

OFFICE CONSOLIDATION
2009 JUNE

Downtown West End Policy Consolidation



Planning & Building Department
1993 April



THE CITY OF
CALGARY



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Note: This office consolidation includes the following "Adopt by Resolution" items:

<u>Amendment</u>	<u>Council Agenda #</u>	<u>Date</u>	<u>Description</u>
1	M-2009-010	2009 June 01	a. Delete the title for Section II, G), (2), "Area B – Direct Control District 48Z92" and replace with the title "Area B – Direct Control District 96D2008" b. Delete Appendix C in its entirety and replace with Direct Control Bylaw 96D2008.

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- "Core Area Policy Brief" (1982)
- "Core Area: West End Policy Review" (1987)
- "Downtown West End Policy Review" (1989)
- "Downtown West End Proposed Land Use Districts and Policy-Related Amendments Report" (1991 November 27)
- "Downtown West End Amendments" (1992 January 5)
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This document is consolidated for convenience only. The official resolution and all amendments thereto are available from the City Clerk and should be consulted in interpreting and applying these policies.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	5
I. INTRODUCTION.....	8
A) Report Mandate.....	8
B) Background and Policy Context.....	8
C) Objectives.....	12
(1) Objectives for the West End.....	12
D) Planning Process.....	12
(1) Residential Livability Research.....	12
(2) Public Involvement.....	13
II. LAND USE.....	15
A) Area Description.....	15
B) Project-Specific Direct Control Districts.....	16
C) Major Institutions.....	17
D) Transportation.....	19
E) Residential Quality Objectives.....	21
F) Urban Design and Building Form.....	23
(1) Public Systems.....	23
(2) Development Form.....	23
(3) Implementation.....	25
G) Rules for Development.....	28
(1) Area A - Direct Control District 47Z92.....	29
(2) Area B - Direct Control District 48Z92.....	32
(3) Area C - Direct Control District 49Z92.....	35
H) Remaining Lands.....	38

Appendices

- Appendix A: Excerpts from “Core Area: West End Policy Review” (1987)
- Appendix B: DC District 47Z92
- Appendix C: DC District 48Z92
- Appendix D: DC District 49Z92
- Appendix E: West End Public Improvement Plan

List of Figures

Figure 1:	Generalized Land Use Districts.....	5
Figure 2:	Study Area.....	8
Figure 3:	Downtown.....	9
Figure 4:	West End and Downtown Context.....	15
Figure 5:	West End Major Buildings.....	17
Figure 6:	West End: Existing Project-Specific DC Districts.....	18
Figure 7:	Current Bow Trail Connector Alignment.....	19
Figure 8:	Future Bow Trail Connector Alignment.....	20
Figure 9:	Livability Objectives.....	22
Figure 10:	West End Public Improvement Concept Plan.....	24
Figure 11:	Land Use Redesignations.....	29
Figure 12:	Area A Density Limits.....	30
Figure 13:	Area A Mandatory Requirements.....	31
Figure 14:	Area B Density Limits.....	32
Figure 15:	Area B Mandatory Requirements.....	33
Figure 16:	Area B Bonus Requirements.....	34
Figure 17:	Area C Density Limits.....	35
Figure 18:	Area C Mandatory Requirements.....	36
Figure 19:	Area C Bonus Requirements.....	37

EXECUTIVE SUMMARY

This report consolidates the decisions of City Council made on 1990 March 12, 1992 January 5 and 1992 June 15 regarding planning policies for the West End of the Downtown in the area between 9th and 14th Streets West and between 9th Avenue South and the Bow River (Figure 1). The decisions resulted from a long process of consultation with landowners, residents and other groups representing the citizens of Calgary affected by the development of the West End.

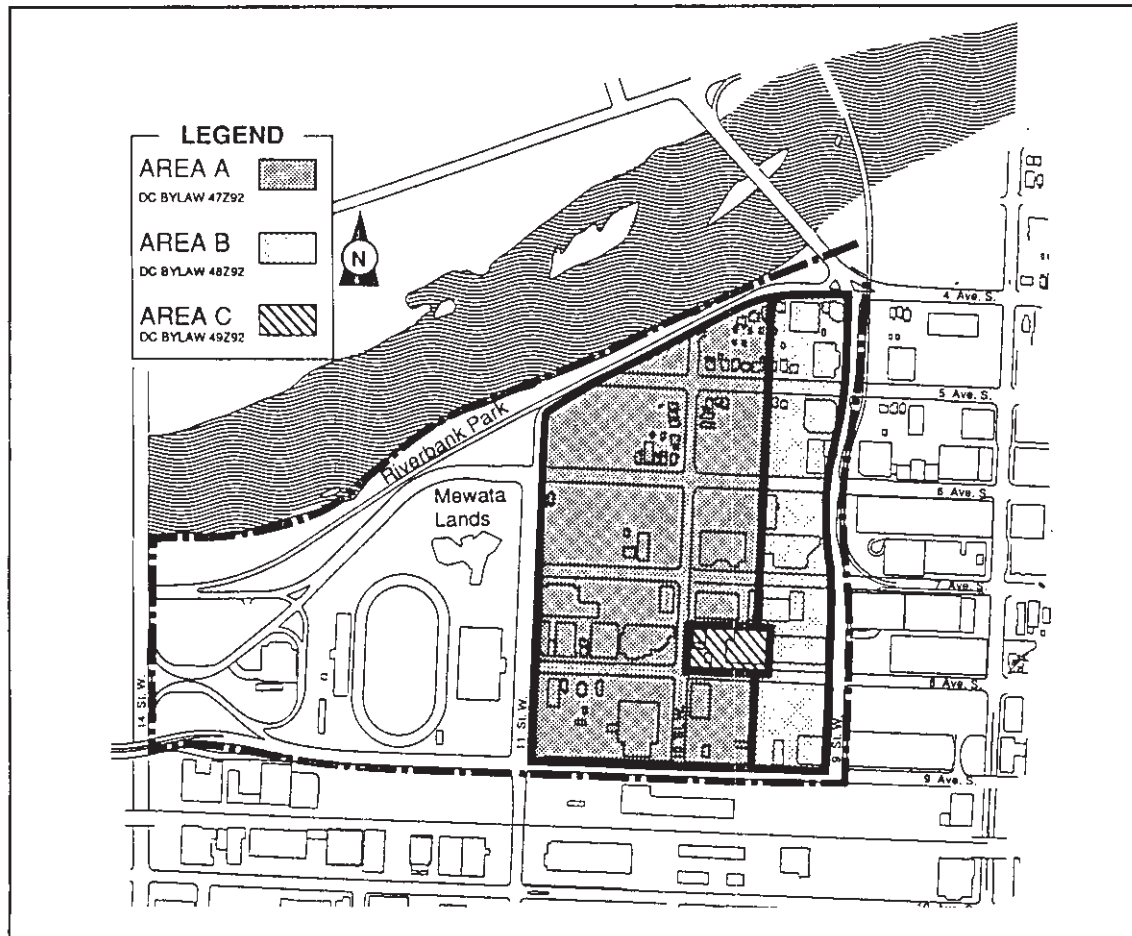


Figure 1: Generalized Land Use Districts

The contents of this report can be summarized as follows:

1. The West End policies meet overall City and Downtown planning objectives to strengthen Downtown by promoting a larger population base and supplying more housing opportunities, which:

- put more people in close proximity to the diverse range of Downtown employment opportunities in a very strong and complementary relationship;
- efficiently use the existing transportation and other service systems, reducing demands for roadways or other improvements;
- satisfy the future demand for housing thereby reinforcing the commitment to residential uses in the western part of Downtown;
- take advantage of the positive geographic features of the West End as a Downtown “gateway” in proximity to the Bow Riverbank and the Mewata public lands;
- support the diverse range of retail, service, entertainment, cultural and recreational facilities existing Downtown while still having the flexibility to allow some commercial and institutional development at varying density levels to complement the central core and the neighbourhood.

In achieving these objectives, the “Core Area Policy Brief”, the “Calgary General Municipal Plan” and the “Long-Term Growth Management Strategy” will be implemented in the West End.

2. In summary, the land use policies can be described as follows:

- a) the West End shall be developed to create a safe, livable, high density mixed use community within the Downtown but having a distinct neighbourhood identity. To that end, public amenities will be concentrated at grade to enhance the quality of the area for pedestrians.
- b) the land use policies are as follows:
 - (i) In Area A, between 11th Street West and the mid-block point between 9th and 10th Streets West, densities of up to a Floor Area Ratio (F.A.R.) of 3.0 for commercial development and high density residential uses up to 7.0 F.A.R. allowed.
 - (ii) In Area B, a transitional area adjacent to 9th Street West, residential or commercial development up to a maximum density of 7.0 F.A.R. will be allowed.
 - (iii) In Area C, the site containing the Lord Nelson Inn, commercial development up to 10,580 square metres, with a bonus of 605 square metres following the provision of required amenities, will be allowed. Alternatively, residential development up to

a total project limit of 7.0 F.A.R. will be allowed with the provision of mandatory requirements. Mixed use projects will not be allowed to exceed the 11,185 square metres commercial limit.

- (iv) The public Riverbank and Mewata lands remain in the PE (Public Park, School and Recreation) and PS (Public Service) Districts;
 - (v) The project-specific DC (Direct Control) District sites in existence prior to 1992 June 15 will remain as approved. Their locations are illustrated in the body of the report. In order to implement Council's approved policies, land use amendment applications initiated by owners to change these DC sites would be evaluated on an individual basis, in light of Council's policies as consolidated in this report.
- 3. To implement Council's intent, three special DC Districts establish rules for development of lands not included in 2.b)(v) above. These new districts were applied to the land in the West End in a City-initiated land use redesignation on 1992 June 15.
 - 4. Council amended the "Core Area Policy Brief", the "+ 15 Policy" and the "Off-Site Improvement Policy" to reflect the West End policies.
 - 5. Council has also instructed the Administration, in consultation with area businesses and landowners, to prepare public improvement priorities for the West End area within the current review of the "Downtown Handbook of Public Improvements" based on the conceptual designs included in Appendix E of this report.
 - 6. The vision for the West End includes improvements to the publicly-owned and controlled lands, including the rights-of-way and a mechanism for their implementation through the West End Improvement Fund. The moneys in this Fund will be collected over time from commercial development in the area.

I. INTRODUCTION

A) Report Mandate

On 1990 March 12, City Council directed the Planning and Building Department to draft guidelines for the development of land based on its approval of general policies regarding land use and density and to prepare a document which consolidated the policies and approvals regarding the West End area shown in Figure 2. The land use guidelines, as contained in three Direct Control (DC) Districts, were approved on 1992 June 15. This consolidated report responds to the direction of 1990 March 12.

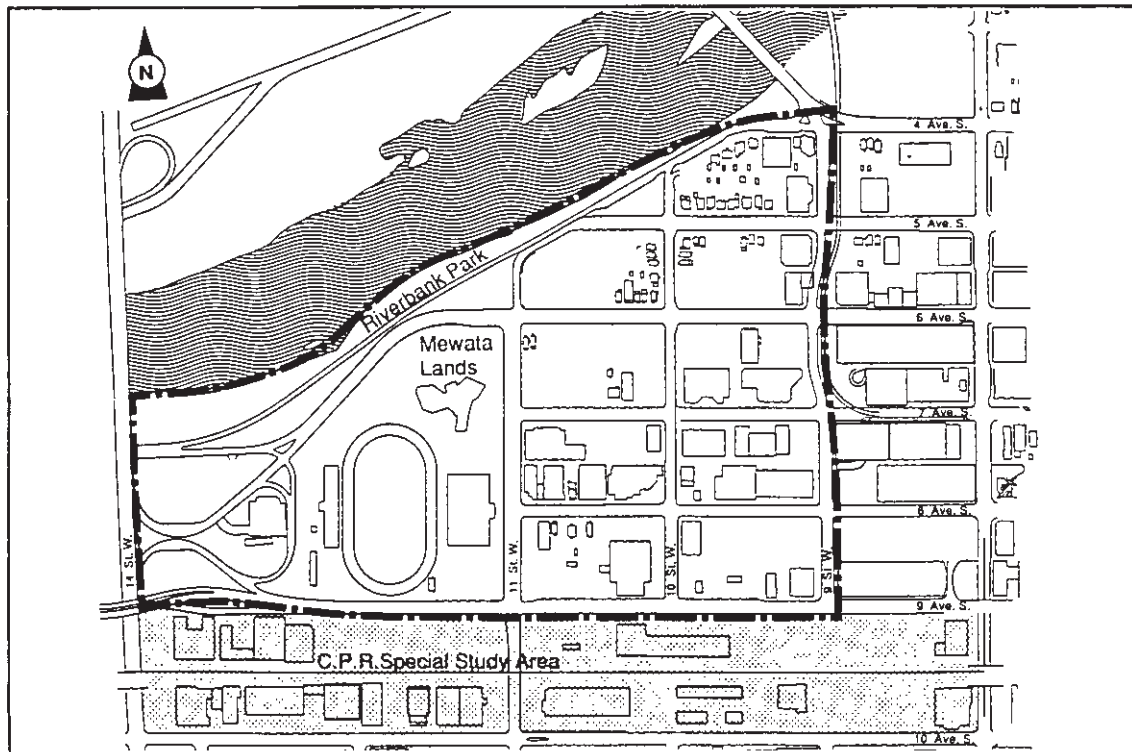


Figure 2: Study Area

B) Background and Policy Context

This section refers to the current history of Council decisions pertaining to the development of the land use policies for the West End.

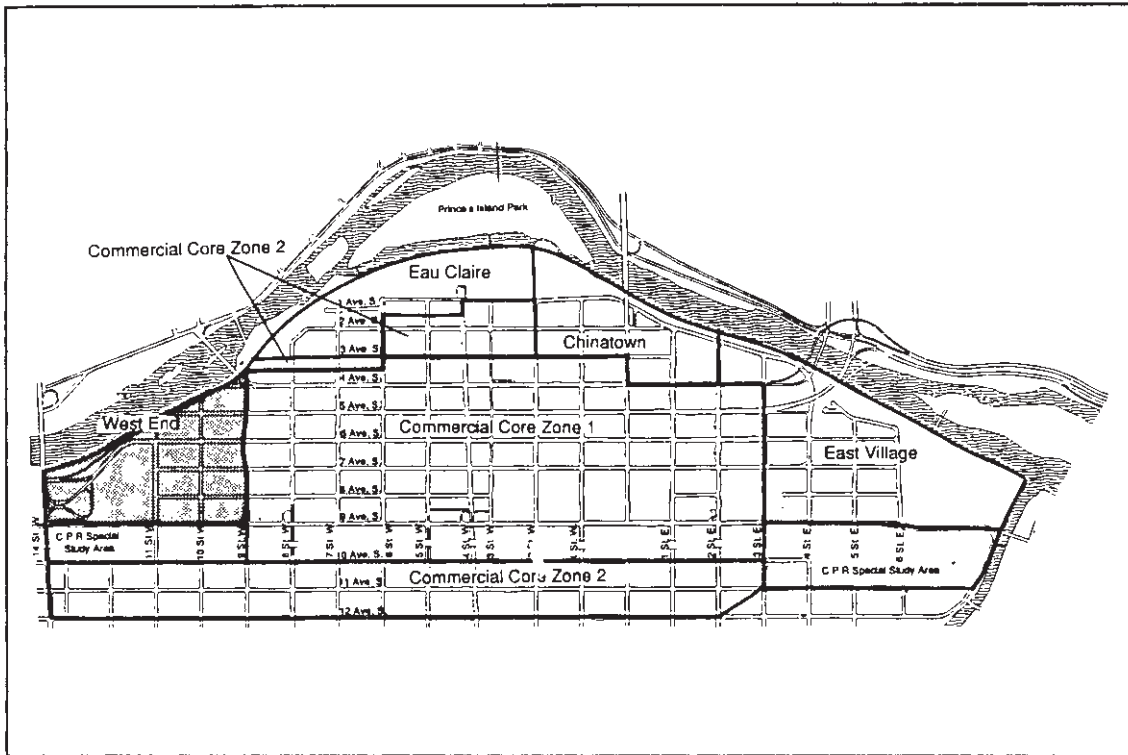


Figure 3: Downtown

The “Calgary General Municipal Plan” (1979), as the overall statutory plan for the City, incorporates general objectives and policy directions for the Downtown including the desirability of:

- increased efficiency of land use in the inner city and Downtown, e.g. increased use of vacant and under-used land, infill and selective redevelopment;
- increased population density in the inner city and Downtown;
- increased residential densities adjacent to major employment centres and main transit routes;
- decentralization of as much new employment as possible along transit corridors to reduce traffic congestion in the Downtown and inner city; and
- encouragement of a better distribution of traffic flow throughout the transportation system by redistribution of major traffic generators.

The “Core Area Policy Brief” (“C.A.P.B.”), approved by Council on 1982 October 29, sets forth a detailed policy framework to guide future land use and development form in the Downtown (Figure 3). It outlines specific policies for the Commercial Core Zones 1 and 2, the residential areas of Eau Claire and the East Village, Chinatown, as well as other special areas throughout Downtown, and makes the following statements regarding public open space:

- “Open space is both an amenity and a necessity within the Downtown. Private development abutting the Riverbank must ensure both access and sunlight penetration, thereby protecting the public image and quality of the Riverbank environment.”
- “Greater use of existing public facilities (the Centennial Planetarium, Mewata Stadium and the Mewata Armouries) should be encouraged by accommodating community and City-wide recreational, cultural and social activities.”

On 1984 October 10, City Council amended the “C.A.P.B.” to place the West End “under policy review” and instructed the Planning and Building Department to undertake a special study of the area west of 9th Street West, from 10th Avenue South to the Bow River. The reason for this study was to review the land use policies of the “C.A.P.B.” relating to the West End area, and to develop various other land use alternatives for consideration.

During this time, the “Long-Term Growth Management Strategy” was approved by Council on 1986 July 22. It includes a set of sixteen policies, and provides the most current framework for managing the city’s growth in the foreseeable future and re-establishes as one of the overriding goals “to enhance the Downtown’s role as a major employment, housing, shopping and cultural focal point in the city”.

These policies are aimed at reducing the problems and inefficiencies in the inner city and Downtown by:

- emphasizing public transit to minimize major capital expenditures for roadway improvements and environmental disruptions to inner city and Downtown areas;
- ensuring that the proportion of persons using public transit is increased relative to the private car, particularly for the journey to work;
- increasing residential densities in various areas of the Downtown to:

-
- increase opportunities for new core employees to live near their jobs;
 - ensure a more substantial residential presence within the core employment and commercial area; and
 - promote maximum use of existing Downtown services and facilities.

At the conclusion of the West End study, the Planning and Building Department recommended the creation of a mixed use community which would conform to the principles as originally set out as Option 4A in the "Core Area: West End Policy Review" (1987). This document is available under separate cover and portions of this document are reproduced for reference in Appendix A.

