BYLAW NUMBER 41D2008

TO AMEND THE LAND USE BYLAW 1P2007 (LAND USE AMENDMENT LOC2006-0073)

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 JUNE, 2008.

READ A SECOND TIME, AS AMENDED, THIS 9TH DAY OF JUNE, 2008.

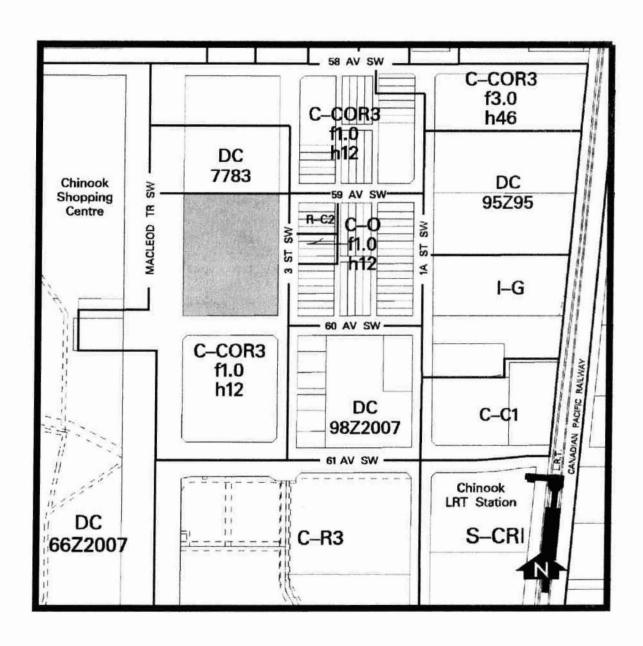
READ A THIRD TIME, AS AMENDED, THIS 9TH DAY OF JUNE, 2008.

SIGNED THIS 3rd DAY OF JULY, 2008.

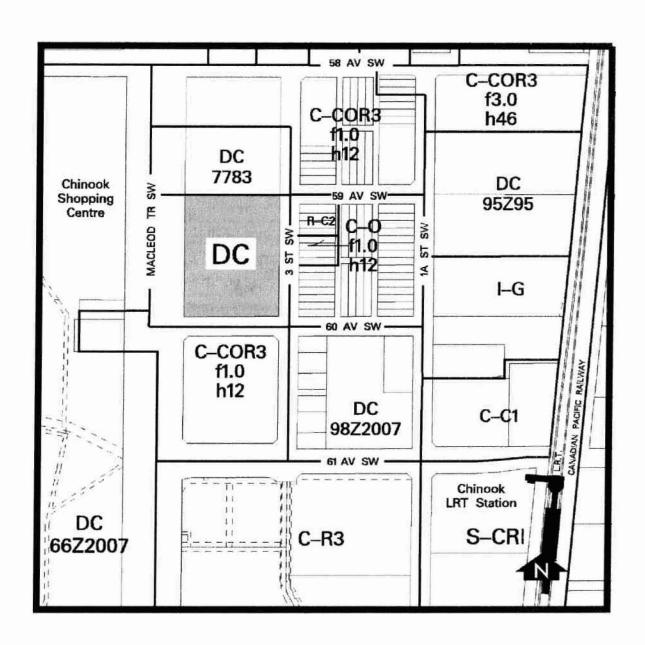
ACTING CITY CLERK

SIGNED THIS & DAY OF JULY, 2008.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

SCHEDULE B

CONTINUED

Purpose

- This Direct Control District is intended to accommodate development that is characterized by:
 - (a) land uses that will encourage transit use and increase transportation network efficiency;
 - (b) a built form, at *grade*, that will support and facilitate pedestrian activity;
 - (c) **buildings** that are close to the **street** and the public sidewalk;
 - (d) varying front **building setbacks** based on **use**;
 - (e) a minimum and a maximum FAR with bonus FAR over and above the maximum FAR;
 - (f) mixed use development on the site; and
 - (g) a comprehensive development scheme that may be phased over time.

Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

Reference to Bylaw 1P2007

Within this Direct Control Bylaw, 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) "bonus provisions" means those items which may be provided by the applicant in order to earn extra FAR on the site as described in Schedule A;
 - (b) "commercial uses" means those uses listed as permitted and discretionary uses in this Direct Control District, other than Addiction Treatment, Custodial Care, Dwelling Units and Residential Care;

SCHEDULE B

CONTINUED

- (c) "FAR" means the floor area ratio which is the quotient of the total gross floor area of all buildings on a parcel divided by the area of the parcel;
- (d) "north/south vehicle access route" means an internal access route connecting between the 59 Avenue access route and 60 Avenue SW and located approximately at the midway point between Macleod Trail SW and 3 Street SW;
- (e) "59 Avenue access route" means an access route with a width of 10 metres along the north property line of the site allowing vehicular and pedestrian movements provided between 3 Street SW and Macleod Trail SW;
- (f) "retail commercial uses" means active commercial uses which support the pedestrian experience at grade and include the following uses: Accessory Food Service; Accessory Liquor Service; Artist's Studio; Beauty and Body Service; Catering Service Minor; Convenience Food Store; Drinking Establishment Medium; Drinking Establishment Small; Financial Institution; Fitness Centre; Liquor Store; Personal Apparel Service; Pet Care Service; Photographic Studio; Print Centre; Restaurant: Food Service Only Large; Restaurant: Food Service Only Medium; Restaurant: Food Service Only Small; Restaurant: Licensed Large; Restaurant Licensed Medium; Restaurant: Licensed Small; Retail Store; Specialty Food Store; Take out Food Service; Temporary Residential Sales Centre; Veterinary Clinic; and Video Store;
- (g) "residential" means for FAR and FAR calculation purposes both Dwelling Units and Hotel uses but in all other references it excludes Hotel use; and
- (h) "site" means all of the lands which are the subject of this Direct Control District.

SCHEDULE B

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Pern	nitted	Uses
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itted U	The following uses are <i>permitted uses</i> in this Direct Control District:		
	(a)	Park;	
	(b)	Sign – Class A;	
	(c)	Sign – Class B;	
	(d)	Sign – Class D; and	
	(e)	Utilities.	
(2)	The following uses are permitted uses in this Direct Control District if located within existing approved buildings :		
	(a)	Accessory Food Service;	
	(b)	Beauty and Body Service;	
	(c)	Catering Service – Minor;	
	(d)	Convenience Food Store;	
	(e)	Counselling Service;	
	(f)	Financial Institution;	
	(g)	Fitness Centre;	
	(h)	Health Services Laboratory – with Clients;	
	(i)	Home Occupation – Class 1;	
	(j)	Household Appliance and Furniture Repair Service;	
	(k)	Information and Service Provider;	
	(1)	Library;	

SCHEDULE B

CONTINUED

(cc)

Video Store.

Medical Clinic: (m)(n) Museum; Office; (o) Personal Apparel Service; (p) (q) Pet Care Service; Photographic Studio; (r) (s) Power Generation Facility - Small; **Print Centre**; (t) Radio and Television Studio: (u) Restaurant: Food Service Only - Small; (v) (w) Retail Store; Service Organization; (x) (y) **Specialty Food Store**; Take Out Food Service; (z) (aa) **Temporary Residential Sales Centre**; Veterinary Clinic; and (bb)

SCHEDULE B

CONTINUED

Discretionary Uses

- 6 (1) Uses listed in subsection 5(2) are discretionary uses if they are located in proposed buildings or proposed additions to existing buildings in this Direct Control District.
 - (2) Uses listed in subsection 5(2) are discretionary uses if they are proposed in an existing building that does not have at least one commercial use that has been approved after the parcel was designated as a commercial land use district.
 - (3) The following **uses** are **discretionary uses** in this Direct Control District:
 - (a) Accessory Liquor Service;
 - (b) Addiction Treatment;
 - (c) Artist's Studio;
 - (d) Billiard Parlour;
 - (e) Child Care Service;
 - (f) Cinema;
 - (g) Computer Games Facility;
 - (h) Custodial Care;
 - (i) Drinking Establishment Medium;
 - (j) Drinking Establishment Small;
 - (k) Dwelling Unit;
 - (I) Home Occupation Class 2;
 - (m) Hotel;
 - (n) Indoor Recreation Facility;
 - (o) Instructional Facility Inside;

SCHEDULE B

CONTINUED

(ii)

Social Organization:

Liquor Store; (p) (q) Live Work Unit; (r) Outdoor Café; Parking Lot – Structure; (s) (t) Pawn Shop; Place of Worship - Medium; (u) Place of Worship - Small; (v) (w) Post-secondary Learning Institution Protective and Emergency Service; (x)Residential Care; (y) Restaurant: Food Service Only - Large; (z)(aa) Restaurant: Food Service Only – Medium; (bb) Restaurant: Licensed - Large; (cc) Restaurant: Licensed - Medium; (dd) Restaurant: Licensed - Small; (ee) Seasonal Sales Area; (ff) Sign - Sign C; (gg) Sign - Class E; (hh) Sign - Class F;

SCHEDULE B

CONTINUED

- (jj) Special Function Tent Commercial;
- (kk) Supermarket; and
- (II) Utility Building.

