both on and off site.
- (b) The portion of a building which is greater than 4.0 storeys in height must be set back a minimum of 3.0 metres from the required minimum yard at grade.
- (c) Buildings with primarily commercial uses must have a podium not exceeding 4.0 storeys in height.
- (d) The minimum building separation for towers above the podium is 22.0 metres as measured from face of building.
- (e) Roofs of buildings below a height of 24 metres must be designed to be usable as open space or green roofs.
- (f) Roofs must not be used for parking.

Amenity Space

17

Private outdoor amenity space must be provided for multi-residential dwellings units in accordance with sections 20(17) and 42.3(5)(i) of Part 10 of Bylaw 1P2007.

Parking, Access and Loading

18

- (a) Parking and loading must be provided in accordance with the provisions of Section 18 of Part 10 of Bylaw 1P2007 with the following exceptions:
 - (i) Residential uses: parking stalls must be provided at the rate of the highest density residential district under the Land Use Bylaw in force at the time of application for development permit except for the following:
 - (A) The minimum number of parking stalls for each Dwelling unit greater than 139.35 square metres is 1.5;

- (B) A minimum of 0.15 parking stalls for each Dwelling unit must be provided for visitor parking;
 - (C) Bicycle parking stall – class 1 storage space must be provided at the rate of one space per ten Dwelling units and must be provided in a secure and convenient location on-site in residential buildings.
- (ii) Artist's studio
- (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 2000.0 square metres of gross floor area.
- (iii) Caterings service – minor
- (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1 or class 2.
- (iv) Counselling service
- (A) requires a minimum of 4.0 parking stalls per 100.0 square metres of gross floor area; and
 - (B) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 250.0 square metres of gross floor area.
- (v) Fitness centre
- (A) requires a minimum of 3.0 parking stalls per 100.0 square metres of gross floor area; and
 - (B) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 250.0 square metres of gross floor area.
- (vi) Live work unit
- (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle parking stalls – class 2.
- (vii) Market
- (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1;
 - (C) requires Bicycle parking stalls – class 2 based on 5.0 percent of the minimum required parking stalls; and
 - (D) requires a minimum of 1.0 loading spaces per 9300 square metres of gross floor area.

- (viii) Retail garden centre
 - (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1 or class 2; and
 - (C) requires a minimum of 1.0 loading spaces.
- (ix) Specialty food store
 - (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle – class 2 per 250.0 square metres of gross floor area.
- (x) Temporary residential sales centre
 - (A) does not require parking stalls; and
 - (B) does not require Bicycle parking stalls – class 1 or class 2.

(b) Additional Parking Rules

- (i) All parking areas must be contained in enclosed structures or underground with the following exceptions:
 - (A) Parking area (temporary); and
 - (B) residential visitor parking stall.

Phasing

19 No phase of development may contain greater than 25 percent commercial uses as measured by the combined use area of that phase.

Applicant's Submission

The Applicant has the opportunity to acquire the 5th Street SW right-of-way between Eau Claire Avenue and 2nd Avenue SW, which currently separates the lands redesignated under bylaw 108D2010. The Applicant intends to integrate the roadway into its development concept as part of a plaza space with access and egress for drop off services. This road closure will facilitate the creation of a high quality public realm and improved pedestrian mobility through these lands.

A land use redesignation application has been submitted concurrently with the Street/Lane Closure application in order to attribute a land use designation to the roadway which is consistent with that of the lands adjacent to the subject roadway.

This application seeks to redesignate approximately 2.54 ha (6.27 ac) from road right-of-way and Direct Control District 108D2010 to a new comprehensive Direct Control District. The subject lands are bounded by Eau Claire Avenue and 2 Avenue, and by 4th and 6th Street SW. The municipal addresses are: 501 and 601 Eau Claire Avenue and 520 and 660 2 Avenue SW.

The purpose of the application is to incorporate the 5 Street SW road right-of-way (approximately 0.182 ha) into the land holdings on either side of the road to allow for a comprehensive mixed use development on the subject lands. In order to accomplish this, a comprehensive redesignation of the road right-of-way and the lands on each side of this right-of-way is required. A Road Closure application has been submitted concurrently with the Land Use Redesignation Application, and authorizations have been granted by The City of Calgary to purchase the road right-of-way and include this area in the Land Use Redesignation.