Council did not adopt this option as recommended and instead requested that another plan and rules for development be prepared based on a commercial future for the West End. This plan and proposed land use districts were outlined in the "Core Area: West End Policy Review" (1989).

When Council considered this proposal on 1990 March 12, it did not approve this vision for the West End, but instead directed the Planning and Building Department to prepare rules for the development of land based on land uses and densities as set out in Option 4A of the 1987 report with one exception. A limit was to be placed on overall project density, including residential uses. This forms the basis for the current land use policy.

In summary, Council directed that:

- there was to be a transitional area adjacent to 9th Street West which would allow commercial development up to a maximum density of 7.0 F.A.R. and high density residential to a limit to be determined through the planning process.
- the remaining area would allow commercial development up to a density of 3.0 F.A.R. and high density residential with a density limit to be determined by the requirements of future residents for a livable environment, one which included adequate access to natural light, amenities and parking. Rules for development were to have regard to market forces. They were also intended to include environmental guidelines to protect sunlight access to the park adjacent to the Bow River.
- the public riverbank and Mewata lands would remain in the PE (Public Park, School and Recreation) and PS (Public Service) Districts.

- the DC sites governed by project-specific development guidelines already approved by Council would not be changed by the City as a result of the planning for the West End; however applications by owners of these lands for land use amendments would in future be evaluated on an individual basis in light of the new policies for the West End.

These policies formed the basis of the work which took place after Council's direction of 1990 March 12.

C) Objectives

(1) Objectives for the West End

The "Downtown Plan" (1979), the "C.A.P.B." (1982) and the "Long-Term Growth Management Strategy" (1986) all affirm the need for viable residential areas in the Downtown for reasons of satisfying objectives of achieving safety, choice and efficient use of Civic infrastructure. Residential uses in the Downtown offer an alternative for Calgarians wanting to live close to work. They provide a market for downtown commercial activities and services, enliven the Downtown beyond office hours and help to achieve Council's objective of reducing transportation demands by placing more residences close to major employment centres.

The West End is in an attractive location separated from the business commercial core by an established residential area, and has sufficient undeveloped space to allow the development of a unique mixed use neighbourhood close to both amenities and activities. It will add to the lifestyle choices available to Calgarians and in this way promote a larger population Downtown, thereby reducing transportation demands.

D) Planning Process

(1) Residential Livability Research

In response to Council's direction of 1990 March 12 to "investigate and recommend an appropriate density limit for residential uses which would produce a livable mixed use environment", the Planning and Building Department began by studying the factors contributing to residential livability, especially at high density.

In brief, the study included a review of the academic and professional planning literature on high density living environments and confirmed that the general land use directions as set out for the West End could result in a

livable environment for residents. It was apparent, however, that residential satisfaction depended greatly on the design of buildings (especially their relation to the street), unit design and access to choice in the selection of housing type.

Since ensuring free choice of housing and the design of units are both beyond the scope of a land use by-law district, a series of livability objectives were developed which focused on that which could be controlled: the building envelope and its relation to its neighbours and the public realm. These objectives, which were ratified by Council at its consideration of the draft districts on 1992 January 5, are presented in Section II.E.

(2) Public Involvement

In order to reflect the objectives and values of residents, owners and other interested Calgarians, a review committee, the West End Planning Advisory Committee, was established which attempted to reflect the interests of the broadest spectrum of people affected by plans for the West End. At a public meeting in 1991 March, representatives of landowners and tenants, both commercial and residential, were elected by their peers to sit on this review committee. The committee also had representation from the Alberta Home Builders Association, the Building Owners and Managers Association, the Downtown Business Revitalization Zone, the Federation of Calgary Communities and the Urban Development Institute.

This committee met many times between March and October of 1991 to consider proposals produced by staff in the Planning and Building Department, to confirm the livability objectives, and to review the rules for land use as set out in two draft districts for the two sub-areas. These rules were then tested by two architectural firms to confirm that the guidelines were reasonable and that they could produce marketable buildings.

At the completion of this process, the draft districts were taken to the community as a whole in 1991 October to ensure that all landowners and residents were aware of the future directions being proposed. The districts, as revised, were taken to a Public Hearing of Council, along with a set of complementary public improvements and implementation proposals on 1992 January 5. They received approval in principle, subject to an amendment adding a third district, Area C, containing the Lord Nelson Inn lands located on 8th Avenue South.

West End Consolidation

In accordance with Council's direction, three DC District Bylaws were then prepared and brought before Council on 1992 June 15 when they were applied to lands in the West End. The Districts as approved by Council are included in Appendices B, C, and D.

II. LAND USE

A) Area Description

The West End includes major gateways, arrival and departure points for the Downtown via the 6th and 9th Avenue South couplets, the Louise Bridge and 11th Street West (Figure 4). The Light Rail Transit (L.R.T.) station located at 10th Street West and 7th Avenue South links the area to the rest of the Downtown and the city as a whole with convenient public transit access.



Figure 4: West End and Downtown Context

The area enjoys pleasant views toward the Bow River to the north, to the mountains in the distance and to the nearby Mewata Park land to the west. It also benefits from direct access to the city's regional system of bike paths which is located along the adjacent Riverbank Park, and is functionally and visually linked to the Hillhurst residential community to the north across the Bow River with schools and a broad range of retail shops and related services.

The area immediately to the east of the West End, between 7th and 9th Streets West, separating the West End from the central business core, contains a concentration of high-rise residential buildings. Within this two-block-wide stretch are located 2,875 units or approximately 40 percent of the total Downtown dwelling units as of November 1992. The high-rise residential developments occurring here were built during the 1960s and 1970s when the Bonus Area C of the CM-2 District included residential bonuses.

The existing land uses in the West End consist mainly of low-profile medium density residential and commercial developments, an area of single family dwellings located adjacent to the Bow River, car dealerships, surface parking lots, residential support services, a seniors' centre located in the Kerby Memorial Building, the Athabasca University offices, food services, restaurants, coffee shops and a hotel (Figure 5).

The Westmount Place high density residential development, built in 1982 and containing 126 units, is the largest and newest building in the area, bringing the total number of dwelling units in the West End to 317. The Calgary Catholic Board of Education offices will be relocating to the area in a building left unfinished in the economic downturn in the early 1980s.

The medium density office developments built in the 1970s and early 1980s in the West End are in the 3.0 F.A.R. density range and include Commerce Centre, Pembina Place, Mewata Place and the Ten-Ten Building.

B) Project-Specific Direct Control Districts,

There are fourteen development sites in the West End which are governed by project-specific DC District guidelines. The majority of these DC Districts are within a medium to high density range (3.0 - 8.0 F.A.R.) and allow for residential, commercial and mixed land uses. The location of these proposed developments are illustrated in Figure 6 along with a summary of the densities and uses in these districts.

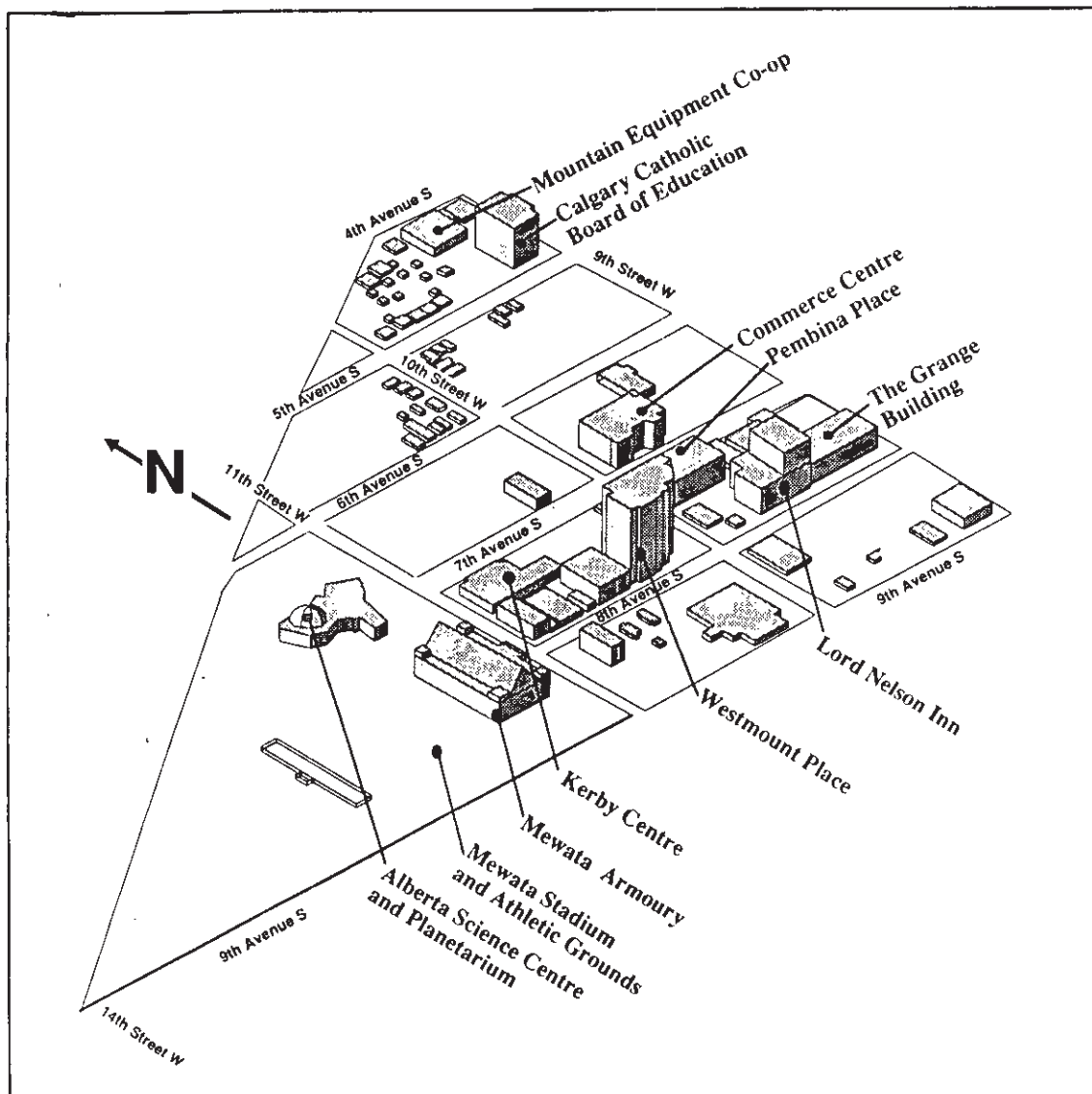


Figure 5: West End Major Buildings

C) Major Institutions

Defining the western edge of the West End is the Mewata site, including the Mewata Armouries (a Federal and Provincial Historic Resource), the Centennial Planetarium, Alberta Science Centre and the Mewata Stadium. These uses all attract visitors from beyond the local community. The Planetarium and Science Centre in particular have a regional tourist appeal as well. Future expansion plans for these facilities may result in the relocation of the Mewata Stadium and the expansion of the Alberta Science Centre facility.

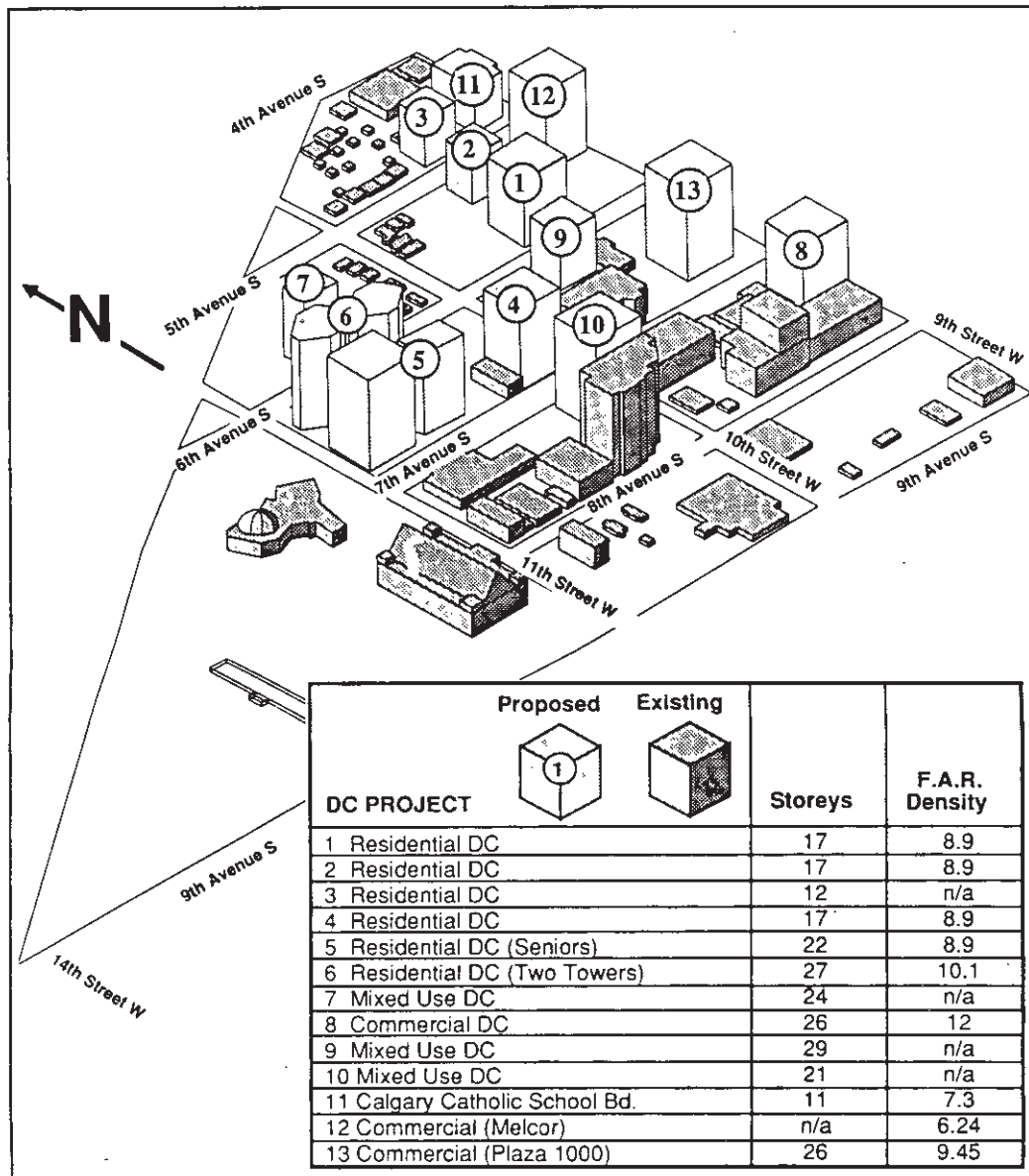


Figure 6: West End: Existing Project-Specific DC Districts

A major centre for seniors is located in the West End adjacent to 7th Avenue South and across 11th Street West from the Mewata site. The Kerby Centre is a gathering place for seniors across Calgary, offering a broad range of educational and social activities. The offices of Athabasca College, a post-secondary correspondence educational institution, are also located here along 7th Avenue South. These uses benefit from the convenient transit and vehicular access to the West End and result in a high concentration of attractions here to benefit residents and businesses.

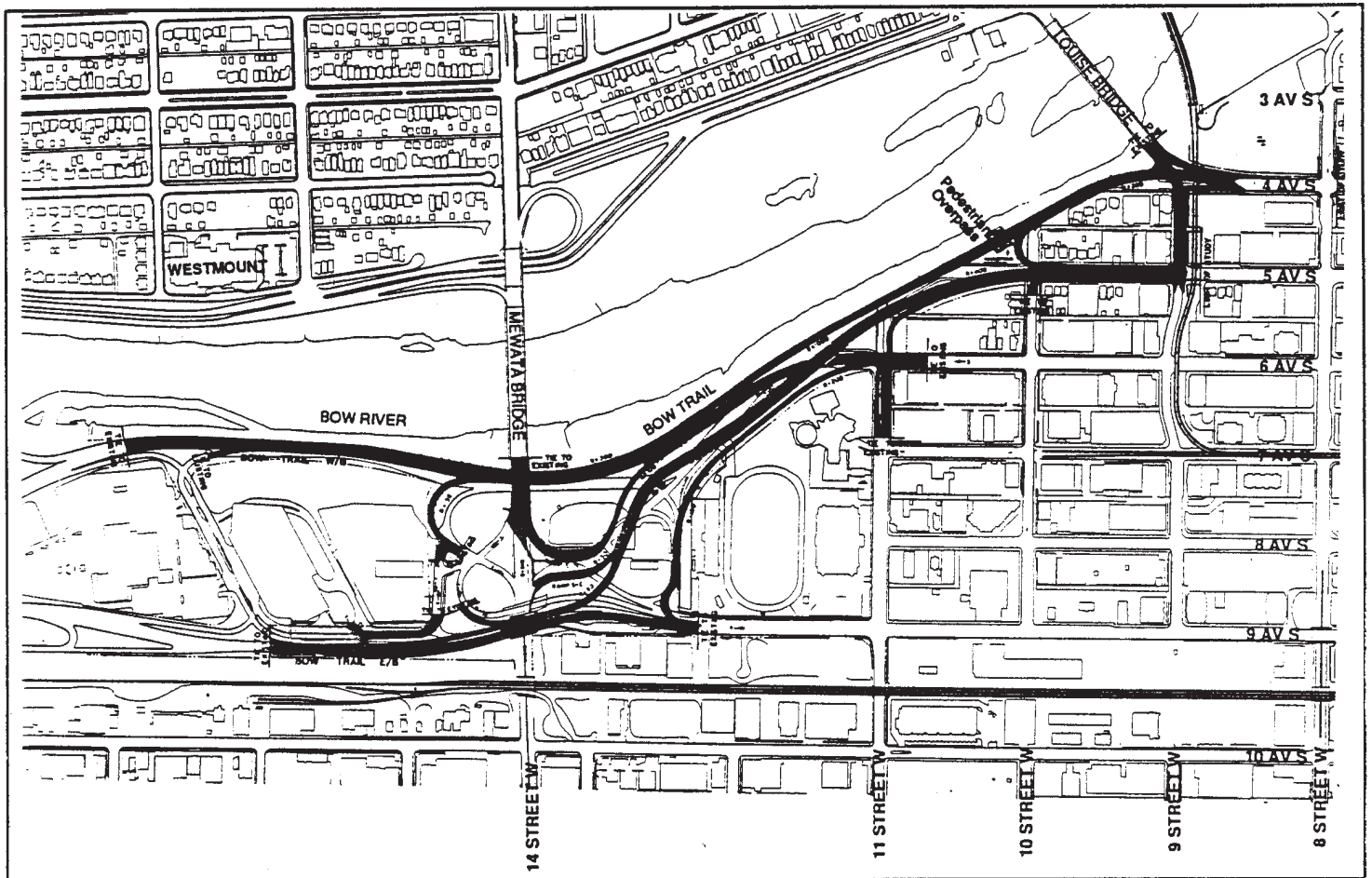


Figure 7: Current Bow Trail Connector Alignment

D) Transportation

The following transportation changes affect the West End area.

