Charter Bylaw 18442

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2581

WHEREAS Lots 9-15, Block 177, Plan N4000R; located at 8307 - 109 Street NW, Garneau, Edmonton, Alberta, is specified on the Zoning Map as (US) Urban Services Zone; and

WHEREAS an application was made to rezone the above described property to (DC2) Site Specific Development Control Provision;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lots 9-15, Block 177, Plan N4000R; located at 8307 - 109 Street NW, Garneau, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule “A”, from (US) Urban Services Zone to (DC2) Site Specific Development Control Provision.

2. The uses and regulations of the aforementioned DC2 Provision are annexed hereto as Schedule "B".
3. The sketch plan annexed hereto as Schedule "A" and the uses and regulations of the DC2 Provision shown on Schedule "B" annexed hereto are hereby incorporated into the Zoning Bylaw, being Part IV to Bylaw 12800, The Edmonton Zoning Bylaw.

READ a first time this day of , A. D. 2018;
READ a second time this day of , A. D. 2018;
READ a third time this day of , A. D. 2018;
SIGNED and PASSED this day of , A. D. 2018.

THE CITY OF EDMONTON

_______________________________________
MAYOR

_______________________________________
CITY CLERK
SCHEDULE “B”

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

1. **General Purpose**

To accommodate a mixed use development consisting of Apartment Housing with ground oriented Commercial Uses that creates an active pedestrian friendly environment along 109 Street NW and ground oriented residential uses facing 83 Avenue NW and the rear lane.

2. **Area of Application**

This Provision shall apply to Lots 9-15, Block 177, Plan N4000R, located north of 83 Avenue NW and east of 109 Street NW as shown in Schedule "A" of the Bylaw adopting this DC2 Provision.

3. **Uses**

   a. Apartment Housing
   b. Apartment Hotels
   c. Bars and Neighborhood Pubs
   d. Child Care Services
   e. Commercial Schools
   f. Convenience Retail Stores
   g. General Retail Stores
   h. Group Homes
   i. Health Services
   j. Indoor Participant Recreation Services
   k. Limited Group Homes
   l. Live Work Units
   m. Lodging Houses
   n. Minor Home Based Business
   o. Personal Service Shops, excluding Body Rub Centres
   p. Professional, Financial and Office Support Services
   q. Residential Sales Centre
   r. Restaurants
   s. Specialty Food Services
   t. Fascia On-premises Signs
   u. Projecting On-premises Signs
   v. Temporary On-premises Signs
4. **Development Regulations**

   a. The development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.

   b. The maximum number of Dwellings shall be 172.

   c. The maximum Height shall be 33.0 m.

   d. The maximum Floor Area Ratio shall be 4.3.

   e. Restaurants and Specialty Food Services shall be limited to a maximum of 250 m² of Public Space per Use.

   f. Bars and Neighborhood Pubs shall be limited to a maximum of 150 m² of Public Space per Use.

   g. Residential Sales Centre Uses shall be limited to the marketing of Dwellings located in buildings on the Site.

   h. A minimum Amenity Area of 7.5 m² per Dwelling shall be provided. This may be achieved through the use of terraces/patios, balconies, Rooftop Terraces and indoor communal Amenity Areas such as lounges and fitness areas.

5. **Additional Development Regulations - Sub-Area 1**

   a. Minimum building Setbacks shall be as follows:

      i. 1.5 m from the north Lot line
      ii. 1.0 m from the west Lot line
      iii. 0.0 m from the south Lot line

   b. Setbacks shall only be used to accommodate street related activities such as sidewalk cafes, Public Amenity Space and/or Landscaping that contribute to the pedestrian-oriented shopping character of the area and shall be paved and visually incorporated into the public Walkway to the satisfaction of the Development Officer.

   c. Notwithstanding Sections 5(a) and 5(b) of this Provision, a hardscaped courtyard shall be provided at the southwest corner of the Site as shown in Appendix 2 and shall be of minimum dimensions as follows:

      i. 6.0 m – 8.0 m measured eastward from the west Lot line; and
      ii. 3.0 m – 5.0 m measured northward from the south Lot line

   d. The first Storey frontage along 109 Street NW shall only contain Commercial
6. **Additional Development Regulations – Sub-Area 2**

   a. Minimum building Setbacks shall be as follows:
      
      i. 6.0 m from the south Lot line  
      ii. 9.0 m from the north Lot line  
      iii. 2.0 m from the east Lot line

7. **Parking, Access, Loading and Storage**

   a. A minimum of 60 and maximum of 90 vehicular parking spaces shall be provided for all Uses.

   b. A minimum of 13 vehicular parking spaces shall be provided at Grade in general conformance with Appendix 1. Of these:
      
      i. a minimum of 3 shall be designated as spaces to be utilized for a car share program. The car share program may be operated by the owner/developer or a third party vendor, as verified by and to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination; and
      
      ii. a minimum of 10 shall be for visitors and non-Residential Uses.

