

BYLAW NUMBER 99D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0056)**

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;

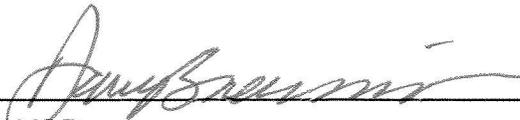
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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.

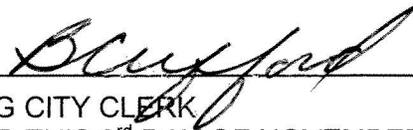
READ A FIRST TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3rd DAY OF NOVEMBER, 2008.



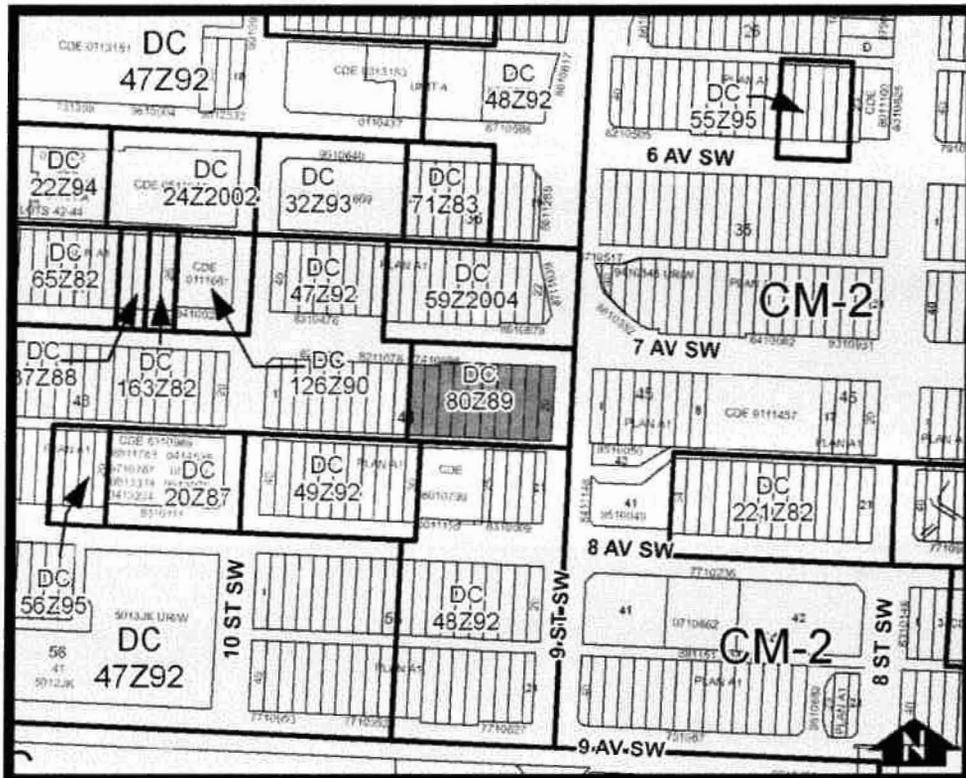
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



ACTING CITY CLERK
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.