The future Bow Trail Connector is a multi-stage scheme that would improve traffic flows entering and exiting the Downtown from the west. Road improvements, widening and new ramps would focus on Bow Trail in the vicinity of the Mewata Bridge. The first phase of the project was completed in 1989. The second phase of the project will entail the construction of an interchange in which 5th Avenue South will be elevated in the order of 9 m west of 11th Street West (Figures 7 and 8). No fixed construction schedule has been set as the timing of the Connector is tied to population thresholds in Calgary. The Community Planning Advisory Committee which was created to review planning issues in the West End requested that pedestrian access to the West End Riverbank be provided in the form of an at-grade crossing with a pedestrian-operated signal generally in the vicinity of 10th Street West.

West End Consolidation

The Riverbank Park is also affected by planning for the Bow Trail Connector. The alignment of this roadway may create a widened park area adjacent to the Bow River. The Planning Advisory Committee for the West End has also requested that this decision recognize the requirements of the West End community for recreation and access to the Bow River.

Future development potential on the Mewata public lands is severely restricted by the transportation constraints. In the ultimate Bow Trail Connector design, limited access is available to lands west of the Mewata Stadium via 6th Avenue South, 9th Avenue South or 11th Street West.

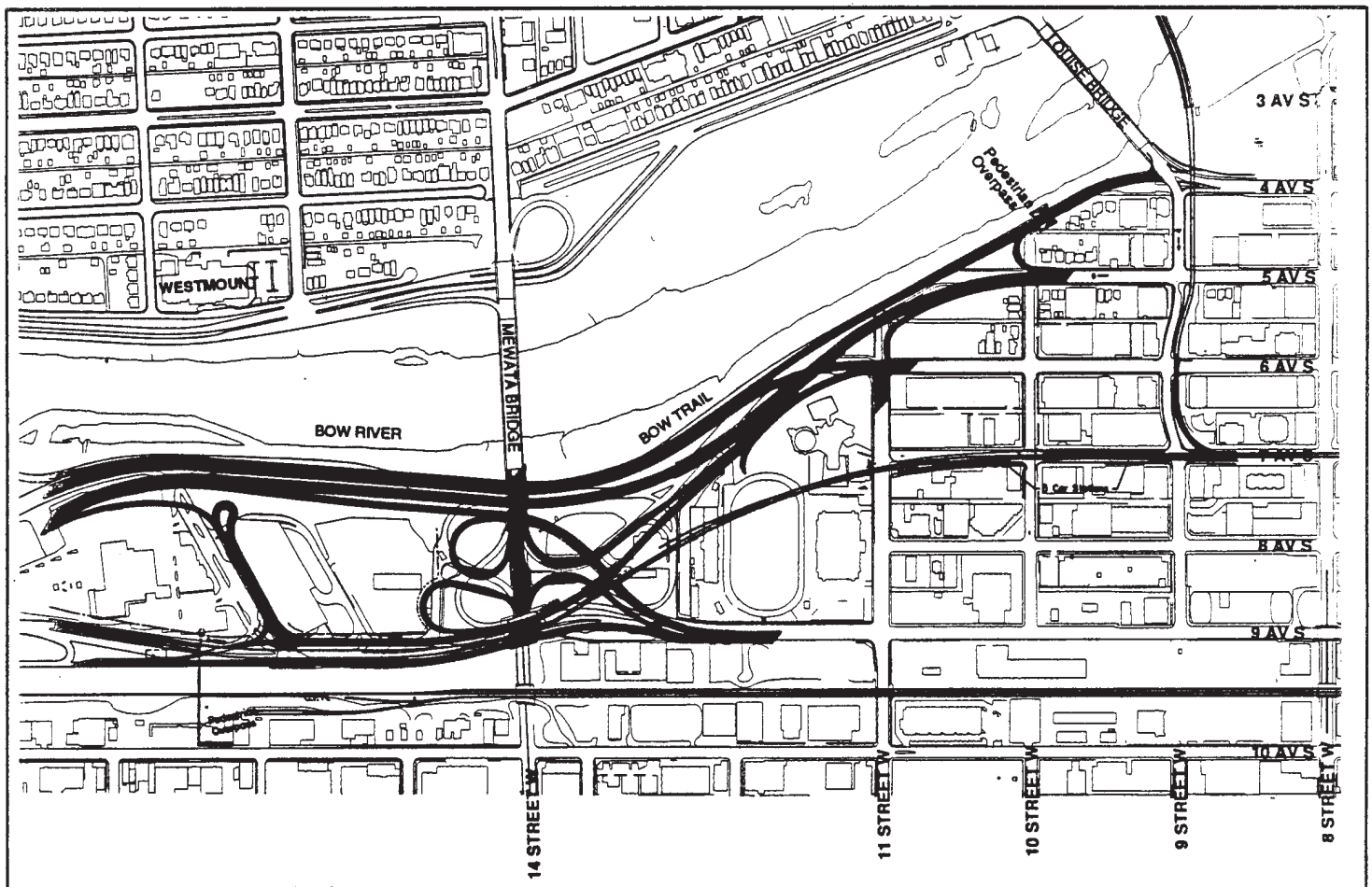


Figure 8: Future Bow Trail Connector Alignment

E) Residential Quality Objectives

In formulating the rules for development, it was recognized that there are many conditions affecting the quality of life in a community, including but not limited to the availability of parks and open space; traffic; feelings of safety and security; the mix of uses and populations served (employee, resident, visitor); the density of development as it increases the population in an area; and the bulk of buildings which in turn affects views, shadows and privacy.

In planning for the West End, it was necessary to find ways for a range of uses to locate together compatibly at relatively high densities. The challenge was to create a set of rules and public actions which result in a livable neighbourhood. To do so, a set of objectives were used as the basis of the rules for development dealing with the mix of uses, overshadowing, views, streetscape quality, compatibility of built forms, building access, relationship to the street, noise, open space, safety/security, on-site amenities and landscaping standards (Figure 9).

It is believed that the rules for development in the West End as contained in the DC Districts respond to these objectives and will produce a livable residential neighbourhood. Development will include a lively mix of office and service commercial. Buildings will be located close to the sidewalks to enhance public safety and there will be wide sidewalks with room for generous green landscaping on local streets. Where the roads are busy, green space is encouraged in the interior of blocks where it is more pleasant to be outdoors. Development will be in the form of either low-rise commercial or slim residential towers that permit residents to benefit from the views to the west but which will not create bulky buildings. Massive buildings are undesirable because of the tendency to dominate the street below and create an undesirable micro-climate for pedestrians caused by development-related wind and shadow.

<p>1. Mix of Uses</p> <p>The mix of uses should only be such that it does not conflict with the safety and enjoyment of the West End for residents.</p> <p>2. Mixed Use Character</p> <p>Any project containing residential units should be designed to take into account the mixed-use character of the area and provide screening for both visual and acoustic privacy.</p> <p>3. Overshadowing</p> <p>Projects should be designed and sited to minimize the casting of shadows on neighbouring residential units or their open spaces or on any public open space taking into account their likely times of use.</p> <p>4. Public and Private View Blockage</p> <p>The massing of projects should enhance significant views for existing or future development where possible.</p> <p>5. Streetscape Quality</p> <p>The design of projects should create a sense of visual order in the public realm.</p> <p>6. Micro-climate</p> <p>The arrangement of building mass on any site should have regard for at-grade micro-climate by not causing any increase to existing wind velocities.</p> <p>7. Streetscape Fit</p> <p>Design of projects should respect existing buildings which are likely to remain on neighbouring sites with compatible built forms and should clearly indicate the line where public and private property meet through the appropriate use of pavement changes, level changes and landscaping elements.</p> <p>8. Non-residential uses</p> <p>In any mixed-use project, residential and non-residential</p>	<p>uses should have separate and distinct means of access to streets and on-site parking facilities.</p> <p>9. Daylight penetration</p> <p>In any residential project, all habitable rooms should have adequate access to daylight and, to the extent possible, direct sunlight for at least a portion of the day measured at the equinox.</p> <p>10. Noise penetration</p> <p>In any residential project, units should be designed, constructed and oriented so as to reduce noise penetration from neighbouring buildings, traffic and surrounding units within the project.</p> <p>11. Open spaces</p> <p>In any residential project, each unit should have access to private and semi-private open spaces of adequate size and designed in accordance with the "Amenities for Apartments", 1979, Planning and Building Department.</p> <p>12. Safety and Security</p> <p>In any residential project, each unit and the project in general should be designed and constructed so as to be safe and to prevent unwanted intrusion and harassment.</p> <p>13. On-Site Amenities</p> <p>Residential projects should provide on-site amenities such as tennis courts, games rooms, workshops, and meeting area(s) that are suitable to the expected population.</p> <p>14. "Green Streets"</p> <p>Due to the expected high densities, the street will play an important role in defining the area as residential and as it will contribute to the amount of available open space. Street improvements must take into account this scarcity and do more with less. This suggests an intensely landscaped public street with soft landscaping elements where space permits.</p>
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Figure 9: Livability Objectives

F) Urban Design and Building Form

(1) Public Systems

It is particularly important for the success of the West End as a residential community that there be a distinctive and attractive character to the area in order to promote new development. Because of the scale of proposed development, there is increased importance placed on the roadways and sidewalks as the focus of community life and as they set a positive image for the area. The street will be the focus of community life and the design of the public spaces will complement these aspirations and form the basis of the expectations of private development.

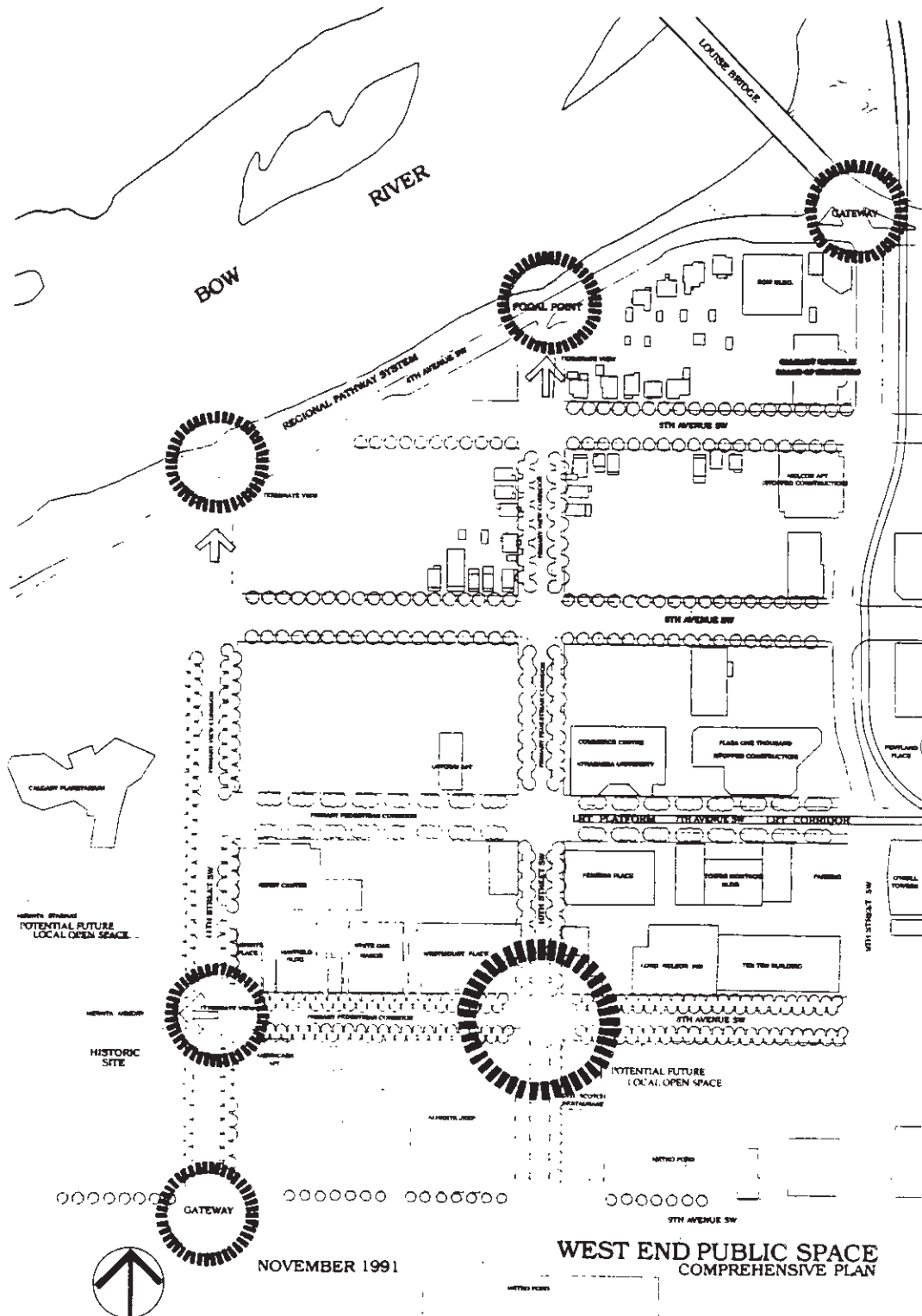
A design for the public systems has been developed to complement the area's residential character and provide the valuable amenity of community open space within the right-of-way (Figure 10). The overall community vision capitalizes on the two local roads in the West End which handle low traffic volumes to create "green streets" or linear parks along 10th Street West and 8th Avenue South. Public improvements will create a high level of amenity through enhanced sidewalks treated with plantings and attractive furnishings.

The street furniture and materials selected for the West End reinforce its special character having a distinctly urban feel but reminiscent of European residential neighbourhoods. These elements are illustrated in Appendix E. These enhancements are the basis of expectations for private development to complement this amenity and quality.

(2) Development Form

Guidelines for the form of private development were included in the DC Districts for the West End to ensure compatibility between the commercial and residential uses and in order to capitalize on the commitments to improvements on public lands. These include:

- (a) the gradual development of pleasantly landscaped, small-scale open spaces along 10th Street West through the addition of 2.13 m right-of-way setbacks, yard requirements and open space requirements aimed at creating a "green" streetscape offering relief from the surrounding high density development;
- (b) encouragement of attractive and interesting streetscapes through general design guidelines for street level building frontages;



-
- (c) requiring residential development to take the form of slim towers and restricting commercial uses to the first six storeys;
 - (d) measures intended to reduce the overall massing of buildings toward the Bow River, including conformity to the Downtown Environmental Guidelines contained in the "C.A.P.B.";
 - (e) requiring the setting back of upper floor levels to moderate the impact at grade of larger new buildings and to protect light and air exposure to street level and residential projects;
 - (f) development of the lanes as amenity areas on the quiet side of buildings as a special secondary pedestrian system.

(3) Implementation

In the planning process for the West End, it was agreed that improvements to the character and image of the area are needed to support the existing housing and businesses and to encourage additional development in the future. In this process, it was also decided that the commitment to livability could be best achieved by upgrading the sidewalk environment and thereby creating living space for the community along the streets and avenues. Accordingly, measures to improve the image and livability of the area and ultimately its marketability were included in the land use districts.

The inclusion of a mandatory contribution to a West End Improvement Fund for new commercial projects in the area is one such measure. The street focus that this reflects is consistent with the decision to terminate the +15 system at 9th Street West. The financial contributions for commercial developments have been directed to the West End Improvement Fund in recognition of the West End as primarily a pedestrian-oriented area with the highest priority being placed on enhancements at grade.

The Fund will operate based on a contribution formula rather than requiring actual construction of the improvements, for two reasons:

- this would treat all sites equally, regardless of location (corner vs. mid-block), or adjacent road standard (local vs. primary);

- this would allow the contribution to be pro-rated for smaller, interim projects.

(a) Fund Operation and Contribution Rate

The Fund will be implemented according to the following procedures:

- i) a contribution to a "West End Improvement Fund" is one of the Mandatory Requirements for commercial developments as contained in the Land Use Districts for Areas A, B and C;
- ii) the contribution formula is modelled, in part, on the existing +15 Fund formula, as follows:
 - total incremental improvement costs for the area are apportioned on an area basis to all sites in the area;
 - payments are based on the amount of commercial floor area and pro-rated for projects constructed to less than the base density;
 - contributions made for interim projects will be credited toward any future redevelopment of the site.
 - The formula would be as follows:

$$FC = \frac{IC}{TLA \times CFAP}$$

where:

FC = Amount of fund contribution required per unit area of commercial development

IC = Current incremental cost of total area-wide public improvements

TLA = Total developable land in the West End

CFAP = Commercial floor area potential (3 F.A.R.)¹

¹ So that all commercial development pays an equal amount per unit area of development potential, the base of 3 F.A.R. is used. All sites pay only according to the amount that is developed. Sites in Area B which must earn the density in other ways to achieve a higher density than 5 F.A.R. are not required to make any contribution for density greater than 5 F.A.R.

-
- iii) the contribution rate will be based on the estimated incremental costs (i.e. over and above the standard sidewalk construction as required in the development permit process) of reconstructing area sidewalks to the enhanced standards as outlined in the "Downtown Handbook of Public Improvements" as amended to reflect the concepts approved by Council for the West End. This would include costs associated with implementing these designs including increased sidewalk widths, improved surface materials, specialized street furniture and lighting, increased tree planting, etc. The Planning and Building Department will submit cost estimates based on the designs as added to the "Downtown Handbook of Public Improvements", with the advice of the Engineering and Environmental Services Department and in consultation with area landowners, businesses and residents, for the Board of Commissioners' approval;
 - iv) on an annual basis the area costs will be adjusted to reflect changes in construction costs;
 - v) payment into the Fund shall be prior to the release of the development permit at the rate in effect at the time of payment;
 - vi) the accrued Fund should be used solely for the construction of improvements within the West End area and adjacent parks in accordance with the priorities outlined in the "Downtown Handbook of Public Improvements";
 - vii) as described in the three West End DC Districts, all commercial developments would be required to contribute based on the amount of commercial floor space;
 - viii) the contribution to the Fund would not relieve an owner of standard obligations to maintain basic sidewalk conditions, including repair or reconstruction of any damage incurred during building construction.

(b) Use of the Fund for Area Improvements

In addition to the West End Improvement Fund, the normal Local Improvement By-law process would also be followed on an ongoing basis for the replacement of aging or sub-standard sidewalks and roadways in the area, although the accrued Fund could be used to assist in “writing-down” the incremental costs of upgraded treatments on a project basis subject to Council’s approval.

