

BYLAW NUMBER 204D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2019-0040/CPC2019-1060)**

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 OCTOBER 21, 2019


READ A SECOND TIME ON OCTOBER 21, 2019

READ A THIRD TIME ON OCTOBER 21, 2019

Deputy



MAYOR
SIGNED ON OCTOBER 21, 2019



ACTING CITY CLERK
SIGNED ON OCTOBER 21, 2019

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.

Permitted Uses

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

Discretionary Uses

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

- (2) The following additional **uses** are **discretionary uses** if they are located within an existing approved **building** at the time of the effective date of this Direct Control District Bylaw:

- (a) **Auto Body and Paint Shop;**
- (b) **Auto Service – Major;**
- (c) **Auto Service – Minor;**
- (d) **Vehicle Rental – Major;**
- (e) **Vehicle Rental – Minor;**
- (f) **Vehicle Sales – Major; and**
- (g) **Vehicle Sales – Minor.**

Bylaw 1P2007 District Rules

- 6 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

- 7 (1) The maximum **floor area ratio** is:

- (a) 5.0; or

- (b) The maximum **floor area ratio** in subsection (a) 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**.

- (2) The maximum **floor area ratio** referenced in subsection (1) may be increased in accordance with the bonus provisions contained in Section 8 and Schedule B of this Direct Control District Bylaw.

Rules Governing Bonusing

- 8 (1) In accordance with the bonus provisions contained in Schedule B, the **floor area ratio** 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.
- (2) The Incentive Rates referenced in Schedule B of this Direct Control District Bylaw are those established by Council for the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007.
- (3) Unless otherwise specified, 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.
- (4) The **Development Authority** must determine whether a proposed amenity item is appropriate for the **development**.

Motor Vehicle Parking Stall Requirements

- 9 (1) For **Assisted Living, Custodial Care, and Residential Care**, the number of required **motor vehicle parking stalls** is the minimum number of **motor vehicle parking stalls** referenced in Part 4 of Bylaw 1P2007.
- (2) For **Dwelling Units** or **Live Work Units**:
- (a) the minimum number of **motor vehicle parking stalls** is 0.5 stalls per **unit**;
 - (b) the maximum number of **motor vehicle parking stalls** that may be provided is:
 - (i) 1.0 stalls per **unit** where the **unit's gross floor area** is less than or equal to 125.0 square metres; and
 - (ii) 2.0 stalls per **unit** where the **unit's gross floor area** is greater than 125.0 square metres; and
 - (c) the number of required **visitor parking stalls** is 0.1 stalls per **unit**.
- (3) For a **Hotel**, the number of required **motor vehicle parking stalls** is 1.0 per 3.0 guest rooms.

- (4) The following **uses** require a parking study to determine the required number of **motor vehicle parking stalls**, **bicycle parking stalls – class 1** and **bicycle parking stalls – class 2**:
- (a) **Indoor Recreation Facility**;
 - (b) **Library**;
 - (c) **Performing Arts Centre**; and
 - (d) **Post-secondary Learning Institution**.
- (5) Except for **Office**, **uses** located on the ground floor or second floor of a **building** do not require **motor vehicle parking stalls**.
- (6) For all other **uses**, the number of required **motor vehicle parking stalls** is 0.7 per 100.0 square metres of **gross usable floor area**.
- (7) The **Development Authority** may consider a relaxation of the number of required **motor vehicle parking stalls** referenced in subsections (3) to (6) of up to 50 per cent only where:
- (a) off-site transportation improvements in lieu of parking fee is paid, calculated at the rate per **motor vehicle parking stall** established by **Council** in effect at the time the payment is made; and
 - (b) the rules in Section 124 of Bylaw 1P2007 are met.

Floor Plate Restrictions

- 10 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 930.0 square metres; and
 - (b) horizontal dimension of 44.0 metres.

Tower Separation

- 11 (1) The minimum horizontal separation between any floor of a **building** located partially or wholly above 36.0 metres above **grade**, and any floor of a **building** located partially or wholly above 36.0 metres above **grade** containing **Dwelling Units**, **Hotel** suites or **Live Work Units**, is required to be a minimum of 18.0 metres.
- (2) The minimum horizontal separation between floors of **buildings** located partially or wholly above 36.0 metres above **grade**, containing **Dwelling Units**, **Hotel** suites or **Live Work Units**, is required to be a minimum of 24.0 metres.

