

BYLAW NUMBER 136D2015

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2013-0067)**

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 14TH DAY OF SEPTEMBER, 2015.

READ A SECOND TIME THIS 14TH DAY OF MARCH, 2017.

READ A THIRD TIME THIS 14TH DAY OF MARCH, 2017.

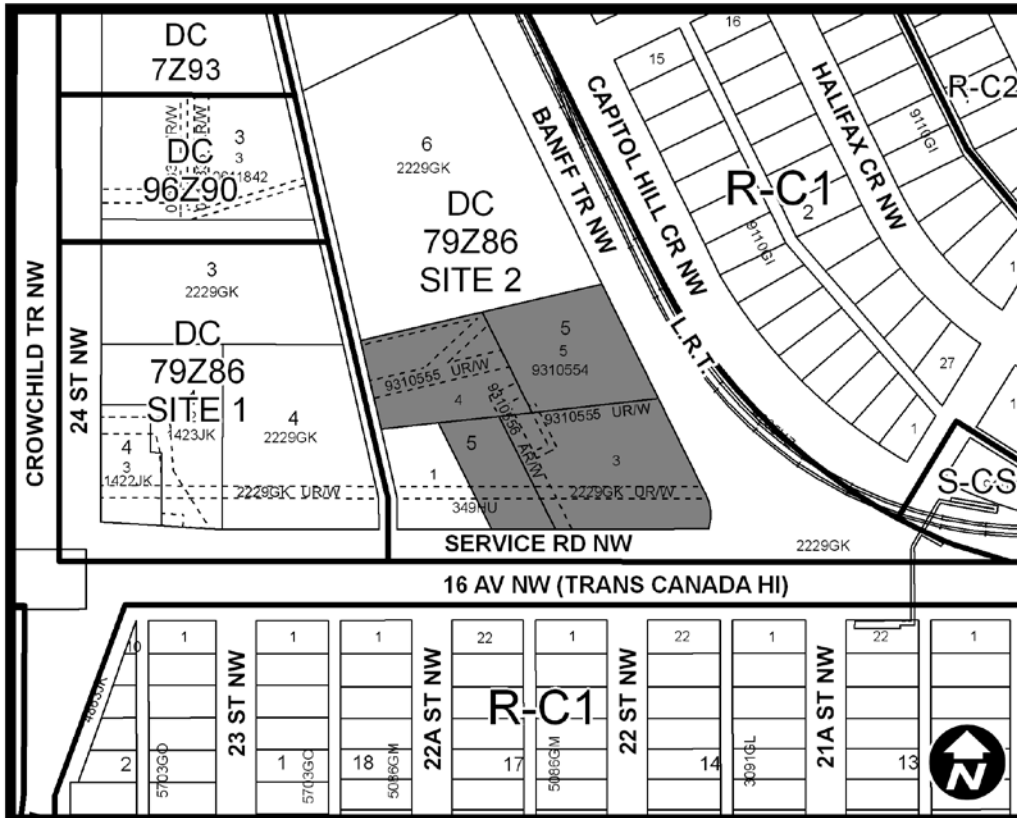


MAYOR
SIGNED THIS 14TH DAY OF MARCH, 2017.

