

BYLAW NO. 20Z2008

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80 AND
THE LAND USE BYLAW 1P2007 (LAND USE
AMENDMENT LOC2006-0153)**

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80 and the Land Use Bylaw 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;

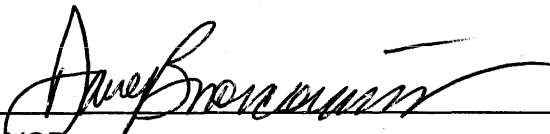
**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS
FOLLOWS:**

1. The City of Calgary Land Use Bylaw, being Bylaw 2P80 of the City of Calgary, is hereby amended by deleting that portion of the Land Use Map shown as shaded on Schedule "A" to this Bylaw and substituting therefore that portion of the Land Use 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. 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 "C" to this Bylaw and substituting therefore that portion of the Land Use District Map shown as shaded on Schedule "D" of this Bylaw.
3. Paragraph 1 of this Bylaw comes into force on the date it is passed, and paragraph 2 of this Bylaw comes into force on June 1, 2008.

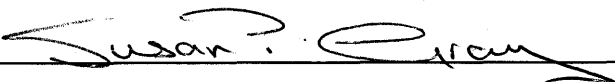
READ A FIRST TIME THIS 10th DAY OF MARCH, 2008.

READ A SECOND TIME, AS AMENDED, THIS 17th DAY OF MARCH, 2008.

READ A THIRD TIME, AS AMENDED, THIS 17th DAY OF MARCH, 2008.



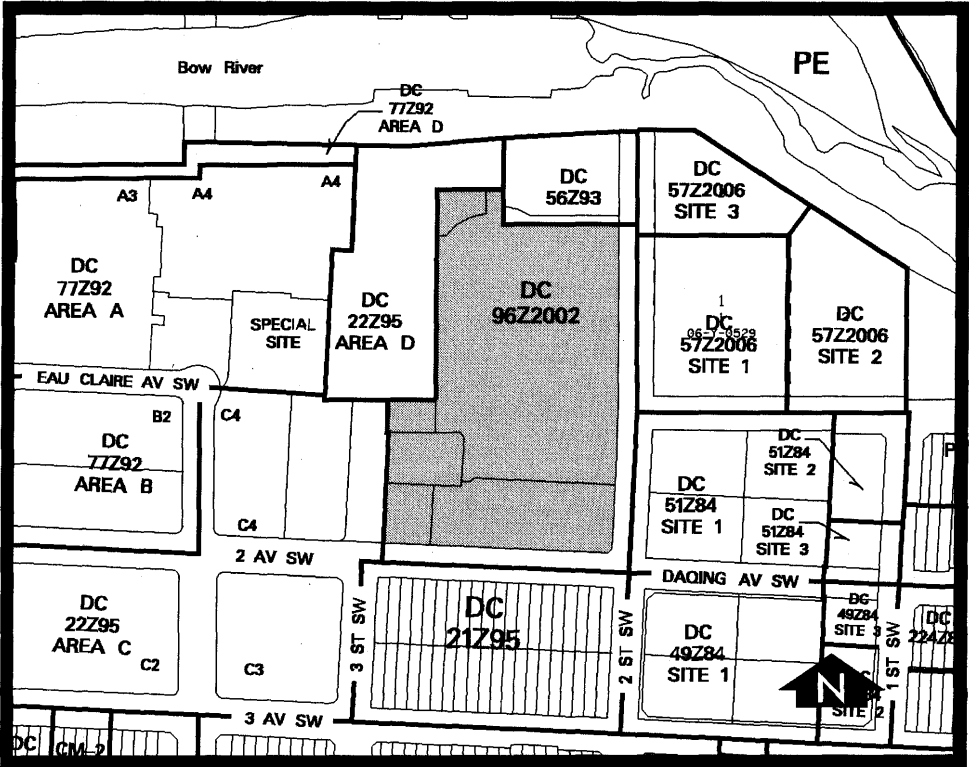
MAYOR
SIGNED THIS 20th DAY OF MARCH, 2008.



ACTING CITY CLERK
SIGNED THIS 20th DAY OF MARCH, 2008.

