

BYLAW NUMBER 67D2013

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2012-0052)

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 dark-shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as dark-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 SEPTEMBER, 2013.

READ A SECOND TIME, AS AMENDED, THIS 9TH DAY OF SEPTEMBER, 2013.

READ A THIRD TIME, AS AMENDED, THIS 9TH DAY OF SEPTEMBER, 2013.



MAYOR

SIGNED THIS 15TH DAY OF OCTOBER, 2013.

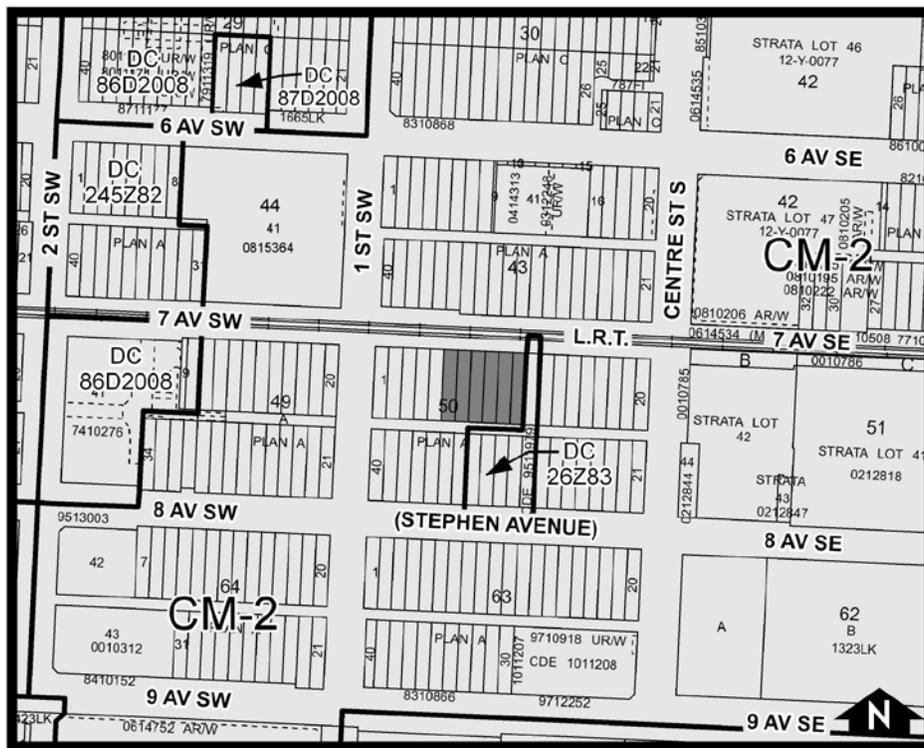


ACTING CITY CLERK

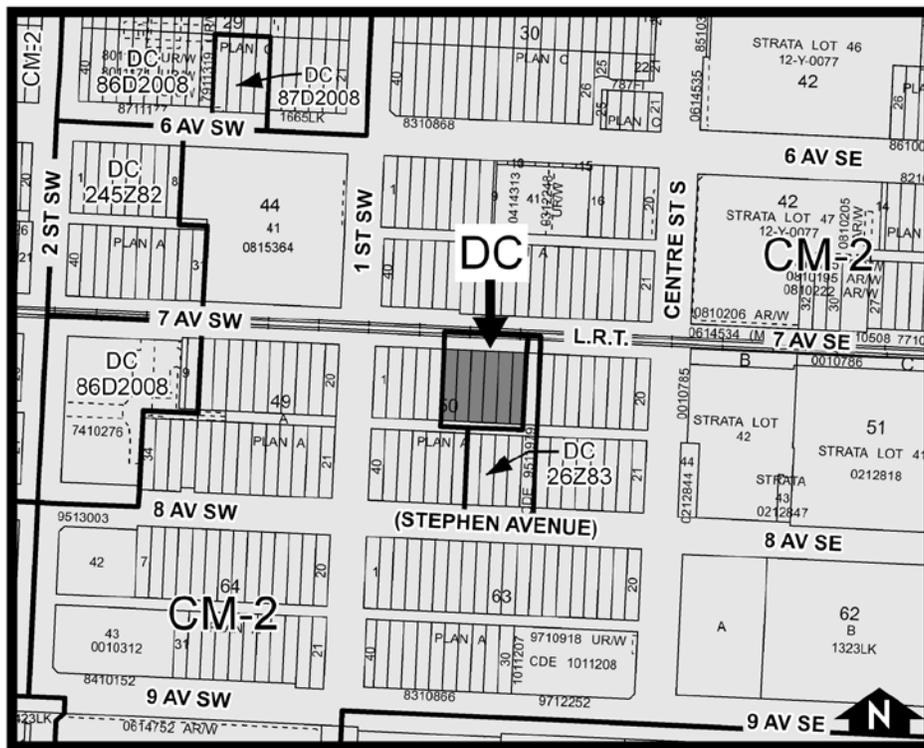
SIGNED THIS 15TH DAY OF OCTOBER, 2013.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