The rules of the existing DC bylaw 108D2010 which is associated with the lands flanking the road right-of-way have been incorporated into the proposed Direct Control District for the subject lands. The intent is to maintain all rules in the existing DC bylaw, therefore no amendments are being proposed to the existing DC wording. The land use application simply incorporates the road right of way area into the existing rules, but under a new DC bylaw. As such, the proposed DC district will continue to be consistent with the intent and policies of the Eau Claire Area Redevelopment Plan.

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



c/o Eau Claire YMCA, 101 3 Street SW
Calgary, Alberta T2P 4G6

info@eauclaireca.com
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Subject

Eau Claire Community Association (ECCA) Commentary re Application for a Road Closure and Land Use Amendment: LOC2013-0082

Location: 501 and 601 Eau Claire Ave SW and 520 and 660 – 2 Avenue SW, portion of 5 Street SW adjacent 501 & 601 Eau Claire Ave SW and 520 & 660 – 2 Avenue SW

Dear Mr. Mouny

The ECCA Board was both surprised and taken aback when the original notice was received given our previous discussions and understanding with GWL Realty Advisors concerning the road and in its importance to the 501 / 601 Eau Claire development as a ongoing roadway to accommodate both vehicle and pedestrian traffic in the greater Eau Claire Precinct.

On review with the Developer's Representative, Brian Powell of GWL Realty Advisors, the Alderman's Office (Ms Carol Armes) and yourself representing City Land Use Planning and Policy our original concerns with the notice have been put into context and addressed as follows:

- The application is not actually to affect a permanent physical road closure of the subject portion of 5th street.
- The Application is a technical document that allows GWL Realty Advisors representing the Developer to enter into an agreement to purchase the section of the subject road with the ultimate purpose of having the Land Use for this section of road conform with the Land Use for the Development know as 501 / 601 Eau Claire.
- In order to clarify this situation numerous discussions occurred and email notes were exchanged among the parties referenced in the above point which resulted in an updated notice being sent to Eau Claire residents directly impacted by the original notice clarifying the ultimate long term intent of LOC2013-0082.
- The updated notice included the following quote from Mr. Brain Powell of GWL Realty Advisors and was further explained to the ECCA Board by Mr. Russ Mouny on November 6th 2013.

"The road will remain open until construction commences scheduled for 2015. The road will be reopened post completion of the improvements and remain open for public vehicular and pedestrian use for the years to come. The road as an operational roadway is a key attribute of the master plan, GWLRA recognized the residents desire to have the roadway as a part of the development when we met with residents during the initial planning and land use designation in 2011 – 2012. GWLRA continues to respect the roadway as an important element of the master plan that was shared with the city during our Pre App meeting earlier this year."



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It is the ECCA Board's understanding that the agreement to purchase the subject section of road will also include conditions ensuring that it will remain open and be maintained by the developer as a key entry and exit point for the residents living along Eau Claire Avenue especially as it relates to emergency vehicle access at the "T" intersection of Eau Claire Avenue and 5th Street SW. It is also our understanding that the roadway will conform to all the standards of any roadway of similar like in kind in the City of Calgary to allow for the safe passage of vehicles and pedestrians. We also understand that it will likely have a different surface treatment and landscaping aspect that will allow for the 501 / 601 development across two city blocks to have a contiguous profile as opposed to looking like two separate projects.

In discussion with GWL Realty Advisors and City Land Use Planning and Policy the ECCA Board has been assured that it will be kept current on the negotiations re: the sale of the 5th Street lands and provided with the conditions in the Land Use change which will bring into effect the results detailed in Mr. Powell's above quote i.e. 5th Street remaining open as a key entry and exit point to and from Eau Claire for both vehicles and pedestrians post completion of the 501 / 601 Eau Claire Development.

Please ensure that our understanding of this application as detailed above is included in the CPC application review process.

Yours Truly,

Paul Denaeghel
Chair ECCA

Proposed Road Closure

