

**BYLAW NUMBER 88D2008**

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

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**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.

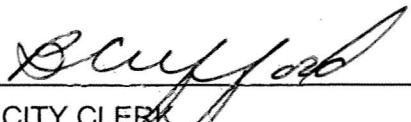
READ A FIRST TIME THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

  
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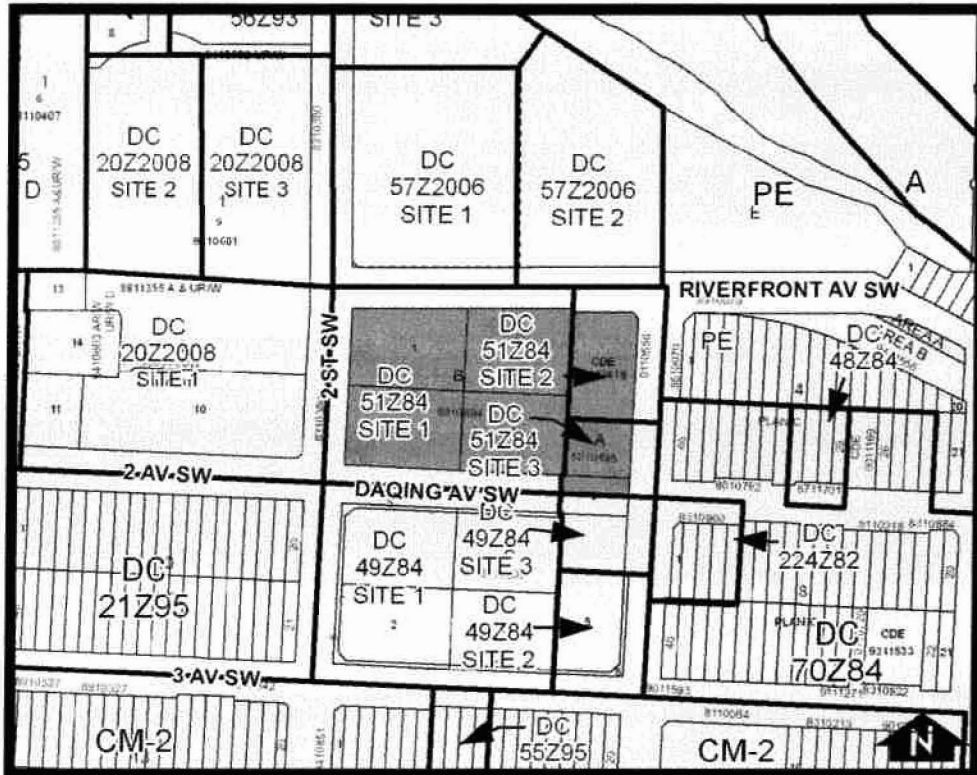
MAYOR  
SIGNED THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

  
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ACTING CITY CLERK  
SIGNED THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2008.