1 Purpose

This Direct Control District is intended to:

- (a) encourage the preservation of the heritage buildings and features located within this Direct Control District by providing an alternative bonusing structure for the restoration and municipal heritage designation of these buildings and for other onsite and offsite initiatives;

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- (b) allow for phased development provided that the first phase of the development contains, at a minimum, an Automated Parking Structure, a Media Facade, a Bicycle Station, and 5 municipally designated and rehabilitated historic resources; and
- (c) remove this Direct Control District from the rules and provisions governing the Restricted Parking Area of the Downtown Parking Area as set out in Section 18 of Part 10 of Bylaw 1P2007.

2 Compliance with Bylaw 1P2007

Unless otherwise specified, the rules and provisions of Sections 1 through 4 of Part 1, Sections 21(1) and (2) and 22 of Part 2 and Part 10 of Bylaw 1P2007 apply to this Direct Control District.

3 Reference to Bylaw 1P2007

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

4 General Definitions

In this Direct Control District:

- (a) “Automated Parking Structure” means a structure designed for the parking of motor vehicles in tiers or floors which may be constructed above, below or at grade complete with a system of computer-controlled equipment which transports motor vehicles from the arrival level to a remote parking space for storage with limited or no human assistance.
- (b) “Media Facade” means a digital media surface or screen integrated into the facade of a building facing 7 Avenue SW for the purpose of activating the 7th Avenue LRT Corridor.
- (c) “Bicycle Station” means 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 ancillary retail and service activities.
- (d) “Existing Building” means the heritage buildings existing on the site as of the date of the passage of this Direct Control District Bylaw.
- (e) “Bicycle Parking Stall – Class 1” means a bicycle parking stall in a secured or controlled area.

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5 Permitted Uses

The permitted uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the permitted uses in this Direct Control District.

6 Discretionary Uses

The discretionary uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the discretionary uses in this Direct Control District with the addition of:

Automated Parking Structure (C.U.)
Media Facade (C.U.)
Bicycle Station (C.U.)

7 Bylaw 1P2007 District Rules

Unless otherwise specified, the rules of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 apply in this Direct Control District.

8 Parking

The parking provisions of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 apply in this Direct Control District except that:

- (a) The requirements of Section 18(1.1) (b) and (c) governing sites in the Restricted Parking Area shall not apply to this Direct Control District;
- (b) The maximum number of parking stalls for an Automated Parking Structure in this Direct Control District is 388; and
- (c) The requirements set out in Section 42.3(4) (b) shall not apply to this Direct Control District.

9 Heritage Retention and Rehabilitation

- (1) The front facades of the Existing Buildings and a minimum of the first 18 metres from the front property line of each Existing Building on the south side of 7 Avenue S.W. will be retained and rehabilitated to display their heritage character. This work will be done to comply with the Canadian heritage conservation benchmark titled "Standards and Guidelines for the Conservation of Historic Places in Canada" as amended.

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- (2) A Municipal Historic Resource Designation and Compensation Agreement between The City and the Owner will be executed. The agreement will allow The City to designate the heritage buildings as a Municipal Historic Resource, at a future date, if the proposed Direct Control District Bylaw is approved by Council. The agreement will protect and guide the rehabilitation of the heritage buildings on an interim basis until a Municipal Historic Resource designation bylaw is approved at a future date.

