

PROPOSED

CPC2024-0494
ATTACHMENT 3

BYLAW NUMBER 181D2024

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2022-0228/CPC2024-0494)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and replacing it with that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

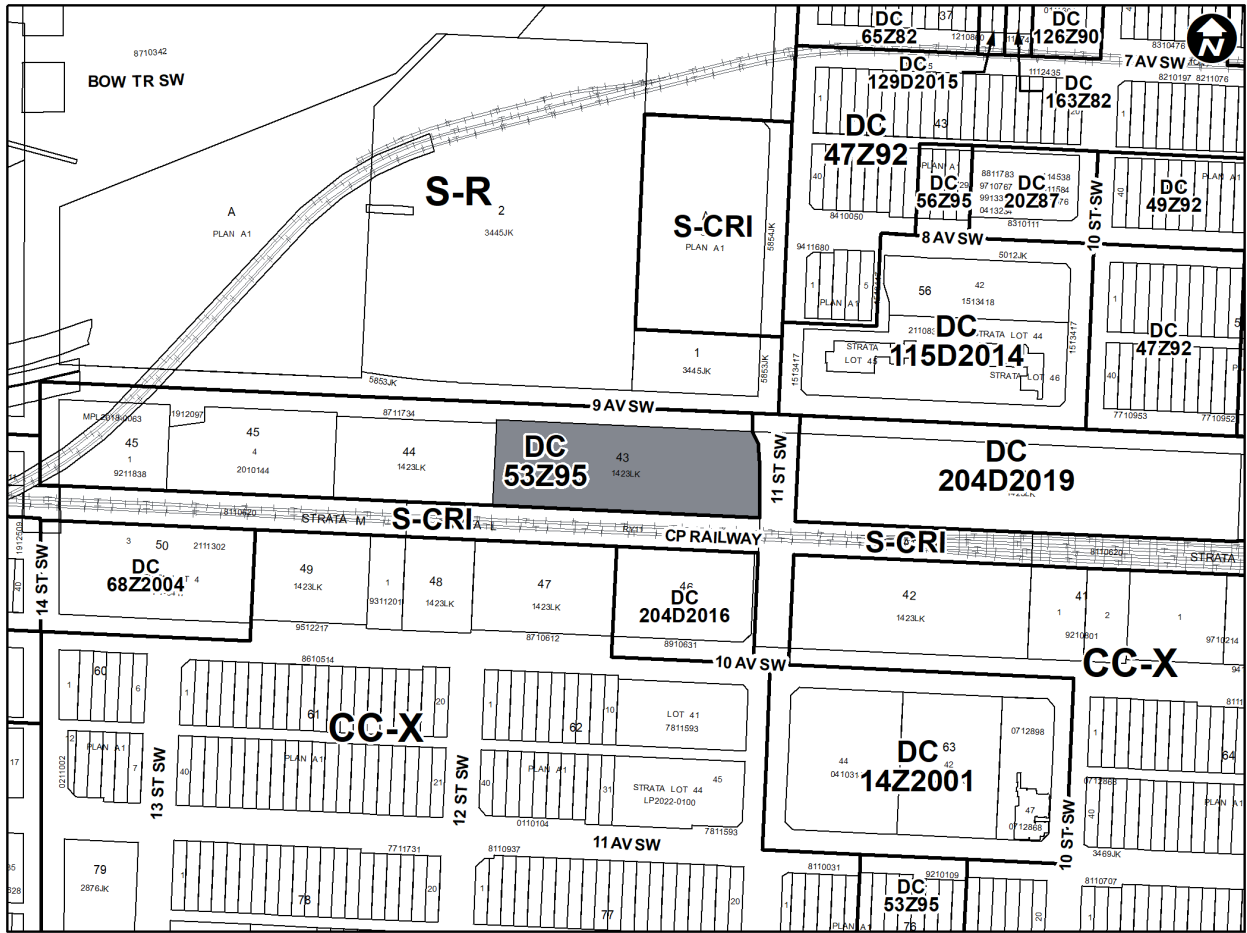
DEPUTY CITY CLERK

SIGNED ON _____

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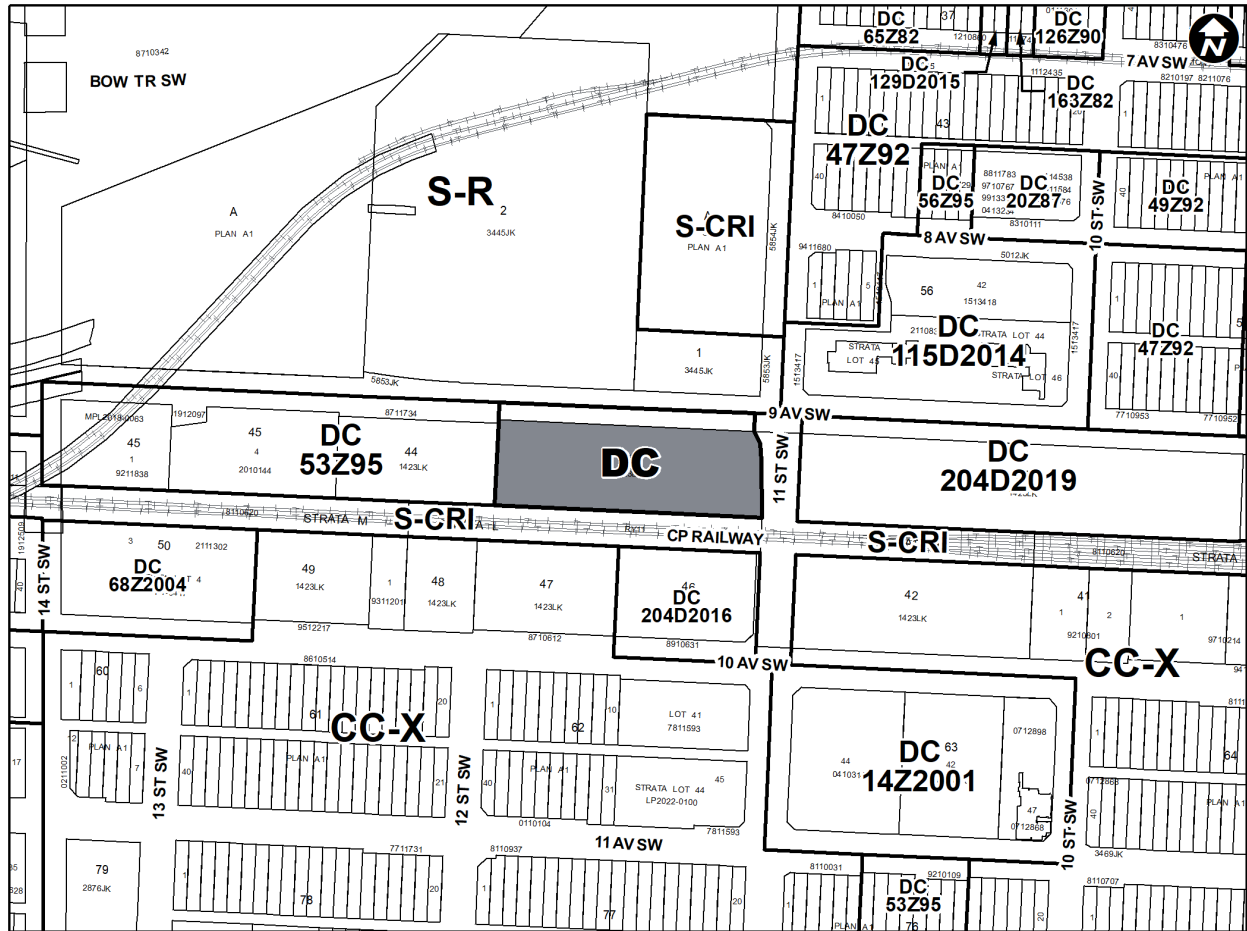
SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) allow for increased height and density to accommodate a built form which complies with sunlight protection rules;
- (b) establish a maximum base density and provide an opportunity for a density bonus over and above base density with the provision of public benefit and amenities within Downtown West End; and
- (c) provide setbacks that will accommodate a high-quality public realm at grade and a future underpass.