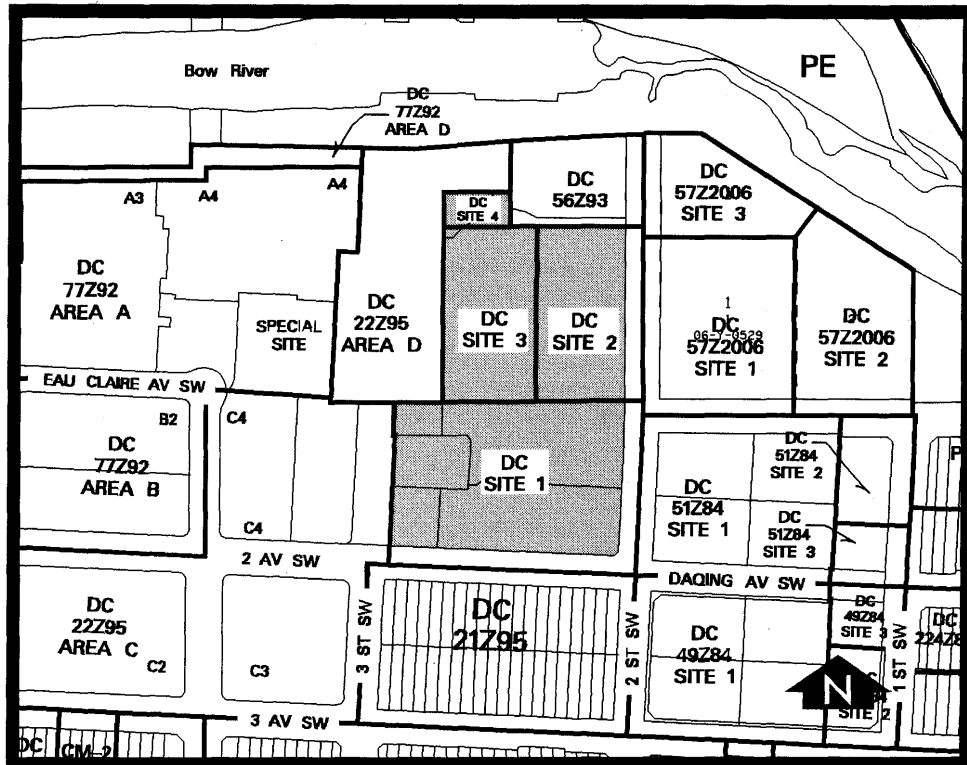
Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE A



Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. PURPOSE

The purpose of this district is to provide for a medium to high density, comprehensively planned, mixed use development.

2. LAND USE

Site 1 (1.44 hectares \pm (3.57 acres \pm)) and Site 2 (0.63 hectares \pm (1.55 acres \pm))

(a) Permitted Uses:

- Accessory buildings
- Essential public services
- Home occupations – Class 1
- Utilities

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

(b) Discretionary Uses

- Ancillary commercial use
- Apartment buildings
- Apartment-hotels
- Athletic and recreational facilities
- Child care facilities
- Commercial schools (Site 1 only)
- Community association buildings
- Drinking establishments
- Duplex dwellings
- Dwelling units
- Entertainment establishments
- Financial institutions
- Grocery stores
- Home occupations – Class 2
- Hotels
- Laboratories (Site 1 only)
- Liquor stores
- Live-work units
- Mechanical reproduction and printing establishments
- Medical clinics (Site 1 only)
- Offices (Site 1 only)
- Outdoor cafes
- Parks and playgrounds
- Personal service businesses
- Power Generation Facility, Mid-scale
- Power Generation Facility, Small-scale
- Private clubs or organizations
- Private Schools (Site 1 only)
- Public or quasi-public buildings
- Radio and television studios
- Restaurants-licensed
- Restaurant-food service only
- Retail food stores
- Retail stores
- Signs – Class 1

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

- Special care facilities
- Special function tents (commercial)
- Stacked townhouses
- Take-out food services
- Townhouses
- Utility building

Site 3 (0.72 hectares ± (1.77 acres ±))

(a) Permitted Uses:

- Accessory buildings
- Home occupations – Class 1
- Utilities

(b) Discretionary Uses

- Ancillary commercial use
- Apartment buildings
- Child care facilities
- Drinking establishments
- Dwelling units
- Grocery stores
- Home occupations – Class 2
- Liquor stores
- Live-work units
- Outdoor cafes
- Parks and playgrounds
- Personal service businesses
- Public or quasi-public buildings
- Restaurants-licensed
- Restaurant-food service only
- Take-out food services
- Retail Stores
- Signs – Class 1
- Special function tents (commercial)
- Take-out food services

Amendment LOC2006-0153

Bylaw 20Z2008

SCHEDULE B

CONTINUED

For the purpose of this Bylaw, "Live-work units" means the use of a dwelling unit by the resident for work purposes which may include but is not limited to offices, personal service businesses, retailing of goods produced on site, craft production or other similar small scale production activities, excluding any automotive related uses.

3. DEVELOPMENT GUIDELINES (Site 1 – 3)

(a) Density

(i) The maximum FARs are:

Site 1: 8.93 FAR;

Site 2: 5.20 FAR; and

Site 3: 1.49 FAR.

(b) Design, Character and Appearance

(i) Development above a podium on sites 1 and 2 shall be in the form of point towers with maximum floor plates of 1090 square metres.

(ii) The separation distance between towers shall be a minimum of 24 metres;

(iii) The design and exterior materials of the development shall be compatible with the character of the neighbourhood and previous phases;

(iv) All structures shall have finishes which require minimal maintenance during the life of the building;

(v) All uses at grade shall be street oriented and include entrances at grade directly fronting the street;

(vi) All mechanical equipment and associated structures, including those on any roof structure, shall be architecturally integrated into the building design;

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

- (vii) Architectural detailing that provides for flexibility of window/door openings, allowing active uses to animate any abutting open space where the public has access shall be provided to the satisfaction of the Approving Authority;
- (viii) No +15 bridges shall be allowed across 2 Avenue SW and Barclay Parade SW; and
- (ix) The development shall include green roofs.

For the purpose of this Bylaw, a green roof is:

A system of plants, growing medium and root/waterproof membranes and comprises a minimum of 30 percent of total project roof area.

(c) Building Setbacks

- (i) No setback required along 2 Street SW, 2 Avenue SW or Barclay Mall;
- (ii) A minimum of 11.0 metres from the east property line adjacent to Eau Claire Plaza; and
- (iii) A minimum of a 10.0 metre setback shall be provided from the smokestack located at the northeast corner of Barclay Parade and 2 Avenue SW, existing as of the date of the passage of this Bylaw.

(d) Building Height

No maximum building height except:

- (i) No building shall shadow an area 9 metres wide throughout abutting the top of the south bank of the Bow River, as determined by the Approving Authority, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time on September 21; and

Amendment LOC2006-0153

Bylaw 20Z2008

SCHEDULE B

CONTINUED

- (ii) No building shall shadow the area of the Eau Claire Plaza north of a line drawn parallel and 18.2 metres north of the 1 Avenue SW right-of-way between 10.00 a.m. and 2.30 p.m., Mountain Daylight Time (MDT), on September 21.

- (e) Drinking Establishment
A maximum net floor area of 250 square metres.

- (f) Dwelling Units
 - (i) Amenity space shall be provided to the satisfaction of the Approving Authority;
 - (ii) Dwelling units shall have an entrance separate from the entrance to any commercial component of the building;
 - (iii) Dwelling units shall not be located below any storey used for commercial uses; and
 - (iv) No window of a living room or bedroom shall be located closer than a horizontal distance of 24 metres from the facing windows of any other building on the site.

- (g) Financial Institution
An at-grade financial institution use shall have a maximum frontage of 7.5 metres.

- (h) Home Occupations
Home occupations shall comply with the rules contained in Section 21(11) of Bylaw 2P80.

- (i) Laboratories
 - (i) Laboratory uses shall only be allowed within the second, third and fourth floors of buildings; and

Amendment LOC2006-0153

Bylaw 20Z2008

SCHEDULE B

CONTINUED

(ii) Shall have a maximum gross floor area of 465 square metres.

(j) Landscaped Area

The following areas, except for access ways from public thoroughfares, shall be landscaped:

(i) All yards where they are not used for vehicle circulation;

(ii) All on-site horizontal surfaces at grade, greater than 5.6 square metres in area that are overlooked by residential units and not required for parking or access; and

(iii) All adjoining City boulevards.