Where no bonus is required but an owner commits to improved sidewalk reconstruction of an equivalent value to the Fund contribution, the contribution would be waived or reduced in accordance with the work undertaken. In Area B, commercial sites have the option of receiving additional bonus density by committing to the actual construction of adjacent sidewalk improvements (Bonus Standard B-1), over and above making the mandatory contribution (A-4).

Detailed plans of the public improvements will be incorporated into the “Downtown Handbook of Public Improvements”. This will include the detailed plans for the treatment of the 10th Street West linear park, the 8th Avenue South local road and other sidewalk and landscaping improvement priorities, as well as a selection of specialized lighting and street furniture items to be used throughout the area.

G) Rules for Development

In accordance with Council’s direction and to recognize the special opportunities within the sub-areas of the West End, rules for development have been developed for each of three areas as shown on Figure 11. The overall intent of the three proposed DC Districts is to ensure the West End is developed as a livable mixed use neighbourhood. The major features of the Districts are described in the following section and the Districts are reproduced in their entirety in Appendices B, C and D.

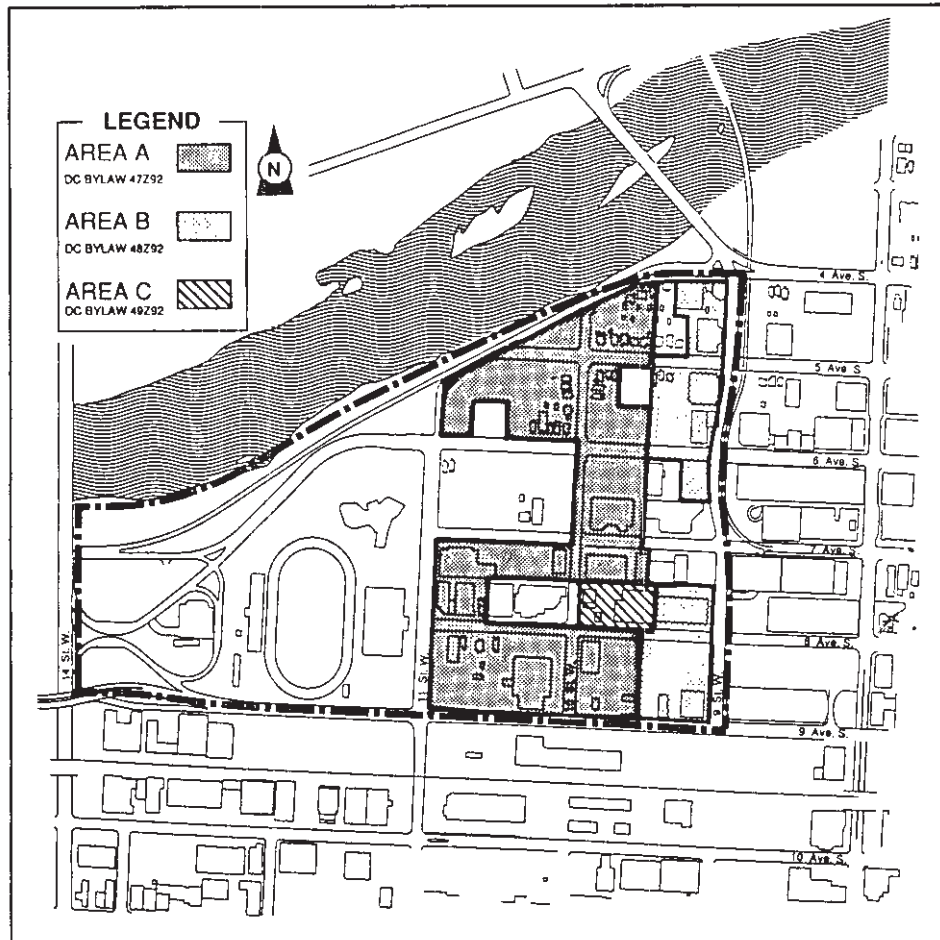


Figure 11: Land Use Redesignations

(1) Area A - Direct Control District 47Z92

Area A, while a mixed use area, is expected to be predominantly residential. Commercial development to a maximum of 3.0 F.A.R. is allowed in the first six storeys, but must meet mandatory requirements which include features such as wider pedestrian areas on major roads and at corners, open space at grade, and contributing to the West End Improvement Fund for the upgrading of public sidewalks and areas (Figures 12 and 13). Developments which contain a mixture of uses may not exceed a combined limit of 7.0 F.A.R.

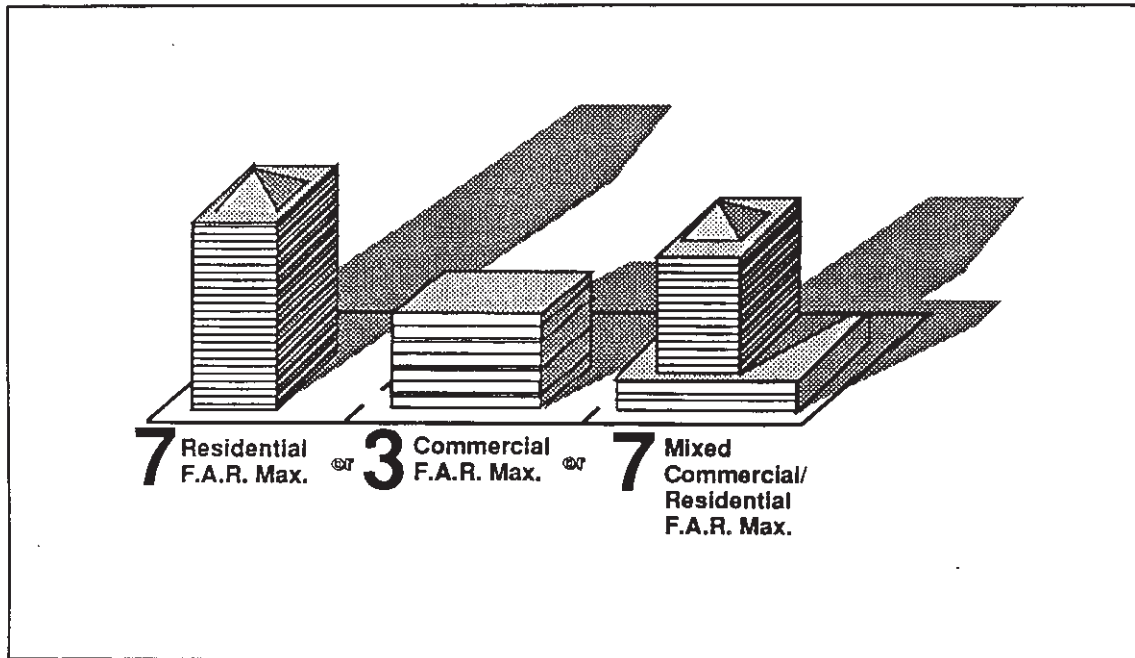


Figure 12: Area A Density Limits

Residential development is allowed to a maximum of 7.0 F.A.R. following the provision of the mandatory requirements. Higher densities were found to seriously compromise residential livability, including access to light, air and privacy. In response to the livability objectives discussed previously, residential development will be limited to point towers to ensure adequate access to sunlight, air and views while ensuring privacy.

The development of a carefully articulated street frontage has been required to enliven the street and to provide street surveillance. This street-related podium will also enhance the micro-climate at the pedestrian level by deflecting winds travelling down the facades of tall buildings away from street level.

Landscaped rear yards as well as paved and landscaped lanes are also required as they are on the quiet side of development located between the four major roads in the West End and can contribute considerably to the amenity value of units fronting onto them.

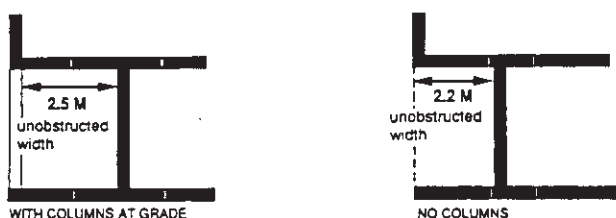
Figure 13 : Area A Mandatory Requirements

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
1	<p>(a) At-Grade Pedestrian Circulation</p> <p>(b) Street Corner Pedestrian Space</p>	<p>o Abutting primary roads and 7 Avenue South and future LRT alignments as shown on Map 1, Section 42.1</p> <p>o Directly accessible to and level with public sidewalk.</p> <p>o At all intersections.</p> <p>o Directly accessible to and level with public sidewalks.</p>	<p>o If arcaded, a minimum unobstructed width of 2.5 metres.</p> <p>o If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line.</p> <p>o Open to the sky or built over above the first storey.</p> <p>o A triangular area formed by the two setback lines and a straight line that intersects them 3.0 metres from the corner where they meet.</p> <p>o Open to the sky or built over above the first storey.</p> <p>o No vegetation, finished lot grade, building or structure permitted within this area.</p>
2	Open Space At Grade	<p>o At grade</p> <p>o Abutting Street or Avenue</p>	<p>o 5% of net site area</p> <p>o Open to the sky</p> <p>o Depth of open space not to exceed 1.5 times the frontage of such open space.</p>
3	Visual Interest at Grade	<p>o All Street and Avenue frontages at grade</p> <p>o Applies to all commercial buildings and commercial uses located in lower levels of mixed use buildings</p>	<p>o Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurant uses.</p> <p>o Must have direct access from public sidewalks.</p> <p>o A minimum of 50% of the first storey of the facade must be clear glazing</p> <p>o Facades should be provided with a degree of visual interest through the use of building materials and design, colour and/or canopies and awnings.</p>
4	Contribution to West End Improvement Fund.		<p>o In accordance with approved policy.</p>

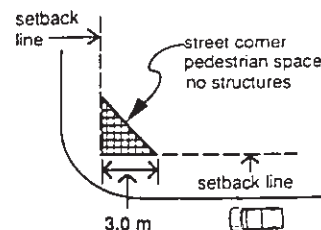
* See Section B.2(c)(i) for special exemption for public auditoria, cinemas and theatres.

Explanatory Diagrams

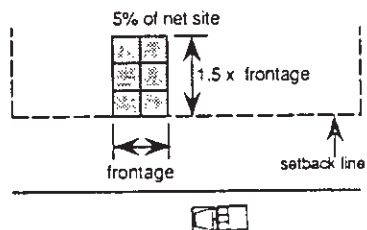
1(a)



1(b)



2



Developments adjacent to 10th Street West will be required to landscape an enlarged yard which will complement the linear park planned for this local road. A similar yard will be required along 11th Street West.

The District also calls for communal amenities including meeting space within buildings, bicycle storage and outdoor recreational spaces. The safety requirements of residents have been translated into design criteria for building design as well as requirements related to the location of uses in proximity to entrances and public areas.

(2) Area B - Direct Control District 96D2008

Direct Control Area B, along 9th Street West, borders the high density commercial core and is intended to accommodate residential and commercial uses. Commercial density to a maximum density of 5.0 F.A.R. must provide mandatory requirements, including contributions to the West End Improvement Fund. An additional bonus of 2.0 F.A.R. of commercial space can be achieved through the provision of right-of-way improvements, public art or contributions to off-site improvements (Figures 14 -16).

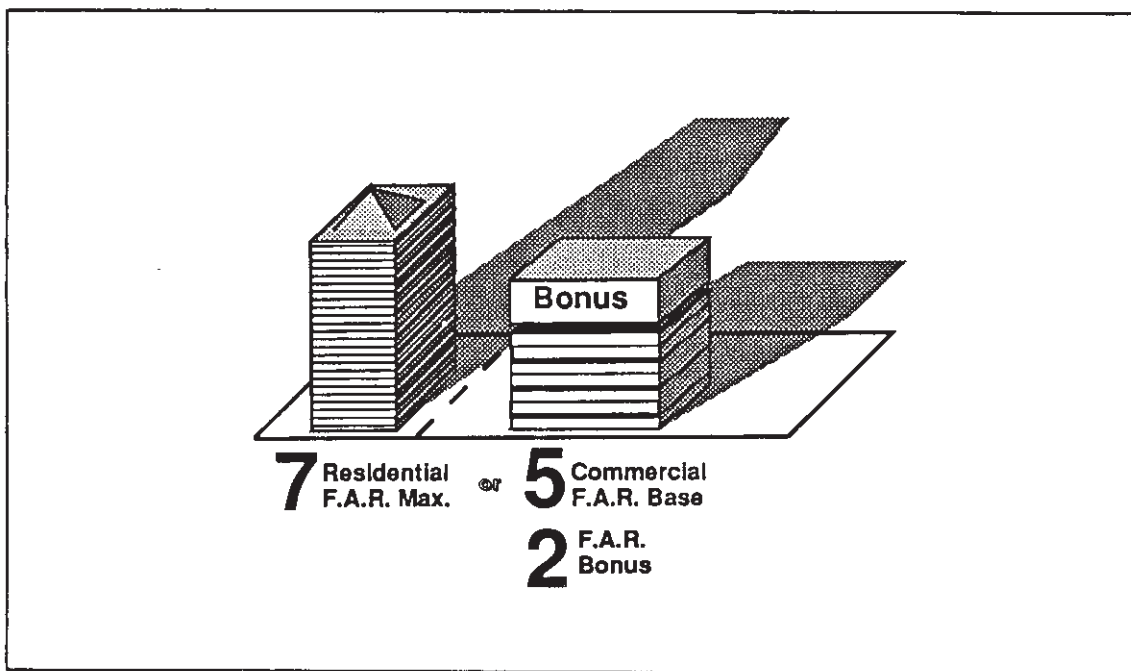


Figure 14: Area B Density Limits

Figure 15: Area B Mandatory Requirements

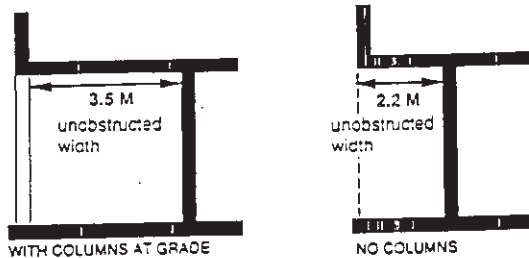
Bonus Group A: A maximum of 5.0 F.A.R. may be achieved through provision of Group A features*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
A1	At-Grade Pedestrian Circulation a) On-Site Pedestrian Space b) Street Corner Pedestrian Space	<ul style="list-style-type: none"> o Abutting primary roads and 7 Avenue S, as shown on Map 1, Roadway Network, Section 42.1. o Directly accessible to and level with public sidewalks. o At all intersections. o Directly accessible to and level with public sidewalks. 	<ul style="list-style-type: none"> o If arcaded, a minimum unobstructed width of 3.5 metres. o If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. o Open to the sky or built over above first storey. o A triangular area formed by the two setback lines and a straight line which intersects them 7.5 metres from the corner where they meet. o Open to the sky or built-over above the second storey. o No vegetation, finished lot grade, building or structure within the triangular area formed by the two setback lines and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns permitted to satisfaction of the Approving Authority.
A2	Open Space at Grade	<ul style="list-style-type: none"> o At grade. o Abutting street or avenue. 	<ul style="list-style-type: none"> o 5 percent of net site area. o Open to sky. o Depth of open space may not exceed 1.5 times the frontage of such open space
A3	Visual Interest at Street Level	<ul style="list-style-type: none"> o All street and avenue frontages at grade. o Applies to all commercial buildings and commercial uses located in lower levels of residential or mixed use buildings 	<ul style="list-style-type: none"> o Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. o All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. o If commercial, a minimum of 50 percent of the facade area must be clear glazing. o Facades should be provided with a degree of visual interest through the use of building materials and design, colour, and/or canopies and awnings.
A4	Contribution to West End Improvement Fund (for commercial uses only)		<ul style="list-style-type: none"> o In accordance with approved policy.

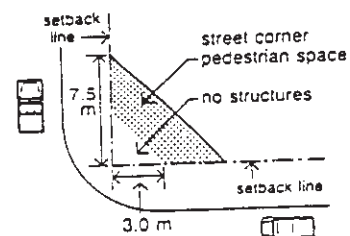
* See Section 8.2.(c) for special exemption for public auditoria, cinemas, and theatres.

Explanatory Diagrams:

A1(a)



A1(b)



A2

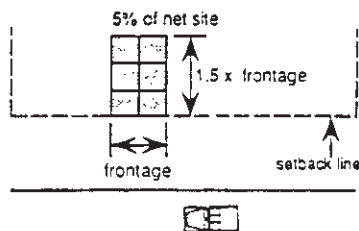


Figure 16: Area B Bonus Requirements

**WEST END LAND USE DISTRICT
Bonus Density Table**

Bonus Group B: A maximum additional 2.0 F.A.R. may be achieved through the provision of Group B features.

STANDARD	AMENITY TO BE PROVIDED	BONUS RATIO	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
B-1	<u>Improvements to Adjacent Right of Way</u>	2.5:1	<ul style="list-style-type: none"> o Sidewalk areas within adjacent Rights-of-way. 	<ul style="list-style-type: none"> o Enhanced treatment and materials over and above basic standards for sidewalk reconstruction, consistent with Council's policy for public improvements in the Downtown.
B-2	<u>Off-Site Improvements</u>			<ul style="list-style-type: none"> o Available only 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-3	<u>Sculpture in Public Spaces</u> (a) Provided on Site (b) Contribution to Public Art fund	Maximum of 1 F.A.R. 1 square metre of floor area for every \$110 (October 1984 dollars) of sculpture provided. 1 square metre of floor area for every \$110 (October 1984 dollars) contributed to Public Art Fund.	<ul style="list-style-type: none"> o Value contributed to sculpture used outdoors at-grade or on building exterior visible from the sidewalk in a setting on site acceptable to Approving Authority. o If off the development site, on 8th S. Avenue between 9 and 11 Streets W., 10 Street W. or a West End public park. 	<ul style="list-style-type: none"> o Unique not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. o Value of sculpture provided calculated in accordance with Council's approved policy. o In accordance with Council policy.

Residential developments can achieve a maximum of 7.0 F.A.R. through the provision of mandatory at-grade pedestrian circulation and open space. Requirements for the +15 system do not extend into the West End due to the focus on the grade level for public improvements.

(3) Area C - Direct Control District 49Z92

Direct Control Area C, as amended by Council, applies to the lands north of 8th Avenue South between 9th and 10th Streets West belonging to the Lord Nelson Inn. This area borders the high density commercial area to the east. The district rules reflect a mix of both Area A and Area B requirements along with rules adapted to the current and planned hotel uses on site.

A total of 10,580 square metres of commercial development, with the provision of mandatory requirements, and an additional 605 square metres of commercial space, with the provision of Bonus Group B features, is allowed. Residential density of up to 7.0 F.A.R. is permitted with the provision of mandatory requirements (Figures 17 - 19).