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 Bylaw.

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Reference to Bylaw 1P2007

3 Within this Direct Control District Bylaw, 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) “**bonus provisions**” means those items set out in Schedule “C” of this Direct Control District Bylaw which may be provided by a **development** in order to earn extra **floor area ratio**.
- (b) “**Millennium Park**” means those lands legally described as Plan 3445JK; Block 2 and Plan A1; Block A.
- (c) “**Mewata Parking Lot**” means those lands legally described as Plan 3445JK; Block 1.

Permitted Uses

5 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

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

Bylaw 1P2007 District Rules

7 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

- 8 (1) The maximum **floor area ratio** is 5.0.
- (2) The maximum **floor area ratio** referenced in subsection (1) may be increased by a **floor area ratio** of 3.0, to a maximum of 8.0, when the additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development** or **Hotel uses**.
- (3) The maximum **floor area ratio** referenced in subsections (1) and (2) may be further increased by a **floor area ratio** of 4.0 to a maximum of 12.0 in accordance with the **bonus provisions** of this Direct Control District Bylaw, when this additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development** or **Hotel uses**.
- (4) **Gross floor area** may be exempted from the total **floor area ratio** where:
- (a) It is located below a height of 64.0 metres as measured from the **grade** of the rail corridor adjacent to this site;

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- (b) it comprises above-*grade motor vehicle parking stalls* or *bicycle parking stalls*; and
- (c) the exemption does not exceed a total *floor area ratio* of 2.0.

Setback Areas

- 9 (1) Where a *parcel* shares a *property line* with:
- (a) 11 Street SW, the *setback area* must have a minimum depth of 6.0 metres for the first two *storeys* measured vertically from *grade*, which can be reduced to 3.0 metres above this height;
 - (b) 9 Avenue SW, the *setback area* must have a minimum depth of 1.5 metres and a maximum depth of 3.0 metres;
 - (c) a rail corridor, the *setback area* must have a minimum depth of 3.0 metres; and
 - (d) another *parcel*, there is no requirement for a *setback area*.
- (2) Sections 1169, 1170 and 1171 of Land Use Bylaw 1P2007 do not apply in this *Direct Control District*.

Floor Plate Restrictions

- 10 (1) The maximum average *floor plate area* for each floor of a *building* from the twelfth to thirtieth *storeys* is 1050.0 square metres.
- (2) The maximum average *floor plate area* for each floor of a *building* above the thirtieth *storey* is 830.0 square metres.

Building Separation

- 11 The façade of a *building* located above 36.0 metres from *grade* must provide a minimum horizontal separation of:
- (a) 18.0 metres from the façade of any other *building* on the same *parcel*;
 - (b) 9.0 metres from a *property line* shared with another *parcel*; and
 - (c) 6.0 metres from a *property line* shared with the rail corridor.

Street Walls and Massing

- 12 (1) A *building* must provide the following features where it faces a *street*, to the satisfaction of the *Development Authority*:
- (a) varied *building* massing;
 - (b) façade articulation which includes a minimum stepback of 1.0 metre from the façade of the *building* in at least two locations; and

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- (c) varied **building** materials.
- (2) The first to the fourth **storey** of a **building** must provide the following features, not including **signs**, to distinguish the base of the **building** from the rest of the **building**:
 - (a) varied **building** massing;
 - (b) façade articulation which includes a minimum setback of 1.0 metre from the façade of the **building**; and
 - (c) canopies, terraces, and/or overhangs.
- (3) Notwithstanding subsections (1) and (2), the **building** may rise directly from **grade** without a horizontal separation from the façade of the **building** at corner locations to allow for architectural emphasis.