(k) Live-work units

(i) Live-work units shall be limited to those uses that do not create a nuisance by the way of electronic interference; dust; noise; odour; smoke; bright light or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside of the live-work unit;

(ii) Dwelling units shall not have an at-grade entrance separate from the entrance to any work component of the unit;

(iii) The working area shall not exceed 50 percent of the total floor area;

(iv) A maximum of two non-resident employees or business partners may work within the live-work unit;

(v) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.2 square metres;

(vi) Each live-work unit shall have separate direct access at grade;

(vii) The resident shall be the operator of the live-work unit;

(viii) No aspect of the operation shall be visible from outside the building; and

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

- (ix) There shall be no outside storage of material, goods or equipment on or immediately adjacent to the site.
- (l) Medical Clinics and Commercial Schools

Medical clinics and Commercial schools uses shall only be allowed within the second, third and fourth floors of buildings.
- (m) Mechanical reproduction and printing establishments
 - (i) Shall have a maximum gross floor area of 465 square metres; and
 - (ii) Shall have a maximum at-grade frontage of 7.5 metres.
- (n) Office Uses
 - (i) Office uses shall have its own separate entry from that of the residential component of the building;
 - (ii) Office uses shall only be allowed within the second, third and fourth floors of buildings;
 - (iii) An at-grade office entrance/lobby shall have a maximum frontage of 7.5 metres;
 - (iv) The maximum combined gross floor area for all Office use is: 4.43 FAR; and
- (o) Parking
 - (i) In addition to the requirements of Section 18 of Bylaw 2P80, all parking shall be located within an underground parking structure;
 - (ii) A maximum of 0.9 stalls per hotel guest room; and
 - (iii) A maximum of 1.5 parking stalls per dwelling unit.

Amendment LOC2006-0153

Bylaw 20Z2008

SCHEDULE B

CONTINUED

(p) Short Stay Parking Stalls

Where included as part of a development application the Approving Authority may allow an increase in the number of parking stalls for uses which are restricted to providing a maximum of 50 percent of the number required for that use on site, as provided for in Section 18 (1.1)(b) of Bylaw 2P80, subject to the following conditions:

- (i) A maximum of 200 additional stalls may be provided within Site 1, 2 or 3 where such stalls are:
 - (A) Located in a portion of the development approved and assigned for use as a parking area – short stay that is conveniently and easily accessible to the parking area – short stay user and provides convenient pedestrian access to the street level and publicly accessible uses within the project;
 - (B) Identified through appropriate signage as parking area – short stay stalls;
 - (C) Prominently signed at the street level indicating the availability and conditions of use of such stalls;
 - (D) Managed in accordance with the requirements of Section (ii); and
 - (E) Available to the public from 7:00 a.m. until 11:00 p.m. – seven days a week;

all to the satisfaction of the Approving Authority.

- (ii) Development Permits incorporating parking area – short stay stalls provided under Section (i) require a Special Development Agreement to the satisfaction of the Approving Authority that obligates the owner of the building to enter into and maintain for the life of the project, an operating arrangement for the parking area – short stay with the Calgary Parking Authority including, but not limited to:
 - (A) Provisions and responsibilities for the day to day management and operation of the short stay stalls by the Calgary Parking Authority;

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

- (B) Signage requirements;
 - (C) Method of establishing parking charge rates;
 - (D) A mechanism to allow modification of the hours of operation set out under section (p) (i) (E) above; and
 - (E) A dispute resolution mechanism.
- (q) Private Schools
- Private schools uses shall only be allowed within the second, third and fourth floors of buildings.
- (r) Radio and Television Studios
- (i) An at-grade Radio and television studio shall have a maximum frontage of 7.5 metres; and
 - (ii) Any office component of a Radio and television studio use shall be located above grade.
- (s) Interim Uses
- (i) The following uses may be considered interim uses within any part of the existing building on site as of the date of passage of this Bylaw:
 - (A) Existing uses within the existing building on site as of the date of passage of this Bylaw; and
 - (B) Discretionary Uses listed in Section 2 (b) of this Bylaw within the existing building on site as of the date of passage of this Bylaw.
 - (ii) Interim uses within the existing building that front or face onto Eau Claire Plaza (west building elevation) and Barclay Parade (west half of north building elevation) shall be limited to retail and restaurant uses only;

