

**BYLAW NUMBER 91D2008**

**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;

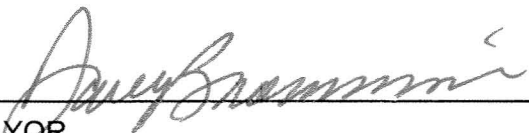
**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

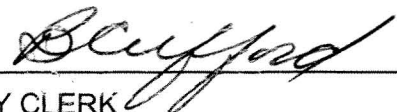
1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including 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 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

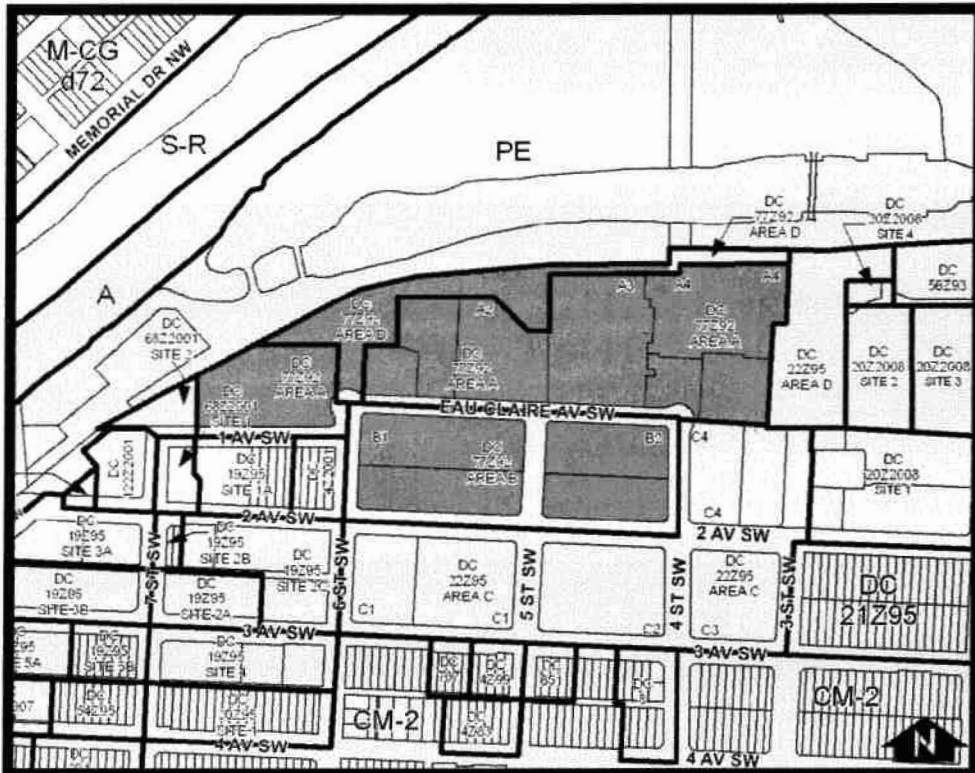
READ A THIRD TIME THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

  
\_\_\_\_\_  
MAYOR  
SIGNED THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

  
\_\_\_\_\_  
ACTING CITY CLERK  
SIGNED THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

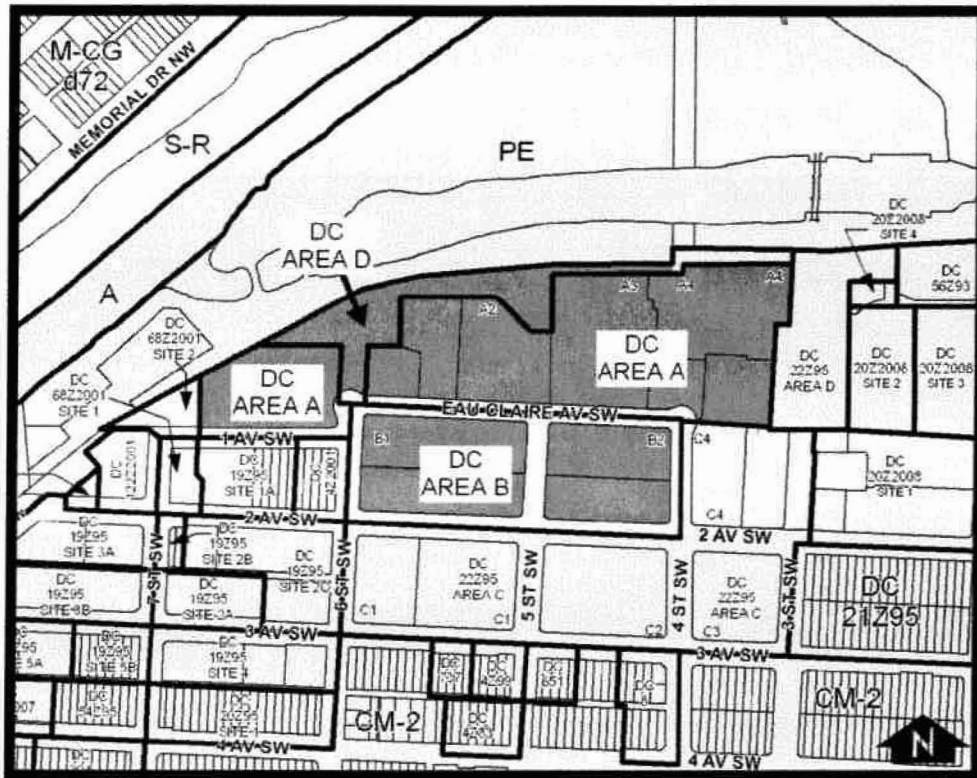
AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008