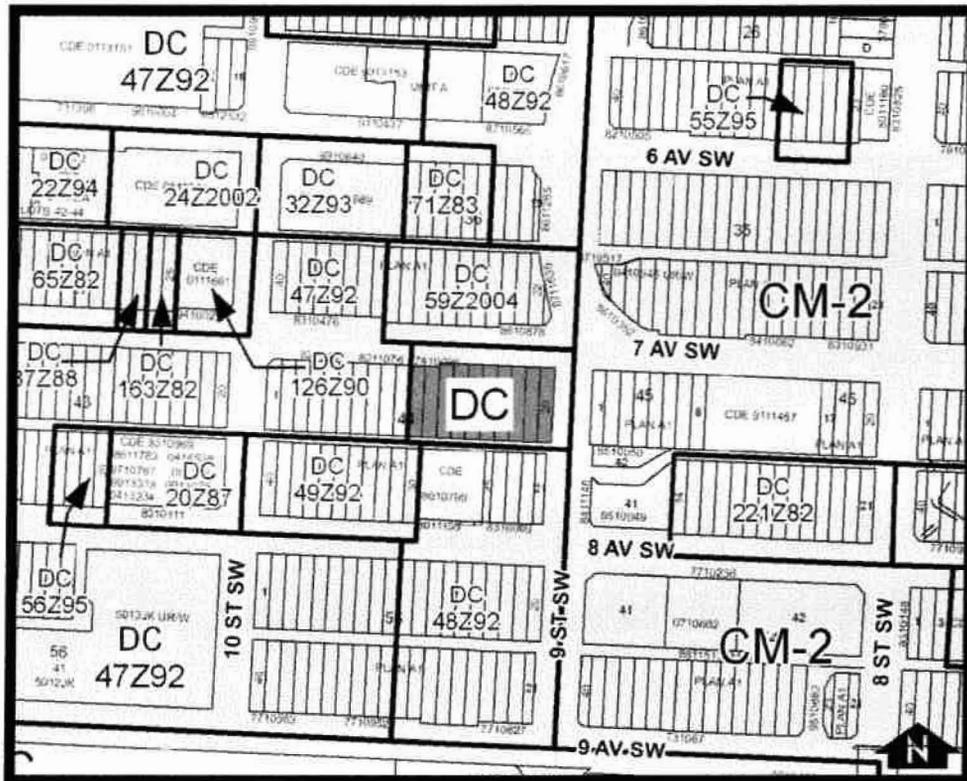
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to be for a commercial office development.

Compliance with Bylaw 1P2007

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

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Reference to Bylaw 1P2007

- 3 Unless otherwise specified within this Direct Control District, a reference to a section in Part 10 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) "Restaurants" means an establishment where food is prepared and served on the premises for sale to the public; and may include entertainment which is ancillary to the preparation and service of food.
 - (b) "School, private" means a place of instruction which is not operated with public funds and which may offer courses of study equivalent to those offered in a public school.
 - (c) "Senior citizens housing" means any multiple dwelling constructed in compliance with The Senior Citizens Housing Act.

Permitted Uses

- 5 Notwithstanding any other requirement of this Bylaw, proposed or existing uses of a site shall be permitted uses on that site if they:
- (a) are included in the list of discretionary uses in Section 6; and,
 - (b) have been approved on or before October 10, 1984, by a development permit that has not expired.

Discretionary Uses

- 6 The following uses are discretionary uses in this Direct Control District:
- (a) Amusement arcades
 - (b) Apartment buildings (C.U.)
 - (c) Apartment-hotels
 - (d) Athletic and recreational facilities
 - (e) Automotive sales and rental
 - (f) Automotive services
 - (g) Automotive specialties
 - (h) Billiard parlours
 - (i) Child care facilities
 - (j) Commercial schools (C.U.)
 - (k) Community association buildings

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- (l) Drinking establishments
- (m) Dwelling units
- (n) Entertainment establishments
- (o) Essential public services (C.U.)
- (p) Excavation stripping and grading
- (q) Financial institutions (C.U.)
- (r) Gaming establishment - bingo
- (s) Grocery stores (C.U.)
- (t) Home occupations
- (u) Hostels
- (v) Hotels
- (w) Laboratories
- (x) Liquor stores
- (y) Lodging houses
- (z) Mechanical reproduction and printing establishments
- (aa) Medical clinics (C.U.)
- (bb) Offices (C.U.)
- (cc) Parking areas (temporary)
- (dd) Parking structures
- (ee) Parks and playgrounds
- (ff) Personal service businesses (C.U.)
- (gg) Private clubs and organizations
- (hh) Private schools (C.U.)
- (ii) Public and quasi-public buildings (C.U.)
- (jj) Public and separate schools (C.U.)
- (kk) Public transportation facilities
- (ll) Radio and television studios
- (mm) Restaurants (C.U.)
- (nn) Retail food stores (C.U.)
- (oo) Retail stores (C.U.)
- (pp) Senior citizens housing (C.U.)
- (qq) Signs
- (rr) Special care facilities
- (ss) Stacked townhouses
- (tt) Townhouses
- (uu) Universities, colleges and provincial training centres (C.U.)
- (vv) Utilities
- (ww) Veterinary clinic

Development Guidelines

- 7 The General Rules for Downtown Districts contained in Section 42.1 in Part 10 of Bylaw 1P2007 and the Permitted and Discretionary Use Rules of the CM-2 (Downtown Business District) shall apply unless otherwise noted below.