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

- (iii) The Development Authority shall not approve a development permit for an interim use for a period greater than five years from the date of passage of this Bylaw ; and
- (iv) If any exterior changes are made to the existing building on site as a result of the phasing of the project, a Development Permit application shall be submitted to the Approving Authority, accompanied with drawings and any other information required by the Approving Authority. Drawings shall show interim design and façade treatment of the existing building to ensure that the physical and visual impacts to the adjoining public environment have been mitigated to the satisfaction of the Approving Authority.
- (t) Garbage Storage and Recycling Facilities
 - (i) Comprehensive recycling facilities shall be provided to the satisfaction of the Approving Authority; and
 - (ii) All activities related to garbage and loading shall occur on site and be contained within a building.
- (u) Outdoor Storage
No outdoor storage shall be allowed.
- (v) Right of Way Setbacks
See Section 17 of Bylaw 2P80.
- (w) Floodway Floodplain Special Regulations
See Section 19.1 of Bylaw 2P80.
- (x) Signs
See Sign Appendix of Bylaw 2P80.

Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE B

CONTINUED

(y) Development Plans

Approval of this application does not constitute approval of a development permit. Comprehensive plans shall be submitted to the Approving Authority as part of a development permit application. In considering such an application, the Approving Authority shall ensure that the site layout and principles of building design generally conform with the concept site plan and renderings available to City Council during its consideration of this Bylaw.

Site 4 (0.1 hectares ± (0.25 acres ±))

1. Land Use

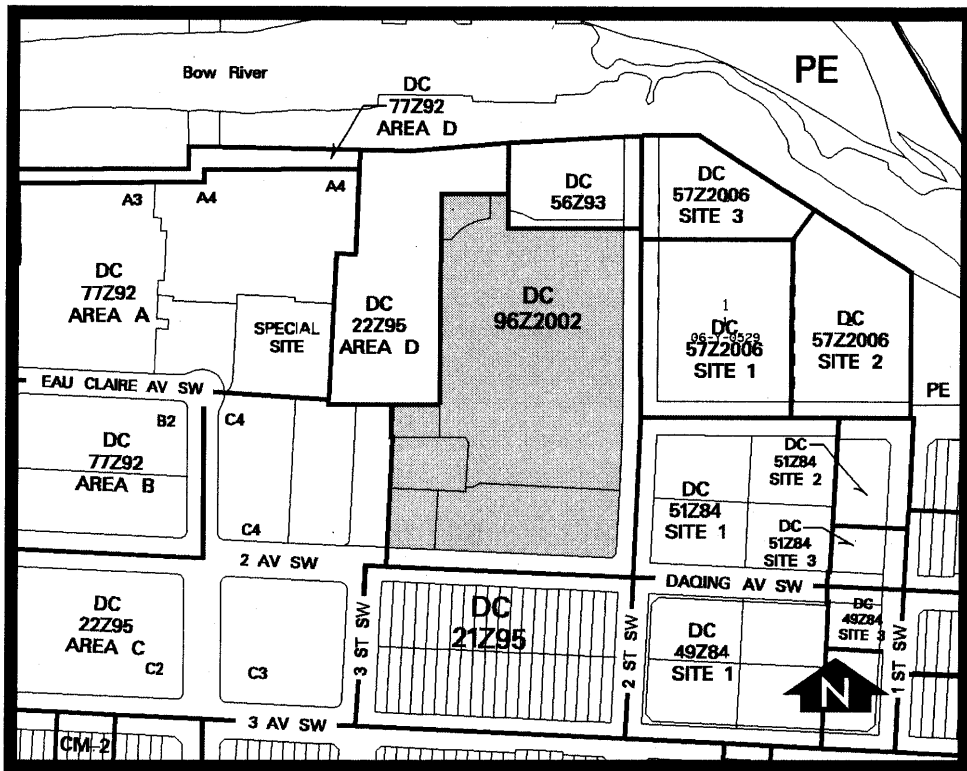
The Permitted and Discretionary Uses of PE Public Park, School and Recreation District shall be the Permitted and Discretionary uses with the additional Discretionary Use of Restaurants-Licensed, Child care facilities, Athletic and recreational facilities and Retail stores within the building existing on site as of the date of passage of this Bylaw.