   c. Notwithstanding Section 54 of the Zoning Bylaw, a minimum of one (1) Bicycle Parking space per Dwelling shall be provided. Bicycle Parking shall be located with racks or railings either at ground level on Site outside the building and/or within secure bicycle storage rooms or lockers, within the building on the main floor and/or within the underground Parking Garage.
      
      i. A minimum of 10 Bicycle Parking spaces shall be provided outside the building at ground level on site, in general conformance with Appendix 1. These Bicycle Parking spaces shall be available and accessible for public use in accordance with Section 54.3 of the Zoning Bylaw.

   d. Minimum below Grade Parking Garage setbacks shall be:
      
      i. 0.0 m from the north Lot line  
      ii. 0.0 from the west Lot line  
      iii. 2.0 m from the south Lot line  
      iv. 1.5 m from the east Lot line

   e. Vehicular access and egress shall be provided from the rear Lane.

   f. Retaining Walls bordering the below Grade Parking Garage ramp shall not exceed a Height of 0.3 m at the Lot line nor 1.0 m within 1.0 m of the Lot line and no portion of the wall may encroach onto road right-of-way. The Development Officer may increase this Height if adequate sight line data is
provided to ensure vehicles can exit safely to the satisfaction of the Development Officer, in consultation with Subdivision and Development Coordination.

g. Loading, storage and waste collection areas shall be concealed from view from adjacent Sites and public roadways with the waste collection areas located within the buildings. The waste collection area, and access to it, shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination.

h. A maximum of one (1) loading space is required with minimum dimensions of 3.0 m by 7.0 m.

8. **Landscaping**

a. A detailed Landscape Plan detailing on and off-Site requirements, prepared by a registered AALA landscape architect, for the Site, shall be submitted for review and approval by the Development Officer, prior to the issuance of any Development Permit, except for a permit for excavation or shoring.

b. Landscaping on the Site shall consider the use of plant materials that provide colour, texture, and visual interest throughout the year to enhance appearance of the development during the cold weather months.

c. The Landscape Plan shall include pavement materials, exterior lighting where proposed, street furniture elements, sizes and species of new and existing tree plantings, and other Landscaping elements as applicable.

d. Outdoor Common Amenity Area on Rooftop Terraces shall be landscaped with, but not limited to, soft landscaping, garden boxes/planters, seating area or other complementary amenities.

e. Where below a Grade Parking Garage is provided near or on the Lot line, raised planters shall be permitted within the required building Setback to achieve sufficient soil depths to support required Landscaping.

f. Landscaping that extends onto or over City-owned lands shall be developed in accordance with Traffic Bylaw 5590 and the City Design and Construction Standards.

g. Landscaping within the Setback adjacent to 109 Street NW shall be developed to provide an enhanced pedestrian experience and a public realm that seamlessly transitions from public to private property by continuing the public sidewalk paving materials, finish, and pattern to complement the adjacent streetscape.

h. The owner shall be responsible for the costs of installing and maintaining the new boulevard trees along 109 Street NW for a minimum of two years after installation.
9. **Building Design and Architectural Regulations**

a. The west Façade of the building shall have a minimum Stepback of 0.6 m at a maximum Height of 6.5 m.

b. The west Façade of the building shall have a minimum Stepback of 6.0 m at a maximum Height 12.0 m.

c. The east Façade of the building shall have a minimum Stepback of 4.0m at a maximum Height 12.0 m.

d. The ninth Storey Floor Plate shall be a maximum of 50% of the eighth Storey Floor Plate and generally located on the western half of the building as shown in the attached appendices and shall only be used for indoor Amenity Area.

e. The building shall provide articulation and visual interest through the variation of material/color or other means to the satisfaction of the Development Officer.

f. Exterior building materials shall be sustainable, durable, high quality and appropriate for the development within the context of the immediately surrounding neighbourhood, including, but not limited to masonry, stone, metal, wood, cement paneling, acrylic stucco and glazing. The use of vinyl siding and masonry stucco as a finishing material shall not be permitted.

g. All exposed building Façades shall have consistent and harmonious exterior finishing materials.

h. Active commercial frontages facing 109 Street NW shall meet the following to the satisfaction of the Development Officer:

   i. The placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented street;

   ii. Weather protection, where appropriate, in the form of canopies or other architectural elements shall be provided to create a comfortable environment for pedestrians; and

   iii. A minimum of 70% of the linear frontage shall consist of transparent glazing. Linear Frontage shall be measured as the horizontal plane at 1.5 m above Grade.

i. Building Façades on the podium fronting onto 109 Street NW shall be designed with detail and articulation at intervals ranging from 8.0 m to 16.0 m to create an attractive streetscape.

j. Building Façade features of the podium fronting 109 Street NW shall wrap around to the north Façade a minimum of 5.0m to present a consistent and harmonious architectural design.
k. All ground oriented Dwellings that face 83 Avenue NW and the rear Lane shall provide an individual external entrance at Grade, oriented and clearly visible to be readable from and lend a sense of occupancy to the public roadway using features such as, but not limited to, porches, staircases, stoops, and decorative fences.