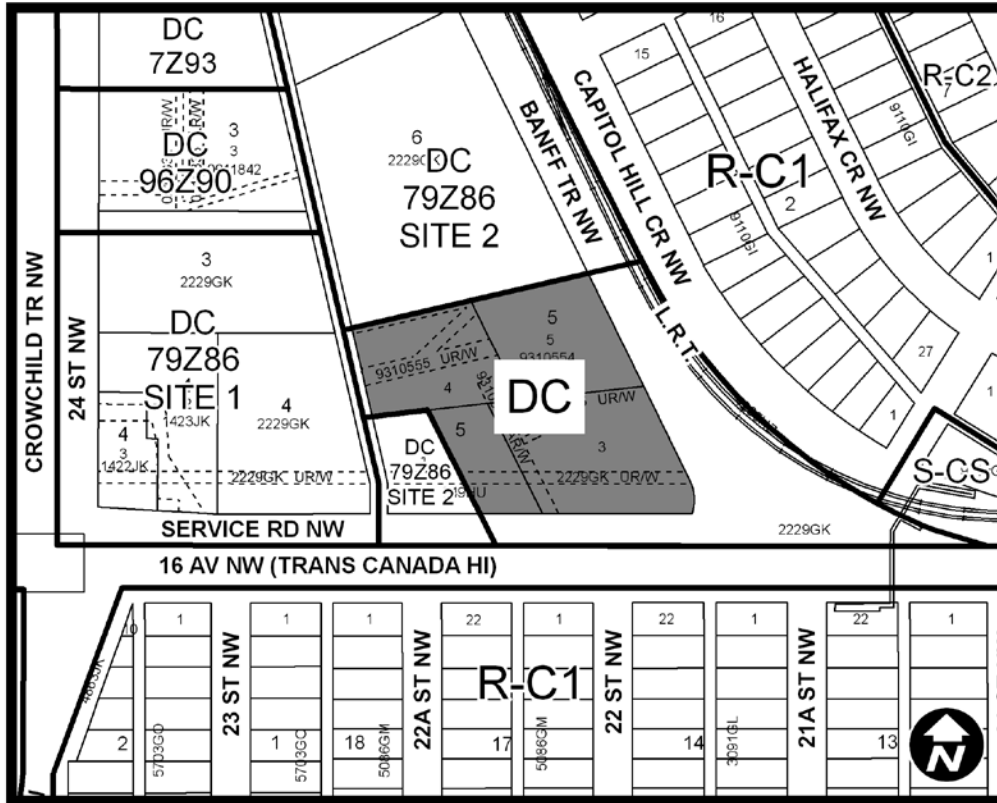


ACTING CITY CLERK
SIGNED THIS 14TH DAY OF MARCH, 2017.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate a pedestrian oriented mixed-*use development* in compliance with the policies of the local area redevelopment plan; and
 - (b) implement the provisions of the density bonus system in the applicable local area redevelopment plan.

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Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a 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 **floor area ratio**.

Permitted Uses

- 5 The **permitted uses** of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:

- (a) **Auto Service – Major;**
- (b) **Auto Service – Minor;**
- (c) **Car Wash – Multi Vehicle;**
- (d) **Car Wash – Single Vehicle;**
- (e) **Drive Through;**
- (f) **Gas Bar;**
- (g) **Vehicle Rental – Major;**
- (h) **Vehicle Rental – Minor;**
- (i) **Vehicle Sales – Major; and**
- (j) **Vehicle Sales – Minor.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Commercial Corridor 2 (C-COR2) District of Bylaw 1P2007 apply in this Direct Control District.

Building Height

- 8 (1) The maximum **building height** is 90 metres.
- (2) New **buildings** must have a minimum **building height** of 12.0 metres from **grade** at the front façade.

Density

- 9 (1) The minimum **floor area ratio** is 1.5.
- (2) Unless otherwise referenced in subsection (3), the maximum **floor area ratio** is 4.0.
- (3) The **floor area ratio** may be increased to a maximum of 6.0 in accordance with the **bonus provisions** contained in Schedule C.

SCHEDULE C

Bonus Provisions

1.0 Introduction

Approval of this Direct Control Bylaw will realize the potential for redevelopment of the subject parcel.

2.0 Bonus System

2.1 Rationale: A bonus system may be used by the developer, and has been designed to balance the higher density development with the provision of appropriate public benefits and amenities based on the following principles:

- a) Density Bonuses should only be established for items or features that provide a perpetual or enduring benefit to the community in which the density is being accommodated.
- b) Density Bonuses should not be granted for elements of building or site design that can be achieved or required through other means.
- c) The amount of floor area granted through a bonus should be based on the additional monetary value added to the land as a result of the bonus and the cost to the developer of providing the bonus item.

2.2 Approach

Development sites can be developed up to a maximum floor area ratio of 4.0 without providing any bonus items. In order to develop above the maximum density and up to a maximum floor area ratio of 6.0, developments may provide one or more bonus items in exchange for a defined amount of additional density.

Any combination of bonus items can be used to earn additional density, subject to the discretion of the Approving Authority and the local context of the lands contained within this Direct Control Bylaw.

Average land value is approved by Council, reviewed annually and can be changed to represent market conditions. Expert analysis may also be used to determine current market value if Council has not adopted and approved a value.