10 Phased Development Tied to Plans

- (a) Approval of this application does not constitute approval of a development permit.
- (b) This site may be developed in one or more phases provided that the first phase of the development contains, at a minimum, an Automated Parking Structure, a Media Façade, a Bicycle Station, and five (5) municipally designated historic resources.
- (c) Subject to subsection (e), a development permit application must conform to the plans attached to this Bylaw as Schedule C.
- (d) Development in addition to that shown on the plans shown on Schedule C of this Bylaw is allowed provided that, subject to subsection (e), nothing is removed from the plans shown on Schedule C of this Bylaw.
- (e) Minor adjustments to the design of the development shown in the plans and renderings attached to this Bylaw as Schedule C may be considered by the Approving Authority and can include:
 - (i) a change to architectural and exterior materials and finishes, or any portion of them, if in the opinion of the Approving Authority the change does not significantly reduce the attractiveness or quality of the development;
 - (ii) a change to the development required to comply with a Municipal Historic Resource Designation pursuant to the Historical Resources Act or an associated interim Designation and Compensation Agreement between the Landowner and the City; and,
 - (iii) a change to the development as the result of Building Code requirements and/or City specifications related to engineering and transportation standards.
- (f) Notwithstanding Sub-sections (a) to (e) above, access to the proposed development must conform to all City standards, specifications and engineering principles to ensure a safe interface between pedestrians, cyclists and other public users of the adjacent lane and roads, failing which the development permit may be refused.

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11 Gross Floor Area

The maximum gross floor area is:

- (a) 9.0 F.A.R. where no Group B or C features for this Direct Control District are provided;
- (b) 15 F.A.R. where Group B features of this Direct Control Bylaw are provided, subject to Bonus Schedule B13 in subsection 12 (b) of this Direct Control Bylaw; and
- (c) 20 F.A.R. where Group B Bonus features of this Direct Control Bylaw are provided in addition to Group C Bonus Features.

12 Bonus Density Table - Group B Features

The Bonus Group B features in the Bonus Density Table of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 shall be the Bonus Group B features for this Direct Control District except that:

- (a) bonus features B13, B14, and B15 of the Bonus Density Table of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 shall be deleted; and
- (b) the following bonus feature B13 shall be included:

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B13

HISTORIC RESOURCE RETENTION

The amount of additional F.A.R. achieved by this bonus feature is calculated based on a bonus rate. The applicable bonus rate is the greater of the Bonus Rate as listed in this bonus feature or as amended by Bylaw 1P2007. The bonus rate indicates that the amount of additional F.A.R. will be calculated by dividing the cost of the provided bonus feature by the respective bonus rate:

- (a) Bonus Rate 2 is \$242.00 per square metre; and
- (b) Bonus Rate 3 is \$194.00 per square metre;

Historic resource retention is bonus gross floor area for the retention, restoration and preservation of entire buildings, or building features of historic significance on the parcel of the development. Although all efforts should be undertaken to retain and preserve the entire building on site, where it is impractical to do so the retention of individual building features that are of historic significance also provides for this bonus density.

Density achieved through this bonus feature can exceed the maximum density of the CM-2 Bonus Group B features.

The maximum bonus floor area ratio for this bonus feature is 11.0 FAR.

Heritage density generated through this bonus feature is non-transferable to other sites.

Where a development provides historic resource retention:

- (a) the Bonus Rate for the retention of a building feature is Bonus Rate 2; and
- (b) the Bonus Rate for the retention of the entire historic building is Bonus Rate 3.

Bonus gross floor area (square metres) = marginal extra cost of retention of the historic resource (\$) divided by Bonus Rate 2 (\$) in the case of the retention of building features or Bonus Rate 3 (\$) in the case of the retention of the entire building. Cost of retention includes costs for restoration, preservation and rehabilitation that are associated with regulated portions of the heritage resource, in addition to any work deemed necessary by the Approving Authority to promote the continued user or re-use of the resource.

Historic resource retention includes:

- (a) where the building is listed on the Inventory of Evaluated Historic Resources;
- (b) maintaining the historic resource or building feature in its approved location on the parcel or within the building where it is incorporated into a new building;
- (c) an agreement between the Approving Authority and the developer establishing the total cost of retention of the heritage resource and the associated density that will be generated on the site prior to development approval; and
- (d) designation of the historic resource as a Municipal Historic Resource pursuant to the Historical Resources Act by a Bylaw approved by Council or by another appropriate interim mechanism identified in the Historical Resources Act, such as an agreement, to protect the historic resource until such designation can occur.