Relaxations

- 12** In addition to the relaxation rule 9(7) of this Direct Control District Bylaw the ***Development Authority*** may relax the rules contained in Sections 9(1), 9(2), 10 and 11 of this Direct Control District Bylaw in accordance with Sections 31 or 36 of Bylaw 1P2007.

SCHEDULE B

PUBLIC AMENITY ITEMS OVERVIEW	
1.0	PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE
2.0	PUBLIC ART – ON SITE
3.0	PUBLIC ART – CONTRIBUTION TO PUBLIC ART FUND
4.0	GREEN BUILDING FEATURES
5.0	TRANSIT ENHANCEMENTS
6.0	COMMUNITY SUPPORT FACILITIES
7.0	CONTRIBUTION TO WEST END IMPROVEMENT FUND
8.0	CONTRIBUTION TO AFFORDABLE HOUSING FUND
9.0	ACTIVE ARTS SPACE
10.0	CULTURAL SUPPORT SPACE
11.0	INDOOR PUBLIC HOTEL SPACE
12.0	EXCEPTIONAL DESIGN
13.0	HERITAGE DENSITY TRANSFER
14.0	DESIGN FOR UNIVERSAL ACCESSIBILITY
15.0	DWELLING UNIT MIX
16.0	INNOVATIVE PUBLIC AMENITY

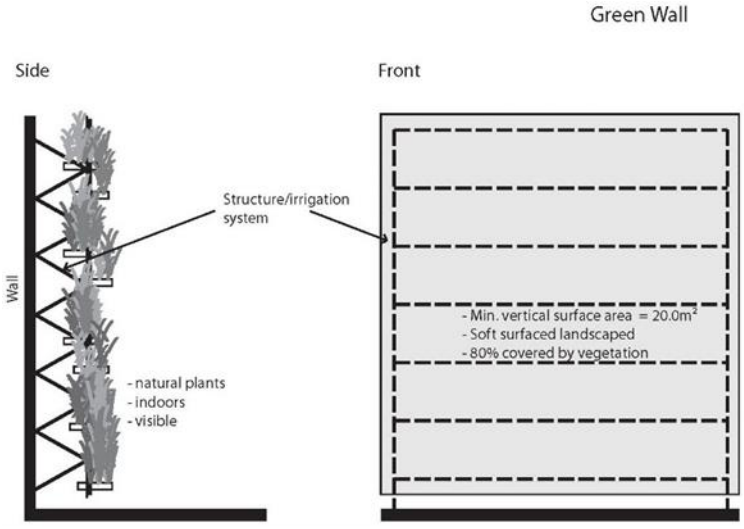
PUBLIC AMENITY ITEMS	
1.0	<p>PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE</p> <p>A publicly accessible private open space is a landscaped, publicly accessible, pedestrian space that is open to the sky and is located at grade. It may be soft or hard landscaped.</p> <p>The space is made available to the public through a registered public access easement agreement, and is in a location, form, configuration and constructed in a manner acceptable to the Development Authority.</p> <p>The amount of gross floor area granted through this bonus item should be based on the additional monetary value added to the land as a result of the bonus and the cost of providing the bonus item.</p>
1.1	The maximum incentive floor area ratio for this item is 2.0.

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1.2	<p>Incentive calculation: Where a development provides publicly accessible private open space – on site the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = (base construction value (\$) minus enhanced construction value (\$) of the publicly accessible private open space) divided by Incentive Rate 1 (\$).</p>
1.3	<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 Approving Authority.</p>
2.0	<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 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.</p>
2.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
2.2	<p>Incentive calculation: Where a development provides public art – on site the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate 1 (\$).</p>
2.3	<p>Requirements: Public art – on site includes the following:</p> <ul style="list-style-type: none"> (a) artwork, the minimum value of which must be \$200,000.00 (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.
3.0	<p>PUBLIC ART – CONTRIBUTION TO PUBLIC ART FUND Public art – contribution to public art fund is a financial contribution to a civic fund with the purpose of providing art on public land in the downtown.</p>
3.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>

