

BYLAW NUMBER 105D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENTLOC2008-0061)**

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:

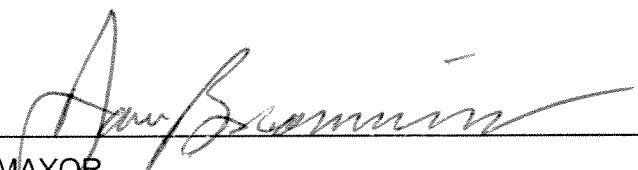
1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including 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 9th DAY OF DECEMBER, 2008.


READ A SECOND TIME THIS 9th DAY OF DECEMBER, 2008.

READ A THIRD TIME THIS 9th DAY OF DECEMBER, 2008.

AS AMENDED
AS AMENDED

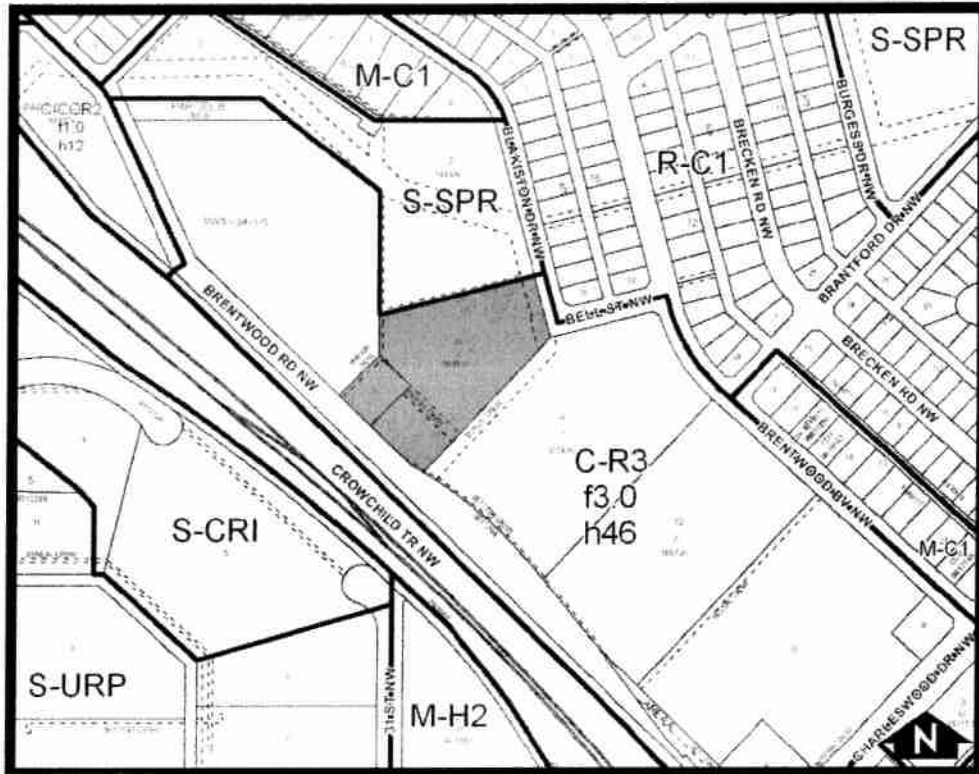


MAYOR
SIGNED THIS 5th DAY OF JANUARY, 2009

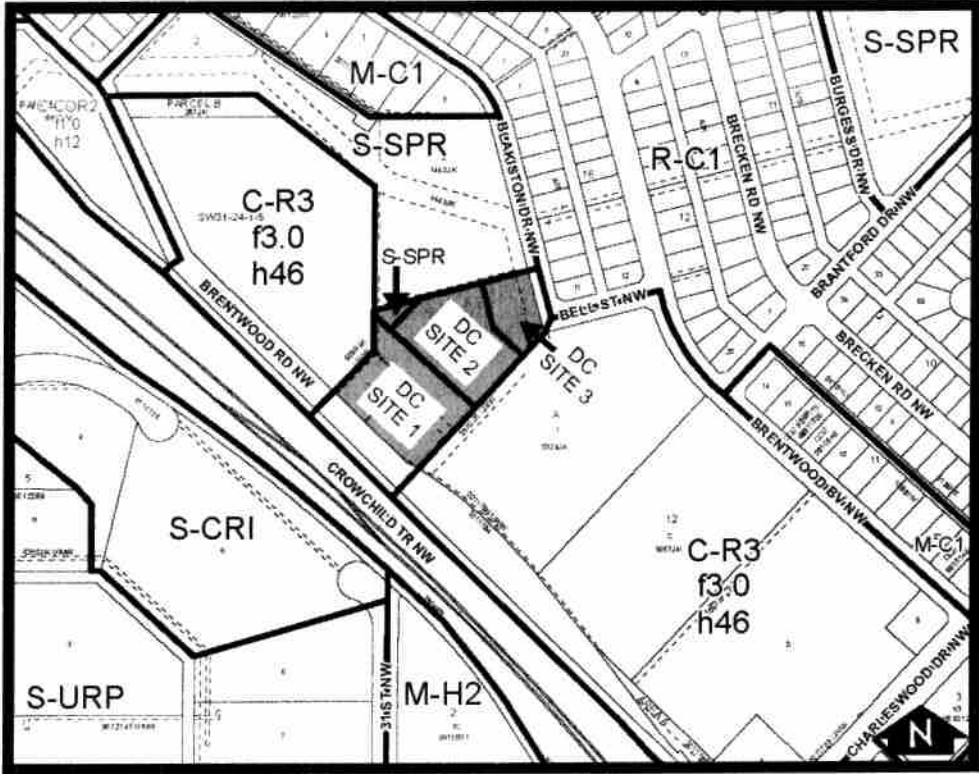


ACTING CITY CLERK
SIGNED THIS 5th DAY OF JANUARY, 2009.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to be characterized by:
 - (a) high **density**, high and medium rise multi-residential development within close proximity of the Brentwood LRT Station;
 - (b) storefront, retail stores, along the west-east internal drive aisle, located on the main and second **storeys** of the high **density**, high rise and medium rise multi-residential **buildings** located in the southern two-thirds of the subject **parcel**;
 - (c) medium **density** multi-residential development with reduced **building height** and building mass as development is located along the northern portion of the subject **parcel**;

- (d) land use and **building** forms in accordance with the provisions of Schedule 1 attached to this Direct Control Bylaw;
- (e) provision for a maximum **floor area ratio** for each portion of the **parcel**; and
- (f) provision for a bonus **density** over the base **density** as provided for in Schedule 1 attached to this Direct Control Bylaw