Sunlight Protection Areas

- 13 That portion of **Millennium Park** and **Mewata Parking Lot** as illustrated on Schedule “D” must not be placed in greater shadow as measured between the hours of 12:00 pm and 4:00 pm Mountain Daylight Time between March 21 and September 21 than was already existing on the date a **development permit** is applied for.

Public Realm

- 14 The following items must be provided as part of the relevant development permit:
- (a) Upgraded public realm improvements **adjacent** to the **building** on 11 Street SW frontage up to the existing **property line** to the satisfaction of the **Development Authority** to include:
 - (i) accessible pedestrian spaces and routes which accommodate **grade** change from **building** ground floor level to finished **grade**; and
 - (ii) surface treatments that provide visual interest and pedestrian comfort.
 - (b) Upgraded public realm improvements **adjacent** to the **building** on the 9 Avenue SW frontage to the satisfaction of the **Development Authority** to include:
 - (i) trees and plantings which provide visual separation from the **street**; and
 - (ii) surface treatments that provide visual interest and pedestrian comfort.

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Motor Vehicle Parking Stall Requirements

- 15 (1) For **Dwelling Units** or **Live Work Units**:
- (a) the minimum number of **motor vehicle parking stalls** is 0.5 stalls per **unit**, and
 - (b) the minimum number of **visitor parking stalls** is 0.075 stalls per **unit**.
- (2) For all other **uses**, the number of required **motor vehicle parking stalls** is the minimum number of **motor vehicle parking stalls** referenced in Part 4 of Bylaw 1P2007.

Bicycle Parking Stall Requirement

- 16 (1) The minimum number of **bicycle parking stalls – class 1** for:
- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) no requirement where the number of **units** is less than 20; and
 - (ii) 1.5 stalls per **unit** where the total number of **units** equals or exceeds 20; and
 - (b) all other **uses** is the minimum requirement reference in Part 4.
- (2) The minimum number of **bicycle parking stalls – class 2** for:
- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) 2.0 stalls for **developments** of 20 **units** or less; and
 - (ii) 0.1 stalls per **unit** for **developments** of more than 20 **units**; and
 - (b) all other **uses** is 5.0 per cent of the number of **motor vehicle parking stalls**.

Location of Motor Vehicle Parking Stalls

- 17 (1) Where above-**grade** parking located within a **building** is provided:
- (a) the **street** frontage at **grade** should be lined with “Active Uses”;
 - (b) the **street** frontage above **grade** should give the appearance of a **use** other than parking; and
 - (c) the structure must be designed to support future conversion into different **uses**.

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- (2) Where this section refers to “Active Uses,” it refers to the listed **uses** in sections 1163 and 1164 of Land Use Bylaw 1P2007, other than Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Home Occupation – Class 1, Home Occupation – Class 2, Multi-Residential Development, Live Work Unit, Place of Worship – Small, Place of Worship – Medium, Protective and Emergency Service, Residential Care and Utility Building.

Relaxations

- 18** The **Development Authority** may relax the rules contained in Sections 9, 10, 11, 12 and 14 through 17 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

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SCHEDULE C

Provision of Public Amenities through Bonus System

1.0 Bonus System

1.1 Approach

Development sites can be developed up to the maximum **floor area ratio** without providing any bonus items. In order to develop above the maximum **floor area ratio** and up to the bonus maximum **floor area ratio**, **developments** must provide one or more bonus items in exchange for a defined amount of additional **floor area ratio**.

Any combination of bonus items can be used to earn additional **floor area ratio**, subject to the discretion of the **Development Authority**, the local context of the proposed **development** site, and any rules set out in Land Use Bylaw 1P2007 and this Direct Control District Bylaw.

The contribution amount will be calculated at the time of **development permit** approval, based on the incentive rate of \$278.91 per square metre for 2024. The incentive rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.