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3.2	<p>Incentive calculation: Where a development provides a contribution to the public art fund the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = value of the contribution to the public art fund (\$) divided by Incentive Rate 1 (\$).</p>
4.0	<p>GREEN BUILDING FEATURES Green building features are physical components of a building that contribute to improving the local environment adjacent to the building. Improvements focus on enhancing air quality, reducing stormwater runoff, and improving the visual environment.</p>
4.0.1	The maximum incentive floor area ratio for items 4.1 to 4.7 is a cumulative total of 2.5 for any combination of items 4.1 to 4.7.
4.0.2	<p>Incentive calculation: See incentive items 4.1 to 4.7.</p>
4.1	<p>ENVIRONMENTAL ROOF An environmental roof is a roof that is designed to retain stormwater on site or to contain plants.</p>
4.1 (a)	The maximum incentive floor area ratio for this item is 0.7.
4.1 (b)	<p>Incentive calculation: Where a development provides an environmental roof the Incentive Ratio is 1:5.</p> <p>Method: Incentive gross floor area (square metres) = surface area of environmental roof (square metres) multiplied by 5.0.</p>
4.1 (c)	<p>Requirements: An environmental roof includes the following:</p> <ul style="list-style-type: none"> (a) roof area that is: <ul style="list-style-type: none"> (i) permanently planted with vegetation and equipped with a growing medium and irrigation systems; or (ii) equipped with water collection and/or filtration systems designed to collect rainwater for reuse or to minimize stormwater runoff; and (b) walkways necessary for maintenance with a maximum width of 1.0 metre.
4.2	<p>GREEN WALL A green wall is an indoor vertical, soft surfaced landscaped area. The diagram in 4.2 (d) illustrates a potential implementation of the requirements of 4.2 (c).</p>
4.2 (a)	The maximum incentive floor area ratio for this item is 1.0.

<p>4.2 (b)</p>	<p>Incentive Calculation: Where a development provides a green wall the Incentive Ratio is 1:5 based on the vertical surface area of the green wall.</p> <p>Method: Incentive gross floor area (square metres) = vertical surface area (square metres) multiplied by 5.0.</p>
<p>4.2 (c)</p>	<p>Requirements: A green wall includes the following: (a) a minimum vertical surface area of 20.0 square metres; (b) a minimum of 80.0 per cent of its vertical surface area covered by vegetation; (c) a location indoors at grade; (d) where located at grade level, it fronts on to and is visible from the public sidewalk, grade level open space or on-site pedestrian space.</p>
<p>4.2 (d)</p>	<p>Diagram: (not to scale)</p>  <p>The diagram illustrates a Green Wall system. On the left, a 'Side' view shows a vertical wall with a 'Structure/irrigation system' and 'natural plants'. Below this, it specifies '- natural plants', '- indoors', and '- visible'. On the right, a 'Front' view shows a vertical rectangular area with a dashed border, representing the green wall. Below this, it specifies '- Min. vertical surface area = 20.0m²', '- Soft surfaced landscaped', and '- 80% covered by vegetation'.</p>
<p>4.3</p>	<p>BIORETENTION STRUCTURE A bioretention structure is a structural framework that is inserted into the soil that transfers loads from the surface through the soil layers. The purpose of the structure is to retain and filter stormwater on site, to support evapotranspiration of retained stormwater and provide uncompacted planting soil for trees. The diagram in 4.3 (d) illustrates a potential implementation of the requirements of 4.3 (c).</p>
<p>4.3 (a)</p>	<p>The maximum incentive floor area ratio for this item is 1.5.</p>
<p>4.3 (b)</p>	<p>Incentive calculation: Where a development provides a bioretention structure 0.1 floor area ratio for every 100.0 square metres of installed bioretention structure.</p>

<p>4.3 (c)</p>	<p>Requirements: A bioretention structure includes the following:</p> <ul style="list-style-type: none"> (a) a minimum area of 250.0 square metres; (b) a structural grid with a minimum depth of 0.4 metres to transfer surface loads through the soil layers; (c) installation in a location greater than 0.75 metres horizontal distance from a street; (d) a design to retain stormwater and either: <ul style="list-style-type: none"> (i) slowly discharge it into the municipal storm sewer system; or (ii) re-use it on site; and (iii) prevent seepage into groundwater below; (e) a design to accommodate municipal utility and infrastructure systems; (f) a location not above the first storey; (g) a location within 0.5 metres of the grade of the adjoining public sidewalk where installed in planters or raised beds; and (h) Where they occupy the same area, no application in combination with incentive item 4.1.
<p>4.3 (d)</p>	<p>Diagram: (not to scale)</p>
<p>4.4</p>	<p>ON-SITE COGENERATION FACILITY An on-site cogeneration facility is equipping a building with combined heat and power or combined heat, power and cooling machinery to serve the building.</p>
<p>4.4 (a)</p>	<p>The maximum incentive floor area ratio for this item is 2.0.</p>