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.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is a reference to the section as it existed on the date of passage of this Bylaw.

General Definitions

- 4 In this Direct Control District,
 - (a) “**bonus provisions**” means those items which may be provided by the applicant in order to earn extra **floor area ratio** as described in section 5.

Bonus Provisions

- 5 (1) in this Direct Control District, the **floor area ratio** may be increased as prescribed in this Bylaw for high and medium rise multi-residential development in accordance with the **bonus provisions** contained within Schedule 1 attached to this Direct Control Bylaw
- (2) Where **bonus provisions** have been provided on any Site, any remaining density may be transferred to Site 1 and Site 2 in accordance with the **bonus provisions** contained in Schedule 1 attached to this Direct Control Bylaw”.

Site 1 0.632 ha± (±1.56 ac±)

Application

- 6 The provisions in sections 7 through 11 apply only to Site 1.

Permitted Uses

- 7 The **permitted uses** of the M-H3f8.0h90 Multi-Residential – High Density High Rise District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 8 The **discretionary uses** of the M-H3f8.0h90 Multi-Residential – High Density High Rise District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 9 Unless otherwise specified, the rules of the M-H3f8.0h90 Multi-Residential – High Density High Rise District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 10 (1) Unless provided for in subsection (2), the maximum **floor area ratio** is 4.5.
(2) The maximum **floor area ratio**, with **bonus provisions**, is 8.0.

Rules for Commercial Multi-Residential Uses

- 11 The maximum **use area** for each **commercial multi-residential use** is 600.0 square metres.