3.0 Eligible Bonus for Provision of Recreational or Cultural Space

3.1 Description

Recreational or Cultural Space is defined as floor area made available within the proposed development, for City of Calgary not for-profit community purposes including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities and other social activities.

3.2 Rationale:

With an increasing population, new facilities and new ways of delivering such facilities need to be provided in order to create the necessary social infrastructure to foster the development of a strong community. Having such community uses within private projects can also be an advantage to the developer if the project is paired with a complementary use or group that fits the overall project objectives, for example, providing space for seniors programming in an adult oriented building.

3.3 Eligibility

Projects must provide physical space of a location, size and configuration that is acceptable to The City and the proposed user group when the proposed user group is not directly affiliated with The City. The space must be secured for The City in perpetuity through ownership or other acceptable means. The City will then contract the space to specific user groups. Developers are encouraged to develop their own relationships with possible users or consult with The City on potential users for Recreational or Cultural Space within their project.

3.4 Bonus Rate

The allowable bonus floor area will be based on the construction cost of the raw floor space and, where provided, any improvements to the space required by the proposed user. It does not include operating costs. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

4.0 Eligible Bonus for Provision of Publicly Accessible Private Open Space

4.1 Description

Publicly accessible private open space is defined as a portion of a private development site that is made available to the public through a legal agreement acceptable to The City that is in a location, form and configuration and is constructed in a way that is acceptable to The City.

4.2 Rationale

Actual acquisition of park and open space by the City should not be relied on to build the entire open space network over time. Opportunities often exist to utilize private lands for public purposes that can benefit both the private development and the public. Such arrangements can help mitigate density impacts on both an individual site or the cumulative impact of density in a broader area.

4.3 Eligibility

Any development that can provide a publicly accessible private space that is in a location, form and configuration that is acceptable to the City is eligible for this bonus.

4.4 Bonus Rate

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor.

For example, if the cost to the developer to construct the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

5.0 Eligible Bonus for Provision of Affordable Housing Units

5.1 Description

Affordable housing units, as per Council's approved definition, are owned and operated by The City or any bona fide non-market housing provider recognized by The City, provided within the proposed development.

5.2 Rationale

As allowable densities increase, so does the likelihood that smaller, affordable rental apartment buildings will be redeveloped to higher density uses. Providing for some affordable housing units within new developments will help increase the supply of existing affordable housing in the city.

5.3 Eligibility

Any new development that can provide affordable housing units for a minimum of twenty years, within a proposed development in a number, operating plan, location and of a design acceptable to the City or other bona fide non-market housing provider recognized by the City, is eligible for this bonus.

5.4 Bonus Rate

The allowable bonus floor area will be based on the total construction of the units to a standard acceptable to the City. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the units and associated parking stalls is \$500,000 and the of average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor will be calculated as follows:

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Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$ 215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus. Further, the provided affordable housing units and associated parking stalls shall not be included in the calculation of gross floor area.

6.0 Eligible Bonus for Contribution to a Community Enhancement Fund (CEF)

6.1 Description

A developer may obtain bonus density by contributing funds at the bonus rate set forth in Section 6.4 of this Schedule. Any such funds paid by the developer will fund a CEF, which may be used within the vicinity of the Banff Trail LRT Station area to fund endeavours including but not limited to: park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within City rights-of-way, implementation of urban design strategies and public art on public land.

6.2 Rationale

As development intensity increases, there is an increased demand for public parks and open spaces, sidewalks, lanes and roads. In order to provide future residents with a quality public environment, new park space should be provided.

6.3 Eligibility

Any development proposing to build above a floor area ratio of 4.0 is eligible to make a contribution to the CEF. The contribution may be one component of a larger package of bonus items.

6.4 Bonus Rate

The amount of the contribution will be calculated at the time of the development permit approval based on the average market land value per square metre of buildable floor area as established by The City.

For example, if the average market land value per square metre of buildable floor area for the area is \$215, and the developer is proposing to build 1,000 square metres of floor area, then the amount of the contribution will be calculated as follows:

Average market land value x Proposed amount of bonused floor area = Contribution

\$215 x 1,000 square metres = \$215,000

Note: This contribution amount is intended to represent what a developer would, on average, have to pay for the additional land.