4.4 (b)	<p>Incentive calculation: Where a development provides an on – site cogeneration facility:</p> <ul style="list-style-type: none"> (a) the additional floor area ratio for the connection to district energy infrastructure is 0.5; (b) the additional floor area ratio for every storey of the building for the first 25 storeys above grade is 0.05; and (c) the additional floor area ratio for every storey of the building above 25 storeys above grade is 0.025.
4.4 (c)	<p>Requirements: An on-site cogeneration facility includes:</p> <ul style="list-style-type: none"> (a) a combined heat and power, cogeneration or tri-generation system in the building; (b) a design to utilize thermal energy resulting from electricity production to heat and/or cool the building; (c) high-efficiency cogeneration, meaning an energy efficiency level of 80.0 per cent or greater; and (d) 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.
4.5	<p>ELECTRIC VEHICLE CHARGING STATIONS Electric vehicle charging stations are purpose built, electrical outlets located in, or adjacent to, selected motor vehicle parking stalls designed to provide battery recharging ability to electric vehicles using the stalls.</p>
4.5 (a)	The maximum incentive floor area ratio for this item is 1.0.
4.5 (b)	<p>Incentive calculation: Where a development provides electric vehicle charging stations the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = cost of installed charging stations (\$) divided by Incentive Rate 1 (\$).</p>
4.5 (c)	<p>Requirements: An electric vehicle charging station includes the following:</p> <ul style="list-style-type: none"> (a) 1.0 battery charging unit with a minimum 220.0 Volt capacity or fast charging ability for each motor vehicle parking stall; and (b) signage indicating which motor vehicle parking stalls are equipped with charging stations.
4.6	<p>ADDITIONAL BICYCLE PARKING STALLS Additional bicycle parking stalls is the provision of supplementary bicycle parking stalls – class 1 and associated change room facilities in addition to the minimum required bicycle parking stalls – class 1 of the development. The additional bicycle parking stalls – class 1 and associated facilities provided may be integrated into the stalls and facilities required by the development with no physical separation.</p>

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4.6 (a)	The maximum incentive <i>floor area ratio</i> for this item is 2.0.
4.6 (b)	<p>Incentive calculation: Where a <i>development</i> provides additional bicycle stalls the Incentive Ratio is 1:7.5.</p> <p>Method: Incentive <i>gross floor area</i> (square metres) = <i>gross floor area</i> provided for the <i>bicycle parking stalls – class 1</i> and change rooms (square metres) multiplied by 7.5.</p>
4.6 (c)	<p>Requirements: Additional bicycle parking stalls include the following:</p> <ul style="list-style-type: none"> (a) <i>bicycle parking stalls – class 1</i> located either within the <i>building</i> or in a separate structure on the site; (b) a change room located either within the <i>building</i> or in a separate structure on the site with a minimum area of 20.0 square metres that contains: <ul style="list-style-type: none"> (i) 1.0 locker for every 4.0 <i>bicycle parking stalls – class 1</i>; (ii) 1.0 shower for every 4.0 <i>bicycle parking stalls – class 1</i>; (iii) 1.0 grooming station consisting of wash basin, mirror and electric outlet for every 4.0 <i>bicycle parking stalls – class 1</i>; (c) an area of 0.4 square metres for each locker and 0.4 square metres for each shower; (d) use only by the tenants of the <i>developments</i>; and (e) a location together with the minimum required <i>bicycle parking stalls – class 1</i>.
4.7	<p>BICYCLE STATION A bicycle station is a facility which provides secure bicycle parking for public use either on a long-term basis or on a short-term, on-demand basis. It provides facilities to its users that include showers, lockers, toilets and grooming stations and may also contain space for retail and service activities. A bicycle station does not replace the required <i>bicycle parking stalls</i> of the <i>use</i>, but is instead intended for use by third parties outside of the <i>development</i>.</p>
4.7 (a)	The maximum incentive <i>floor area</i> for this item is 2.0.
4.7 (b)	<p>Incentive calculation: Where a <i>development</i> provides additional bicycle stalls the Incentive Ratio is 1:7.5.</p> <p>Method: Incentive <i>gross floor area</i> (square metres) = <i>gross floor area</i> provided for the bicycle station (square metres) multiplied by 7.5.</p>

