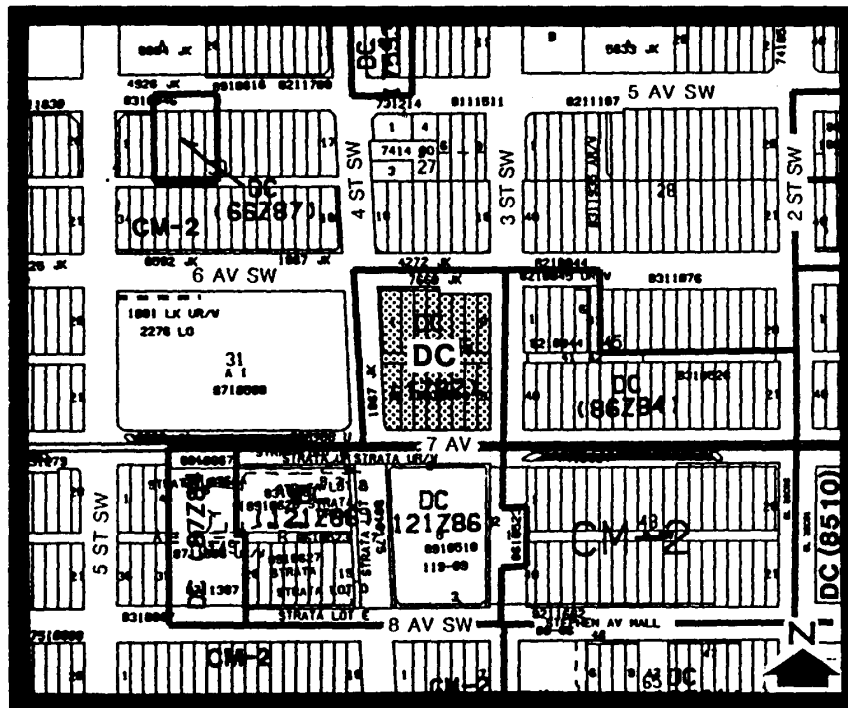


Amendment No. 90/112
Bylaw No. 138Z90
Council Approval: 10 December 1990

SCHEDULE B



A. PROJECT APPROVED BY CITY COUNCIL ON 1982 FEBRUARY 15

1. Land Use

The land use shall be for a comprehensively designed office and public plaza development which may contain all those uses listed in the CM-2 (Central Business Commercial District) in effect on 1982 February 15. plus restaurants and lounges.

2. Development Guidelines

The General Rules for Commercial Districts contained in Section 33 of By-law 2P80 and the Permitted and Discretionary Use Rules of the CM-2 (Central Business Commercial District) in effect on 1982 February 15 shall apply unless otherwise noted below:

- a) Maximum building height shall be 66 storeys not exceeding 265 m (870 feet) at the top of the parapet surrounding the mechanical penthouse.

b) F.A.R.

Maximum floor area ratio shall be 25.06:1. Any floor area totally or partially above grade excluding the ground floor, shall be included in the F.A.R. calculations.

c) Site Coverage

The foot print of the office tower and lower extension shall not cover more than 49 percent of the gross site area. This figure shall not include the retail kiosk.

d) Retail Kiosks

The placement of the retail kiosk in the plaza shall be to the satisfaction of the Approving Authority.

e) The Development Officer shall attempt to obtain Day Care Space at a size satisfactory to the Approving Authority provided the necessary private open play area can be obtained.

f) +15 System

The applicant shall construct or make a cash-in-lieu contribution to the City of Calgary +15 Fund for the following bridges:

- o east across 3rd Street S.W. to First Canadian Place;
- o west across 4th Street S.W.;
- o north across 6th Avenue S.W.;
- o south, +15 and +30 bridges across 7th Avenue S.W.

(The Approving Authority shall give special consideration to requiring the provision of this 7th Avenue bridge in conjunction with completion of the project.)

