

Charter Bylaw 19865

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 3328

WHEREAS Lot 1, Block 5, Plan 2528HW; Lot 1A, Block 5 Plan 1663MC; Lot 8, Block 5, Plan 2528HW; Portion of Lot 7, Block 5, Plan 2528HW; Portion of Block A, Plan 0024690; Lot 29, Block 8, Plan 2528HW; and Lot 6, Block 6, Plan 2528HW; located at 9518 - 87 Street NW; 9508- 87 Street NW; 8720 - 95 Avenue NW; 8722 - 95 Avenue NW; 8724 - 95 Avenue NW; 9560 - 87 Street NW; 8728U 97 Avenue NW; and 8712U 96 Avenue NW, Strathearn, Edmonton, Alberta, are specified on the Zoning Map as (DC2) Site Specific Development Control Provision and (AP) Public Parks Zone; and

WHEREAS an application was made to rezone the above described properties to (DC2) Site Specific Development Control Provision, (RF5) Row Housing Zone, (RA7) Low Rise Apartment Zone, (RA8) Medium Rise Apartment Zone, (RA9) High Rise Apartment Zone, and (AP) Public Parks Zone;

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 Lot 1, Block 5, Plan 2528HW; Lot 1A, Block 5 Plan 1663MC; Lot 8, Block 5, Plan 2528HW; Portion of Lot 7, Block 5, Plan 2528HW; Portion of Block A, Plan 0024690; Lot 29, Block 8, Plan 2528HW; and Lot 6, Block 6, Plan 2528HW; located at 9518 - 87 Street NW; 9508- 87 Street NW; 8720 - 95 Avenue NW; 8722 - 95 Avenue NW; 8724 - 95 Avenue NW; 9560 - 87 Street NW; 8728U 97 Avenue NW; and 8712U 96 Avenue NW, Strathearn, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC2) Site Specific Development Control Provision and (AP) Public Parks Zone to (DC2) Site Specific Development Control Provision, (RF5) Row Housing Zone, (RA7) Low Rise Apartment Zone, (RA8) Medium Rise Apartment Zone, (RA9) High Rise Apartment Zone, and (AP) Public Parks Zone.
2. The uses and regulations of the aforementioned DC2 Provision are attached as Schedule "B".

3. The sketch plan attached as Schedule "A" and the uses and regulations of the DC2 Provision shown on Schedule "B" attached 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. 2021;
READ a second time this	day of	, A. D. 2021;
READ a third time this	day of	, A. D. 2021;
SIGNED and PASSED this	day of	, A. D. 2021.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**1. General Purpose**

To accommodate a pedestrian-friendly, high density, mixed-use, transit-oriented development adjacent to the Strathearn LRT Stop integrated with ground floor commercial uses, and transit plaza to create a walkable and pedestrian friendly environment.

2. Area of Application

This Provision shall apply to Lots 1, 8, and a portion of 7, Block 5 Plan 2528 H.W.; Lot 1A, Block 5, Plan 1663MC; located north of 95 Avenue and west of 87 Street, as shown in Schedule “A” - Map of the Charter Bylaw adopting this Provision, Strathearn.

3. Uses

1. Apartment Hotels
2. Bars and Neighbourhood Pubs
3. Breweries, Wineries and Distilleries
4. Business Support Services
5. Cannabis Retail Sales
6. Child Care Services
7. Convenience Retail Stores
8. Creation and Production Establishments
9. General Retail Stores
10. Government Services
11. Health Services
12. Household Repair Services
13. Indoor Participant Recreation Services
14. Liquor Stores
15. Live Work Unit
16. Major Home Based Business
17. Market
18. Minor Home Based Business
19. Media Studios
20. Multi-Unit Housing
21. Personal Service Shops
22. Private Education Services
23. Professional, Financial and Office Support Services

SCHEDULE “B”

24. Residential Sales Centre
25. Restaurants
26. Specialty Food Service
27. Special Event
28. Supportive Housing
29. Urban Gardens
30. Veterinary Services
31. Vehicular Parking
32. Fascia On-premises Signs
33. Projecting On-premises Signs
34. Temporary On-premises Signs