2. Development Guidelines

The General Rules for Special Districts contained in Section 48 of Bylaw 2P80 shall apply to all uses and the Permitted Use Rules of the PE Public Park, School and Recreation Districts shall apply to Permitted Uses and the Discretionary Use Rules of the PE Public Park, School and Recreation Districts shall apply to Discretionary Uses.

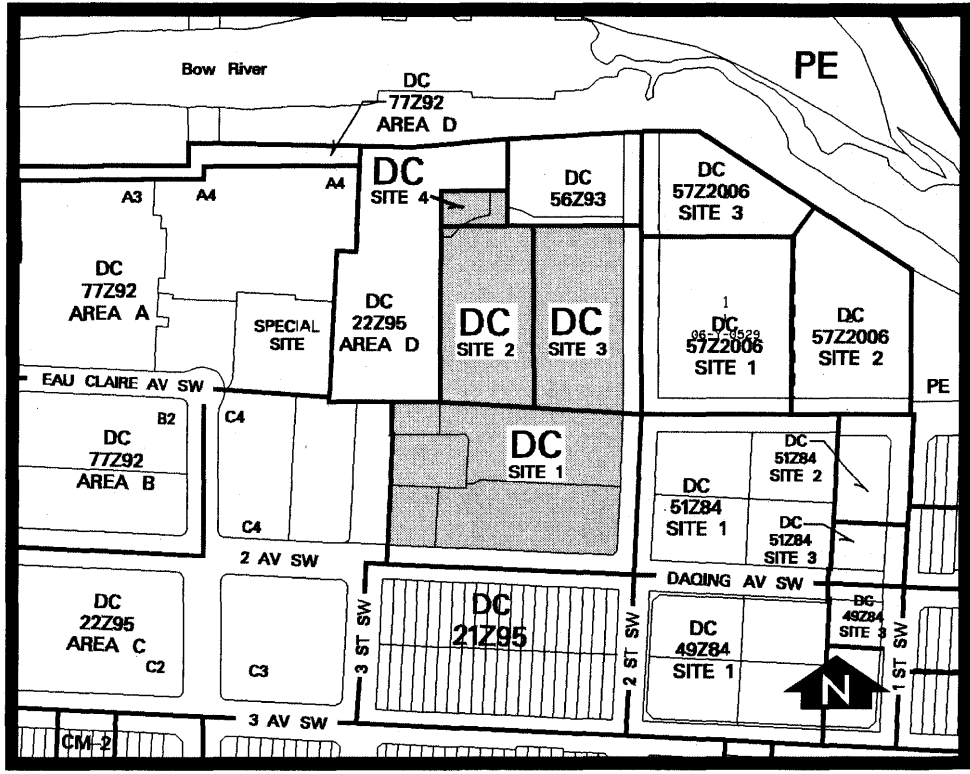
Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE C



Amendment LOC2006-0153 Bylaw 20Z2008

SCHEDULE D



BYLAW NO. 20Z2008

ADVERTISED IN: Calgary Sun on Thursday February 21, 2008

**7 EAU CLAIRE
BYLAW 20Z2008**

To redesignate the land located at 101, 201 and 208 Barclay Parade SW; 342 and 382 - 2 Avenue SW; 111 - 2 Street SW (Plan 9410601, Block 1, Lots 8 -11, 13, 14) from DC Direct Control District to DC Direct Control District to accommodate a comprehensively designed mixed use retail, office, residential and hotel development. (Bylaw 2P80)

To redesignate the land located at 101, 201 and 208 Barclay Parade SW; 342 and 382 - 2 Avenue SW; 111 - 2 Street SW (Plan 9410601, Block 1, Lots 8 -11, 13, 14) from DC Direct Control District to DC Direct Control District to accommodate a comprehensively designed mixed use retail, office, residential and hotel development. (Bylaw 1P2007)

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/20Z2008

=====

APPROVED AS TO CONTENT



IAN COPE
HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM



SHARI SHIGEHIRO
CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)