Rules

- 7 Unless otherwise specified,
 - (a) the General Rules for the Commercial Land Use Districts of Bylaw 1P2007, and
 - (b) the Rules Governing All Districts referenced in Part 3 and Part 4 of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio and Mixed Use Ratio

- 8 (1) A minimum FAR of 2.0 FAR for the site.
 - (2) A maximum FAR of 5.0 FAR for the site.
 - (3) The maximum floor area ratio may be increased to 5.5 *FAR* in accordance with the *bonus provisions*.
 - (4) The maximum amount of *retail commercial uses* allowed in an individual building is 50 percent of the total *gross floor area* of that *building* and the maximum amount for *retail commercial uses* on the *site* is 24,200 square metres of *gross useable floor area*.
 - (5) The maximum amount of total *commercial uses* on the *site* is 40,300 square metres of *gross useable floor area*, unless additional *FAR* is earned through the *bonus provisions*, then the maximum amount of total *commercial uses* on the site is 44,350 square metres of *gross useable floor area*.
 - (6) Where affordable housing is provided, pursuant to the bonus provisions, the FAR of the affordable housing portion of the building(s), and its related motor vehicle parking stalls, shall not be included in the minimum or maximum FAR for the Direct Control District.

SCHEDULE B

CONTINUED

Use Area

- 9 (1) Unless otherwise referenced in subsections 9(2), 9(3) and 9(4), there is no maximum *use area* requirement for *uses* in this Direct Control District.
 - (2) The maximum *use area* of a Catering Service Minor, as a stand alone *use*, is 300 square metres.
 - (3) The maximum *use area* of a **Retail Store** is 5,000 square metres.
 - (4) The maximum *use area* of a **Supermarket**, or a **Supermarket** combined with any other *use*, is 5,500 square metres.

Location of Uses within Buildings

- 10 (1) Retail commercial uses must be located in a building and may be located on the first and second floor within a building and the building must also contain at least one of the following uses:
 - (a) Office;
 - (b) residential; or
 - (c) Hotel.
 - (2) Retail commercial uses abutting a sidewalk located on a street front or any onsite pedestrian area must front onto it and have individual, direct, grade-level access to the sidewalk.
 - (3) Cinemas must be located above the first floor except for a maximum of 465 square metres for lobby and associated *uses*.
 - (4) Commercial uses and Live Work Units:
 - (a) may be located on the same floor as Addiction Treatment, Custodial Care, Dwelling Units and Residential Care; and
 - (b) must not share an internal hallway with Addiction Treatment, Custodial Care, Dwelling Units and Residential Care.

SCHEDULE B

CONTINUED

Location of Uses

11 Dwelling Units on the ground floor of a *building* or portion of a *building* may only be located fronting on to 3 Street SW, or 60 Avenue SE east of the *north/south vehicle* access route, or the 59 Avenue access route...

Building Orientation

- 12 (1) Motor vehicle parking stalls and loading stalls must not be located between a building and a street.
 - (2) Each at grade use facing a street must have an individual, direct access to the use from the building exterior and such access must face the street.

Building Façade

- 13 (1) In calculating the length of the **building** façade in 14(13), the depth of the **59 Avenue access route** will not be included as part of the length of the **property line.**
 - (2) In calculating the length of the *building* façade in subsection 14(13) the length of any **Publicly Accessible Private Open Space** shall not be included as part of the length of the *property line*.

Building Design, Character, and Appearance

- **14** (1) **Buildings** or portions of **buildings** higher than 13.5 metres must be stepped back a minimum of 3.0 metres from the podium except for the portion of the **building** containing the main entrance.
 - (2) Cornice lines of all principle facades should be provided on all streets at 13.5 metres.
 - (3) The maximum floor plate size of the portion of a building higher than 26.0 metres and designed as a tower cannot exceed:
 - (a) 700 square metres **gross floor area** for residential **uses**;
 - (b) 850 square metres *gross floor area* for a Hotel; and
 - (c) 2.000 square metres *gross floor area* for **Office uses**.