2.0 Provision of Publicly Accessible Private Open Space

2.1 Description

Publicly accessible private open space is defined as a portion of a private **development** site that is made available to the public for the life of the **development** through a legal agreement acceptable to The **City**, and is in a location, form and configuration and is designed and constructed in a way that exceeds **City** standards for public realm and is acceptable to The **City**.

2.2 Eligibility

Any **development** that can provide a publicly accessible private open space that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus. A publicly accessible private open space must:

- (a) comprise the entire space from the **building** frontage up to the 11 Street SW **property line**;
- (b) be located at **grade** between the face of the **building** and the 11 Street and 9 Avenue **property lines**;
- (c) be maintained by the owner and accessible to the public for the life of the **development** pursuant to a legal agreement accessible to The **City**;
- (d) include street furniture elements including, but not limited to seating, bicycle racks, general and feature lighting; and

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- (e) include canopy trees and soft landscaping elements where possible and appropriate.

2.3 Bonus Rate

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates must be prepared by a Registered Landscape Architect or Professional Quantity Surveyor as part of the **development permit** application.

For example, if the cost to the applicant to construct the space is \$500,000.00 and the incentive rate per square metre of floor area for the area is \$278.91 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (incentive rate x 75.0%) = Allowable Bonus Floor Area

\$500,000.00 / (\$278.91 x 75%) = 2,390.29 square metres

3.0 Provision of Public Art – On Site

3.1 Description

Public art – on site means publicly accessible art of any kind that is permanently suspended, attached to a wall or other surface, or otherwise integrated into a **development**. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.

3.2 Eligibility

Any **development** that can provide public art that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus. The artwork must be maintained by the owner for the life of the **development**, have a minimum value of \$200,000.00, as approved by The **City**; be located in a permanently and publicly accessible area; and located either outdoors, at **grade** and visible from the public sidewalk; located in the **building's** interior and experienced from a publicly accessible space; or on the **building's** exterior and experienced from the public sidewalk.

3.3 Bonus Rate

The amount of additional floor area that may be earned through the provision of public art – on site will be determined through negotiations between the landowner/applicant and The **City**, based on the overall value of the artwork. As with other bonus items, the floor area bonus will relate to the incentive rate per square metre of floor area for the area. The maximum incentive **floor area ratio** for public art – on site is 1.0.

For example, if the total value of the artwork is determined to be \$500,000.00 and the incentive rate per square metre of floor area for the area is \$278.91, then the amount of the bonus floor area will be calculated as follows:

Total cost of the artwork / (incentive rate x 75.0%) = Allowable Bonus Floor Area

\$500,000.00 / (\$278.91 x 75%) = 2,390.29 square metres

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Note: The total value of the proposed public art will be provided to the **Development Authority** at the time **development permit** application by an independent art professional, as accepted by The **City**.

4.0 Provision of Off-Site Improvements

4.1 Description

An applicant may provide unique off-site improvements within the community of Downtown West End, including but not limited to: streetscape design and improvements within **City** rights-of-way; implementation of urban design strategies and public art on public land; transit enhancements, or other public realm-enhancement projects deemed acceptable to The **City**.

4.2 Eligibility

Any **development** that can provide an off-site improvement or public realm enhancement project that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus.

4.3 Bonus Rate

The allowable bonus floor area will be based on the construction cost of the off-site improvement. It does not include operating costs. Cost estimates must be prepared by a Professional Quantity Surveyor or Registered Architect as part of the **development permit** application.

For example, if the cost to the applicant to provide the off-site improvement is \$500,000.00 and the incentive rate per square metre of floor area for the area is \$278.91 then the amount of the bonus floor area will be calculated as follows:

Total off-site improvement cost / (incentive rate x 75.0%) = Allowable Bonus Floor Area

\$500,000.00 / (\$278.91 x 75%) = 2,390.29 square metres

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SCHEDULE D

Sunlight Protection Areas Map