4.7 (c)	<p>Requirements: A bicycle station includes the following:</p> <ul style="list-style-type: none"> (a) bicycle parking stalls – class 1 that are not required bicycle parking stalls – class 1 located either within the building or in a separate structure on the site; (b) a change room located either within the building or in a separate structure on the site containing a minimum of the following facilities: <ul style="list-style-type: none"> (i) 1.0 shower for every 10.0 bicycle parking stalls – class 1 greater than the minimum requirement for the first 200.0 bicycle parking stalls – class 1; and (ii) 1.0 grooming station consisting of wash basin, mirror and electrical outlet for every 10.0 bicycle parking stalls – class 1 greater than the minimum requirement for the first 200.0 bicycle parking stalls – class 1; and (iii) 1.0 toilet for every 25.0 bicycle parking stalls – class 1 greater than the minimum requirement for the first 100.0 bicycle parking stalls – class 1; and (iv) 1.0 locker for every 4.0 bicycle bicycle parking stalls – class 1; (c) use by the public and no reservation for the sole use of the tenants of the development; (d) for calculation purposes an area of 0.4 square metres for each locker and 0.4 square metres for each shower; (e) a bicycle repair space of at minimum 2.0 metres by 3.0 metres in dimension; and (f) where retail and service uses are contained within the Bicycle Station their floor areas are included in the incentive gross floor area; (g) where located in a parkade: <ul style="list-style-type: none"> (i) is on the closest parkade level to grade and physically separated from the motor vehicle parking stalls; (ii) no access provided only by stairs; (iii) bicycle lanes in parkade ramps where these are shared with motor vehicles.
5.0	<p>TRANSIT ENHANCEMENTS Transit enhancements is the construction of structures either as part of a building or as a separate structure that provide shelter from the elements to transit service users and that provide an amenity and design standard exceeding standard transit facilities.</p>
5.1	The maximum incentive floor area ratio for this item is 0.5.
5.2	<p>Incentive calculation: Where a development provides a transit shelter the Incentive Rate is Incentive Rate 1.</p> <p>Method: Incentive gross floor area (square metres) = sum of construction cost of the public transit shelter (\$) divided by Incentive Rate 1 (\$).</p>

5.3	<p>Requirements: A transit enhancement includes the following:</p> <ul style="list-style-type: none"> (a) a location on the parcel and adjacent to, and accessible from, a public sidewalk; (b) construction to a standard approved by the Development Authority; (c) public access during transit operating hours; (d) climate controlled from October to May; and (e) exterior walls that consist primarily of windows that are clear glazed except where the walls abut a building and where they contain structural elements of the building.
6.0	<p>COMMUNITY SUPPORT FACILITIES Community support facilities are spaces allocated to specific uses that have been determined by the City to support community activity and functionality.</p>
6.1	<p>The maximum incentive floor area ratio for this item is 2.0.</p>
6.2	<p>Incentive calculation: Where a development provides community support facilities the Incentive Ratio is 1:1.</p> <p>Method: Incentive gross floor area (square metres) = gross floor area provided for the community support facility (square metres) multiplied by 1.0.</p>
6.3	<p>Requirements: Community support facilities includes the following:</p> <ul style="list-style-type: none"> (a) provision of space for one or more of the following uses: <ul style="list-style-type: none"> (i) Assisted Living; (ii) Child Care Service; (iii) Cinema (iv) Community Recreation Facility; (v) Custodial Care; (vi) Fitness Centre; (vii) Indoor Recreation Facility; (viii) Instructional Facility; (ix) Library; (x) Performing Arts Centre; (xi) Place of Worship – Medium; (xii) Place of Worship – Small; (xii) Post Secondary Learning Institution; (xiii) Protective and Emergency Service; (xiv) Residential Care; (xv) School – Private; (xvi) Service Organization; (xvii) Social Organization; and (xviii) Supermarket. (b) the identification in floor plans of the proposed building of the space that is to be allocated to the community support facility; and (c) the requirement for a development permit upon change of use.