4. Development Regulations for Uses

1. The maximum total Gross Floor Area for non-Residential or non-Residential-Related Uses shall be 6,505 m².
2. Non-Residential and non-Residential-Related Uses shall not be developed on floor levels above 15.0 m.
3. Vehicular Parking shall not be the sole use of a Development Permit Application.
4. Breweries, Wineries and Distilleries shall only be developed in conjunction with a Restaurant or Bar and Neighbourhood Pub.
5. Convenience Retail Stores, Cannabis Retail Sales and Liquor Stores shall be limited to the ground level Storey of the development.
6. Each Bar and Neighbourhood Pub shall be limited to 300 m² of Public Space excluding exterior patio/deck space.
7. Personal Services Shops shall not be developed as Body Rub Centres.
8. Notwithstanding Section 85(4) of the Bylaw, Liquor Stores may be located within 100 meters of any Site being used for community or recreational activities, public or private education, or public lands at the time of the application for the Development Permit, as defined in section 85(4) of this Bylaw, and such a location shall not require the Development Officer to grant a variance.
9. Signs:
 - a. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
 - b. Temporary On-premises Signs shall be limited to project advertising associated with a Residential Sales Centre and shall not include trailer mounted signs.
 - c. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 of the Zoning Bylaw shall be submitted with the Development Permit application for the principal buildings to the satisfaction of the Development Officer.

SCHEDULE “B”

- d. In reviewing the applications for Sign development, the Development Officer shall have regard for visual harmony and the compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.
10. Breweries, Wineries and Distilleries shall comply with the regulations found in Section 99 of the Zoning Bylaw, except that:
- a. Any Outdoor Public Space is permitted to abut or be across a Lane from a Site with a residential development provided it is designed to accommodate seating or gathering and exhibits design techniques to mitigate the effects of noise and light, to the satisfaction of the Development Officer.

5. Development Regulations for Site Layout and Built Form

- 1. The development shall be in general conformance with the attached appendices.
- 2. The maximum number of Dwellings units shall not exceed 500.
 - a. A minimum of 25% of the Dwellings shall have two or more bedrooms.
- 3. The maximum Floor Area Ratio shall be 5.0.
- 4. The building Height shall be:
 - a. A minimum of 6.0 m and a maximum of 15.0 m for podiums.
 - b. A maximum of 40.0 m for a medium rise building.
 - c. A maximum of 81.0 m for a Tower.
- 5. The maximum building Floor Plates above 23m in Height shall be 850 m²:
- 6. The minimum distance between Towers shall be 25.0 m.
- 7. The minimum distance between Podiums shall be 10.0 m.
- 8. The minimum building Setbacks shall be in accordance with Appendix 2.
- 9. The minimum Tower Setbacks shall be in accordance with Appendix 3.
 - a. Tower Setbacks in appendix 3 shall also apply to medium rise building(s).
- 10. The minimum Tower Stepback from the podium shall be 3.0m.
- 11. The Development Officer may, for a portion(s) of the building no greater than 12 m in length per facade, remove the Tower Stepback requirement for the purposes of architectural expression and/or building entrance definition.
 - a. Where no Tower Stepback is provided, a design element sufficient to reduce down washing effect wind has on all pedestrian walkways and Amenity Areas at ground level shall be provided as established by any required Wind Impact Statement.
- 12. The portions of the Underground Parkade below ground level shall not be subject to required Setbacks and may extend to all Lot lines provided there is sufficient soil capacity to support any required Landscaping, to the satisfaction of the

SCHEDULE “B”

Development Officer. This may be achieved by, but is not limited to, the use of planters and other acceptable green roof technologies.