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Development Plans

- 8** 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 be submitted to the Approving Authorities as part of a development permit application.

Density.

- 9** Maximum density shall be 12 F.A.R. Any floor area totally or partially above grade shall be included in the F.A.R. calculations.

Height

- 10** Maximum building height shall be 26 storeys not exceeding 97 metres at any eaveline (not including mechanical penthouse).

Parking

- 11** Parking shall be provided in accordance with Part 10, Section 18 of Bylaw 1P2007.

Parking Areas

- 12** Large parking areas must be made visually discontinuous through the use of berms, planters, natural vegetation, terraces, and the like, to the satisfaction of the Approving Authority.

Access

- 13** No direct vehicular access or egress shall be permitted from or to 7 Avenue S. or 9 Street W.

Bylawed Setback

- 14** No building or structure shall be permitted within the 2.134 m bylawed setback on 7 Avenue S. and 9 Street W. or within a 3 m corner cut at the intersection of 7 Avenue S. and 9 Street W. The owner will be requested to dedicate the setback at the time of application for a development permit.

Required Public Amenities

- 15** In addition to satisfying the requirements of all Bonus Group A standards of the CM-2 Downtown Business District, the project shall provide the following public amenities in order to achieve a density of up to 10 F.A.R.
- (a) Plus 15 Bridge
An environmentally controlled +15 bridge over 7 Avenue S., 6 m in width and including all necessary work to connect to the +15 walkway approved for the receiving site on the north side of 7 Avenue S., (or equivalent cash-in-lieu payment).

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- (b) 7 Avenue Pedestrian Arcade
A pedestrian arcade with a minimum unobstructed width of 3.5 m and which may be built-over above the second storey.
- (c) At-Grade Plaza
An open-to-sky, at-grade plaza with a minimum area of 725 metres (7,800 sq.ft.) to comprise the full 9 Street frontage and be generally oriented toward the intersection of 9 Street W. and 7 Avenue S. The plaza shall be built in conformity with all location, access and performance requirements as contained in Bonus Standard B1 of the CM-2, Downtown Business District. The plaza location shall be defined by the following requirements:
 - (i) minimum distance of building face from 9 Street setback line = 6 m
 - (ii) average distance of building face from 9 Street setback line = 20 m
- (d) At the time of the Development Permit a detailed landscaping plan for the entire project with particular attention to the plaza shall be submitted and approved by the Approving Authority.

Optional Public Amenities

16 In order to contribute toward project densities between 10 and 12 F.A.R. some combination of the following components must be provided. The bonusing guidelines contained herein are referenced to the CM-2 Downtown Business District Bonus Standards. The pertinent location, access and performance requirements and the bonus ratios and limits of the CM-2 bonus standards shall apply.

- (a) Provision of off-site improvements in accordance with Council policy for a contribution to, or the construction of, features identified in Council's policy for public improvements in Downtown.
- (b) Provision of open-to-sky pedestrian space at the +15 level (Standard B4).
- (c) Provision of an additional outdoor, built-over pedestrian space adjacent to the plaza (Standard B5).
- (d) Provision of an indoor park at grade level (Standard B6) or at +15 level (Standard B6).
- (e) Provision of +15 walkway enhancements (Standard B7).

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- (f) Provision of escalators between grade and +15 levels (Standard B9).
- (g) Construction of a +15 lane link to adjoining development to the south (Standard B10).
- (h) Provision of a sculpture in the public plaza (Standard B12a).
- (i) Improvements to adjacent rights-of-way (Standard B11).