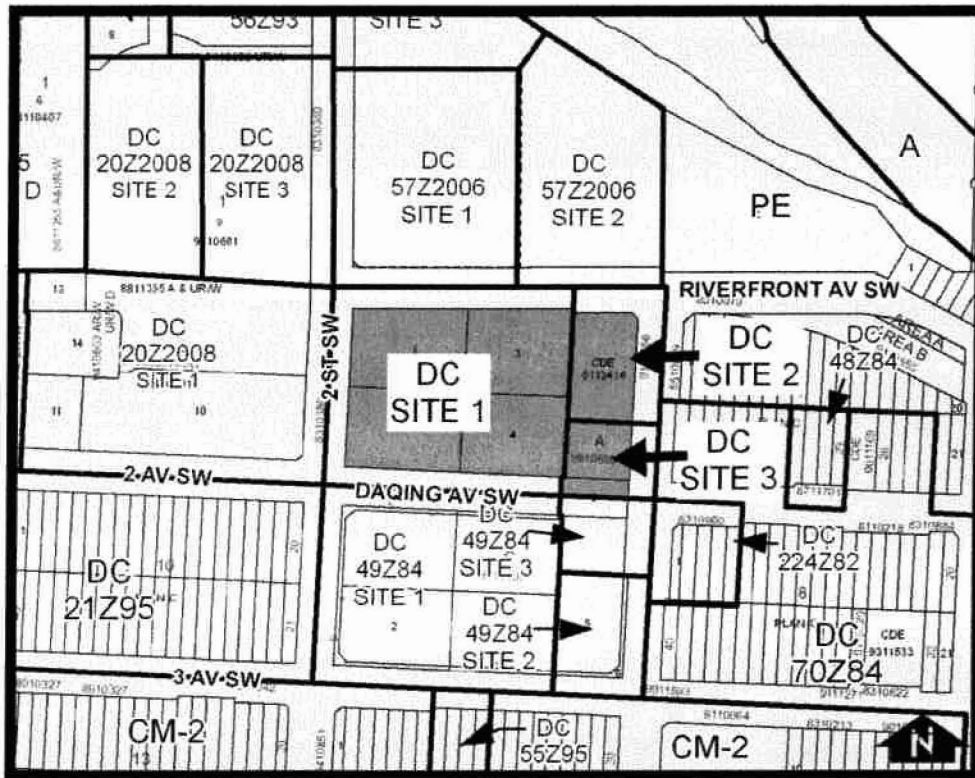
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SCHEDULE A



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SCHEDULE B



**DC DIRECT CONTROL DISTRICT**

**Purpose**

- 1 This Direct Control District is intended to be for a comprehensively-designed 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.

**Site 1**

1.0023 ha

**Application**

- 4 The provisions in sections 5 through 16 apply only to Site 1.

**Discretionary Uses**

- 5 (1) The following uses may be allowed on Site 1:
- (a) Amusement Arcades
  - (b) Athletic and Recreational Facilities
  - (c) Billiard Parlours
  - (d) Child Care Facilities
  - (e) Commercial Schools
  - (f) Cultural, Entertainment and Amusement Facilities
  - (g) Drinking Establishments
  - (h) Dwelling Units
  - (i) Entertainment Establishments
  - (j) Essential Public Services
  - (k) Financial Institutions (C.U.)
  - (l) Grocery Stores
  - (m) Laboratories
  - (n) Liquor Stores
  - (o) Medical Clinics
  - (p) Offices (C.U.)
  - (q) Parking Lots At-Grade
  - (r) Parks and Playgrounds
  - (s) Personal Service Establishments
  - (t) Private Clubs and Organizations
  - (u) Restaurants (C.U.)
  - (v) Retail Facilities (C.U.)
  - (w) Retail Food Stores (C.U.)
  - (x) Retail Stores (C.U.)
  - (y) Signs
  - (z) Utilities

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- (2) Notwithstanding Section 11(3)(b) in Part 10 of Bylaw 1P2007, only those uses indicated C.U. shall be afforded certainty of use.

**Development Guidelines**

- 6 The Development Guidelines will be those set out in Section 33 (General Rules for Commercial Districts) and Section 42 (Central Business Commercial District) in Part 10 of Bylaw 1P2007, except as noted below.

**Development Plans**

- 7 Approval of this application does not constitute approval for Development Permits. 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.

**Density**

- 8 The maximum development on Site 1 shall not exceed a total of 91,042 square metres (980,000 square feet). All of this development may be commercial.

**Building Positioning and Height**

- 9 (1) The height and positioning of structures on this site shall be such as to provide sunlight penetration to the riverbank and any major open spaces on this site during hours of maximum utilization.
- (2) The height and position of structures on this site shall be such as to avoid excessive overshadowing of the adjacent lands to the north.

**Plus 15**

- 10 The Development will provide in accordance with a phasing plan to be incorporated in the Concept Plan referred to below:
- (a) Plus 15 Walkways in a north/south and, if required by the Approving Authority, east/west direction in a location and form as described in the Concept Plan referred to below, to the standards for such walkways in force at the time of application for a Development Permit;
  - (b) one climate-controlled plus 15 bridge, or pay cash-in-lieu of same, linking this site to the site to the west if required by the Approving Authority;
  - (c) one-half of a climate-controlled plus 15 bridge, or pay cash-in-lieu of same, linking the site to the south across 2nd Avenue S.W.;
  - (d) appropriate supports and stairs to grade to accommodate required Plus 15 bridges.

