

Amendments to the Land Use Bylaw 1P2007

WHEREAS it is desirable to amend the City of Calgary Land Use Bylaw Bylaw 1P2007, as amended;

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:

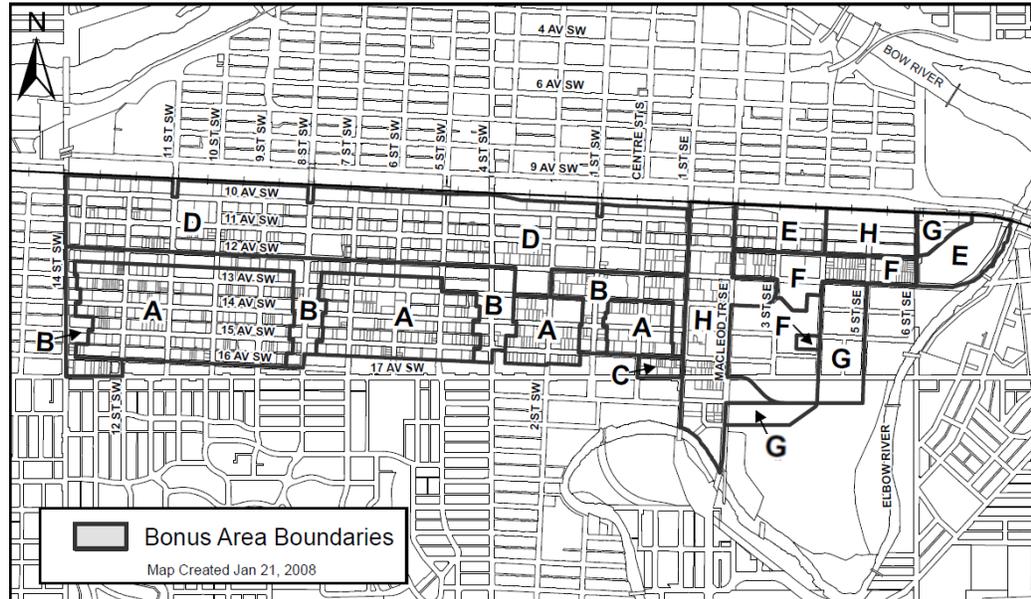
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:
 - (a) Amend subsection 1164(3) to delete (gg), (hh), (hh.1) and (hh.2), and replace with:
 - “(gg) **Restaurant: Licensed – Medium;**
 - (hh) **Restaurant: Licensed – Small;**
 - (hh.1) **Restaurant: Neighbourhood;**
 - (hh.2) **School – Private;**
 - (hh.3) **School Authority – School;”**
 - (b) Amend subsection 1166 to delete (2), and replace with:
 - “(2) For **developments** located east of Macleod Trail SE the maximum **floor area ratio** is:
 - (a) 7.0 for the **parcels** SW-14-24-1-5 and Plan 0716155 Area B;
 - (b) for **parcels** between the CPR tracks and 11 Avenue and Olympic Way and 6 Street SE:
 - (i) 5.0 for **uses** referenced in sections 1163 and 1164; or
 - (ii) the maximum **floor area ratio** in subsection (i) may be increased by a **floor area ratio** of 3.0 when this additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development** and **Hotel uses**; and
 - (c) 5.0 for all other **parcels.**”

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- (c) Amend Section 1196, to delete Map 9 and replace with:

Map 9: Bonus Area Boundaries



- (d) Delete Section 1199 and replace with the following:
“1199 The maximum **floor area ratio** with bonuses for Bonus Area C is 4.0.”
- (e) Delete Section 1200 and replace with the following:
“1200 In accordance with the bonus provisions contained in this Division, the **floor area ratio** for Bonus Area D may be increased to a maximum of:
(a) 8.0; or
(b) 12.0, where the additional **floor area ratio** above 8.0 may only consist of **units** or **Hotel** guest rooms or both.”
- (f) Delete Section 1201 and replace with the following:
“1201 The maximum **floor area ratio** with bonuses for Bonus Area E is 7.0.”
- (g) Add a new Section 1201.1 as follows:
“Bonus Area F
1201.1 In accordance with the bonus provisions contained in this Division, the **floor area ratio** for Bonus Area F may be increased to a maximum of:
(a) 8.0; or
(b) 9.0, where the additional **floor area ratio** above 8.0 may only consist of **units** or **Hotel** guest rooms or both.”