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13 Bonus Density Table - Group C Features

The Bonus Group C features in the Bonus Density Table of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 shall be the Bonus Group C features for this Direct Control District except that the following Bonus Group C features shall be added:

C4	<p>BICYCLE STATION</p> <p>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 ancillary retail and service activities.</p> <p>The maximum bonus floor area ratio for this item is 2.0.</p> <p>Where a development provides a bicycle station the Bonus Ratio is 1:7.5.</p> <p>Bonus gross floor area (square metres) = gross floor area provided for the bicycle station (square metres) multiplied by 7.5.</p> <p>A bicycle station includes the following:</p> <ul style="list-style-type: none">(a) Bicycle Parking Stalls – Class 1 are 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 shower for every 10 Bicycle Parking Stalls – Class 1 for the first 200 bicycle parking stalls – class 1; and(ii) 1 grooming station consisting of wash basin, mirror and electrical outlet for every 10 Bicycle Parking Stalls – Class 1 for the first 200 Bicycle Parking Stalls – Class 1; and(iii) 1 toilet for every 25 Bicycle Parking Stalls – Class 1 for the first 100 bicycle parking stalls – class 1; and(iv) 1 locker for every 4 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;(f) where ancillary retail and service uses are contained within the Bicycle Station their floor areas are included in the bonus gross floor area; and
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	<p>(g) where located in a parkade:</p> <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.
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C5	<p>ENHANCEMENTS TO THE REAR LANE OR ADJACENT RIGHT OF WAYS</p> <p>Lane and Right of Way (ROW) enhancements is the construction of improvements to a city lane and/or ROW servicing the development which provide an amenity and design standard exceeding the City's normal standards.</p> <p>The maximum bonus floor area ratio for this item is 3.0.</p> <p>Where a development provides a lane and/or ROW enhancement, the Bonus Rate is Bonus Rate 1.</p> <p>Bonus gross floor area (square metres) = (the difference in cost between constructing a City lane and/or ROW to the City's normal standards and constructing the enhanced City lane and/or ROW that exceeds the City's normal standards) divided by Bonus Rate 1.</p> <p>A lane and/or ROW enhancement includes the following:</p> <ul style="list-style-type: none">(a) an improvement to a City lane and/or ROW which provides access to or from the development; and(b) at the development permit stage, the design, details and samples for the proposed non-standard lane and/or ROW surface treatments shall be prepared by a qualified Professional Engineer under seal & stamp, to the satisfaction of Roads - Materials and Research. Should the design, details and samples be accepted by Roads - Materials and Research, the site owner will be required maintain the improved land and/or ROW in perpetuity and execute a perpetual maintenance agreement to the satisfaction of the City of Calgary.
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C6

PUBLICLY ACCESSIBLE ART – ON SITE

Publicly Accessible Art – On Site 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.

The maximum bonus floor area ratio for this item is 1.5.

Where a development provides public art on site the Bonus Rate is Bonus Rate 1.

Bonus gross floor area (square metres) = value of the artwork (\$) divided by Bonus Rate 1 (\$).

Publicly Accessible Art – On Site includes the following:

- (a) artwork, the minimum value of which must be:
 - (i) \$200,000 for sites equal to or greater than 1,812 square metres in area;
or
 - (ii) \$50,000 for sites of less than 1,812 square metres in area;
- (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 per cent of the artwork located either:
 - (i) outdoors, at grade and visible from the public sidewalk or lane;
 - (ii) on the building's exterior and visible from the public sidewalk or lane; or
 - (iii) in the Above Grade Skywalk System walkway or in an indoor park and visible from the publicly accessible landscaped areas or the public sidewalk or lane at all times.

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C7	<p>MEDIA FACADE</p> <p>The Media Facade incentive is bonus gross floor area for the integration of a digital media surface or screen into the facade of a building facing 7 Avenue SW for the purposes of activating the Light Rail Transit Corridor. It includes costs for the purchase, delivery and installation of a digital screen on the facade facing 7 Avenue SW.</p> <p>The maximum bonus floor area ratio for this item is 1.5.</p> <p>Bonus gross floor area (square metres) = 30 per cent of the cost of amenity (\$) multiplied by per cent of community, artistic or cultural content (%) divided by Bonus Rate 1(\$)</p> <p>A Media Facade includes the following:</p> <ul style="list-style-type: none">(a) an agreement between the City and the operator regulating the hours of operation, technical requirements and presented content;(b) no audio media except where it is approved by the Approving Authority;(c) third party advertising for a maximum of 50 per cent of the time the Media Facade is active per day;(d) community, artistic and cultural content for a minimum of 50 per cent of the time the Media Facade is active per day; and(e) integration of the media surface or screen technology into the structure and design of the building.
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