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7.0	CONTRIBUTION TO WEST END IMPROVEMENT FUND Financial contributions to a dedicated fund to be used to support off-site public realm improvements in the west end. Off-site public realm improvements include, but are not limited to, improvements to public sidewalks, squares and parks and the acquisition of land for public squares and parks.
7.1	The maximum incentive <i>floor area ratio</i> for this item is 2.0.
7.2	Incentive calculation: Where a <i>development</i> provides a contribution to the <i>Downtown Improvement Fund</i> the applicable Incentive Rate is Incentive Rate 1. Method The incentive <i>gross floor area</i> (square metres) = contribution amount (\$) divided by Incentive Rate 1 (\$).
7.3	Requirements: A financial contribution must be made to the West End Improvement Fund for the <i>development</i> .
8.0	CONTRIBUTION TO AFFORDABLE HOUSING FUND Contribution to Affordable Housing Fund is a financial contribution to a civic fund to be used to support off-site development of affordable or non-market housing.
8.1	The maximum incentive <i>floor area ratio</i> for this item is 2.0.
8.2	Incentive calculation: Where a <i>development</i> provides a contribution to a civic fund for affordable housing or non-market housing the Incentive Rate is Incentive Rate 1. Method: Incentive <i>gross floor area</i> (square metres) = contribution amount (\$) divided by Incentive Rate 1 (\$).
8.3	Requirements: A financial contribution must be made to the Affordable Housing Fund for the <i>development</i> .
9.0	ACTIVE ARTS SPACE 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.
9.1	The maximum incentive <i>floor area ratio</i> for this item is 4.0.
9.2	Incentive calculation: Where a <i>development</i> provides active arts space the Incentive Rate is Incentive Rate 1. Method: Incentive <i>gross floor area</i> (square metres) = cost of active arts space (\$) plus the capitalized, future operating costs* (not including taxes) divided by Incentive Rate 1 (\$).

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	<p>* Future operating costs are calculated by multiplying \$3,324.68 m2 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% cost escalation, a 6% discount rate, and a 25 year period)</p>
<p>9.3</p>	<p>Requirements: Active arts space includes the following:</p> <ul style="list-style-type: none"> (a) a location: <ul style="list-style-type: none"> (i) at grade; (ii) fronting on to, with direct access to and visible from the public sidewalk, grade level open space, or on-site pedestrian areas; (b) entranceways and lobbies that are clear glazed where they abut a public sidewalk at grade; (c) public access through a public access agreement for the hours of operation defined through a development agreement; (d) 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: <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 (d)(iv); (iii) subject to (d)(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 (d)(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;

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	<p>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 artist studios, exhibition space, performing arts space and rehearsal spaces.</p>
<p>10.0</p>	<p>CULTURAL SUPPORT SPACE 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>
<p>10.1</p>	<p>The maximum incentive <i>floor area ratio</i> for this item is 4.0.</p>
<p>10.2</p>	<p>Incentive calculation: Where a <i>development</i> provides cultural support space the Incentive Rate is Rate 1.</p> <p>Method: Incentive <i>gross floor area</i> (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 m2 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% cost escalation, a 6% discount rate, and a 25 year period)</p>
<p>10.3</p>	<p>Requirements: A cultural support space includes the following: (a) access to the tenant during the <i>building's</i> normal office hours unless otherwise agreed upon in the lease agreement; (b) a location above <i>grade</i> 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 <i>City</i> or its designated representative ("the tenant") and the <i>building</i> owner, such lease to contain the following terms: (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 <i>building</i> owner will pay the normal <i>building</i> 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 <i>City</i> will provide appropriate security to ensure that the tenant</p>

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	<p>pays its costs and does not permit any liens to be placed on the property;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p>
11.0	<p>INDOOR PUBLIC HOTEL SPACE 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>
11.1	<p>The maximum incentive floor area ratio for this item is for this item 3.0.</p>
11.2	<p>Incentive Calculation: Where a Hotel development provides:</p> <p>(a) indoor public hotel space that is conference facility space the Incentive Ratio is: 1:18; and</p> <p>(b) for all other indoor hotel public spaces the Incentive Ratio is 1:10.</p> <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>
11.3	<p>Requirements: An indoor public hotel space includes the following:</p> <p>(a) a design as a distinct space within the building that does not contain a guest reception area or administration offices;</p> <p>(b) where the space is not a conference facility, public accessibility through a public access agreement during normal operating hours; and</p> <p>(c) where the building meets the exceptional design criteria of item 1.15.</p>