SCHEDULE B

CONTINUED

- (4) The building height for a building not incorporating a tower, must not exceed 26 metres. Building height for a tower shall be limited based on floor plate size as follows:
 - (a) a floor plate of 700 square metres **gross floor area** or less cannot exceed 90 metres:
 - (b) a floor plate of 850 square metres or less and more than 700 square metres **gross floor area** cannot be constructed above 72 metres; and
 - (c) a floor plate of 2,000 square metres or less and more than 850 square metres of **gross floor area** cannot be constructed above 65 metres.
- (5) The separation distance between residential towers should be a minimum of:
 - (a) 25.0 metres from another residential tower; and
 - (b) 20.0 metres from an office tower.
- (6) The maximum number of office towers on the **site** is two.
- (7) The maximum number of towers permitted on the **site** is three except if all towers are a residential or **Hotel use** then maximum number of towers on the **site** may be four.
- (8) Above-grade parking structures or permanent at-grade surface parking stalls:
 - (a) must be separated from a **street** by retail, commercial or residential development for the height of the first storey above **grade**; and
 - (b) above the first storey from **grade** the parking structure must be screened with a façade treatment that is consistent with the design of the **building** in terms of quality of materials and architectural style.
- (9) Above-*grade* parking structures must not extend above the cornice line of the *building* podium.

SCHEDULE B

CONTINUED

- (10) The top floor of a parking structure must have a permanent roof structure and it shall be designed in accordance with subsection 14(11).
- (11) For *buildings* or portions of *buildings* with a height of 13.5 metres or less and where roof areas of more than 700 square metres occur, the *building* must contain a green roof covering at least 50 percent of the roof area. For purposes of this Direct Control District, a green roof is a system of hard and soft landscaping which may include: plants, growing medium and root/waterproof membranes and may be provided for green *amenity space* for occupants of the *building*.
- (12) A minimum of 70 percent of the at-*grade* non-residential *building* façade that faces a *street* must have transparent glazing.
- (13) The length of the *building* façade that faces the *street* must be a minimum of 80 percent of the length of the *property line* it faces.

Building Setbacks Areas

- 15 Except for **Publicly Accessible Private Open Space**, the following **setback areas** are required:
 - (1) For development fronting onto 60 Avenue SW:
 - (a) at the first storey level, it must have a maximum depth of 2.4 metres, except where structural columns are constructed, then the maximum depth is 3.0 metres; and
 - (b) above the first storey level there is no minimum requirement for a **setback area**, but where a **setback area** is provided, it must have a maximum depth of 3.0 metres.
 - (2) For development fronting onto Macleod Trail there is no minimum requirement for a **setback area**, but where a **setback area** is provided, it must have a maximum depth of 3.0 metres.
 - (3) For at-*grade* residential development adjacent to a public thoroughfare:

SCHEDULE B

CONTINUED

- (a) the **setback area** must have a minimum depth of 1.5 metres; and
- (b) must have a maximum depth of 3.0 metres.

(c)

(4) For non-residential development fronting onto the **59 Avenue access route** and on to 3 Street SW there is no minimum requirement for a **setback area**, but where a **setback area** is provided, it must have a maximum depth of 3.0 metres.

Landscaping In Setback Areas

Where a non-residential **setback area** shares a **property line** with a **street** or the **59 Avenue access route**, the **setback area** must be a **hard surfaced landscaped area** and level with the public sidewalk.

Landscaping

Where a **setback area** is provided for at-**grade** residential development which shares a **property line** with a **street**, the **setback area** may be landscaped with either a hard surfaced landscaped area or a soft surfaced landscaped area, or a combination of hard and soft surfaces.

Motor Vehicle Parking Stalls

- 18 (1) The minimum number of motor vehicle parking stalls:
 - (a) for each **Dwelling Unit** is:
 - (i) 0.75 stalls per unit for resident parking; and
 - (ii) 0.1 visitor parking stalls;
 - (b) for each Live Work Unit is:
 - (i) 1.0 stalls per unit for resident parking; and
 - (ii) 0.5 visitor parking stalls;
 - (c) for a **Retail Store** is 2.0 stalls per 100 square metres of total **gross** usable floor area;
 - (d) for a **Hotel** is 1.0 stalls per 2.5 guest rooms;