13. Platform Structures in the form of balconies shall be allowed to project a maximum of 1.8m into the tower setbacks.

6. Development Regulations for Building Design and Features

1. The exterior of the building shall be finished with high quality, durable materials such as, but not limited to masonry, stone, brick, acrylic stucco, metal cladding/panelling and/or glazing.
2. The podium shall include the use of different architectural elements and treatments, such as variation in materials and colour, to provide articulation of Facades and add visual interest, variety, rhythm, and break up the massing to the satisfaction of the Development Officer.
3. Towers above 60.0 m in height shall include Tower tops that contribute to the ‘signature’ of the building and the City’s skyline through a combination of, but not limited to: sculpting, a Step back, reduced floorplate size, variations of material, colour, providing a reduced height on a portion of the tower or other design methods that improve the visual interest of the buildings.
4. Towers above 40.0 m in Height shall be developed to provide variation in massing and Height from adjacent towers developed within the same site.
5. Medium rise building Façades abutting an adjacent roadway shall include design techniques including, but not limited to, the use of varied rooflines, variations in building Setbacks and/or articulation of building Façades, in order to minimize the perception of massing, eliminate large uninterrupted expanses of wall and provide visual interest when the structure is.
6. The buildings shall be developed using a cohesive architectural language, consistent in concept, detail and material, which demonstrates attention to the design of all building faces.
7. Residential and Residential-Related Uses shall have a separate entrance at Grade from Non-Residential Uses. Entrances shall be differentiated through distinct architectural treatment.
8. Ground level non-Residential Uses shall be designed and oriented to face a Public Roadway, other than a lane, the transit plaza and/or the pedestrian muse with entrances that are clearly visible.
9. A weather protection element in the form of a canopy or other architectural element shall be provided for entry ways for residential uses and facades fronting pedestrian walkways.
 - a. Canopies and weather protection elements above non-Residential Uses along the 95th Avenue shall be allowed to project a maximum of 1.0 m over the south Lot Line to promote pedestrian friendly development to the

SCHEDULE "B"

satisfaction of the Development Officer in consultation Subdivision and Development Coordination (Transportation).

10. Ground Level non-residential Uses shall provide a minimum of 50 % of the linear building Façades as transparent, non-reflective, non-tinted, unobscured glazing, where fronting a public roadway other than a lane. Linear Frontage shall be measured at 1.5 m above the finished Grade.
11. All at grade Dwellings fronting onto a Public Roadway, other than a Lane, or onto an internal circulation network in general accordance with Appendix 1 shall have:
 - a. hinged doorways;
 - b. built elements such as verandas, porches, patios, or building articulation, which feature or act as Privacy Screening between each unit; and
 - c. lighting scaled and directed towards pedestrian areas.
12. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.
13. Waste collection, storage areas, and loading shall be located within the building and/or be screened from adjacent views to the satisfaction of the Development Officer in consultation with Waste Management Services.

7. Development Regulations for Parking, Loading, Storage and Access

1. Vehicle parking shall be provided in a combination of Surface Parking Lot, and Underground Parkades and/or Above Ground Parkades which shall be part of the Podium.
2. Vehicular access to underground and/or above grade Parking Garages shall be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
3. A Surface Parking Lot shall be permitted along the east lot line as generally shown in Appendix 1 and shall:
 - a. Incorporate landscape improvements to improve the aesthetics of the parking area.
 - b. Incorporate design details that promote aesthetic integration with the public realm.
4. To avoid a monolithic slab from Above Ground Parkades that are not wholly underground, massing shall be modulated using a variety of design techniques including elevation changes, terraces, step backs, and architectural features and a variety of plantings or other landscape features.
5. A minimum of two off-street loading spaces at a minimum of 3.0 m in width and by 9.0 m in length shall be provided and accessed from the rear lane abutting the site. The Development Officer may vary the length of the loading space up to

SCHEDULE “B”

15% in consultation with Subdivision and Development Coordination (Transportation).

6. Vehicular site egress from surface parking to 87 Street shall be located a minimum of 50 meters north of 95 Avenue, as shown in Appendix 1 – Site Plan

8. Development Regulations for the Landscaping, Lighting, and Amenity.**1. Landscaping**

- a. A detailed Landscape Plan for the Site, prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects (AALA), including all existing and proposed utilities and off-Site streetscape improvements within the road right-of-way shall be submitted as part of a Development Permit application to review and approval by the Development Officer.
- b. The Landscape Plan shall demonstrate:
 - i. Plant material palette that includes native and drought tolerant species that provide colour throughout the year to enhance the appearance of the development during winter months.
 - ii. Pavement materials, exterior lighting, street furniture elements, pedestrian seating area, size and species of new tree plantings, and other landscaping elements as applicable.
 - iii. Definition of private amenity space through design features such as, but not limited to vertical landscaping features, change in elevation, or decorative fencing.
- c. Soil depth for landscaping in Outdoor Amenity Areas shall be of a sufficient depth to contribute to healthy root development for the tree or shrub species specified in the landscape plan and may be accommodated through raised planters.