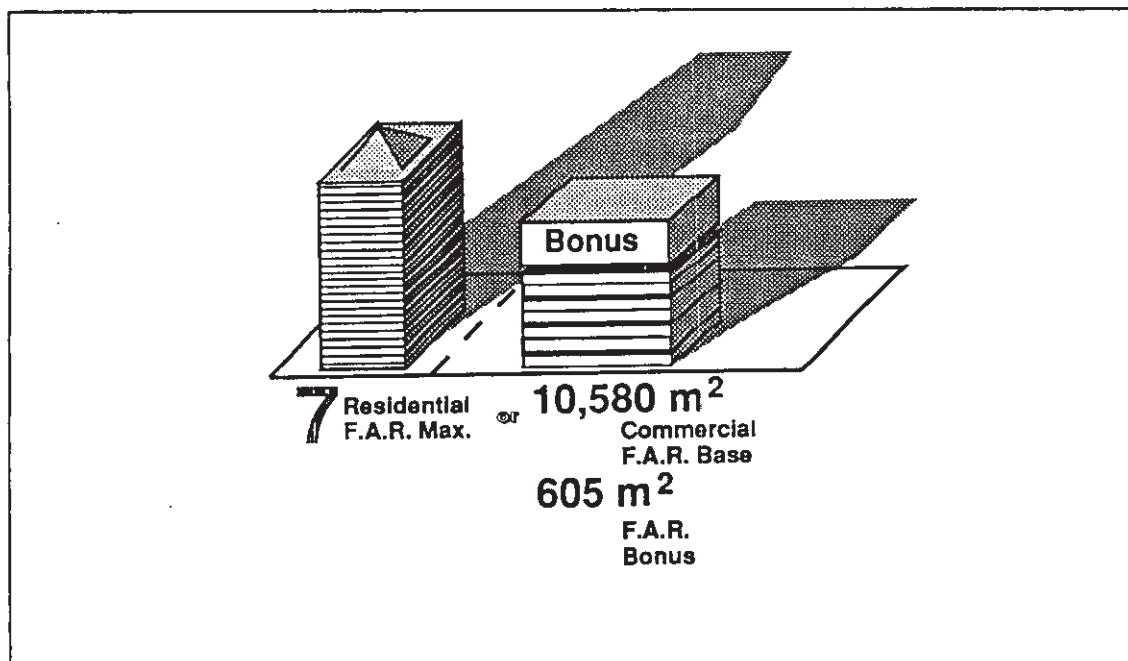


Figure 17: Area C Density Limits

Figure 18: Area C Mandatory Requirements

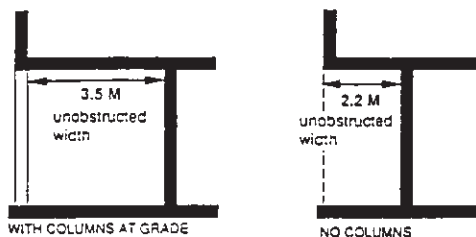
Bonus Group A: A maximum of 10,580 sq.metres (113,885 sq.feet) may be achieved through provision of these features.*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
A1	(a) At-Grade Pedestrian Circulation (b) Street Corner Pedestrian Space	<ul style="list-style-type: none"> o Abutting primary roads and 7 Avenue South and future LRT alignments as shown on Map 1, Section 42.1 o Directly accessible to and level with public sidewalk. o At all intersections. o Directly accessible to and level with public sidewalks. 	<ul style="list-style-type: none"> o If arcaded, a minimum unobstructed width of 3.5 metres. o If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. o Open to the sky or built over above the first storey. o A triangular area formed by the two setback lines and a straight line that intersects them 7.5 metres from the corner where they meet. o Open to the sky or built over above the second storey. o No vegetation, finished lot grade, building or structure permitted within the triangular area formed by the two set back lines and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns permitted to the satisfaction of the Approving Authority.
A2	Open Space At Grade	<ul style="list-style-type: none"> o At grade o Abutting Street or Avenue 	<ul style="list-style-type: none"> o 5% of net site area o Open to the sky o Depth of open space not to exceed 1.5 times the frontage of such open space.
A3	Visual Interest at Grade	<ul style="list-style-type: none"> o All Street and Avenue frontages at grade o Applies to all commercial buildings and commercial uses located in lower levels of mixed use buildings 	<ul style="list-style-type: none"> o Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. o All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. o If commercial, a minimum of 50% of the first storey of the facade must be clear glazing. o Facades should be provided with a degree of visual interest through the use of building materials and design, colour and/or canopies and awnings.
A4	Contribution to West End Improvement Fund (for commercial uses only).		<ul style="list-style-type: none"> o In accordance with approved policy.

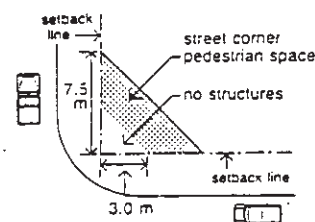
* See Section 8.2(c) for special exemption for public auditoria, cinemas and theatres.

Explanatory Diagrams:

A1(a)



A1(b)



A2

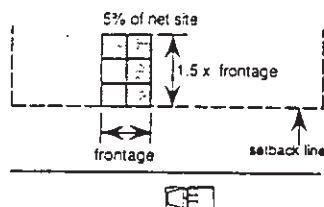


Figure 19: Area C Bonus Requirements

WEST END LAND USE DISTRICT

Bonus Density Table

Bonus Group B: A maximum additional 605 sq.metres (6,508 sq.ft.) of commercial space may be achieved through the provision of Group B features.

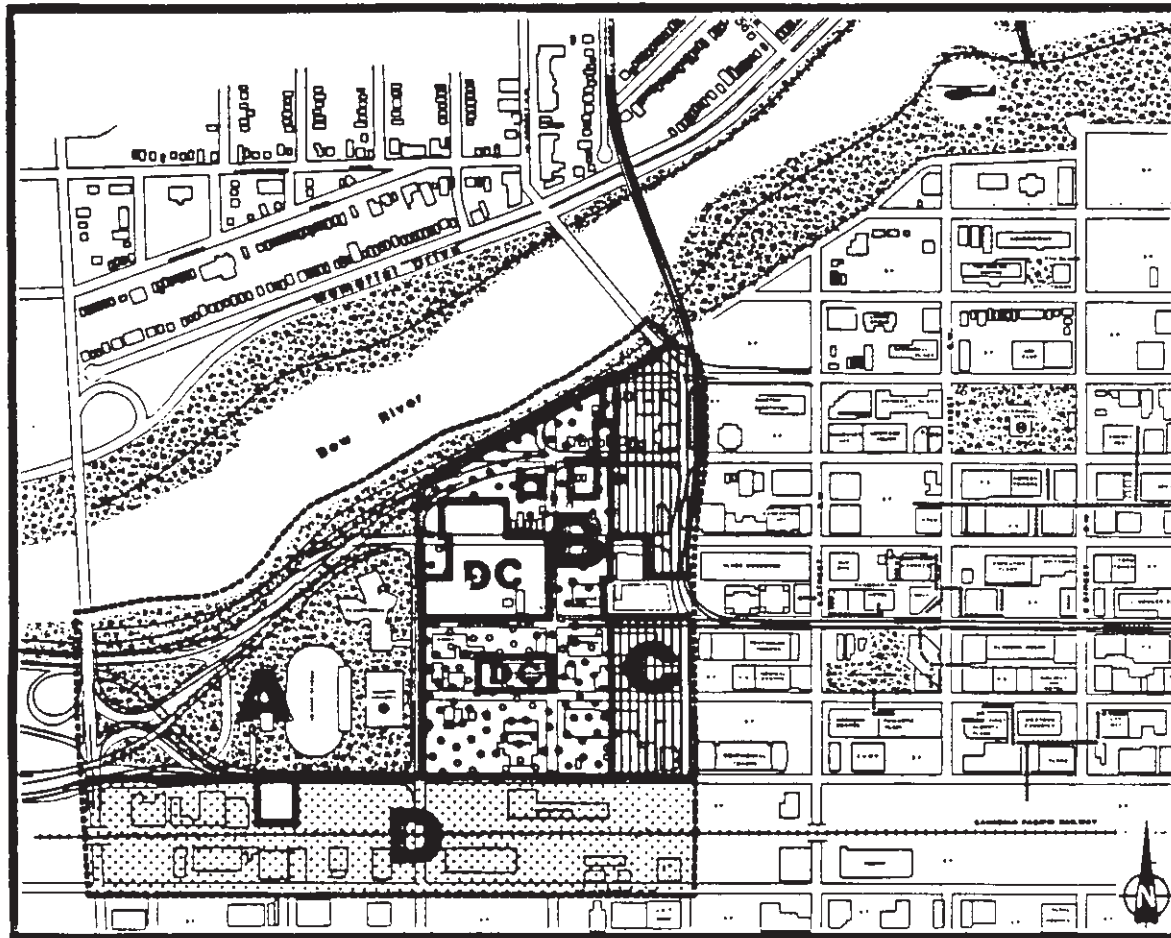
STANDARD	AMENITY TO BE PROVIDED	BONUS RATIO	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
B-1	<u>Improvements to Adjacent Right of Way</u>	2.5:1	o Sidewalk areas within adjacent Rights-of-way.	o Enhanced treatment and materials over and above basic standards for sidewalk reconstruction, consistent with Council's policy for public improvements in the Downtown.
B-2	<u>Off-Site Improvements</u>			o Available only 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-3	<u>Sculpture in Public Spaces</u> (a) Provided on Site (b) Contribution to Public Art Fund	Maximum of 1 F.A.R. 1 square metre of floor area for every \$110 (October 1984 dollars) of sculpture provided. 1 square metre of floor area for every \$110 (October 1984 dollars) contributed to Public Art Fund.	o Value contributed to sculpture used outdoors at-grade or on building exterior visible from the sidewalk in a setting on site acceptable to Approving Authority. o If off the development site, on 8th S. Avenue between 9 and 11 Streets W., 10 Street W. or a West End public park.	o Unique not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. o Value of sculpture provided calculated in accordance with Council's approved policy. o In accordance with Council policy.

H) Remaining Lands

Of the areas in the West End not included in the DC Districts, the uses will be as follows.

- (1) The area west of 11th Street West will retain the existing PE (Public Park, School and Recreation) and PS (Public Service) designations. These lands are dealt with in the Riverbank chapter of the "C.A.P.B" and continue to serve a variety of recreational, open space and public service functions. Council, in its decision of 1991 November 27, directed that, as residential development occurs, the Mewata Stadium lands be considered for development for appropriate local open space. More detailed plans for the Mewata lands will be prepared prior to the construction of the West L.R.T. extension. This work would take into account the functional requirements of the L.R.T. station, expansion plans for the Planetarium/ Alberta Science Centre, and the local recreational needs of West End residents.
- (2) The project-specific DC District sites in existence prior to 1992 June 15 will remain as approved. Their locations are illustrated in Figure 6. In order to implement Council's approved policies, land use amendment applications initiated by owners to change these DC sites would be evaluated on an individual basis in light of Council's policies as consolidated in this report.

MAP 6. LAND USE OPTION 4(A). NEW ALTERNATIVE



LEGEND

ROAD SYSTEM

L.R.T. LINE

L.R.T. STATION

+15 PEDESTRIAN SYSTEM

BICYCLE/PEDESTRIAN PATHWAY



HELIPORT



CHURCH



PROVINCIAL DESIGNATED HERITAGE SITE

S.P.

SURFACE PARKING

P.S.

PARKING STRUCTURE



OPEN SPACE, PARKS AND RECREATIONAL FACILITIES



RESIDENTIAL, LOW TO MEDIUM DENSITY COMMERCIAL AND/OR MIXED LAND USES



RESIDENTIAL, HIGH DENSITY COMMERCIAL AND/OR MIXED LAND USES

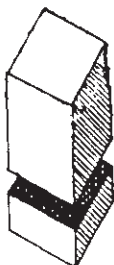


PROPOSED TO BE INCLUDED IN THE C.P.R. SPECIAL STUDY AREA.



DC (DIRECT CONTROL) DISTRICTS (SEE APPENDIX FOR SPECIFICS.)

AREA B



RESIDENTIAL WITH LOWER DENSITY COMMERCIAL

3 FAR
MAXIMUM
COMMERCIAL
DENSITY

AREA C



COMMERCIAL
B/DK RESID'L

7 FAR
MAXIMUM
COMMERCIAL
DENSITY

3.6. CONCLUSIONS AND RECOMMENDATIONS

The basic issue is whether the West End should just be a part of the commercial core of the Downtown or should it be allocated primarily for residential purposes with more limited commercial development.

Having regard to:

- the City's new long-term growth strategy and Council's policies of encouraging downtown housing, increased population and residential densities in close proximity to major employment centres and main transit corridors;
- looking at what is happening in other North American cities; and
- based on an overview of the whole of Downtown;

it is concluded that the West End is a very viable and attractive area for predominantly residential development with low to medium density commercial and mixed land uses, with a limited transition area of higher commercial intensity. This conclusion is supported further by the following:

- The West End area is separated from the central business core by an extensive area of existent residential development between 7th and 9th Streets West.
- "Westmount Place" and various other existing and proposed residential developments in the area show the suitability and attractiveness of residential development in the West End.
- Current development in the West End suggests a market for commercial development at much lower densities than what the Commercial Core Zone 1 development guidelines allow.

- With expectations to build high density commercial developments under Core Zone 1 guidelines in the future, it is less likely that redevelopment will occur in the short-term. This situation not only would sustain the current environmental conditions and uncertainty about the eventual role of the West End, but also could cause additional long-term negative impacts on the environmental quality in the area.

Based on an evaluation of the five land use options, Option 4(A) is recommended as the most suitable land use alternative for the West End toward achievement of the overall City and Downtown Core Area objectives.

This policy direction would define a degree of certainty for the western part of the Downtown as an additional "special character" area, and would promote development of the area in a supportive manner to the existing and future offices, retail and other types of service commercial establishments, entertainment, cultural and recreational facilities in the Downtown Core.

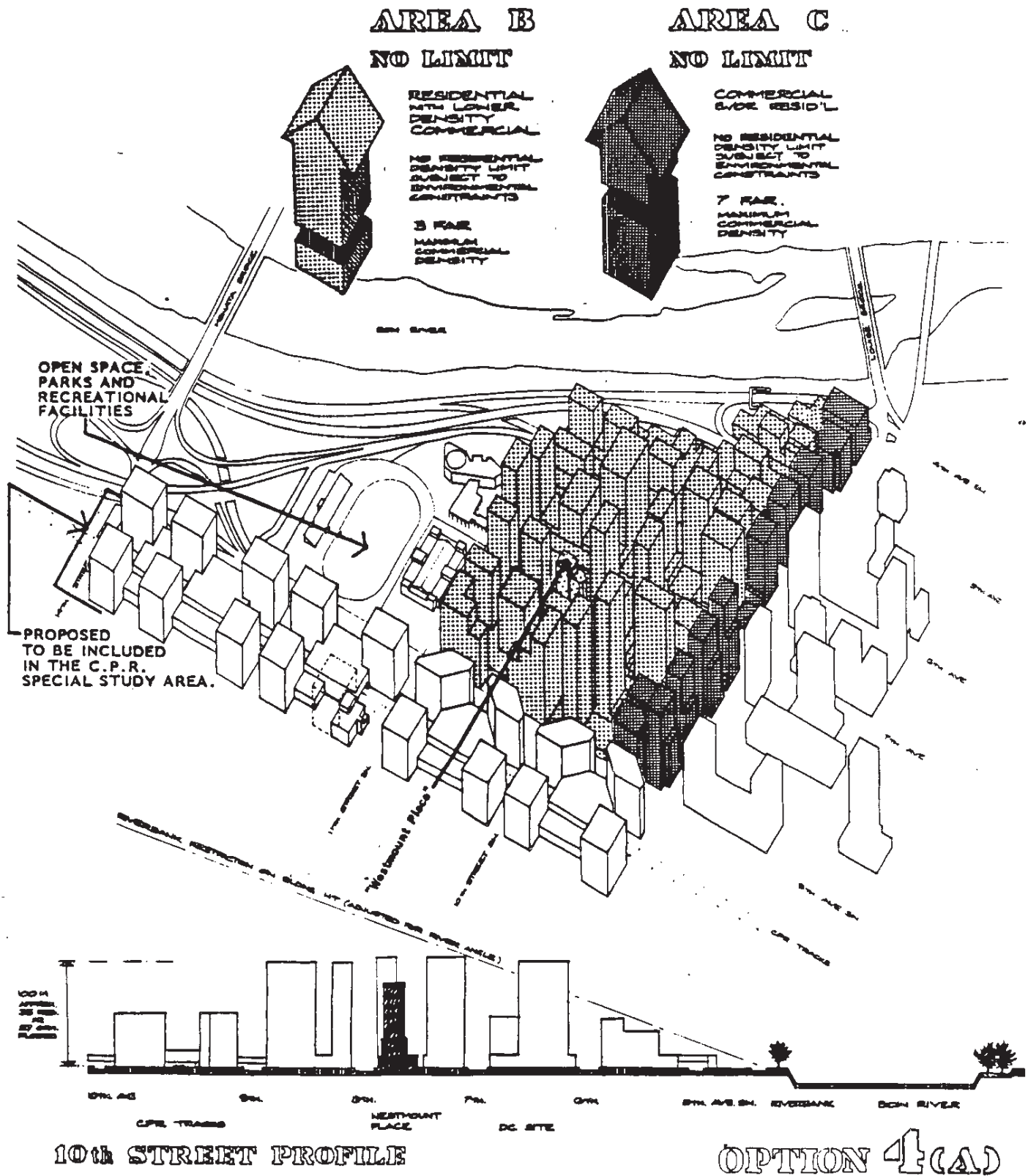
The area to the south of 9th Avenue South exhibits characteristics which are similar along the C.P.R. tracks to the east of the West End area. Land use alternatives for potential future development along both sides of the C.P.R. tracks would more appropriately be examined within the context of one study. Therefore, this area should be incorporated in the C.P.R. Special Study area boundaries, and should be dealt with as a part of that process.