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12.0	<p>EXCEPTIONAL DESIGN Exceptional design is such that it incorporates architectural and urban design features and/or technologies that are deemed by the Development Authority to significantly enhance through visual and functional impacts the character of the urban environment.</p>
12.1	The maximum incentive floor area ratio for this item is 1.0.
12.2	<p>Incentive calculation: Where a development has been determined by the Development Authority to provide the requirements of 12.3, the additional floor area ratio is 1.0.</p>
12.3	<p>Requirements: Exceptional design includes two or more of the following:</p> <ul style="list-style-type: none"> (a) building massing, orientation and façade design not commonly implemented in the Centre City or Downtown and that contributes to a memorable skyline and urban environment; (b) building envelope designs employing materials or technology that have a positive effect on the public realm and are not commonly implemented in the Centre City or Downtown; (c) a floor plan that is not typical of Office buildings in the Centre City or Downtown; (d) improvements to the pedestrian environment in terms of sunlight penetration; and (e) a positive contribution through architecture, urban design and uses to the vibrancy and activity of the pedestrian environment and the building's interfaces with the public realm at grade.
13.0	<p>HERITAGE DENSITY TRANSFER Heritage density transfer is the transfer to a receiving parcel of floor area ratio that could have been achieved on a source parcel were it not for the development constraints imposed by the retention and preservation of a historic building and its designation as a Municipal Historic Resource.</p>
13.1	The maximum incentive floor area ratio for this item is 4.0.
13.2	<p>Incentive calculation: Where a development provides a heritage density transfer the additional gross floor area is directly transferred in square metres.</p> <p>Method: The gross floor area is transferred as a square metre value from a donor parcel to the receiving parcel through a Direct Control District.</p>

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13.3	<p>Requirements: A heritage density transfer includes:</p> <ul style="list-style-type: none"> (a) a land use redesignation of the donor parcel from which density has been transferred to a Direct Control District in which the allowable maximum floor area ratio remaining after the transfer is regulated; (b) 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; (c) a maximum of 4.0 floor area ratio of the receiving parcel, calculated in square metres that has been achieved through heritage density transfer; (d) transfers only from donor parcels located within the area between 8 Street SW and 14 Street SW and between the Canadian Pacific Railway (CPR) tracks and the Bow River; (e) transfers only from donor 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.
14.0	<p>DESIGN FOR UNIVERSAL ACCESSIBILITY Design for universal accessibility is the design of a unit to meet enhanced accessibility standards that exceed any minimum standards as established in this Bylaw.</p>
14.1	The maximum incentive floor area ratio for this item is 1.0
14.2	<p>Incentive calculation: Where a development provides a unit designed for enhanced accessibility the Incentive Ratio is 1:1.5.</p> <p>Method: Incentive gross floor area (square metres) = gross floor area of units designed in accordance with enhanced accessibility standards (square metres) multiplied by 1.5.</p>
14.3	<p>Requirements: A design for universal accessibility includes the following:</p> <ul style="list-style-type: none"> (a) a smooth, unobstructed floor space of a minimum dimension of 1800.00 millimetres length and 1800.00 millimetres width in each kitchen, bathroom and hallway to enable the turning of a wheelchair or mobility device; (b) hallways with a width greater than 1.0 metres and no changes in floor level; (c) a bedroom, kitchen and a bathroom on the same floor as the entrance to the unit; (d) a step-free entrance to the unit; and (e) an accessible motor vehicle parking stall, with a minimum width of 4.0 metres, associated with each unit designed in accordance with these requirements.
15.0	<p>DWELLING UNIT MIX Dwelling unit mix is the construction of units containing 3 or more bedrooms.</p>
15.1	The maximum incentive floor area ratio for this item is 2.0.

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15.2	<p>Incentive calculation: Where a development provides units containing 3.0 or more rooms designed as bedrooms the Incentive Ratio is 1:2.0.</p> <p>Method: Incentive gross floor area (square metres) = gross floor area of units containing 3.0 or more bedrooms (square metres) multiplied by 2.0.</p>
15.3	<p>Requirements: A development with a dwelling unit mix includes the following:</p> <ul style="list-style-type: none"> (a) the provision of units comprised of 3.0 or more bedrooms; (b) two bedrooms with 1.0 or more windows in each; (c) a natural source of light in each bedroom; (d) a minimum gross floor area of 9.0 square metres for each bedroom; (e) a separate living area separate from each bedroom in each unit, and (f) a minimum gross floor area of 100.0 square metres for each unit.
16.0	<p>INNOVATIVE PUBLIC AMENITY 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>
16.1	<p>The maximum incentive floor area ratio for this item is 2.0.</p>
16.2	<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>
16.3	<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; (e) the sole discretion of the Development Authority to determine whether the proposed amenity feature is considered an innovative public amenity.