Site 2 0.519 ha± (1.28 ac±)

Application

- 12 The provisions in sections 13 through 18 apply only to Site 2.

Permitted Uses

- 13 The **permitted uses** of the M-H2 Multi-Residential – High Density Medium Rise District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 14 The **discretionary uses** of the M-H2 Multi-Residential – High Density Medium Rise District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 15 Unless otherwise specified, the rules of the M-H2 Multi-Residential – High Density Medium Rise District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 16 (1) Unless provided for in subsection (2), the maximum **floor area ratio** is 3.0.
(2) The maximum **floor area ratio**, with **bonus provisions**, is 3.5.

Building Height

- 17 (1) Unless otherwise referenced in subsection 2, the maximum **building height** is 38.0 metres.
(2) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:
(i) 10.0 metres measured from **grade** within 4.0 metres of that shared **property line**; and

- (ii) 38.0 metres measured from **grade** at a distance greater than 4.0 metres from that shared **property line**.

Rules for Commercial Multi-Residential Uses

- 18** The maximum **use area** for each **commercial multi-residential use** is 600.0 square metres.

Site 3 0.193 ha± (0.48 ac±)

Application

- 19** The provisions in sections 20 through 22 apply only to Site 3.

Permitted Uses

- 20** The **permitted uses** of the M-C2 Multi-Residential Contextual Medium Profile District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 21** The **discretionary uses** of the M-C2 Multi-Residential Contextual Medium Profile District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 22** Unless otherwise specified, the rules of the M-C2 Multi-Residential Contextual Medium Profile District of Bylaw 1P2007 apply in this Direct Control District.

SCHEDULE 1 – Bonus Provisions

1.0 Introduction

Approval of this Direct Control Bylaw will realize the potential for redevelopment of the subject parcel.

2.0 Bonus System

Rationale:

A bonus system may be used by the developer, and has been designed to balance the higher density development with the provision of appropriate public benefits and amenities based on the following principles:

- Density Bonuses should only be established for items or features that provide a perpetual or enduring benefit to the community in which the density is being accommodated.
- Density Bonuses should not be granted for elements of building or site design that can be achieved or required through other means.
- The amount of floor area granted through a bonus should be based on the additional monetary value added to the land as a result of the bonus and the cost to the developer of providing the bonus item.

Approach:

Development sites can be developed up to the maximum density without providing any bonus items. In order to develop above the maximum density and up to the bonus density, developments may provide one or more bonus items in exchange for a defined amount of additional density.

Any combination of bonus items can be used to earn additional density, subject to the discretion of the Approving Authority and the local context of the lands contained within this Direct Control Bylaw.

3.0 Eligible Bonus for Provision of Recreational or Cultural Space

3.1 Description:

Recreational or Cultural Space is defined as floor area made available within the proposed development, in perpetuity to the City of Calgary, in a form acceptable to the City of Calgary for not-for-profit community purposes including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities and other social activities.

3.2 Rationale:

With an increasing population, new facilities and new ways of delivering such facilities need to be provided in order to create the necessary social infrastructure to foster the development of a

strong community. Having such community uses within private projects can also be an advantage to the developer if the project is paired with a complementary use or group that fits the overall project objectives. For example, providing space for senior's programming in an adult oriented building.

3.3 Eligibility:

Projects must provide physical space of a location, size and configuration that is acceptable to the City and the proposed user group when the proposed user group is not directly affiliated with The City of Calgary. The space must be secured by The City in perpetuity through ownership or other acceptable means. The City will then contract the space to specific user groups. Developers are encouraged to develop their own relationships with possible users or consult with the City of Calgary on potential users for Recreational or Cultural Space within their project.