3.7. IMPLEMENTATION STRATEGY

The following implementation strategy is recommended for the preferred Land Use Option 4(A):

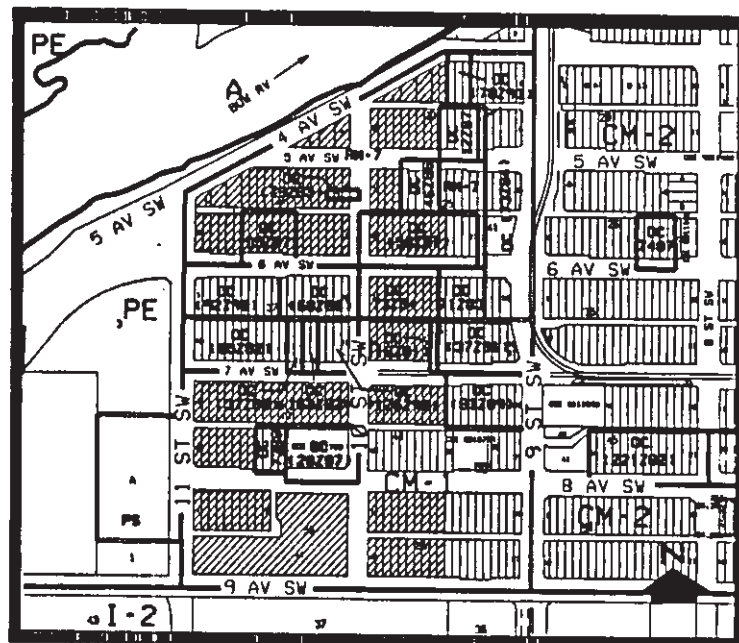
1. AREA A: PE Public Park, School and Recreation, and PS Public Service District land use designations be retained on the Mewata public lands.
2. AREAS B and C: revised land use districts be developed and applied to these lands, which would:
 - allow residential land use without a density limit throughout the area, and achievement of up to 3.0 F.A.R. in Area B and up to 7.0 F.A.R. in Area C for commercial and institutional uses;
 - address the various environmental factors related to the area; and
 - incorporate performance guidelines suitable to this location such as:
 - amenity area provisions particularly related to residential developments;
 - treatment of grade and above-grade open spaces and public areas; and
 - sensitive treatment of the area around the Riverbank, the Centennial Planetarium and the Provincially designated heritage site of the Mewata Armouries.
3. AREA D should be included within the C.P.R. Special Study area boundaries, and be dealt with as part of that study.
4. The DC (Direct Control) District sites, which are governed by site-specific development guidelines pertaining to projects which Council approved, should not be changed by the City as a result of this Study. Land Use Amendment Applications initiated by owners' to change these DC sites will be evaluated on an individual basis, in light of the policies contained in this Report.
5. The Core Area Policy Brief be amended as outlined in the Appendix of this Report.
6. The public systems, action plans for the specific first priority physical improvements and program initiatives outlined in the Downtown Handbook of Public Improvements for the West End area, be reviewed and updated in accordance with the policy recommendations for the area.

FIGURE 3. LAND USE OPTION 4(A). NEW ALTERNATIVE



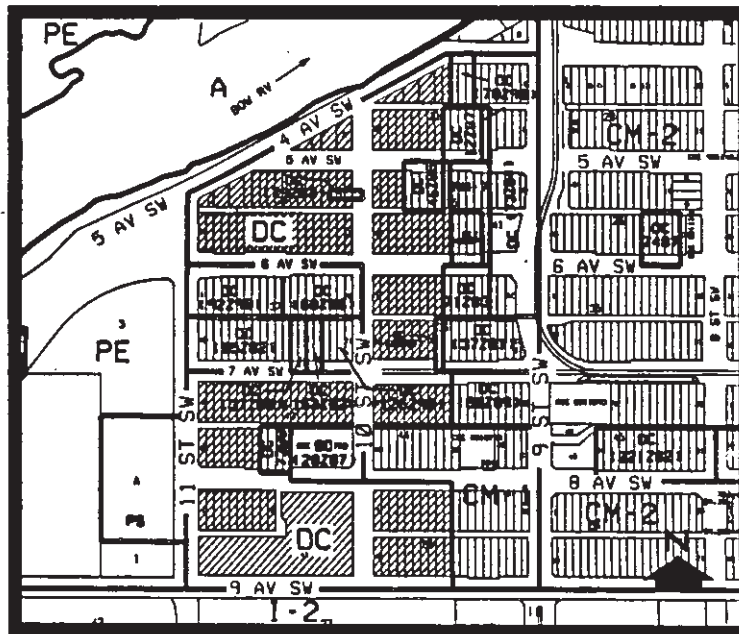
AMENDMENT # 92/22
BYLAW # 47292

SCHEDULE A



AMENDMENT # 92/22
BYLAW # 47Z92

SCHEDULE B



AREA A WEST END DC: DIRECT CONTROL DISTRICT

GENERALLY APPLYING TO THE AREA BETWEEN 11 STREET W. AND MID-BLOCK
BETWEEN 9 AND 10 STREET W. AND BETWEEN 9 AVENUE S. AND THE BOW RIVER

A. LAND USES

1. Purpose

The purpose of this West End District is to:

- (a) provide for predominantly high density residential development, with low to medium density commercial development; and
- (b) establish a comprehensive system for the provision of at-grade pedestrian amenities which enhances the residential character and livability of the District.

Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

2. Permitted Uses

Notwithstanding any other requirement of this By-law, 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 A.4.; and
- (b) have been approved before the date on which this By-law was approved by a development permit that has not expired.

3. Permitted Use Rules

Notwithstanding any other requirements of this By-law, a proposed or existing structure may be developed, redeveloped, or continue to exist provided that:

- (a) there is no variation, whatsoever, except as may be allowed pursuant to Section 11(1)(a)(iii) of By-law 2P80, in that structure except as may be necessary to comply with other applicable legislation: and
- (b) it has been approved before the date on which this By-law was approved by a development permit that has not expired.

4. Discretionary Land Uses

Apartment buildings (C.U.)
Apartment hotels
Athletic & recreational facilities
Child care facilities (N.P.)
Cinemas
Commercial schools
Community association buildings
Dwelling units (C.U.)
Essential public services
Financial institutions
Grocery stores
Home occupations (N.P.)
Hostels (N.P.)
Identification Signs
Laboratories
Liquor stores (excluding cold beer vendors) (N.P.)
Live theatres
Lodging houses (N.P.)
Mechanical reproduction and printing establishments
Medical clinics
Offices (C.U.)
Parking areas (temporary)
Parks and playgrounds
Personal service businesses
Private clubs and organizations
Private schools
Public and quasi-public buildings (N.P.)
Public and separate schools
Public transportation facilities

Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

Radio and television studios
Restaurants
Retail food stores
Retail stores
Senior citizens housing (C.U.)
Special care facilities (N.P.)
Stacked townhouses (C.U.)
Townhouses (C.U.)
Universities, colleges and provincial training centres
Veterinary clinics (N.P.)

NOTE: N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) of By-law 2P80.

C.U. - See Section B.17 as follows.

B. DISCRETIONARY USE RULES

In addition to the General Rules for Downtown Districts contained in Section 42.1 of By-law 2P80, the following rules shall apply (illustrations are also included to assist in understanding the intent of the following Discretionary Use Rules):

1. In this By-law:

- (a) Residential uses include Apartment buildings, Dwelling units, Home occupations, Lodging houses, Hostels, Senior citizens housing, Stacked townhouses, Townhouses; and
- (b) All other uses in the Discretionary Use List in Section A.4. will be considered commercial uses relative to the Gross Floor Area provisions of this by-law.

2. Gross Floor Area

(a) Commercial Uses

All development, regardless of density, shall provide the features in Table 1 attached hereto, to the satisfaction of the Approving Authority. The maximum gross floor area for commercial uses shall be 3.0 F.A.R. which shall be located between grade and the sixth storey only.

Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

(b) Residential Uses

- (i) The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section 8.2.(a) above. Only open balconies will be excluded from the calculation of residential density.
- (ii) All residential buildings adjacent to primary roads, 7th Avenue S. and future L.R.T. alignments, as shown on Map 1 in Section 42.1 of By-law 2P80, must provide at-grade pedestrian circulation space as described in Table 1 attached hereto [Standard 1(a) and (b)].

(c) Exceptions and Qualifications

- (i) Notwithstanding the requirements of Section 8.2 (a) and (b), the Approving Authority may allow up to an additional 0.5 F.A.R. for purpose-built public auditoria, cinemas, and theatres. A permanent sign identifying these spaces must be affixed to the exterior of the building.

3. Public Spaces - General Performance Requirements

- (a) All public spaces, for which density has been granted, shall be:
 - (i) subject to a public access easement registered against the title of the property and satisfactory to the Approving Authority.
 - (ii) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired; and
 - (iii) maintained, including any landscaping, artwork, purpose-built space and special right-of-way improvements, throughout the life of the building.
- (b) Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres, are considered to be open to the sky.

4. Building Massing and Siting

(a) Orientation

- (i) Building faces shall be aligned parallel to the street grid.
- (ii) Buildings shall be designed and located to minimize overshadowing of public and communal open spaces both on and off site.

Amendment # 92/22
Bylaw # 47292

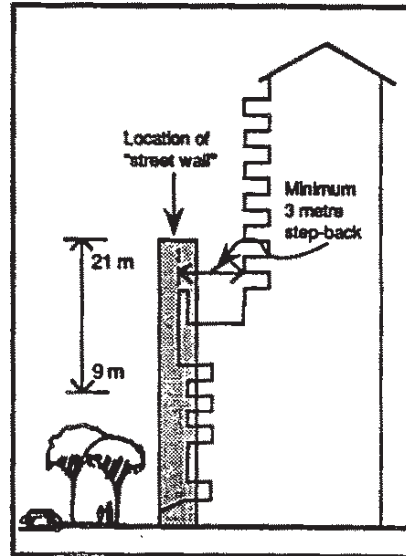
SCHEDULE B

CONTINUED

(b) Height and Bulk

- (i) Buildings in the West End shall provide for a generally continuous "street wall" through a low to mid-rise element having a minimum height of 9.0 metres located within 3.0 metres of the setback line (or setback lines in the case of corner sites). This base or podium must be no higher than 21 metres (Illustration 1).

Illustration 1



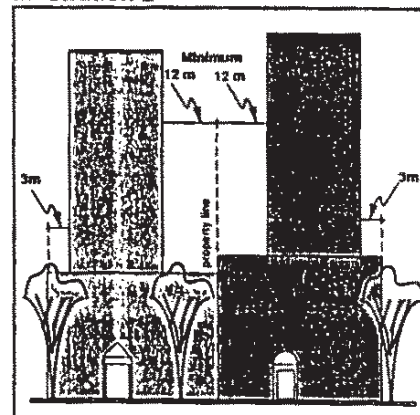
- (ii) Portions of the building rising above the base or podium creating the "street wall" must step back a minimum dimension of 3.0 metres from the front of that podium, measured perpendicular to the property line abutting the roadway. All portions of the building over 21 metres in height must comply with this stepping back requirement (Illustration 1).
- (iii) In order to maintain the slimness of towers and avoid slab forms, floorplates located above 21 metres shall be limited to a maximum gross floor plate of 600 square metres (excluding only open balconies from this total).

(c) Separation Distances Between Towers

All portions of buildings which rise above the podium and/or above 21 metres in height are required to provide a minimum 12.0 metre separation distance from the nearest common side or rear property line (Illustration 2), except as provided below:

- (i) on corner sites, no separation distance is required adjacent to the street.

Illustration 2



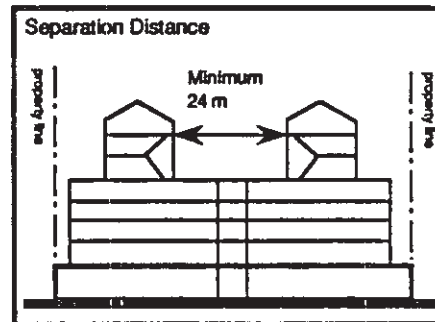
Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

- (ii) where the amount of residential development in a building which contains primarily commercial uses is less than 1.0 F.A.R., the separation distance to the nearest property line may be relaxed provided that the distance between any living or bedroom windows and existing or potential development shall be a minimum of 24 metres (Illustration 3).

Illustration 3



(d) Light and Ventilation

- (i) Private outdoor amenity spaces located within three floors of grade should be oriented away from areas with concentrations of automobile exhaust fumes, particularly major intersections.

5. Yards

- (a) All yards located adjacent to local or secondary roads shall be intensively landscaped using soft landscaping to reinforce the "green street" character and add to the visual amenity of the street.

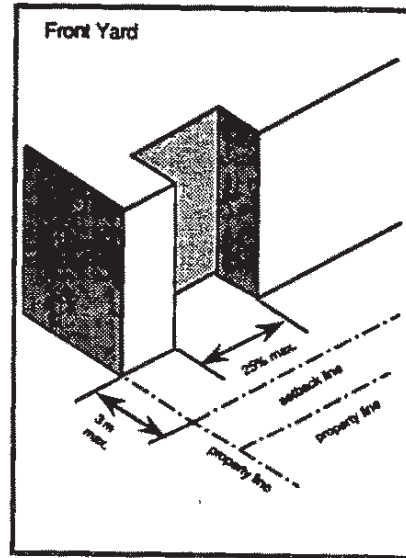
SCHEDULE B

CONTINUED

(b) Front Yard

- (i) A maximum of 3.0 metres as measured from the setback line for 75% of the frontage. The remaining 25% of the frontage can be used to articulate the facade or provide pocket parks (Illustration 4).

Illustration 4



(c) Side Yard

- (i) Interior Sides of a Site
None permitted.
- (ii) Street Side of a Corner Site
Maximum 10 metres.

(d) Rear Yard

- (i) A minimum of 9.0 metres with the following exceptions where the rear yard may be reduced to 3.0 metres:

- A. solely commercial buildings (Illustration 5);
- B. buildings where the residential portion is less than 1.0 F.A.R. (Illustration 6); or
- C. for the podium portion of development which is oriented to 10 or 11 Streets W. (i.e., has windows of habitable rooms and entrances oriented to the street), if the

Illustration 5

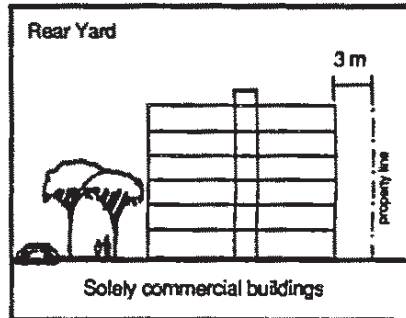
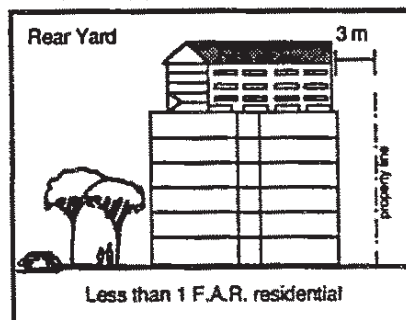


Illustration 6



Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

depth of the podium portion is no greater than a dimension of 15 metres as measured perpendicular to the side property line (Illustration 7).

- (ii) The Approving Authority shall consider relaxations to a portion of the rear yard for residential buildings where the quality or usability of the communal amenity space would be significantly improved by being elevated. This relaxation will not be granted where development or potential development on other sites will be adversely affected.

- (iii) All portions of the rear yard at grade are to be attractively treated in recognition of the role of the lanes as the primary location of quiet communal open space for residential projects and as secondary pedestrian access routes for residents.

- (e) 10 Street W. Yard

All sites adjacent to 10 Street W. between 9 Avenue S. and 4 Avenue S. must provide a yard with a minimum dimension of 3 metres as measured from the setback line along 10 Street W. It must be open to

Illustration 7

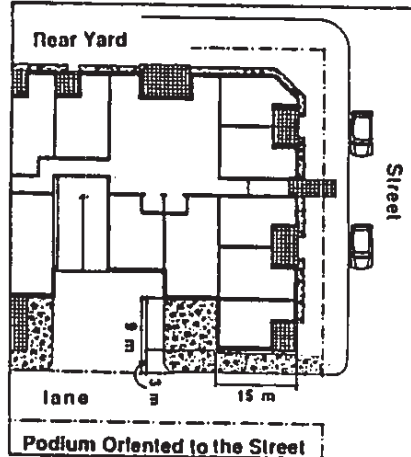
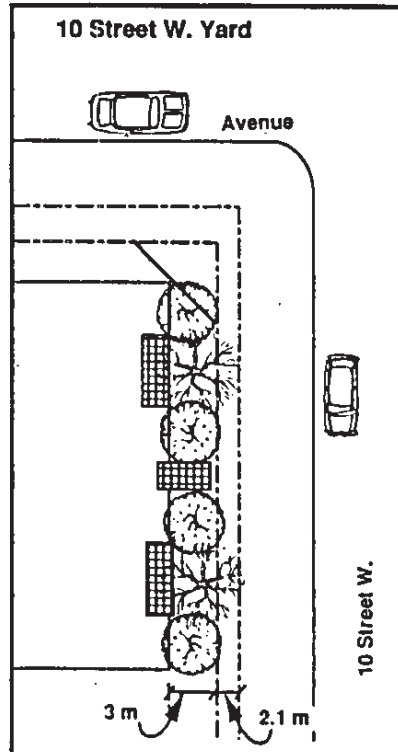


Illustration 8



SCHEDULE B

CONTINUED

the sky and be intensively landscaped using soft landscaping. For commercial buildings it may serve as Standard 2 space as required in Table 1 attached hereto (Illustration 8).

(f) 11 Street W. Yard

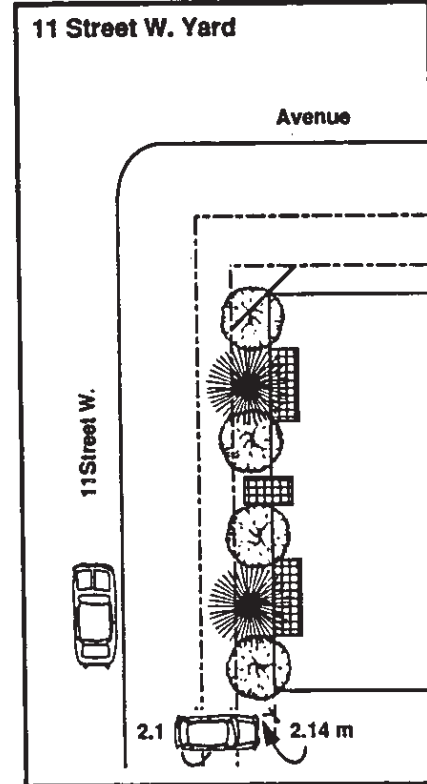
All sites adjacent to the east side of 11 Street W. between 9 Avenue S. and 5 Avenue S. must provide a yard of 2.14 metres. It must be open to the sky and be landscaped. For commercial buildings it may serve as Standard 2 space as required in Table 1 attached hereto (Illustration 9).

6. Dwelling Units

Buildings containing dwelling units shall be subject to the following:

- (a) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use.
- (b) A meeting room of sufficient size to accommodate all residents shall be provided. This must be situated in a visible location at or above grade in proximity to either the entrance lobby or other communal amenities.
- (c) For each dwelling unit, a private amenity space having a minimum area of 5.6 square metres, shall be provided in the form of an open or enclosed balcony and having a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space suitable to the needs of the expected residents. A permanent sign posted in the elevator lobby shall identify this communal space.
- (d) All on-site horizontal surfaces other than private amenity space greater than 5.6 square metres in size, that are overviewed by dwelling units and not required for vehicular access, shall be usable and landscaped to the satisfaction of the Approving Authority.