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- (h) Add a new Section 1201.2 as follows:
- “Bonus Area G
1201.2 In accordance with the bonus provisions contained in this Division, the **floor area ratio** for Bonus Area G may be increased to a maximum of:
- (a) 7.0; or
 - (b) 9.0, where the additional **floor area ratio** above 7.0 may only consist of **units** or **Hotel** guest rooms or both.”
- (i) Add a new Section 1201.3 as follows:
- “Bonus Area H
1201.3 In accordance with the bonus provisions contained in this Division, the **floor area ratio** for Bonus Area H may be increased to a maximum of:
- (a) 8.0; or
 - (b) 12.0, where the additional **floor area ratio** above 8.0 may only consist of **units** or **Hotel** guest rooms or both.”
- (j) Delete Section 1202 and replace with the following:
- “1202 Notwithstanding sections 1197 to 1201.3, the maximum **floor area ratio** with bonuses for Bonus Areas A through H may be increased by an additional 10 per cent where:
- (a) the additional 10 per cent **floor area ratio** is gained through a heritage density transfer from a site other than the **development site**, as defined for the purposes of this Division in Table 6.1; and
 - (b) the additional floor area gained is equal to or less than the amount being transferred from the heritage site.”
- (k) Delete Sections 1203 and 1204.
- (l) Amend subsection 1205 (1) to delete “subsection 1203 (g) and (h)” and replace with “Table 6.1”.
- (m) Amend subsection 1205 (2) to delete “subsection 1203 (g) and (h)” and replace with “Table 6.1”.
- (n) Delete sections 1206 through 1216.

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(o) Add a new section 1216.1 as follows:

“Incentive Density Calculation Method
1216.1

- (1) The amount of additional **gross floor area** achieved by providing the requirements of the public amenity items in Table 6.1 are calculated as a **floor area ratio**, an Incentive Ratio or an Incentive Rate.
- (2) An Incentive Rate indicates that the amount of additional **gross floor area** will be calculated by dividing the cost of the provided public amenity item in Table 6.1 by the respective Incentive Rate as established by Council where the following Incentive Rates apply:
 - (a) Incentive Rate 1 is \$270.00 per square metre.
- (3) Public amenity items that must or may be provided to achieve additional **gross floor area** are shown in Table 6.1.
- (4) Bonus Areas A through D may use any of Public Amenity Items 1 through 7 in Table 6.1.
- (5) Bonus Areas E through H may use any of Public Amenity Items 1 through 13 in Table 6.1.
- (6) Unless otherwise specified in this Part, a Public Amenity Item for which additional **gross floor area** has been achieved must be maintained on the **parcel** for so long as the **development** exists.
- (7) The **Development Authority** must determine whether a proposed Public Amenity Item is appropriate for the **development**.”

(p) Add a new Table 6.1 as follows:

Table 6.1: Beltline Density Bonus Items

Overview	
1.0	Indoor Community Amenity Space
2.0	Publicly Accessible Private Open Space
2.0	Affordable Housing Units
4.0	Municipal Historic Resource Designation
5.0	Heritage Density Transfer
6.0	Contribution to Beltline Community Investment Fund
7.0	Parks Density Transfer
8.0	Public Art On-Site
9.0	District Energy Connection Ability
10.0	Active Arts Space
11.0	Cultural Support Space
12.0	Innovative Public Amenity
13.0	Indoor Public Hotel Space

