

PROPOSED

CPC2019-0398
ATTACHMENT 2

BYLAW NUMBER 119D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2018-0087/CPC2019-0398)**

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 amending that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "A".
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 _____

CITY CLERK

SIGNED ON _____

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- (e) allow opportunities for some institutional **uses** on the ground floor of mixed-use **buildings**; and
- (f) provide for restaurant **uses** with larger **use areas** on the ground floor.

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.

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) “**publicly accessible private open space**” means outdoor open space located on the **development parcel** that is made available to the public through a registered public access easement agreement acceptable to the **Development Authority**, and is in a location, form, configuration and constructed in a manner acceptable to the **Development Authority**;

Defined Uses

- 5 In this Direct Control District:

- (a) “**Restaurant Patio**” means a **use**:
 - (i) where food or beverages are served or offered for sale or consumption on a portion of the premises which are not contained within a fully enclosed **building**; and
 - (ii) that must be approved with a **Restaurant: Food Service Only – Large, Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Small, Restaurant: Neighbourhood, Restaurant: Licensed – Large, Restaurant: Licensed – Medium, or Restaurant: Licensed – Small**.

Permitted Uses

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

Discretionary Uses

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

- (a) **Restaurant: Food Service Only – Large**;

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- (b) **Restaurant: Licensed – Large;** and
- (c) **Restaurant Patio.**

Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 9**
- (1) Unless otherwise referenced in subsections (2) or (3), the maximum **floor area ratio** is 5.0.
 - (2) The maximum **floor area ratio** in subsection (1) may be increased by a **floor area ratio** of 3.0, to a maximum of 8.0, when:
 - (a) this additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, Hotel or Post-Secondary Learning Institution uses;** and
 - (b) all items in Section 14 of this Direct Control District Bylaw are provided.
 - (3) Where the **floor area ratio** has been increased in accordance with subsection (2), the maximum **floor area ratio** may be further increased by a **floor area ratio** of 4.0, to a maximum of 12.0, in accordance with the bonus provisions set out in Schedule B of this Direct Control District Bylaw.

Setback Areas

- 10**
- (1) The **setback area** from a **property line** shared with 17 Avenue SW must have a maximum depth of 3.0 metres.
 - (2) The **setback area** from a **property line** shared with 16 Avenue SW must have a maximum depth of 3.0 metres.
 - (3)
 - (a) For **parcels** adjacent to 14 Street SW, the **setback area** is:
 - (i) 2.134 metres from the property line; and
 - (ii) an additional minimum of 3.0 metres for a **development** with a **floor area ratio** greater than 5.0.
 - (b) Section 53 of Bylaw 1P2007 does not apply in this Direct Control District Bylaw.
 - (4) The **Development Authority** may relax the rules in sections 1, 2 and 3(a)(i) provided the test for relaxation in Bylaw 1P2007 is met.
 - (5) For **parcels** that share a **property line** with another **parcel** designated as:
 - (a) a **commercial district**, there is no requirement for a **setback area**;

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- (b) a **residential district**, the **setback area** must have a minimum depth of 3.0 metres.
- (6) Sections 1169, 1170 and 1171 of Bylaw 1P2007 do not apply in this Direct Control District Bylaw.

Floor Plate Restrictions

- 11 Each floor of a **building** located partially or wholly above 36.0 metres above **grade**, and containing **Dwelling Units, Hotel, or Live Work Units**, has a maximum:
- (a) **floor plate area** of 850.0 square metres; and
 - (b) horizontal dimension of 37.0 metres.

Locations of Uses within Buildings

- 12 The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Catering Service – Minor;**
 - (b) **Community Recreation Facility;**
 - (c) **Counselling Service;**
 - (d) **Health Services Laboratory – With Clients;**
 - (e) **Indoor Recreation Facility;**
 - (f) **Medical Clinic;**
 - (g) **Place of Worship – Small;**
 - (h) **Radio and Television Studio;** and
 - (i) **Social Organization.**

Rules for Restaurant Patio

- 13 In this Direct Control District Bylaw, a **Restaurant Patio**:
- (a) may have a floor higher than 0.6 metres above the height of the first **storey** floor level provided that the **use** is separated from an **adjacent residential district** by a **building** to the satisfaction of the **Development Authority**;
 - (b) has a combined maximum area of 500.0 square metres on the **parcel**;
 - (c) must be located more than 18.0 metres from a **parcel** designated M-CG, M-C1, M-C2, M-G, M-1, M-2 or any **low density residential district**

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unless the *use* is completely separated from these districts by a *building* or intervening *street*;

- (d) does not require *motor vehicle parking stalls*; and
- (e) does not require *bicycle parking stalls – class 1* or *bicycle parking stalls – class 2*.