The applicant shall provide supports and footings, on site, at agreed locations for such bridges all to the satisfaction of the Approving Authority.

g) Plaza

A public plaza shall be located north of 7th Avenue between 3rd and 4th Streets S.W, having an area of not less than 21,000 square feet ±, not including by-lawed setbacks but including the arcade fronting on the plaza. Comprehensive plans, including design, site layout, landscaping, finishing material and accesses shall be submitted as part of a development permit application. There should at least be one piece of sculpture, appropriate in scale to the plaza, and a water feature in the plaza all to the satisfaction of the Approving Authority.

h) 3rd Street Mall

The applicant shall construct, at no expense to the City of Calgary one block of the 3rd Street Mall in a location and to standards and specifications approved by the

City of Calgary. The standards and specifications shall be those approved and generally applied to 3rd Street Mall.

i) Parking

A maximum of 244 off-street parking stalls and a minimum of 8 loading bays shall be provided on site. Cash-in-lieu shall be provided for the balance of the required parking as determined by By-law 2P80. The 82 stalls provided in excess of the 20 percent parking policy of By-law 2P80 shall be identified by signage and made available to the general public at rates and hours in conformity to the approved standards of the Calgary Parking Authority,

j) Public Space

There shall be no commercial office space other than that associated with a financial tenancy and cultural and recreational activities on floors one to five inclusive.

The financial tenancy shall be limited in size and in location to the northwest corner of the tower at the +15 and ground levels. The owner(s) shall undertake to fully program, manage and maintain the public facilities and open spaces on floors one to five, including the public plaza, with no expense to the City of Calgary for such maintenance. The public facilities shall include but not be limited to a theatre on +30 level, five racket ball or squash courts on +45 and +45 mezzanine, locker rooms and jogging track on +45. In addition, the owner(s) shall ensure public access to the said public facilities and open spaces for the life of the development. All recreation and cultural facilities on floors one to five shall remain public in nature, with the fees for the use of the facilities to be arrived at by mutual agreement with the City of Calgary Parks/Recreation Department or other designated authority.

k) Bond

A bond or other financial surety satisfactory to the Approving Authorities shall be posted to ensure the demolition of the Bentall Building and construction of the public plaza within a mutually agreed upon time following commencement of construction of the office tower.

l) Where appropriate, these Development guidelines inter alia shall form part of a Development Agreement satisfactory to the City Solicitor, which must be signed prior to the release of the Development Permit.

m) Heliport

The applicant shall investigate with the appropriate authorities the feasibility of a heliport on the roof of the structure and such a report shall be presented to the Approving Authority at the time they deal with the Development Permit application and it shall be their decision whether a heliport shall be provided.

n) Development Plans

Approval of this application does not constitute approval of a development permit. Comprehensive plans, including building design, site layout, exterior finishes and colour, landscaping, parking and accesses shall subsequently be submitted to the Approving Authorities shall ensure the building and site layout and amenities provided therein shall conform substantially to the plans and renderings submitted to City Council during their consideration of By-law 1Z82.

B. BUILDINGS EXISTING ON SITE ON THE DATE OF PASSAGE OF THIS BY-LAW

1. Land Use

The permitted and discretionary uses contained in Section 42.3, CM-2 Downtown Business District shall be the permitted and discretionary uses within the buildings existing on site on the date of passage of this by-law.

2. Development Guidelines

The General Rules for Downtown Districts contained in Section 42.1 of By-law 2P80 and the Permitted and Discretionary Use Rules of the CM-2 Downtown Business District contained in Section 42.3 of By-law 2P80 shall apply unless otherwise noted below:

a) The renovation and upgrading of the buildings existing on site on the date of passage of this by-law may be allowed at the discretion of the Approving Authority.

b) Height

Shall be limited to the existing buildings on site.

c) Density

Shall be limited to the existing buildings on site.

d) +15 System

The applicant shall construct a bridge across 7 Avenue S.W. to Calgary Eaton Centre and provide the necessary supports and stairs or alternately, make a cash-in-lieu contribution to the City of Calgary +15 fund and shall provide the necessary supports, stairs and footings, on site, to receive a future bridge across 3 Street S.W. from the First Canadian Centre, at a location acceptable to the Approving Authority.

e) The necessary public access easements shall be provided as follows:

- i) the +15 connections referenced in d) above;
- ii) the grade level arcade along 3 Street, 4 Street and 7 Avenue S.W.

f) Parking

A maximum of 217 stalls (39 underground at 444 - 7 Avenue S.W. and 178 in the parkade at 611 - 3 Street S.W.) shall be provided and no additional on site parking shall be allowed.

g) Development Plans

Approval of this application does not constitute approval of a development permit. Comprehensive plans including building design, site layout, exterior finishes and colour, landscaping, parking and accesses shall subsequently be submitted to the Approving Authority as part of a development permit application. In considering such an application for 444 - 7 Avenue S.W., the Approving Authority shall ensure the building appearance and site layout and density conform substantially to the plans and renderings submitted to City Council during their consideration of this by-law.