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Item No.	Public Amenity Items
1.0	<p>INDOOR COMMUNITY AMENITY SPACE</p> <p>Indoor community amenity space is defined as floor area provided for community purposes, including, but not limited to, offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities, daycares and other social services.</p>
1.1	<p>Incentive Calculation: Where a <i>development</i> provides an indoor community amenity space, the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive <i>gross floor area</i> (square metres) = total construction cost (\$) divided by (Incentive Rate 1 (\$) multiplied by 0.75).</p>
1.2	<p>Requirements: Provision of indoor community amenity space, within the <i>development parcel</i>, in perpetuity to the <i>City</i>, and in a form acceptable to the Approving Authority.</p>
2.0	<p>PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE</p> <p>Publicly accessible private open space is defined as outdoor open space located on the <i>development parcel</i> that is made available to the public through a registered public access easement agreement acceptable to the Approving Authority.</p>
2.1	<p>Incentive Calculation: Where a <i>development</i> provides a publicly accessible private open space, the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive <i>gross floor area</i> (square metres) = total construction cost (\$) divided by (Incentive Rate 1 (\$) multiplied by 0.75).</p>
2.2	<p>Requirements: Provision of publicly accessible private open space on the <i>development parcel</i> in a location, form, configuration and constructed in a manner acceptable to the Approving Authority.</p>
3.0	<p>AFFORDABLE HOUSING UNITS</p> <p>Affordable housing units are defined as non-market housing units provided within the <i>development</i>, owned and operated by the <i>City</i> or a bona fide non-market housing provided recognized by <i>Council</i>.</p>

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3.1	<p>Incentive Calculation: Where a development provides affordable housing units, the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = total construction (\$) cost divided by (Incentive Rate 1 (\$) multiplied by 0.75) + gross floor area (square metres) of affordable housing units.</p>
3.2	<p>Requirements: Provision of affordable housing units within the development parcel, in perpetuity, in a number, location and design acceptable to the City or other bona fide non-market housing provider recognized by the City.</p>
4.0	<p>MUNICIPAL HISTORIC RESOURCE DESIGNATION</p> <p>Municipal Historic Resources are buildings or portions of a building, a site or portions of a site that are designated under the <i>Historic Resources Act</i>.</p>
4.1	<p>Incentive Calculation: Where a development designates a building, portions of a building, a site or portions of a site, as a Municipal Historic Resource, the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = total construction or restoration costs (\$) divided by (Incentive Rate 1 (\$) multiplied by 0.75)</p>
4.2	<p>Requirements: Historic resource designation includes:</p> <ul style="list-style-type: none"> (a) where the building is listed on the Inventory of Evaluated Historic Resources; (b) maintaining the historic resource or building feature in its approved location on the parcel or within the building where it is incorporated into a new building; (c) an agreement between the Development Authority and the developer establishing the total cost of retention of the heritage resource prior to approval; and (d) designation of the historic resource as a Municipal Historic Resource pursuant to the <i>Historical Resources Act</i> by a Bylaw approved by Council.
5.0	<p>HERITAGE DENSITY TRANSFER</p>

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	<p>Heritage density transfer is the transfer of unconstructed gross floor area from a parcel designated by bylaw as a Municipal Historic Resource pursuant to the provisions set out in <i>the Historical Resources Act</i> (the source parcel) to a parcel other than the development parcel (the receiving parcel).</p>
5.1	<p>Incentive Calculation: The heritage density transfer floor area in square metres is equal to the unconstructed gross floor area of a parcel 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.</p> <p>Method: Transferable incentive gross floor area (square metres) = maximum allowable gross floor area (square metres) minus Municipal Historic Resource gross floor area (square metres).</p>
5.2	<p>Requirements: A heritage density transfer must include:</p> <ul style="list-style-type: none"> (a) a transfer agreement that is registered on the Certificate of Title of the parcel(s) from which the density has been transferred; (b) a land use redesignation of the parcel from which the density has been transferred to a Direct Control District in which the allowable maximum floor area ratio remaining after the transfer is regulated; (c) a land use redesignation of the receiving parcel to a Direct Control District in which the allowable maximum floor area ratio achieved through the transfer is regulated; (d) transfers only to receiving parcels located within the bonus area boundaries indicated on Map 9; (e) transfers only from parcels where legal protection through designation as a Municipal Historic Resource has been completed; and (f) only a one-time transfer from the parcel from which the density has been transferred to the receiving parcel with no further transfer possibility.
6.0	<p>CONTRIBUTION TO THE BELTLINE COMMUNITY INVESTMENT FUND</p> <p>The Beltline Community Investment Fund (BCIF) will be used for projects within the Beltline related to public realm improvements,</p>