SCHEDULE B

CONTINUED

- (e) for an **Office** is 0.6 stalls per 100 square metres of **gross usable floor** area;
- (f) for a Drinking Establishment Small; Restaurant Food Service Only Small; Restaurant Licensed Small is 0.0 stalls;
- (g) for a **Restaurant:** Food Service Only Medium and **Restaurant:** Licensed Medium is 2.5 stalls per 10.0 square metres of *public area*;
- (h) for a **Drinking Establishment Medium, Restaurant: Food Service Only Large** and **Restaurant: Licensed Large** is 2.85 stalls per
 10.0 square metres *of public area*; and
- (i) for all other **uses** is 3.5 stalls per 100 square metres of **gross usable floor area**.
- (2) The maximum number of *motor vehicle parking stalls*:
 - (a) for each **Dwelling Unit** is:
 - (i) 1.0 stalls for resident parking when the *unit* has a *gross floor area* equal to or less than 140 square metres;
 - (ii) 0.15 *visitor parking stalls* when the *unit* has a *gross floor area* equal to or less than 140 square metres;
 - (iii) 1.5 stalls for resident parking when the *unit* has a *gross floor* area greater than 140 square metres; or
 - (iv) 0.25 *visitor parking stalls* when the *unit* has a *gross floor area* greater than 140 square metres.
 - (b) for each Live Work Unit is 2.5 stalls;
 - (c) for a *retail commercial use* is 4.0 stalls per 100 square metres of *gross usable floor area*;
 - (d) for a **Hotel** is 1.0 stalls per 2.5 guest rooms;

SCHEDULE B

CONTINUED

- (e) for an **Office** is 2.4 stalls per 100 square metres of **gross usable floor** area:
- (f) for a Drinking: Establishment-Small, Restaurant: Food Service Only Small, Restaurant: Licensed Small is 1.0 stalls per 10.0 square metres of public area;
- (g) for a **Drinking Establishment-Medium**, **Restaurant: Food Service Only-Large** and **Restaurant: Licensed-Large** is 2.85 stalls per 10.0 square metre of *public area*;
- (h) for a **Restaurant: Food Service Only-Medium** and **Restaurant: Licensed-Medium** is 2.5 stalls per 10.0 square metre of public area; and
- (i) for all other **uses** is 4.0 stalls per 100 square metres of **gross useable floor area**.
- (3) Shared commercial and retail parking may be permitted where supported by an appropriate parking study prepared by a qualified transportation professional.
- (4) All loading, unloading and waste collection must occur from the rear of the **buildings** or within a **building**.
- (5) Unused **residential** or **Hotel** parking stalls may be utilized for non-**residential** or **Hotel uses** until such time as required for the **residential** or **Hotel use**.

Exclusive Use of Motor Vehicle Parking Stalls

19 **Motor vehicle parking stalls** required for **uses** in accordance with this Direct Control District must not be signed or in any way identified as being other than for the **use**.

Required Bicycle Parking Stalls

- 20 (1) The minimum number of *bicycle parking stalls class 1* for:
 - (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) no requirement where the number of *units* is less than 20; and

SCHEDULE B

CONTINUED

- (ii) 0.5 stalls per *unit* when the total number of *units* equals or exceeds 20; and
- (b) all other **uses**, subject to subsection 20(3) below, is the minimum requirement referenced in Part 4 of Bylaw 1P2007.
- (2) The minimum number of *bicycle parking stalls class 2* for:
 - (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) 2.0 stalls for developments of 20 units or less; and
 - (ii) 0.1 stalls per *unit* for developments of more than 20 *units*; and
 - (b) all other **uses**, subject to subsection 20(3) below, is 5 percent of the minimum number of **motor vehicle parking stalls**; and
- (3) No bicycle parking stalls class 1 or class 2 shall be required for a Hotel use.

Exclusive Use of Bicycle Parking Stalls

21 Bicycle parking stalls – class 1 provided for Dwelling Units and Live Work Units are for the exclusive use of residents.

Vehicle Access

- 22 (1) All vehicle access to the site must be from:
 - (a) north/south vehicle access route;
 - (b) 59 Avenue access route; and
 - (c) a maximum of one access point located along the 3 Street SW frontage.
 - (2) There shall be no motor vehicle access from Macleod Trail SW, except for the **59 Avenue access route**.
 - (3) There must be no *motor vehicle parking stalls*, *loading stalls*, garbage facilities, parkade access/egress or parkade venting between the *street* and an *at grade use*.

SCHEDULE B

CONTINUED

(4) All temporary surface parking must be screened or separated from pedestrian areas.

Concept Plan

Any **development permit** application for construction on the **site** that does not include the full **site**, may require a concept plan demonstrating the development concept for the entire **site**. For a project which does not include residential development, the concept plan must demonstrate how residential development will be integrated with development on the remainder of the **site**.