SCHEDULE A



**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

**SCHEDULE B**



**DC DIRECT CONTROL DISTRICT**

**Purpose**

- 1 Because of the unique nature of the development covered by this Bylaw, there is a statement of objectives for the overall area that the Approving Authority should have regard to in reviewing development permit applications. There is then a set of General Development Guidelines that apply to Areas "A", "B" and "C", and a set of Residential Development Guidelines for Areas "A" and "B". Detailed land use guidelines and development guidelines are then set out for each area.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**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.

**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.

**Defined Uses**

- 4 In this Direct Control District,
- (a) "Adult entertainment establishment" means any premises or part thereof wherein live performances, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some business activity which is conducted on the premises, but does not include an adult mini-theatre.

**Objectives**

- 5 In evaluating Development Permit applications for land covered by this Bylaw, the Approving Authority shall have regard to the following objectives:
- (a) The overall intent of the Eau Claire area is to create an attractive community within the Downtown with a mixture of uses that will contribute to the City's Downtown residential supply and provide opportunities for living, working and recreation Downtown without heavy reliance on the automobile.
  - (b) The location of land uses and the design of structures should provide an attractive physical transition from the Downtown Core to the Bow River and Prince's Island. To this end, the lands are divided into 4 basic areas - Area "A" a residential area adjacent to the Bow River, Area "B" a residential area with the opportunity for a limited amount of non-office commercial uses between Eau Claire Avenue and 2nd Avenue, Area "C" the commercial area, and Area "D" public lands.
  - (c) The design of structures should seek to provide sunlight to public areas, reduce uncomfortable wind conditions in pedestrian areas and provide open spaces that are attractive in both summer and winter.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

- (d) The design of structures adjacent to the open space and riverbank areas south of the Bow River lagoon should be carefully handled to maximize the enjoyment of that space by both adjacent residents and the public at large.
- (e) The overall design of the development should provide for flexibility to accommodate market trends over time without unduly sacrificing public amenity.
- (f) The detailed design of the development should enable it to be constructed so as to appear reasonably complete at each stage.
- (g) The development should provide an attractive terminus for the Plus 15 system.
- (h) The development should provide housing to accommodate a range of household types and incomes.
- (i) The development should incorporate amenities to serve the needs of the occupants of the project and visitors to the area; and in so doing, should reflect its unique location adjacent to the Bow River and Prince's Island.

**Land Definitions**

**6** The land covered by this Bylaw is separated into three distinct areas, which are legally defined as follows:

**Area "A" - Residential and Special Site**

Block	Legal Description
A1 Lot 2 Block 1	Plan 8110407
A2 Lot 3 Block 1	Plan 8110407
A3 Units 1-415	Condo Plan 8310913
A4 Lots 11 Block 1	Plan 8310888
A5 Lot 15 Block 1	Plan 8610839, more particularly shown as the Special Site
Lot 12 Block 1	Plan 8310888

**Area "B" - Residential with Non-Office Commercial Uses (Optional)**

Block	Legal Description
B1 Lots 1 and 2 Block 2	Plan 8110407
B2 Lots 1 and 2 Block 3	Plan 8110407

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

Area "D" – Public Lands

Block	Legal Description
Lot 1 Block1	Plan 8110407
Lot 5 (MR) Block 1	Plan 8110407

Areas A & B

**Application**

7 The provisions in sections 8 through 20 apply to Areas A and B.

**Development Plans**

8 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 access shall subsequently be submitted to the Approving Authority as part of a Development Permit application.