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**Open Space**

- 11**     **(1)**     A total of 2,675 square metres (28,791 square feet) of open space shall be provided as landscaped space on Site 1 in accordance with the Concept Plan referred to below. Such space shall include all bylawed setback areas required under Section 17 in Part 10 of Bylaw 1P2007.
- (2)**     Provision of such landscaped open space shall be phased as follows:
- (a)     Up to 53,224 square metres (572,920 square feet) of development. Landscaped area shall be provided at the rate of 1 square metre of landscaping per 80.6 square metres of development which shall include the bylawed setback areas adjacent to the portion of the site being developed.
- (b)     From 53,224 square metres (572,920 square feet) up to 85,003.5 square metres (915,000 square feet) of development. Landscaped area shall be provided at the rate of 1 square metre of landscaping per 12 square metres of development which area shall include the bylawed setback areas adjacent to the portion of the site being developed.

**Bylawed Setbacks**

- 12**     Such areas shall be dedicated at no cost to the City of Calgary either prior to or at the same time as the adjacent area of land is developed.

**Improvements to Right-of-Ways**

- 13**     **(1)**     The pedestrian portion of the right-of-ways of 1st and 2nd Streets and 1st Avenue adjacent to the site shall be upgraded to the standards and dimensions as specified in the Council approved Handbook of Public Improvements. Such upgrading to be carried out in accordance with a plan and phasing to be determined as part of the Concept Plan referred to below.
- (2)**     **2nd Avenue Right-of-Way**  
The right-of-way of 2nd Avenue shall be improved at the Developer's discretion under either of the following two alternatives:
- (a)     to the local road standard as defined in the Council-approved Handbook of Public Improvements for Downtown in which case the development will be responsible for constructing the pedestrian portion right-of-way adjacent to Site 1; or,
- (b)     as an accessway to private parking facilities in which case that portion of the right-of-way not required for such accessway shall be developed to the standards for pedestrian areas as defined for the local road standard in the Council-approved Handbook of Public Improvements.

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**Concept Plan**

**14 (1)** Prior to the approval of any Development Permit on this site, the applicant shall submit for the approval of the Approving Authority a concept plan.

Such plan shall:

- (a) Indicate the general distribution and form of development proposed on the site.
- (b) Indicate the location, distribution and form of the landscaped areas referred to in 12.
- (c) Indicate the general location of +15 walkways and show the phasing of provision of such walkways and bridges to be developed on the site as referred to under Section 10 above.
- (d) Include a plan and phasing for construction of right-of-way upgrading required under Section 13 above.
- (e) Show the treatment and phasing of construction of 2nd Avenue, such treatment and phasing to be agreed upon with the owner of the land to the south.

**(2)** Such plan shall be updated with each subsequent Development Permit application.

**Floodplain Guidelines**

**15** Any new development shall conform with the City of Calgary Floodplain Guidelines to the satisfaction of the Approving Authority on the advice of the City Engineer.

**Parking and Loading**

**16** Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 as amended from time to time.

**Site 2**

0.2163 ha

**Application**

**17** The provisions in sections 18 through 31 apply only to Site 2.

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**Discretionary Uses**

**18 (1)** The following uses are discretionary uses in this Direct Control District:

- (a) Athletic and Recreational Facilities
- (b) Apartment Buildings (C.U.)
- (c) Child Care
- (d) Drinking Establishments
- (e) Dwelling Units
- (f) Essential Public Services
- (g) Financial Institutions
- (h) Grocery Stores (C.U.)
- (i) Home Occupations
- (j) Parking Areas
- (k) Parking Lots At Grade
- (l) Personal Service Businesses
- (m) Private Clubs and Organizations
- (n) Restaurants
- (o) Retail Facilities
- (p) Retail Food Stores
- (q) Retail Stores
- (r) Senior Citizens' Housing (C.U.)
- (s) Signs
- (t) Special Care Facilities
- (u) Stacked Townhouses (C.U.)
- (v) Tong Houses
- (w) Townhouses
- (x) Utilities

**(2)** Notwithstanding Section 11(3)(b) in Part 10 of Bylaw 1P2007, only those uses indicated C.U. shall be afforded certainty of use.

