

BYLAW NUMBER 100D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0056)**

.....

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 substituting therefor 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 THIS 3rd DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3rd DAY OF NOVEMBER, 2008.



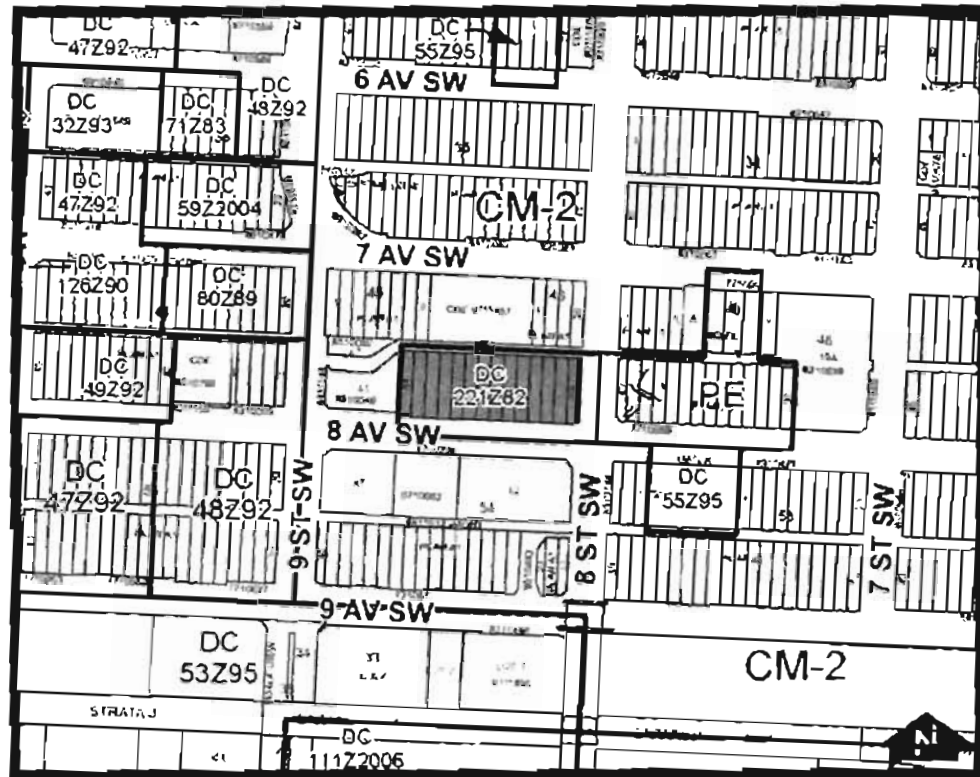
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



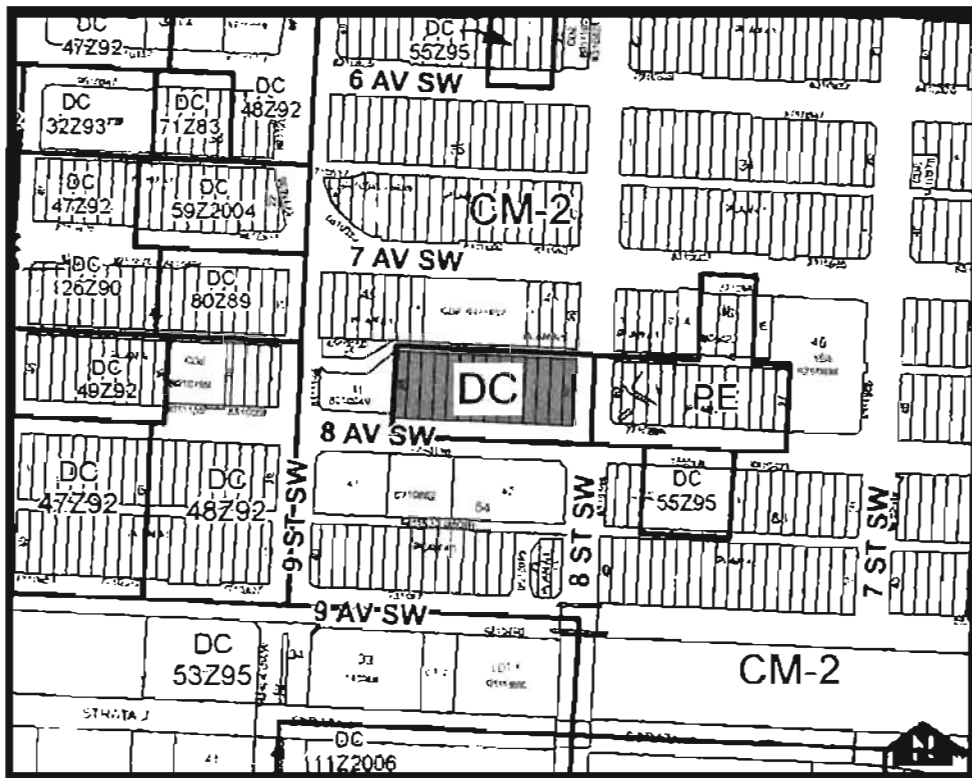
ACTING CITY CLERK
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to be for a commercial office development including ancillary retail, restaurant and educational facilities uses.