Public Benefit

14 (1) All of the following items must be provided as part of the relevant *development permit* to earn the increased *floor area ratio* as set out in section 9(2) of this Direct Control District Bylaw:

- (a) compensation for the demolition of the Condon Building in the form of a cash contribution to the Heritage Incentive Reserve Fund or the Sunalta Community Investment Fund, or combination thereof such that:
Cash Contribution Amount = Cash Contribution Rate x total square metres for at grade and above floor area; and

For the purposes of this Direct Control District Bylaw, the cash contribution rate is \$270 per square metre, or the average land value as established from time to time by *Council*.

- (b) a minimum of 700 square metres of *publicly accessible private open space* between the face of the *building* and the curb. This area must include a minimum width of 3.0 metres of private land immediately *adjacent* to 14 Street SW;
- (c) (i) Upgraded public realm improvements *adjacent* to the *building* on all frontages on both public and private lands to the satisfaction of the *Development Authority*. To reflect the gateway nature of the site, the public realm improvements should include, but are not limited to, the following elements:
 - A. wherever possible, be jointly designed between the developer and the *City* to ensure a unified design throughout the space;
 - B. sufficient width to allow for a plaza or plaza-like space on the 14 Street SW frontage;
 - C. trees and plantings which create canopies or shaded areas for pedestrians;
 - D. surface treatments that provide visual interest and pedestrian comfort;
 - E. multiple seating areas; and

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- F. multiple opportunities to activate the space with outdoor cafes, public art, or performance spaces.
 - (ii) All public realm improvements located on private lands must be subject to a public access easement. All public realm improvements located on public lands must be subject to a perpetual maintenance agreement with the **City**.
- (2) The **Development Authority** may relax the requirement that the public realm improvements be located on public lands as required in section 14(c) of this Direct Control District Bylaw where the test for relaxation in Bylaw 1P2007 is met.

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SCHEDULE B

Bonus Floor Area Ratio Earning Items

1.0 Introduction

- (a) A **density** bonus may be earned in accordance with this Direct Control District Bylaw by providing any of the following items, or a combination thereof to the satisfaction of the **Development Authority**.
- (b) Where referenced below, Incentive Rate 1 is \$270.00 per square metre.

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 development provides an indoor community amenity space, 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).</p>
1.2	<p>Requirements: Provision of indoor community amenity space, within the development parcel, in perpetuity to the City, and in a form acceptable to the Development Authority.</p>
2.0	<p>PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE</p> <p>Publicly accessible private open space means outdoor open space located on the development parcel that is made available to the public through a registered public access easement agreement acceptable to the Development Authority and is in a location, form, configuration and constructed in a manner acceptable to the Development Authority. For the purposes of this Direct Control District Bylaw, any publicly accessible private open space provided for the purposes of section 9(2) of this Direct Control District Bylaw cannot also be used for the purposes of section 9(3) of this Direct Control District Bylaw.</p>

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2.1	<p>Incentive Calculation: Where a development provides a publicly accessible private open space, 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).</p>
2.2	<p>Requirements: Provision of publicly accessible private open space on the development parcel in a location, form, configuration and constructed in a manner acceptable to the Development Authority.</p>
3.0	<p>AFFORDABLE HOUSING UNITS</p> <p>Affordable housing units are defined as non-market housing units provided within the development, owned and operated by the City or a bona fide non-market housing provided recognized by the General Manager.</p>
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>

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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> <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 the <i>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

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	(f) only a one-time transfer from the <i>parcel</i> from which the density has been transferred to the receiving <i>parcel</i> with no further transfer possibility.
6.0	<p>CONTRIBUTION TO THE SUNALTA COMMUNITY INVESTMENT FUND</p> <p>The Sunalta Community Investment Fund (SCIF) will be used for projects within Sunalta related to public realm improvements, 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.</p>
6.1	<p>Incentive Calculation: Where a <i>development</i> provides a contribution to the Sunalta 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 Sunalta Community Investment Fund for the <i>development</i>.</p>
7.0	<p>PARKS DENSITY TRANSFER</p> <p>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>