Illustration 9



Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

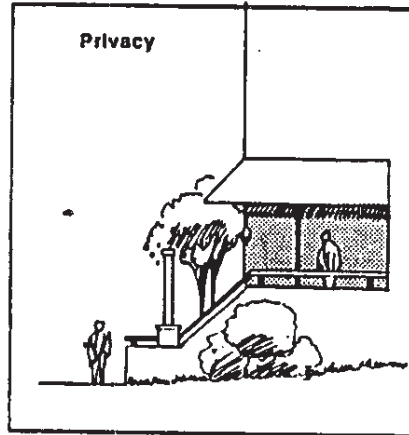
- (e) Where 50 percent or more of the gross floor area of a building is comprised of dwelling units,
 - (1) a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces which may include accessible and usable spaces provided under 6(b) and 6(d) above.

(f) Privacy

Achieving adequate privacy is a crucial aspect of livability (Illustration 10).

- (1) Unit orientation and screening shall enhance privacy.
- (11) Dwelling units at grade must be designed to provide adequate privacy through yards, level changes and/or screening.

Illustration 10



(g) Noise

- (1) Appropriate design and construction techniques should be used to buffer dwelling units from noise, such as:
 - o orienting outdoor areas and bedrooms away from noise sources;
 - o using alternate ventilation to minimize opening windows;
 - o using glass block walls or acoustically rated glazing.

7. Safety

Safety and a sense of security are key components of livability.

- (a) Separate entrances, lobbies and circulation, including elevating, shall be provided for commercial and residential uses. Lobbies should be visible from the street.
- (b) Residential design should clearly delineate public, private and semi-private spaces to remove any ambiguity as to who may use which spaces in any given development.
- (c) Both residential and commercial buildings should maximize opportunities for natural surveillance of sidewalks, entries, circulation routes, semi-private areas and parking entrances. Consideration should be given to grouping laundry facilities, amenity rooms and storage rooms for higher visibility and surveillance.

SCHEDULE B

CONTINUED

8. Roofs

- (a) Low and mid-rise building roofs shall be designed to be usable as open space or to be attractive as seen from above and should incorporate appropriate screening of rooftop mechanical equipment.

9. Entrances

- (a) Multiple entrances animate the street and reinforce a separate identity for dwelling units and commercial enterprises. All entrances to retail, restaurant and service establishments abutting a roadway shall be directly accessible from the sidewalk.

10. Lane Edges

While sidewalks adjacent to roadways will continue to be the primary pedestrian routes, lanes in the West End will be important visual elements either as they are overviewed by dwelling units and common spaces, or as they will be seen as people enter parking areas.

- (a) All lanes will be paved and curbed at the property line. A 2.5 metre sidewalk and pedestrian level lighting must be provided adjacent to the lane.
- (b) Development walls viewed from the lane shall be fully designed and made attractive to neighbouring developments and passersby through use of quality materials, colours, textures, articulation and landscaping.

11. Right-of-Way Setbacks

See Section 17 of By-law 2P80.

12. Parking and Loading

- (a) See Section 18 of By-law 2P80 for parking and loading requirements except as provided below.
- (b) Restaurants shall provide a minimum of 1 space per 140 net square metres of development.
- (c) Parking areas (temporary) shall only be allowed where sites front on primary roadways as illustrated on Map 1, Roadway Network, in Section 42.1 of By-law 2P80.
- (d) Parking provided for any commercial or residential development shall be located in structures below grade.
- (e) Residential parking is to be secured and separate from any commercial parking on-site.
- (f) All vehicular access to developments for parking and loading shall be from the lane via streets not avenues.
- (g) Parking for bicycles at the rate of 1 space per five dwelling units shall be available in a secure and convenient location on-site in residential or mixed-use buildings. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.

Amendment # 92/22
Bylaw # 47292

SCHEDULE B

CONTINUED

- (h) Where loading bays are provided, they shall be covered and screened. They must be properly paved and finished with adequate signage and lighting. Where possible they shall be enclosed with overhead doors.

13. Outside Storage

No outside storage shall be allowed.

14. Floodway and Floodplain Special Regulations

The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 of By-law 2P80 as amended from time to time to the satisfaction of the Approving Authority.

15. Identification Signs

Identification signs only shall be allowed. All third party advertising signs shall be prohibited.

The provisions of the Sign Appendix of By-law 2P80 shall apply, mutatis mutandis, to an Identification Sign as if such a sign were located in the CM-2 District.


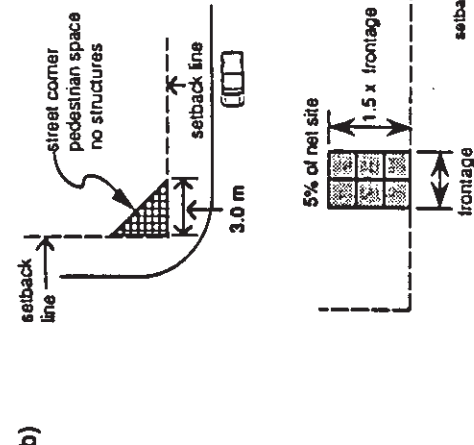
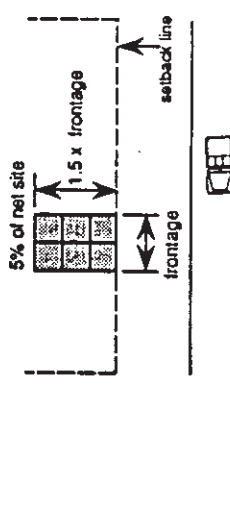
16. Conditions of Development

In addition to the guidelines contained in this DC District, the Approving Authority may impose conditions on a Development Permit as provided for in Section 11(2)(a)(i) of By-law 2P80.

17. Certainty of Use

Where an application is for a use listed as a discretionary use and is followed by the letter "C.U.", the application shall not be refused by the Approving Authority on the grounds of use.

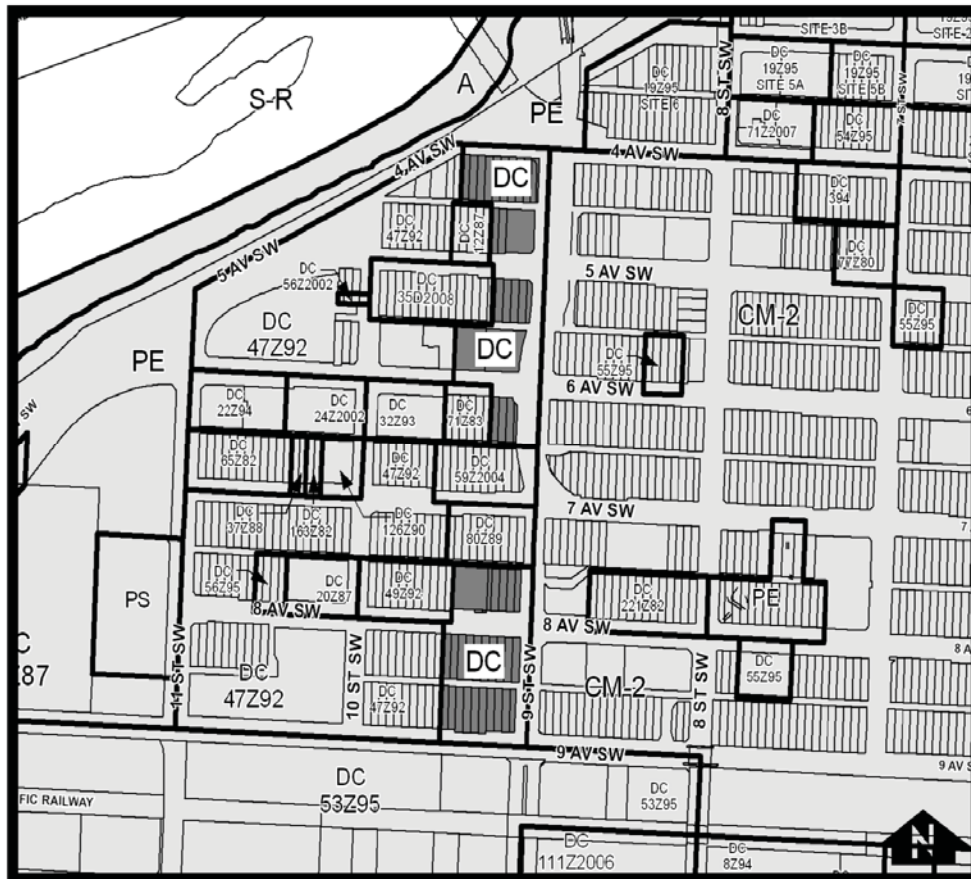
TABLE 1 - REQUIREMENTS FOR DEVELOPMENTS WITH COMMERCIAL USES*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
1	<p>(a) At-Grade Pedestrian Circulation</p> <p>(b) Street Corner Pedestrian Space</p>	<ul style="list-style-type: none"> Abutting primary roads and 7 Avenue South and future 1st alignments as shown on Map 1, Section 42.1 Directly accessible to and level with public sidewalk. At all intersections. Directly accessible to and level with public sidewalks. 	<p>1(a)</p>  <p>1(b)</p>  <p>2</p>  <ul style="list-style-type: none"> If arcaded, a minimum unobstructed width of 2.5 metres. If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. Open to the sky or built over above the first storey. A triangular area formed by the two setback lines and a straight line that intersects them 3.0 metres from the corner where they meet. Open to the sky or built over above the first storey. No vegetation, finished lot grade, building or structure permitted within this area. 5% of net site area Open to the sky Depth of open space not to exceed 1.5 times the frontage of such open space. Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurant uses. Must have direct access from public sidewalks. A minimum of 50% of the first storey of the facade must be clear glazing. Facades should be provided with a degree of visual interest through the use of building materials and design, colour and/or canopies and awnings. In accordance with approved policy.
2	Open Space At Grade	<ul style="list-style-type: none"> At grade Abutting Street or Avenue 	<ul style="list-style-type: none"> 5% of net site area Open to the sky Depth of open space not to exceed 1.5 times the frontage of such open space.
3	Visual Interest at Grade	<ul style="list-style-type: none"> All Street and Avenue frontages at grade Applies to all commercial buildings and commercial uses located in lower levels of mixed use buildings 	<ul style="list-style-type: none"> Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurant uses. Must have direct access from public sidewalks. A minimum of 50% of the first storey of the facade must be clear glazing. Facades should be provided with a degree of visual interest through the use of building materials and design, colour and/or canopies and awnings.
4	Contribution to West End Improvement Fund.		In accordance with approved policy.

* See Section B.2(c)(i) for special exemption for public auditoria, cinemas and theatres.

AMENDMENT LOC2008-0056
BYLAW NUMBER 96D2008
Council Approved: 2008 November 3

SCHEDULE B



DC DIRECT CONTROL DISTRICT

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

Purpose

- 1** This Direct Control District is intended to:
- (a) provide for commercial and residential development at medium to high densities;
 - (b) establish a comprehensive system for the provision of amenities available to the public to meet the special needs of Downtown.

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.

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) “Commercial uses” means all uses, other than residential uses, in the Discretionary Use List in Section 7.
 - (b) “Residential uses” means Apartment buildings, Dwelling units, Home occupations, Hostels, Lodging houses, Senior citizens housing, Stacked townhousing and Townhouses.

Defined Uses

- 5** 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) “Senior citizens housing” means any multiple dwelling constructed in compliance with The Senior Citizens Housing Act.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

Permitted Uses

- 6 (1)** 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 7; and,
 - (b) have been approved before June 15, 1992 by a development permit that has not expired.

Discretionary Uses

- 7 (1)** 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 (N.P.)
- (j) Commercial schools
- (k) Community association buildings
- (l) Drinking establishments
- (m) Dwelling units (C.U.)
- (n) Entertainment establishments
- (o) Essential public services
- (p) Financial institutions
- (q) Grocery stores
- (r) Home occupations
- (s) Hostels (N.P.)
- (t) Hotels
- (u) Identification Signs
- (v) Laboratories
- (w) Liquor stores (N.P.)
- (x) Lodging houses
- (y) Mechanical reproduction and printing establishments
- (z) Medical clinics
- (aa) Offices (C.U.)
- (bb) Parking areas (temporary)
- (cc) Parking structures
- (dd) Parks and playgrounds
- (ee) Personal service businesses
- (ff) Private clubs and organizations
- (gg) Private schools

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

- (hh) Public and quasi-public buildings (N.P.)
- (ii) Public and separate schools
- (jj) Public transportation facilities
- (kk) Radio and television studios
- (ll) Restaurants
- (mm) Retail food stores
- (nn) Retail stores
- (oo) Senior citizens housing (C.U.)
- (pp) Special care facilities (N.P.)
- (qq) Stacked townhouses (C.U.)
- (rr) Townhouses (C.U.)
- (ss) Universities, colleges and provincial training centres
- (tt) Utilities
- (uu) Veterinary clinics (N.P.)

(2) N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) in Part 10 of Bylaw 1P2007.

(3) C.U. - See Section 23 as follows.

Permitted Use Rules

- 8 (1) Notwithstanding any other requirement of this Bylaw, a proposed or existing structure may be developed, redeveloped, or continue to exist provided that:
- (a) there is no variation whatsoever, except as may be allowed pursuant to Section 11(1)(a)(iii), Part 10 of Bylaw 1P2007, in that structure except as may be necessary to comply with other applicable legislation; and,
 - (b) it has been approved before June 15, 1992, by a development permit that has not expired.

Application

- 9 The provisions in sections 10 through 23 apply only to discretionary uses.

Development Guidelines

- 10 In addition to the General Rules for Downtown Districts contained in Section 42.1 in Part 10 of Bylaw 1P2007, the following rules shall apply.

Conditions of Development

- 11 In addition to the guidelines contained in this DC District, the Approving Authority may impose conditions on a Development Permit as provided for in Part 10, Section 11(2)(a)(i) of Bylaw 1P2007.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

Gross Floor Area

- 12 (1)** Method of Calculation - Commercial Uses
All development, regardless of density, shall provide all Bonus Group A features to the satisfaction of the Approving Authority. The maximum gross floor area for commercial uses, calculated using the Bonus Density Tables attached hereto, shall be:
- (a) 5.0 F.A.R. which shall not be refused on the grounds of density only, where all Group A features are provided to the satisfaction of the Approving Authority;
 - (b) 7.0 F.A.R. where, in addition to satisfactory provision of all Group A features, Group B features of a type, location, and design required by and acceptable to the Approving Authority are provided.
- (2)** Method of Calculation - Residential Uses
All development, regardless of density, shall provide Bonus Group A features as required to the satisfaction of the Approving Authority. The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section 12(1). Only open balconies will be excluded from the calculation of residential density.
- (3)** Exceptions and Qualifications
Notwithstanding the requirements of Section 12(1) and (2), the Approving Authority may allow up to an additional 0.5 F.A.R. for purpose-built public auditoria, cinemas, and theatres. A permanent sign identifying these spaces must be affixed to the exterior of the building.

Public Spaces - General Performance Requirements

- 13 (1)** All public spaces, for which density has been granted, shall be:
- (a) subject to a public access easement registered against the title of the property and satisfactory to the Approving Authority.
 - (b) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired; and,
 - (c) maintained, including any landscaping, artwork and special right-of-way improvements, throughout the life of the building.
- (2)** Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

Building Design

- 14** The ground and second floors of a development shall be designed and built so as to be capable of accommodating a range of non-office uses such as dwelling units, retail stores, personal services, entertainment establishments and restaurants.

Maximum Building Height

- 15** Subject to the other requirements of this District, a maximum of 76.2 metres.

Dwelling Units

- 16 (1)** Buildings containing dwelling units shall be subject to the following:
- (a) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use.
 - (b) No window of a living room or bedroom shall be located closer than a horizontal distance of 12 metres from a side or rear property line or 24 metres from the facing windows of any other building on the same site.
 - (c) For each dwelling unit, a private amenity space, having a minimum area of 5.6 square metres, shall be provided either in the form of an open or enclosed balcony with a glazed opening to the outside amounting to no less than 75 percent of the exterior wall and a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space suitable to the needs of the expected residents. A permanent sign posted in the elevator lobby shall identify this communal space.
 - (d) All on-site horizontal surfaces, other than private amenity space, greater than 5.6 square metres in size, that are overviewed by dwelling units and not required for parking or access, shall be landscaped to the satisfaction of the Approving Authority.
 - (e) Where 50 percent or more of the gross floor area of a building is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces, which may include accessible and usable spaces provided under Section 16(1)(d).

Right-of-Way Setbacks

- 17** See Part 10, Section 17 of Bylaw 1P2007.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

CONTINUED

Parking and Loading

- 18 (1)** See Part 10, Section 18 of Bylaw 1P2007 for parking and loading requirements except as provided below:
- (a) Parking provided for any commercial or residential development may not be located at or above grade.
 - (b) Restaurant uses shall provide parking at the rate of one space per 140 net square metres of development.
 - (c) Parking areas (temporary) shall only be allowed where sites front on primary roadways as illustrated on Map 1, Roadway Network, in Part 10, Section 42.1 of Bylaw 1P2007.
 - (d) Parking for bicycles at the rate of 1 space per five dwelling units shall be available in a secure and convenient location on-site in residential or mixed-use buildings. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.

Identification Signs

- 19** Identification signs only shall be allowed. All third party advertising signs shall be prohibited. The provisions of the Sign Appendix of Part 10, Bylaw 1P2007 shall apply, mutatis mutandis, to an Identification Sign as if such a sign were located in the CM-2 District.

Outside Storage

- 20** No outside storage shall be allowed.

Floodway/Floodplain

- 21** The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Part 10, Section 19.1 of Bylaw 1P2007 as amended from time to time to the satisfaction of the Approving Authority.

Roofs

- 22** Low and mid-use building roofs should incorporate appropriate screening of roof-top.