**Development Guidelines**

**19** The general rules for commercial districts contained in Section 33 in Part 10 of Bylaw 1P2007 shall apply unless otherwise noted below.

**Development Plans**

**20** Approval of this application does not constitute approval for development permits. 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.



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**Built Form**

- 21**     **(1)**     The main floor of all buildings shall be designed and built so as to be capable of accommodating a range of non-office commercial uses.
- (2)**     The maximum building coverage (excluding bylawed setbacks) shall be 100%.

**Landscaped Areas**

- 22**     With the exception of accessways from public thoroughfares, the following areas must be landscaped or improved to the satisfaction of the Approving Authority:
- (a)     all bylawed right-of-way setbacks;
  - (b)     boulevards;
  - (c)     on-site yards;
  - (d)     all roof deck areas overviewed by the development.

**Building Height**

- 23**     **(1)**     A maximum of 46 metres (150 feet).
- (2)**     The maximum building height may be exceeded provided the Approving Authority is satisfied that:
- (a)     any additional shadowing created will not adversely affect significant public spaces or private amenity areas; and,
  - (b)     significant additional sunlight is achieved elsewhere on the site or adjacent public areas.

**Density**

- 24**     Any floor area totally or partially above grade level shall be included in the F.A.R. calculations. The maximum allowable gross floor area calculated in terms of F.A.R. (floor area ratio) shall be as follows:
- (a)     Gross Floor Area
    - (i)     A base maximum of 6 F.A.R.
    - (ii)    An additional 1 F.A.R. may be achieved in the following manner:
      - (A)     a contribution to the Chinatown Improvement Fund in accordance with Council's policy;
      - (B)     provision of non-profit government-assisted (Federal, Provincial or Municipal) housing.
    - (iii)   Maximum achievable density of a project is 7 F.A.R.

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**Residential Amenity Space**

- 25**     **(1)**     Private Amenity Space  
Each dwelling unit shall be provided with a private outdoor amenity space in conformity with Section 20(17).
- (2)**     Common Amenity Space  
With the exception of government-assisted senior citizen housing, an indoor or outdoor spaces, or combination thereof, equal to a minimum of 40 percent of the site area shall be provided for the common use of the project residents. The common amenity space shall be located within 16 metres of grade and have a minimum dimension of 7.5 metres.

**Parking**

- 26**     Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 as amended, except for the following:
- (1)**     Residential developments must provide a minimum of 0.5 stalls per unit, except for senior citizens projects which must provide a minimum of 0.25 stalls per unit.
- (2)**     Parking shall not be permitted in front yards.

**Outside Storage**

- 27**     No outside storage shall be allowed.

**Signs and Motifs**

- 28**     The use of Chinese characters, symbols, designs and colours in structures is required.

**Floodplain Guidelines**

- 29**     Any new development shall conform with the City of Calgary Floodplain Guidelines to the satisfaction of the Approving Authority on the advice of the City Engineer.

**Bylawed Setbacks**

- 30**     Such areas shall be dedicated at no cost to the City of Calgary either prior to or at the same time as the adjacent area of land is developed.

**Improvements to Rights-of-Way**

- 31**     The pedestrian portion of the rights-of-way of 1st Street West and 1st Avenue West adjacent to the site shall be upgraded to the standards and dimensions as specified in the Council-approved Handbook of Public Improvements.

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**Site No. 3**

0.11148 ha

**Application**

**32** The provisions in sections 33 through 35 apply only to Site 3.

**Uses**

**33** The land use shall be for a park or a cultural centre only.

**Development Guidelines**

**34** The development guidelines as set out in Part 10, Section 51 PE (Public Park, School, Recreation District) of Bylaw 1P2007 shall apply.

**Parking and Loading**

**35** Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 as amended from time to time.