l. A semi-private outdoor Amenity Area in front of each at-Grade Dwelling exterior entry shall be provided in a manner that establishes a transition area between the public roadway, including a Lane, using landscape features such as decorative fencing, change in Grade, shrub beds or rock gardens and/or built elements such as private entrance features and verandas or porches.

m. Residential, Residential-Related and Commercial Uses located at Grade shall have individual accesses at Grade. Sliding patio doors shall not serve as this entrance for Residential or Residential-Related Uses.

n. The geodetic elevation of the top of the floor on the level that is directly above Grade shall not exceed the geodetic elevation of the abutting public sidewalk by more than 0.5 m.

o. Wherever podium roofs are visible from adjacent developments, the development shall provide enhancements to improve rooftop aesthetics. Enhancements may include patios, gardens, green roofs or Amenity Area.

p. All mechanical equipment, including roof mechanical units, surface level venting systems, and transformers shall be concealed by screening in a manner compatible with the architectural character of the buildings.

q. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a well-lit environment for pedestrians, to accentuate artwork and building elements, and to highlight the development at night time and in winter months. Exterior lighting associated with the development shall be designed such that it has no negative impact on the adjacent property.

10. Other Regulations

a. Prior to the issuance of any Development Permit, except for the purpose of excavation only, a Crime Prevention through Environmental Design Assessment shall be prepared with recommendations implemented to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment.

b. Sun Shadow and Wind Impact Studies shall be prepared and submitted with a Development Permit application for any building or portion of a building with a height greater than 15.0 m. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-Site, consistent
with recommendations of the Sun Shadow Impact Study and Wind Impact Study.

c. Notwithstanding the other Development Regulations of this Provision, the Appendices of this Provision and Section 720.3(2) of the Zoning Bylaw, in the event that the owner/developer does not obtain a Building Permit and commence construction of the principal building under a valid Development Permit within 5 years of the passage of the Bylaw adopting this Provision, development of the site shall be in accordance with this Provision, except that:

   i. the maximum Floor Area Ratio shall be 1.5; and

   ii. the maximum Height shall be 15.0 m

11. Improvements and Contributions

a. As a condition of the Development Permit for the principal building within this Provision, the Owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development, including, but not limited to the following:

   i. Construction of the Lane north of the Lot, between 108 Street NW and 109 Street NW, to a paved residential standard, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination.

   ii. Repair of any damage to the abutting roadways, sidewalks and/or boulevards resulting from construction of the development, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination. The Site must be inspected by the City prior to the start of construction and once again when construction is complete.

   iii. Improvements to the public realm along 109 Street NW directly abutting the Site. These improvements shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination, City Operations and Integrated Infrastructure Services. Such improvements shall include, but are not limited to, the addition of a minimum of three (3) new boulevard trees within enhanced growing mediums; and where the public realm width is sufficient, street furniture and bicycle racks.

b. Prior to the issuance of any Development Permit, the Development Officer shall ensure that a signed agreement has been executed between the City and Owner, requiring the Owner to provide the City, at the time of development permit approval, the option to purchase 5% of the proposed number of residential units at 85% of market value or (at the developers discretion) pay the equivalent cash in lieu to the City.
c. A minimum of 10 Dwellings shall be developed as Family Oriented Dwellings. The Family Oriented Dwellings shall be ground oriented facing either 83 Avenue NW or the Lane.

d. Prior to the issuance of a Development Permit, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of $34,655.00 towards the acquisition of public art. Such agreement shall require that:

   i. Prior to the issuance of a Development Permit a public art plan shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer. The art will be acquired through an art procurement process administered by the owner/operator.

   ii. The art shall be located on-Site and the exact location must be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination.

   iii. Upon completion of the building, the Owner shall demonstrate, to the satisfaction of the Development Officer, that the public art described in the public art plan submitted at the time of Development Permit application is located as specified.

   iv. If a development application has not been made within five (5) years of the date of passage of this Bylaw, the Public Art contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.

APPENDIX 1: Site Plan

APPENDIX 2: Area Plan

APPENDIX 3: South Elevation – Along 83 Ave

APPENDIX 4: North Elevation – Along Lane

APPENDIX 5: West Elevation – Along 109 Street

APPENDIX 6: East Elevation
WEST ELEVATION - ALONG 109 STREET
83 Ave

Level 01
Level 02
Level 03
Level 04
Level 05
Level 06
Level 07
Level 08
Level 09

EAST ELEVATION

NON-COMBUSTIBLE CLADDING OR ACRYLIC STUCCO

9.0m min

COMMERCIAL BEHIND

33.0m

POSSIBLE ROOF TOP AMENITY

6.0m min

COMMERCIAL BEHIND

1.5m min

COMMERCIAL BEHIND

APPENDIX 6