Certainty of Use

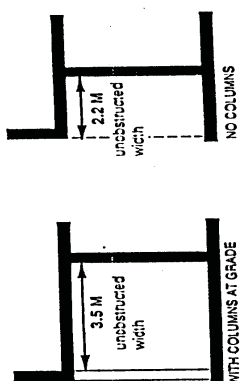
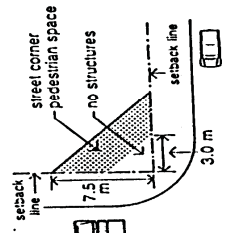
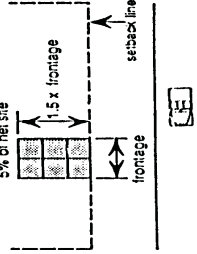
- 23** Where an application is for a use listed as a discretionary use and is followed by the letters "C.U.", the application shall not be refused by the Approving Authority on the grounds of use.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

WEST END LAND USE DISTRICT

Bonus Density Table

Bonus Group A: A maximum of 5.0 F.A.R. may be achieved through provision of Group A features*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
A1	At-grade Pedestrian Circulation a) On-Site Pedestrian Space b) Street Corner Pedestrian Space	<ul style="list-style-type: none"> Abutting primary roads and 7 Avenue S, as shown on Map 1, Roadway Network, Section 42.1. Directly accessible to and level with public sidewalks. At all intersections. Directly accessible to and level with public sidewalks. 	<p>A1(a)</p>  <p>A1(b)</p>  <p>A2</p>  <ul style="list-style-type: none"> If arcaded, a minimum unobstructed width of 3.5 metres. If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. Open to the sky or built over above first storey. A triangular area formed by the two setback lines and a straight line which intersects them 7.5 metres from the corner where they meet. Open to the sky or built-over above the second storey. No vegetation, finished lot grade, building or structure within the triangular area formed by the two setback lines and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns permitted to satisfaction of the Approving Authority. 5 percent of net site area. Open to sky. Depth of open space may not exceed 1.5 times the frontage of such open space. Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. If commercial, a minimum of 50 percent of the facade area must be clear glazing. Facades should be provided with a degree of visual interest through the use of building materials and design, colour, and/or canopies and awnings. In accordance with approved policy.
A2	Open Space at Grade	<ul style="list-style-type: none"> At grade. Abutting street or avenue. 	<ul style="list-style-type: none"> Open to sky. Depth of open space may not exceed 1.5 times the frontage of such open space.
A3	Visual Interest at Street Level	<ul style="list-style-type: none"> All street and avenue frontages at grade. Applies to all commercial buildings and commercial uses located in lower levels of residential or mixed use buildings 	<ul style="list-style-type: none"> Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. If commercial, a minimum of 50 percent of the facade area must be clear glazing. Facades should be provided with a degree of visual interest through the use of building materials and design, colour, and/or canopies and awnings. In accordance with approved policy.
A4	Contribution to West End Improvement Fund (for commercial uses only)		

* See Section E.2.(c) for special exemption for public auditoria, cinemas, and theatres.

AMENDMENT LOC2008-0056 BYLAW NUMBER 96D2008

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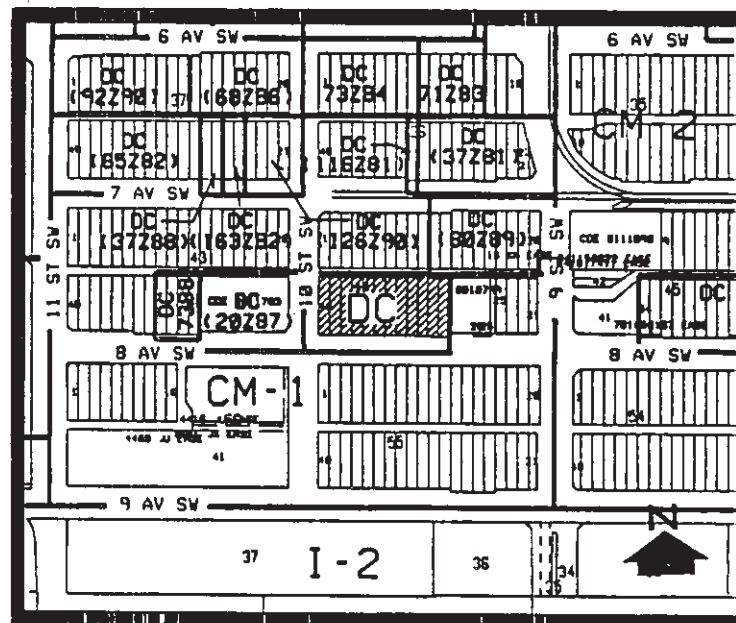
WEST END LAND USE DISTRICT Bonus Density Table

Bonus Group B: A maximum additional 2.0 F.A.R. may be achieved through the provision of Group B features.

STANDARD	AMENITY TO BE PROVIDED	BONUS RATIO	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
B-1	<u>Improvements to Adjacent Right of Way</u>	2.5:1	<ul style="list-style-type: none"> o Sidewalk areas within adjacent Rights-of-way. 	<ul style="list-style-type: none"> o Enhanced treatment and materials over and above basic standards for sidewalk reconstruction, consistent with Council's policy for public improvements in the Downtown.
B-2	<u>Off-Site Improvements</u>			<ul style="list-style-type: none"> o Available only 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-3	<u>Sculpture in Public Spaces</u> (a) Provided on Site (b) Contribution to Public Art Fund	Maximum of 1 F.A.R. 1 square metre of floor area for every \$110 (October 1984 dollars) of sculpture provided. 1 square metre of floor area for every \$110 (October 1984 dollars) contributed to Public Art Fund.	<ul style="list-style-type: none"> o Value contributed to sculpture used outdoors at-grade or on building exterior visible from the sidewalk in a setting on site acceptable to Approving Authority. o If off the development site, on 8th S. Avenue between 9 and 11 Streets W., 10 Street W. or a West End public park. 	<ul style="list-style-type: none"> o Unique not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. o Value of sculpture provided calculated in accordance with Council's approved policy. o In accordance with Council policy.

AMENDMENT # 92/22
BYLAW # 49Z92

SCHEDULE B



AREA C WEST END DC: DIRECT CONTROL DISTRICT

GENERALLY APPLYING TO THE AREA FROM MID-BLOCK BETWEEN 9 AND
10 STREET W. TO 10 STREET W. NORTH OF 8 AVENUE (PLAN A1, BLOCK 44, LOTS
31 TO 40)

A. LAND USES

1. Purpose

The purpose of this district is to:

- (a) provide for commercial and residential development at medium to high densities;
- (b) establish a comprehensive system for the provision of amenities available to the public to meet the special needs of Downtown.

Amendment # 92/22
Bylaw # 49292

SCHEDULE B

CONTINUED

Radio and television studios
Restaurants
Retail food stores
Retail stores
Senior citizens housing (C.U.)
Special care facilities (N.P.)
Stacked townhouses (C.U.)
Townhouses (C.U.)
Universities, colleges and provincial training centres
Utilities
Veterinary clinics (N.P.)

NOTE: N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) of By-law 2P80.

C.U. - See Section 8.14 as follows.

B. DISCRETIONARY USE RULES

In addition to the General Rules for Downtown Districts contained in Section 42.1 of By-law 2P80, the following rules shall apply (illustrations are also included to assist in understanding the intent of the following Discretionary Use Rules):

1. In this By-law:

- (a) Residential uses include Apartment buildings, Dwelling units, Home occupations, Hostels, Lodging houses, Senior citizens housing, Stacked townhousing and Townhouses.
- (b) Commercial uses are all other uses in the Discretionary Use List in Section A.4.

2. Gross Floor Area

(a) Method of Calculation - Commercial Uses

All development, regardless of density, shall provide all Bonus Group A features to the satisfaction of the Approving Authority. The maximum commercial density shall be as existing on or before the date on which this By-law is approved or:

- o 10,580 square metres (113,885 square feet) whichever is the greater subject to the provision of all Bonus Group A features to the satisfaction of the Approving Authority;
- o an additional 605 square metres (6508 square feet) of bonus density, where in addition to satisfactory provision of all Group A features, Group B features, of a type, location, and design required by and acceptable to the Approving Authority are provided.

(b) Method of Calculation - Residential Uses

All development, regardless of density, shall provide Bonus Group A features as required to the satisfaction of the Approving Authority. The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section 8.2(a). Only open balconies will be excluded from the calculation of residential density.

Amendment # 92/22
Bylaw # 49292

SCHEDULE B

CONTINUED

(c) Exceptions and Qualifications

Notwithstanding the requirements of Section 8.2.(a) and (b), the Approving Authority may allow up to an additional 0.5 F.A.R. for purpose-built public auditoria, cinemas, and theatres. A permanent sign identifying these spaces must be affixed to the exterior of the building.

3. Public Spaces - General Performance Requirements

- (a) All public spaces, for which density has been granted, shall be:
 - (i) subject to a public access easement registered against the title of the property and satisfactory to the Approving Authority.
 - (ii) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired, and
 - (iii) maintained, including any landscaping, artwork and special right-of-way improvements, throughout the life of the building.
- (b) Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

4. Building Design

The ground and second floors of a development shall be designed and built so as to be capable of accommodating a range of non-office uses such as dwelling units, retail stores, entertainment establishments and restaurants.

5. Maximum Building Height

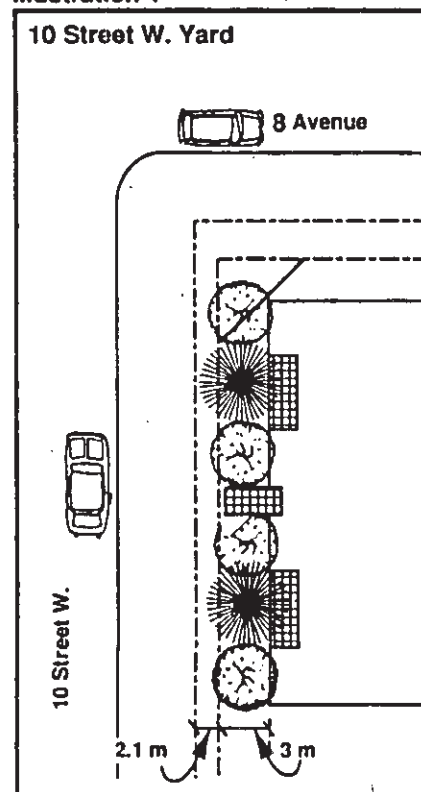
Subject to the other requirements of this District, a maximum height of 76.2 metres.

6. Yards

(a) 10 Street W. Yard

Adjacent to 10 Street W., provide a yard with a minimum dimension of 3 metres as measured from the setback line along 10 Street W. It must be open to the sky and be intensively landscaped using soft

Illustration 1



Amendment # 92/22
Bylaw # 49292

SCHEDULE B

CONTINUED

2. Permitted Uses

Notwithstanding any other requirement of this By-law, 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 A.4.; and
- (b) have been approved before the date on which this By-law was approved by a development permit that has not expired.

3. Permitted Use Rules

Notwithstanding any other requirements of this By-law, a proposed or existing structure may be developed, redeveloped, or continue to exist provided that:

- (a) there is no variation whatsoever, except as may be allowed pursuant to Section 11 (1)(a)(iii) of By-law 2P80, in that structure except as may be necessary to comply with other applicable legislation; and
- (b) it has been approved before the date on which this By-law was approved by a development permit that has not expired.

4. Discretionary Uses

Amusement arcades
Apartment buildings (C.U.)
Apartment-hotels
Athletic and recreational facilities
Billiard parlours
Child care facilities (N.P.)
Commercial schools
Community association buildings
Drinking establishments
Dwelling units (C.U.)
Entertainment establishments
Essential public services
Financial institutions
Grocery stores
Home occupations
Hostels (N.P.)
Hotels
Identification Signs
Laboratories
Liquor stores (excluding cold beer vendors) (N.P.)
Lodging houses
Mechanical reproduction and printing establishments
Medical clinics
Offices (C.U.)
Parking areas (temporary)
Parking structures
Parks and playgrounds
Personal service businesses
Private clubs and organizations
Private schools
Public and quasi-public buildings (N.P.)
Public and separate schools
Public transportation facilities

Amendment # 92/22
Bylaw # 49292

SCHEDULE B

CONTINUED

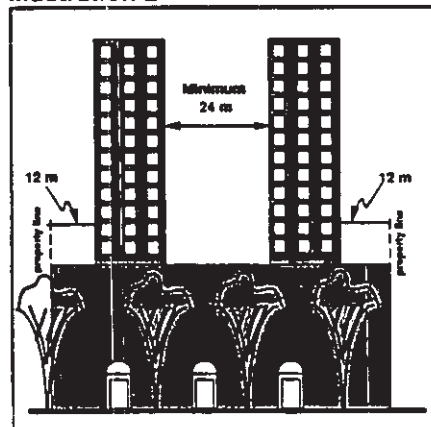
landscaping. For commercial buildings it may serve as Standard A2 space as required in the Bonus Density Tables attached hereto (Illustration 1).

7. Dwelling Units

Buildings containing dwelling units shall be subject to the following:

- (a) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use.
- (b) No window of a living room or bedroom shall be located closer than a horizontal distance of 12 metres from a side or rear property line or 24 metres from the facing windows of any other building on the same site. (Illustration 2).
- (c) For each dwelling unit, a private amenity space, having a minimum area of 5.6 square metres, shall be provided either in the form of an open or enclosed balcony with a glazed opening to the outside amounting to no less than 75 percent of the exterior wall and a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space suitable to the needs of the expected residents. A permanent sign posted in the elevator lobby shall identify this communal space.
- (d) All on-site horizontal surfaces, other than private amenity space, greater than 5.6 square metres in size, that are overlooked by dwelling units and not required for parking or access, shall be landscaped to the satisfaction of the Approving Authority.
- (e) Where 50 percent or more of the gross floor area of a building is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces, which may include accessible and usable spaces provided under Section B.7.(d).

Illustration 2



8. Right-of-Way Setbacks

See Section 17 of By-law 2P80.

Amendment # 92/22
Bylaw # 49292

SCHEDULE B

CONTINUED

9. Parking and Loading

- (a) See Section 18 of By-law 2P80 for parking and loading requirements except as provided below:
 - (i) Parking provided for any commercial or residential development may not be located at or above grade.
 - (ii) Restaurant uses shall provide parking at the rate of one space per 140 net square metres of development.
 - (iii) Parking areas (temporary) shall only be allowed where sites front on primary roadways as illustrated on Map 1, Roadway Network, in Section 42.1 of By-law 2P80.
 - (iv) Parking for bicycles at the rate of 1 space per five dwelling units shall be available in a secure and convenient location on-site in residential or mixed-use buildings. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.

10. Identification Signs

Identification signs only shall be allowed. All third party advertising signs shall be prohibited. The provisions of the Sign Appendix of By-law 2P80 shall apply, *mutatis mutandis*, to an Identification Sign as if such a sign were located in the CM-2 District.

11. Outside Storage

No outside storage shall be allowed.

12. Floodway/Floodplain

The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 of By-law 2P80 as amended from time to time to the satisfaction of the Approving Authority.

13. Conditions of Development

In addition to the guidelines contained in this DC District, the Approving Authority may impose conditions on a Development Permit as provided for in Section 11(2)(a)(i) of By-law 2P80.

14. Certainty of Use

Where an application is for a use listed as a discretionary use and is followed by the letters "C.U.", the application shall not be refused by the Approving Authority on the grounds of use.

15. Roofs

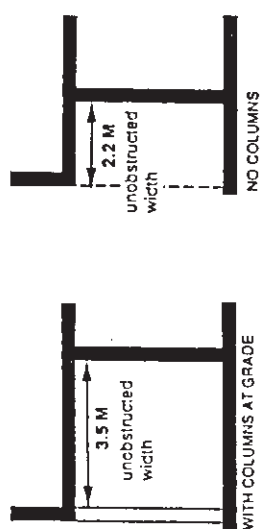
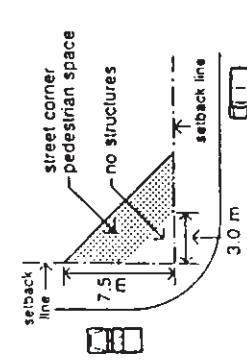
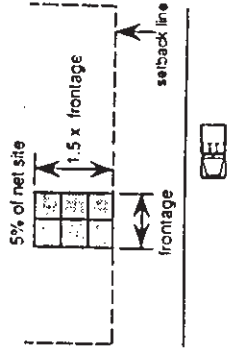
Low and mid-rise building roofs should incorporate appropriate screening of rooftop mechanical equipment.

WEST END LAND USE DISTRICT
Bonus Density Table

Bonus Group B: A maximum additional 605 sq.metres (6,508 sq.ft.) of commercial space may be achieved through the provision of Group B features.

STANDARD	AMENITY TO BE PROVIDED	BONUS RATIO	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
B-1	<u>Improvements to Adjacent Right of Way</u>	2.5:1	o Sidewalk areas within adjacent Rights-of-way.	o Enhanced treatment and materials over and above basic standards for sidewalk reconstruction, consistent with Council's policy for public improvements in the Downtown.
B-2	<u>Off-Site Improvements</u>			o Available only 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-3	<u>Sculpture in Public Spaces</u> (a) Provided on Site (b) Contribution to Public Art Fund	Maximum of 1 F.A.R. 1 square metre of floor area for every \$110 (October 1984 dollars) of sculpture provided. 1 square metre of floor area for every \$110 (October 1986 dollars) contributed to Public Art Fund.	o Value contributed to sculpture used outdoors at-grade or on building exterior visible from the sidewalk in a setting on site acceptable to Approving Authority. o If off the development site, on 8th S. Avenue between 9 and 11 Streets W., 10 Street W. or a West End public park.	o Unique not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. o Value of sculpture provided calculated in accordance with Council's approved policy. o In accordance with Council policy.

TABLE 1 - REQUIREMENTS FOR DEVELOPMENTS WITH COMMERCIAL USES
 Bonus Group A: A maximum of 10,580 sq.metres (113,885 sq.feet) may be achieved through provision of these features.*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
A1	(a) At-Grade Pedestrian Circulation (b) Street Corner Pedestrian Space	<ul style="list-style-type: none"> Abutting primary roads and 7 Avenue South and future LRT alignments as shown on Map 1, Section 42.1 Directly accessible to and level with public sidewalk. At all intersections. Directly accessible to and level with public sidewalks. 	<p>A1(a)</p>  <p>A1(b)</p>  <p>A2</p>  <ul style="list-style-type: none"> If arcaded, a minimum unobstructed width of 3.5 metres. If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. Open to the sky or built over above the first storey. A triangular area formed by the two setback lines and a straight line that intersects them 7.5 metres from the corner where they meet. Open to the sky or built over above the second storey. No vegetation, finished lot grade, building or structure permitted within the triangular area formed by the two set back lines and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns permitted to the satisfaction of the Approving Authority.
A2	Open Space At Grade	<ul style="list-style-type: none"> At grade Abutting Street or Avenue 	<ul style="list-style-type: none"> 5% of net site area Open to the sky Depth of open space not to exceed 1.5 times the frontage of such open space.
A3	Visual Interest at Grade	<ul style="list-style-type: none"> All Street and Avenue frontages at grade Applies to all commercial buildings and commercial uses located in lower levels of mixed use buildings 	<ul style="list-style-type: none"> Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. If commercial, a minimum of 50% of the first storey of the facade must be clear glazing. Facades should be provided with a degree of visual interest through the use of building materials and design, colour and/or canopies and awnings.
A4	Contribution to West End Improvement Fund (for commercial uses only).		<ul style="list-style-type: none"> In accordance with approved policy.

* See Section B.2(c) for special exemption for public auditoria, cinemas and theatres.