**Conditions of Development**

9 In addition to the guidelines contained in this DC District, the Approving Authority may impose conditions on a Development Permit as provided for in Section 11(2)(a)(i) in Part 10 of Bylaw 1P2007.

**Shadow**

10 The following guideline shall be considered in conjunction with specific height guidelines that apply to individual parcels:

No building shall place more of the following areas in shadow, on the dates and times indicated, than was already in shadow as a result of buildings constructed at the date that the Development Permit application is made:

- (a) An area 20 metres wide throughout abutting the top of the south bank of the Bow River (which in the area of Prince's Island is deemed to be the south bank of the lagoon), as determined by the Approving Authority, from 10:00a.m. to 4:00 p.m. Mountain Daylight Time on September 21st.

**Parking, Access and Loading**

11 Unless otherwise stated below, on-site parking and loading shall be in accordance with the provisions of Section 18 of Part 10 of Bylaw 1P2007 for residential and commercial uses in the Downtown Parking Area, with the following exceptions:

- (a) Residential Uses: Parking shall be provided at the rate of the highest density Residential District under the Land Use Bylaw in force at the time of application for a Development Permit except for the following:

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

- (i) units greater than 1,500 sq.ft. - 1.5 stalls/dwelling unit.
  - (ii) the Approving Authority shall ensure that adequate provision is made for visitor parking (minimum - .15 stalls/dwelling unit).
  - (iii) storage space for bicycles shall be provided at the rate of one space per ten dwelling units and shall be provided in a secure and convenient location on-site in residential buildings.
- (b) Institutional Y.M.C.A. Use: Parking for Y.M.C.A. staff members in the amount of 10 stalls shall be provided within the adjacent blocks of Areas "A", "B" and "C", as surface parking in the interim, and as structured parking once development occurs elsewhere in these areas.
- (c) All parking areas, except for temporary at-grade parking or visitor parking for residential uses shall be contained in enclosed structures or underground.
- (d) Parking, service, drop-off and loading areas shall be located to minimize the ingress of commercial traffic into residential areas.
- (e) All vehicular access ways shall be located so as to minimize the disruption of traffic and pedestrian movements.

**Landscaping/Amenity**

- 12 (1) A landscape plan for a Development Parcel shall be submitted at the time of a Development Permit application. The landscaping plan shall reflect measures for the amelioration of wind conditions, for energy conservation in relation to buildings and for visual appearance during winter months.
- (2) A plan for interim land use and landscaping for the whole area covered by this By law shall be submitted at the time of the first Development Permit application and shall be updated, if required, with each subsequent application. Such plans shall be to the satisfaction of the Approving Authority and be implemented for the entire site in a manner and in accordance with a timetable to the satisfaction of the Development Officer.
- (3) Landscaping shall be provided for each residential structure. As a general guideline, 40% of each block in Areas "A" and "B" should be landscaped, a portion of which may be located above grade, as determined by the Approving Authority.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

- (4) Private amenity spaces shall be provided in an amount and manner satisfactory to the Approving Authority, having regard to the size and quality of the individual residential units proposed. If deemed appropriate, no private amenity space may be required.

**Building Design**

- 13 (1) The Approving Authority shall ensure that the quality of the design proposed for any building matches the overall objectives set out above in Section 5. In so doing, particular attention will be paid to:
- (a) Individual building massing and design;
  - (b) Inter-relationships between buildings;
  - (c) Building orientation;
  - (d) Building finishes - including screening of mechanical or telecommunication equipment;
  - (e) Provision of screened parking and service areas.
- (2) Buildings shall be designed and located to minimize overshadowing of public and communal open spaces both on and off site.
- (3) The scale and massing of buildings along the riverbank shall respond to their unique location adjacent to this important open space and contribute positively to the use and enjoyment of the riverbank open space by both adjacent residents and the general public. In this regard, buildings should:
- (a) create an active edge along the riverbank; for example, orientation entrances to units and/or communal amenity space and windows of primary living areas within units onto these areas.
  - (b) minimize the creation of a "wall" effect along the river's edge.
  - (c) create a positive interface between the building and the river pathway and open space system.

**3rd Street Mall**

- 14 The design of buildings adjacent to 3rd Street Mall shall recognize the role of 3rd Street as an open space and pedestrian mall.