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	including but not limited to: park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within rights-of-way, implementation of urban design strategies and public art on public land.
6.1	<p>Incentive Calculation: Where a <i>development</i> provides a contribution to the Beltline Community Investment Fund, the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive <i>gross floor area</i> (square metres) = contribution (\$) divided by Incentive Rate 1 (\$).</p>
6.2	<p>Requirements: A contribution must be made to the Beltline Community Investment Fund for the <i>development</i>.</p>
7.0	<p>PARKS DENSITY TRANSFER Private land is dedicated to the <i>City</i> as a public open space. The unused density from the lands to be dedicated may be transferred to another site within the bonus area boundaries indicated on Map 9.</p>
7.1	<p>Incentive Calculation The transferable bonus <i>gross floor area</i> in square metres for land transferred to the <i>City</i> for park purposes is equal to the maximum <i>floor area ratio</i> of the district, not including bonus provisions, multiplied by 2.5.</p> <p>Method Transferable incentive <i>gross floor area</i> (square metres) = maximum <i>gross floor area</i> multiplied by 2.5.</p>
7.2	<p>Requirements: Private land is dedicated to the <i>City</i> as a public open space where the <i>City</i> is the legal owner of the open space and the site is in a location and of a size and configuration acceptable to the <i>City</i>.</p>
8.0	<p>PUBLIC ART ON-SITE Public art is publicly accessible art of any kind that is permanently suspended, attached to a wall or other surface, or otherwise integrated into a <i>development</i>. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.</p>
8.1	The maximum incentive <i>floor area ratio</i> for this item is 1.0.
8.2	<p>Incentive calculation: Where a development provides public art – on site the Incentive Rate is Incentive Rate 1.</p> <p>Method:</p>

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	Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate 1 (\$).
8.3	<p>Requirements:</p> <p>Public art – on site includes the following:</p> <ul style="list-style-type: none"> (a) artwork, the minimum value of which must be: <ul style="list-style-type: none"> (i) \$200000.00 for sites equal to or greater than 1812.0 square metres in area; or (ii) \$50000.00-for sites of less than 1812.0 square metres in area; (b) the work of a recognized artist, i.e. created by a practitioner in the visual arts; (c) a location in a publicly accessible area; and (d) a minimum of 75.0 per cent of the artwork located either: <ul style="list-style-type: none"> (i) outdoors, at grade and visible from the public sidewalk; or (ii) on the building's exterior and visible from the public sidewalk.
9.0	<p>DISTRICT ENERGY CONNECTION ABILITY</p> <p>District energy connection ability is the preservation of site areas from physical obstructions that would preclude or make unviable a connection to district energy infrastructure in the future.</p>
9.1	The maximum incentive floor area ratio for this item is 0.5.
9.2	<p>Incentive Calculation:</p> <p>Where a development provides district energy connection ability the additional floor area ratio is 0.5.</p>
9.3	<p>Requirements:</p> <p>A district energy connection ability includes the following:</p> <ul style="list-style-type: none"> (a) maintenance on the parcel until the development has been connected to and utilizes energy from district energy infrastructure; (b) demonstration of the ability of a building to connect to existing or proposed district energy infrastructure by providing: <ul style="list-style-type: none"> (i) space allocated for an energy transfer station at ground level or below (energy transfer station is defined as the mechanical interface between the district energy system and the building heating system located in the building - commonly known as a plate and frame heat exchanger