Schedule A - Bonus Provisions

Pursuant to section 8(3) of this Direct Control Bylaw, the maximum FAR on the **site** may be increased from 5.0 **FAR** to a maximum of 5.5 **FAR** by the provision of one or more of the following items:

- (a) Affordable Housing Units;
- (b) Indoor Community Amenity Space;
- (c) Publicly Accessible Private Open Space; or
- (d) Contribution to the Chinook Station Area Enhancement Fund.

Bonusable Items

Affordable Housing Units – For the purposes of this schedule, affordable housing units means non-market housing units provided within the *site*, owned and operated by the City, or a bona fide non-market housing provider recognized by Council.

Average Land Value - For the purposes of this schedule, average land value means the average land within the Chinook Station Area per square metre approved by Council as amended from time to time.

Indoor Community Amenity Space - For the purposes of this schedule, indoor community amenity space means floor area provided for community purposes, including but not limited to, offices, meeting rooms, assembly spaces, recreation facilities, cultural facilities, daycares and other social services within a building or **buildings** on the **site**, dedicated in perpetuity to the City and in a form satisfactory to the Approving Authority.

Publicly Accessible Private Open Space – For the purposes of this schedule, publicly accessible private open space means outdoor open space directly accessible to and visible

SCHEDULE B

CONTINUED

from a public sidewalk, with a minimum frontage to that sidewalk of ten metres, located on the site in a location, form, configuration and constructed in a manner acceptable to the Approving Authority and that is made available to the public 24 hours a day through a registered public access easement agreement acceptable to the Approving Authority.

Contribution to the Chinook Station Area Enhancement Fund – means a dollar contribution to a fund controlled by the City to be used to fund projects in the Chinook Station Area, east of Macleod Trail, including but not limited to:

- (a) Land acquisition for parks and open space;
- (b) Parks and open space design, development and enhancement;
- (c) Upgrading of transit facilities;
- (d) Streetscape and pedestrian facility improvements; and
- (e) Provision of public art.

Calculation of Bonus Rate

Affordable Housing Units: The allowable bonus floor area in square metres is equal to the total construction cost of the affordable housing units, including any structured motor vehicle parking stalls provided, divided by the average land value per square metre of buildable floor area multiplied by 0.75 plus the gross floor area of the affordable housing units including any structured motor vehicle parking stalls provided such that:

Allowable bonus floor area= (total construction cost/average land value per square metre of buildable floor area X 0.75) + plus the gross floor area of the affordable housing units including any structured motor vehicle parking stalls provided.

Where total construction cost = the estimated cost to construct the units (including any structured motor vehicle parking stalls provided) to a standard acceptable to the City. Such estimate shall be prepared by a Professional Quantity Surveyor in a manner satisfactory to the City.

Indoor Community Amenity Space: The allowable bonus floor area in square metres is equal to the total construction cost of the space provided divided by the average land value per square metre of buildable floor area multiplied by 0.75 such that:

Allowable bonus floor Area = total construction cost / (average land value per square metre of buildable floor X 0.75)

SCHEDULE B

CONTINUED

Where total construction cost = the estimated cost to construct the unfinished floor space, and where provided, any improvements to the space required by the City for the proposed user. Such estimate shall be prepared by a Professional Quantity Surveyor in a manner satisfactory to the City.

Publicly Accessible Private Open Space: The allowable bonus floor area in square metres is equal to the total construction cost of the space provided divided by the average land value per square metre of buildable floor area multiplied by 0.75 such that:

Allowable bonus floor area = total construction cost / (average land value per square metre of buildable floor X 0.75)

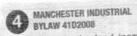
Where total construction costs = the estimated cost to construct (excluding land costs) the proposed space to be accessible by the public. Such estimate shall be prepared by a Professional Quantity Surveyor in a manner satisfactory to the City.

Contribution to the Chinook Station Area Enhancement Fund: The allowable bonus floor area in square metres is equal to the contribution, divided by the average land value per square metre of buildable floor area, such that:

Allowable bonus floor area= contribution/average land value per square metre of buildable floor area.

BYLAW NO. 41D2008

ADVERTISED IN: Calgary Sun on Thursday May 22, 2008



To redesignate the land located at 6008 Macleod Trail SW (Plan 5444W, Block A, Lot 4) from C-COR3f1.0h12 - Commercial - Corridor 3 District to DC Direct Control District to accommodate a mixed use commercial and residential development.

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