3.4 Bonus Rate:

The allowable bonus floor area will be based on the construction cost of the raw floor space and, where provided, any improvements to the space required by the proposed user. It does not include operating costs. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the space is \$500,000 and the average land value per square meter of buildable floor area for the area is \$ 215, then the amount of the bonus floor area will be calculated as follows:

$$\text{Total construction cost} / (\text{average land value} \times 75\%) = \text{Allowable Bonus Floor Area}$$

$$\$500,000 / (\$ 215 \times 75\%) = 3100 \text{ m}^2$$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

4.0 Eligible Bonus for Provision of Publicly Accessible Private Open Space

4.1 Description:

Publicly accessible private open space is defined as a portion of a private development site that is made available to the public through a legal agreement acceptable to the City, that is in a location, form and configuration and is constructed in a way that is acceptable to The City.

4.2 Rationale:

Actual acquisition of park and open space by the City should not be relied on to build the entire open space network over time. Opportunities often exist to utilize private lands for public purposes that can benefit both the private development and the public. Such arrangements can help mitigate density impacts on both an individual site or the cumulative impact of density in a broader area.

4.3 Eligibility:

Any development that can provide a publicly accessible private space that is in a location, form and configuration that is acceptable to the City is eligible for this bonus.

4.4 Bonus Rate:

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor.

For example, if the cost to the developer to construct the space is \$500,000 and the average land value per square meter of buildable floor area for the area is \$ 215 then the amount of the bonus floor area will be calculated as follows:

$$\text{Total construction cost} / (\text{average land value} \times 75\%) = \text{Allowable Bonus Floor}$$

$$\text{Area } \$500,000 / (\$ 215 \times 75\%) = 3100 \text{ m}^2$$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

5.0 Eligible Bonus for Provision of Affordable Housing Units

5.1 Description:

Affordable housing units, as per Council's approved definition, are owned and operated by the City of Calgary or any bona fide non-market housing provider recognized by the City of Calgary, provided within the proposed development.

5.2 Rationale:

As allowable densities increase, so does the likelihood that smaller, affordable rental apartment buildings will be redeveloped to higher density uses. Providing for some affordable housing units within new developments will help increase the supply of existing affordable housing in the city.

5.3 Eligibility:

Any new development that can provide affordable housing units for a minimum of twenty years, within a proposed development in a number, operating plan, location and of a design acceptable to the City or other bona fide non-market housing provider recognized by the City, is eligible for this bonus.

5.4 Bonus Rate:

The allowable bonus floor area will be based on the total construction cost of the units to a standard acceptable to the City. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the units and associated parking stalls is \$500,000 and the of average land value per square meter of buildable floor area for the area is \$ 215, then the amount of the bonus floor will be calculated as follows:

$$\text{Total construction cost} / (\text{average land value} \times 75\%) = \text{Allowable Bonus Floor Area}$$

$$\$500,000 / (\$ 215 \times 75\%) = 3100 \text{ m}^2$$

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus. Further, the provided affordable housing units and associated parking stalls shall not be included in the calculation of gross floor area.

6.0 Eligible Bonus for Contribution to a Community Enhancement Fund (CEF)

6.1 Description:

A developer may obtain bonus density by contributing funds at the bonus rate set forth in Sections 6.4. Any such funds paid by the developer will fund a CEF, which may be used within the vicinity of Brentwood LRT Station area to fund endeavours including but not limited to: park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within City rights-of-way, implementation of urban design strategies and public art on public land.

6.2 Rationale:

As development intensity increases, there is an increased demand for public parks and open spaces, sidewalks, lanes and roads. In order to provide future residents with a quality public environment, new park space should be provided.

6.3 Eligibility:

Any development proposing to build above the maximum density allowed for the subject site is eligible to make a contribution to the CEF. The contribution may be one component of a larger package of bonus items.

6.4 Bonus Rate:

The amount of the contribution will be calculated at the time of the development permit approval based on the average market land value per square meter of buildable floor area as established by The City. For example, if the average market land value per square meter of buildable floor area for the area is \$ 215, and the developer is proposing to build 1,000 m² of floor area, then the amount of the contribution will be calculated as follows:

$$\text{Average market land value} \times \text{Proposed amount of bonused floor area} = \text{Contribution} \\ \$ 215 \times 1,000 \text{ m}^2 = \$215,000$$

This contribution amount represents what a developer would, on average, have to pay for the additional land.