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	<p>and includes all heat transfer equipment, measurement equipment and control systems);</p> <p>(ii) a heat distribution system that can accommodate the primary heat source at ground level or below; and</p> <p>(iii) an easement with a minimum width of 4.0 metres registered on the certificate of title for the parcel for a thermal pipe from the property line to the building and through the building to the allocated energy transfer station location.</p>
10.0	<p>ACTIVE ARTS SPACE</p> <p>Active arts space is publicly accessible, internal space that provides accommodation for one of the various branches of creative activity concerned with the production of imaginative designs, sounds or ideas. Active arts space is intended for activities that require public accessibility, e.g. performances, exhibitions.</p>
10.1	<p>The maximum incentive floor area ratio for this item is 4.0.</p>
10.2	<p>Incentive Calculation:</p> <p>Where a development provides active arts space the Incentive Rate is Incentive Rate 1.</p> <p>Method:</p> <p>Incentive gross floor area (square metres) = cost of active arts space (\$) plus the capitalized, future operating costs* (not including taxes) divided by Incentive Rate 1 (\$).</p> <p>* Future operating costs are calculated by multiplying \$3,324.68 by the amount of active arts space provided in square metres (this is the net present value of operating costs based on \$20 per square foot, a 2 per cent cost escalation, a 6 per cent discount rate, and a 25 year period).</p>
10.3	<p>Requirements:</p> <p>Active arts space includes the following:</p> <p>(a) a location:</p> <p>(i) at grade or;</p> <p>(ii) fronting on to, with direct access to and visible from the public sidewalk, grade level open space, or on-site pedestrian areas.</p> <p>(b) entranceways and lobbies that are clear glazed where they abut a public sidewalk at grade;</p>

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	<p>(c) an agreement establishing the conditions for a long-term lease for the active arts space to be entered into by the City or its designated representative (“the tenant”) and the building owner, such lease to contain the following terms:</p> <ul style="list-style-type: none">(i) a minimum term of 25.0 years;(ii) a total rent of \$11.0 per square metre per year, subject to (c)(iv);(iii) subject to (c)(iv) and (v) the building owner will pay the normal building operating and capital costs attributable to the active arts space including without limitation property taxes if applicable, security, maintenance, repair, cleaning, property management fees and related costs up to the amount per square metre that would normally be charged to office tenants in the building;(iv) the tenant will be responsible for all extraordinary operating and capital costs that are attributable to the active arts space, such as additional security costs associated with the use of the space or special events, additional cleaning necessitated by events in the space, and maintenance and repair of the tenant’s fixtures and equipment. The City will provide appropriate security to ensure that the tenant pays its costs and does not permit any liens to be placed on the property;(v) upon expiry of the lease, the owner may elect, at the owner’s sole and absolute discretion, to renew the lease on the same terms and conditions or to not renew the lease, in which case the tenant will vacate the space upon lease expiry;(vi) if at any time during the term of the lease the space remains unoccupied or unused for 12 consecutive months the owner has the option of terminating the lease upon giving the City 30 days written notice, provided that the conditions of (c)(vii) are met;(vii) that in the event of termination prior to the end of the 25-year term of the lease, the City will receive financial compensation for the space as calculated as the lesser of Incentive Rate 1 or the fair market value based on the gross floor area of the amenity space as estimated by an independent appraiser and, in addition, any portion of the unused, capitalized operating costs which were included in the original incentive gross floor area calculation; and
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	(viii) the lease will define the nature of the uses or tenants that are deemed eligible to occupy the space. Eligible activities will include artist studios, exhibition space, performing arts space and rehearsal spaces.
11.0	<p>CULTURAL SUPPORT SPACE</p> <p>Cultural support space is an internal space that provides accommodation for one of the various branches of creative activity concerned with the production of imaginative designs, sounds or ideas. Cultural support space is intended for activities that do not require public accessibility, e.g. administration, rehearsal space, storage.</p>
11.1	The maximum incentive floor area ratio for this item is 4.0.
11.2	<p>Incentive Calculation:</p> <p>Where a development provides cultural support space the Incentive Rate is Incentive Rate 1.</p> <p>Method:</p> <p>Incentive gross floor area (square metres) = cost of cultural support space (\$) plus the capitalized, future operating costs* (not including taxes) divided by Incentive Rate 1 (\$).</p> <p>* Future operating costs are calculated by multiplying \$3,324.68 by the amount of cultural support space provided in square metres (this is the net present value of operating costs based on \$20 per square foot, a 2 per cent cost escalation, a 6 per cent discount rate, and a 25 year period).</p>
11.3	<p>Requirements:</p> <p>A cultural support space includes the following:</p> <ul style="list-style-type: none"> (a) access to the tenant during the building's normal office hours unless otherwise agreed upon in the lease agreement; (b) a location above grade where the space is used for administration; (c) an agreement establishing the conditions for a long-term lease for the cultural support space to be entered into by the City or its designated representative ("the tenant") and the building owner, such lease to contain the following terms: <ul style="list-style-type: none"> (i) a minimum term of 25.0 years; (ii) a total rent of \$11 per square metre per year, subject to (c)(iv);