**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**Floodway and Floodplain Special Regulations**

- 15** The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 in Part 10 of Bylaw 1P2007 as amended from time to time, to the satisfaction of the Approving Authority.

**Dwelling Units**

- 16** (1) Areas "A" and "B" shall accommodate a minimum of 1250 dwelling units. Each Development Permit application for a structure on part of Areas "A" or "B" shall include details showing, in a conceptual way, how the balance of the Area can be developed to ensure that the minimum number of residential units can be provided in a way that would comply with all other appropriate guidelines.
- (2) No window of a living room or bedroom shall be located closer than a horizontal distance of 25 feet from a side or rear property line or 50 feet from the facing windows of any other building on the same site.

**Privacy and Security**

- 17** (1) The privacy and security of residents shall be ensured through the application of the principles of "defensible space," including, for example:
- (a) clear visual and physical access to the street.
  - (b) a clear hierarchy of spaces (private, semi-private, public) where strangers are identifiable.
  - (c) adequate illumination of these spaces.
  - (d) convenient access to services and amenities.
- (2) Unit orientation and screening shall enhance privacy, yet allow for surveillance of adjacent public/communal areas and sidewalks.
- (3) Dwelling units at grade must be designed to provide adequate privacy through; for example, yards, level changes and/or screening.

**Noise**

- 18** Appropriate design and construction techniques should be used to buffer dwelling units from noise.

**Roofs**

- 19** Low and mid-rise building roofs shall be designed to be usable as open space or to be attractive as seen from above, and shall not be used for parking.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**Signs**

**20** See Sign Appendix of Part 10 of Bylaw 1P2007.

Area A – Residential and Special Site

**Application**

**21** The provisions in sections 22 through 26 apply to Area A only.

**Uses**

**22** The following uses may be allowed in Area A:

- (a) The following uses may be allowed in this Area:
  - (i) all forms of residential development;
  - (ii) Y.M.C.A. on the Special Site.
- (b) Within Block 1, Lot 11, Plan 8310888, east of an extension of the 4th Street right-of-way, entertainment establishments, personal service businesses, retail stores, restaurants and daycare facilities are additional uses that may be allowed provided that:
  - (i) satisfactory access can be arranged, including service vehicle access on the 3rd Street Mall;
  - (ii) they are restricted to locations fronting directly on the 3rd Street Mall;
  - (iii) they are located within the first two levels above-grade; and,
  - (iv) they form an integral part of a residential building.
- (c) Other supplementary uses may be approved by the Approving Authority provided that, in its opinion, they are compatible with the overall concept and uses listed above.
- (d) The primary land use in this Area shall be residential.

**Development Guidelines**

**23** In addition to the General Development Guidelines and the Residential Development Guidelines included elsewhere in this Bylaw and the General Rules for Residential Districts contained in Section 20 in Part 10 of Bylaw 1P2007, excepting there from Section 20(3) Private Garages and Driveways, 20(5) Accessory Buildings, 20(6) Fences, 20(17) Provision of Amenity Space, the rules listed below shall apply.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**Density**

- 24** (1) The overall residential density for Area "A" shall not exceed 75 units per net residential acre, and may be a maximum of:
- (a) A1 - 100 upa
  - (b) A2 - 100 upa
  - (c) A3 - 58 upa
  - (d) A4 - 40 upa
- (2) The maximum gross floor area shall be as follows:
- (a) A1 - 3.5 F.A.R.
  - (b) A2 - 3 F.A.R.

except that a maximum of 4 F.A.R. may be allowed if the developer demonstrates, to the satisfaction of the Approving Authority, that the in addition to meeting the Building Design guidelines contained in both the General and Residential Development Guidelines, the project contributes to the use and enjoyment of the river pathway and open space system.

- (c) A3 - 4 F.A.R.
- (d) A4 - 2 F.A.R.

**Building Height**

- 25** (1) Provided it does not contravene the shadow guideline outlined in Section 10 of the General Development Guidelines, the maximum building heights in this Area shall be as follows:
- (a) A1 - 20 storeys, not to exceed 180 ft.
  - (b) A2 - 20 storeys, not to exceed 180 ft.
  - (c) A3 - 25 storeys, not to exceed 225 ft.
  - (d) A4 - 8 storeys, not to exceed 75 ft.

Sculptured roof designs are encouraged and shall not be included in building heights, but must respect the sunlight standard.