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, and Part 10 of Bylaw 1P2007 apply to this Direct Control District.

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Reference to Bylaw 1P2007

- 3 Unless otherwise specified within this Direct Control District, a reference to a section in Part 10 of Bylaw 1P2007 is a reference to the section as it existed on the date of passage of this Bylaw.

Discretionary Uses

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

- (a) Air rights development
- (b) Amusement arcades
- (c) Apartment-hotels
- (d) Auto body and paint shops
- (e) Automotive sales and rental
- (f) Automotive services
- (g) Automotive specialties
- (h) Billiard parlours
- (i) Cultural, entertainment, service and amusement facilities
- (j) Dwelling units
- (k) Essential public services
- (l) Grocery stores
- (m) Hotels
- (n) Light manufacturing
- (o) Offices
- (p) Parking lots at grade
- (q) Parking structures
- (r) Parks and playgrounds
- (s) Personal service establishments
- (t) Retail facilities
- (u) Signs
- (v) Utilities

Development Guidelines

- 5 The General Rules for Commercial Districts contained in Section 33 in Part 10 of Bylaw 1P2007 and the Permitted and Discretionary Use Rules of CM-2 shall apply unless otherwise noted below.

Development Plans

- 6 Approval of this application does not constitute approval of a development permit. Comprehensive plans, including building design, site layout, exterior finishes and colour, landscaping, parking and accesses shall subsequently be submitted to the Approving Authorities as part of a development permit application. In considering such an application, the Approving Authorities shall ensure the building and site layout conform substantially to the plans and renderings submitted to City Council during their consideration of Bylaw No. 221Z82.

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F.A.R.

- 7 Maximum floor area ratio shall be 19.0:1. Any floor area totally or partially above grade level including the first floor, shall be included in the F.A.R. calculation.

Building Height

- 8 Maximum building height shall be 49 storeys not exceeding 178.3 m ± (585 ft. ±) at any eaveline (not including mechanical penthouse).

+15 Systems

- 9 (1) The applicant shall at his own expense, build or make an equivalent cash-in-lieu payment for a +15 bridge across 8th Avenue S.W.
- (2) The applicant shall construct entirely at his expense the +15 bridge across 8th Street S.W.
- (3) The development permit for the building shall include a detailed plan for the landscaping of the 8th Street bridge. The applicant shall be responsible for all costs associated with connecting the bridge to Century Garden Park.

Educational Facilities

- 10 The applicant shall provide, rent free (excepting only tenant improvements, maintenance and operating costs, and fixturing costs), a minimum of 929 sq. m. of non-profit educational uses. At the development permit stage, documentation satisfactory to the Approving Authority will be provided to ensure this use. If such documentation is not forthcoming, the Approving Authority may at its discretion, delete an equivalent amount of office space from the building.

Off-Site Contribution

- 11 Prior to the release of the Development Permit the applicant shall enter into an agreement to:
- (a) construct to the value of \$150,000 (1982 dollars), in a location and to a standard satisfactory to the Approving Authority an off-site improvement to public space in the Downtown, or,
- (b) to make a cash-in-lieu payment to the City for \$150,000 (1982 dollars) that could be used for Heritage preservation at the City option on City-owned sites.
- (c) The cash-in-lieu payment or value of construction shall be inflated at an inflation rate to be determined by the Approving Authority until the time of payment or construction. The stage of the payment and/or construction shall be determined by the Approving Authority at the Development Permit stage.

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Access

- 12** Primary access for the parking levels shall be from 8th Avenue S.W. Prior to the release of the Development Permit, a legal agreement satisfactory to the City Solicitor, shall be signed, saving the City harmless from any interruption in this access caused by the construction of the 8th Avenue L.R.T. line or other public transit facilities.

Finishing Material

- 13** The finishing material shall substantially conform to the quality demonstrated in the visual material presented to City Council.

Parking and Loading

- 14** Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 as amended from time to time.