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	<ul style="list-style-type: none"> (iii) subject to (c)(iv) and (v) the building owner will pay the normal building operating and capital costs attributable to the cultural support space including without limitation property taxes if applicable, security, maintenance, repair, cleaning, property management fees and related costs up to the amount per square metre that would normally be charged to office tenants in the building; (iv) the tenant will be responsible for all extraordinary operating and capital costs that are attributable to the cultural support space, such as additional security costs associated with the use of the space, additional cleaning necessitated by use of the space, and maintenance and repair of the tenant's fixtures and equipment. the City will provide appropriate security to ensure that the tenant pays its costs and does not permit any liens to be placed on the property; (v) upon expiry of the lease, the owner may elect, at the owner's sole and absolute discretion, to renew the lease on the same terms and conditions or to not renew the lease, in which case the tenant will vacate the space upon lease expiry; (vi) if at any time during the term of the lease the space remains unoccupied or unused for 12 consecutive months the owner has the option of terminating the lease upon giving the City 30 days written notice, provided that the conditions of (c)(vii) are met; (vii) that in the event of termination prior to the end of the 25-year term of the lease, the City will receive financial compensation for the space as calculated as the lesser of Incentive Rate 21 or the fair market value based on the gross floor area of the amenity space as estimated by an independent appraiser and, in addition, any portion of the unused, capitalized operating costs which were included in the original incentive gross floor area calculation; and (viii) the lease will define the nature of the uses or tenants that are deemed eligible to occupy the space. Eligible activities will include administration and storage.
12.0	<p>INNOVATIVE PUBLIC AMENITY</p> <p>An innovative public amenity is a building feature that has not been considered under any of the other incentive items in this table, but which is determined by the Development Authority to provide a benefit to the public.</p>

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12.1	The maximum incentive floor area ratio for this item is 1.0.
12.2	<p>Incentive Calculation: Where a development provides an innovative amenity the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = cost of amenity (\$) divided by Incentive Rate 1 (\$).</p>
12.3	<p>Requirements: An innovative public amenity includes the following:</p> <ul style="list-style-type: none"> (a) a benefit to the community in which the density is being accommodated; (b) no items or amenities that are achievable or required through other means, including the other incentive amenity items in this table; (c) no standard features of a building; (d) an amount of additional floor area ratio commensurate with the cost of the amenity item provided; and (e) the sole discretion of the Development Authority to determine whether the proposed amenity feature is considered an innovative public amenity.
13.0	<p>INDOOR PUBLIC HOTEL SPACE</p> <p>Indoor public hotel space is publicly accessible indoor space that can be used by Hotel guests, conference attendees and the general public without having to be guests of the Hotel or customers of a use within the building. Restaurant, lounge, café, retail and conference use areas, when located at grade and one storey above for conference facilities – and open to the public are considered to be indoor public space.</p>
13.1	The maximum incentive floor area ratio for this item is 4.0.
13.2	<p>Incentive Calculation: Where a Hotel development provides:</p> <ul style="list-style-type: none"> (a) Indoor public hotel space that is conference facility space, the Incentive Ratio is 1:18; and (b) For all other indoor hotel public spaces, the Incentive Ratio is 1:10.

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	<p>Method: Incentive gross floor area (square metres) = gross floor area of the amenity space provided (square metres) multiplied by 10.0 or 18.0 for conference facilities.</p>
13.3	<p>Requirements: An indoor public hotel space includes the following:</p> <ul style="list-style-type: none">(a) a design as a distinct space within the building that does not contain a guest reception area or administration offices; and(b) where the space is not a conference facility, public accessibility through a public access agreement during normal operating hours.

2. This Bylaw comes into effect two weeks after approval.

TEXT FOR DISCUSSION ONLY