- (2) In addition, buildings along Eau Claire Avenue shall provide a generally continuous "street wall" through a low rise element of approximately three storeys at the 10 foot setback line, with dwelling units directly accessible to grade.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**Yards/Setbacks**

- 26** (1) All residential structures shall be set back a minimum of 10 feet from public streets except for 3rd Street, where no set back is required. All structures shall be set back a minimum of 10 feet from reserve land; however, this setback may be relaxed to 0 feet by the Approving Authority provided it is satisfied that the design of the proposed interface with the reserve land is compatible with the purposes for which the reserve land is to be used.
- (2) The requirements in Part 10 of the Land Use Bylaw 1P2007, Section 17 Right-of-Way Property Line Setbacks shall not apply to lands on the north side of 1 Avenue S., between 6 and 7 Streets W.

Area B – Residential/Non-Office Commercial

**Application**

- 27** The provisions in sections 28 through 33 apply to Area B only.

**Uses**

- 28** (1) The following uses are allowed:
- (a) athletic and recreational facilities;
  - (b) retail uses;
  - (c) restaurants;
  - (d) convenience food stores;
  - (e) delicatessens;
  - (f) liquor stores;
  - (g) personal service businesses;
  - (h) public/quasi public buildings;
  - (i) dwelling units;
  - (j) temporary at-grade parking.
- (2) Other supplementary uses may be approved by the Approving Authority provided that, in its opinion, they are compatible with the overall concept and uses listed above. No commercial uses shall be located on Eau Claire Avenue.
- (3) The primary use of this Area is to be residential, with the option for certain non-office commercial uses to primarily serve area residents.

**Development Guidelines**

- 29** In addition to the General Development Guidelines and the Residential Development Guidelines included elsewhere in this Bylaw and the General Rules for Residential Districts contained in Section 20 in Part 10 of Bylaw 1P2007, the rules below will apply.

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

**Density**

**30** (1) The maximum density of the residential component shall be 130 units per acre.

(2) The maximum gross floor area shall be as follows:

(a) B1 - 4 F.A.R.

(b) B2 - 4 F.A.R.

of which a maximum of 50,000 sq.ft. may be non-office commercial uses as outlined in section 28 above.

**Height**

**31** (1) Provided it does not contravene the shadow guideline contained in Section 10 of the General Development Guidelines, the maximum height of the development in this Area shall be 25 storeys, not to exceed 225 feet.

(2) Sculptured roof designs are encouraged and shall not be included in building height.

**Building Setbacks/Yards**

**32** Buildings must be set back:

(a) 10 feet along Eau Claire Avenue;

(b) 20 feet along 2 Avenue, except for commercial uses for which no set back is required;

(c) 7 feet along 4, 5 and 6 Streets to provide for additional pedestrian movement space.

**Plus 15**

**33** (1) In lieu of building the four bridges from Area "C" to Area "B", and within Area "B", identified below, the Approving Authority shall require the equivalent cash-in-lieu contribution to improvements to public lands in the area immediately adjacent to or covered by this Direct Control Bylaw.

FROM BLOCK	TO BLOCK	MINIMUM WIDTH	
C4	B2	15'	Arrangements satisfactory to the Approving Authority must be made prior to release of the Development Permit for a building on C1, C2, C4 and B1 or B2, to ensure the required cash-in-lieu payment. Such provision shall specify the amount and timing of such payment.
C2	B2	20'	
C1	B1	20'	
B2	B1	15'	

**AMENDMENT LOC2008-0056  
BYLAW NUMBER 91D2008**

CONTINUED

- (2) If the Approving Authority requires a bridge to be provided linking to blocks B1 or B2, the developer shall provide +15 passageways together with easements, stairways to grade and structural supports in such blocks as may be required by the Approving Authority.
- (3) All +15 bridges and passageways shall be climate controlled, unless otherwise approved by the Approving Authority.

Area "D" - Public Lands

**Application**

**34** The provisions in sections 35 through 36 apply to Area D only.

**Development Guidelines**

**35** The Permitted and Discretionary Use Rules of the PE Public Park, School and Recreation District shall apply, as set out in Section 51 in Part 10 of Bylaw 1P2007, subject to the discretion of the Approving Authority.

**Discretionary Uses**

**36** The following uses may be allowed in Area D:

- (a) all forms of public recreational and public park uses on all Area D lands; and,
- (b) parking areas ancillary to the use of abutting park lands on Lot 1, Block 1, Plan 8110407; and,
- (c) pedestrian mall, including supporting services and facilities and small commercial kiosks.