

## Applicant Submission



### **RE: Land Use Redesignation | Applicant's Submission**

**To:** Joseph Yun – Planner – Greater Downtown – Community Planning

**RE:** Tailgunner Brewery – Land Use Change Application DC-82D2009 to DC Allowing for Temporary structures in Public Realm Setback

**Address:** 1602 10 Avenue SW (Lot:22,23 Block:208 Plan:5380V)

**Relevant previous applications:** DP2022-02536, PE2023-00382

Dear Joseph,

This Application is to change from the Current Direct Control DC-82D2009 zoning for 1602 10 Avenue SW (Lot:22,23 Block:208 Plan:5380V) to Direct Control allowing temporary structures (Patio) in the 1.134m Public Right of way.

As listed in the City of Calgary Land Use Bylaw 1P2007 -Part 3: Rules Governing all Districts a 1.134m Public Realm Setback is required for 10 Avenue S from Bow Trail to 14 Street W.

The Intent of the Application is to maintain the existing Direct Control rules of DC-82D2009 and add an additional rule that allows for Temporary Structures in the 1.134m Public Realm setback. The reason for this application is to maintain the existing Temporary Structure approved by DP2022-02536.

The current owner of the property, Tailgunner Brewery, has constructed an outdoor patio within the 1.134m Public Realm as per approved Temporary Use Development permit DP2022-02536. Following the approval of DP2022-02536 the owners were notified that this Temporary Development Permit was permitted only as a relaxation and cannot be renewed under the existing land use district and that a land use redesignation would be required to allow for any future renewals of the Temporary Development Permit.

A pre-application PE2023-00382 was submitted to the City of Calgary by SLVGD Architecture pertaining to a Land-Use Change application. As per Pre-application Assessment received on April 04, 2023:

*A land use amendment to allow for an outdoor cafe is supported. Administration supports a land use amendment to a Direct Control in order to maintain the density bonusing provision in the existing direct control land use (82D2009).*

This application understands that Future development permits for the Outdoor Café will only be approved for temporary periods and that new Development Permits must be applied for prior to the expiry date of each subsequent Temporary Development Permit. This application further understands that the existing Outdoor Café (patio) is located in the required 1.134m Public Realm Setback. In the event the City of Calgary requires removal of the outdoor café, the outdoor café must be removed within 30 days of receiving written notice from the City of Calgary, at no risk and at no cost to the City of Calgary, and the ground surface be restored to the satisfaction of the Development Authority.

We ask that this Land Use change application be approved to allow for the continued use of the outdoor patio and to formally acknowledge the permitted relaxation that was granted as DP2022-02536.

Thank you,



Jeffrey Riedl

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