2. Lighting

- a. As part of a Development Permit application, a detailed exterior lighting plan shall be provided, which shows the location, orientation, and style of decorative and security lighting.
- b. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the development and shall be provided to ensure a well-lit and safe environment for pedestrians, and to accentuate architectural elements, roof tops, and public art. Exterior lighting associated with the development shall be designed such that it has no negative impact on an adjacent property. An exterior lighting plan shall be provided to the satisfaction of the Development Officer.

SCHEDULE "B"

- c. Lights on pathways may be oriented in a direction other than downwards if the purpose is to highlight architectural features or building elements, and does not illuminate beyond the Site boundary.

9. Other Regulations

1. Prior to the issuance of a Development Permit for any buildings greater than 20.0 m in Height, a Wind Impact Study shall be prepared and submitted with a Development Permit application for review. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunnelling, snow drifting, and rain sheeting, both on and off Site, consistent with the recommendations of the Wind Impact Study.
2. A Sun Shadow Study prepared by a qualified, registered Professional Engineer or Architect, to professional standards to the satisfaction of the Development Officer, shall be submitted with a Development Permit application.
3. The storm and sanitary drainage systems required to service the development, including off-site improvements and on-site stormwater management, shall be in general conformance with the Drainage Servicing Report or alternatives to the satisfaction of the Development Officer in consultation with Development Services (drainage).
4. As a condition of the Development Permit for at the corner of 95 Avenue and 87 street and prior to the release of drawings for Building Permit review, other than a Building Permit for excavation and foundation, the applicant and/or owner shall provide proof satisfactory to the Development Officer in consultation with Environmental and Energy Coordination Unit that, if necessary, the lands have been remediated to a level suitable for the allowable uses. The Development Officer shall not physically release the Development Permit for the purposes of a Building Permit, other than an excavation and Foundation Permit, until this Condition has been adequately satisfied.
5. Prior to the issuance of a Development Permit for any building, a Crime Prevention Through Environmental Design (CPTED) Assessment prepared by a qualified security consultant and shall be provided to the Satisfaction of the Development Officer. The Development Officer may apply conditions to the approval of the Development Permit based on the recommendations of the CPTED assessment to promote a safe physical environment. Site and building layouts shall include design elements that take the principles of Crime Prevention Through Environmental Design (CPTED) into consideration. These elements may include, but are not limited to, elements that allow for natural surveillance, increase sightlines and use; and high quality interior and exterior lighting. The physical layout and landscaping shall reduce the vulnerability of pedestrians by avoiding areas of concealment or entrapment such as: long public corridor spaces, stairwells, or other movement predictors; avoiding landscaping hazards such as:

SCHEDULE “B”

- unpruned trees, rocks that can be thrown, or blind corners; and by locating parking areas close to building access points and using wayfinding mechanisms.
6. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, the applicant shall submit documentation that demonstrates that the water servicing to the Site will be adequate for the proposed building and construction type, and be in accordance with the City of Edmonton Design and Construction Standards. The Development Officer shall verify that any infrastructure upgrades or systems required to ensure these standards are met shall be implemented in the design of the building and through off-site improvements.
 7. Development Permit applications shall be permitted for development of the entire Site or for a portion of the site as part of a phased development strategy. A minimum of 250m² of the development of the Transit Plaza shall be part of the first Development Permit application, to the satisfaction of the Development Officer.
 8. 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 10 years of the passage of the Bylaw adopting this Provision, development of the Site shall be in accordance with this Provision, except that:
 - a. the maximum Height shall be 23.0 m; and
 - b. the maximum Floor Area Ratio shall be 3.0.

10. Public Improvements and Contributions

1. As a condition of a Development Permit for construction of a principal building, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve or enhance the development, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). Such improvements shall be constructed at the owner's cost. The Agreement process shall include an engineering drawing review and approval. Improvements to address in the Agreement include, but are not limited to:
 - a. Repair of any damage resulting from construction of the development to the abutting roadways, sidewalks and/or boulevard, including lanes not directly adjacent to the site but which may be used for construction purposes, to the satisfaction of Subdivision and Development Coordination (Transportation).
 - b. Improvements to the public realm directly abutting the site and/or within the general area. These improvements shall be designed to the satisfaction

SCHEDULE “B”

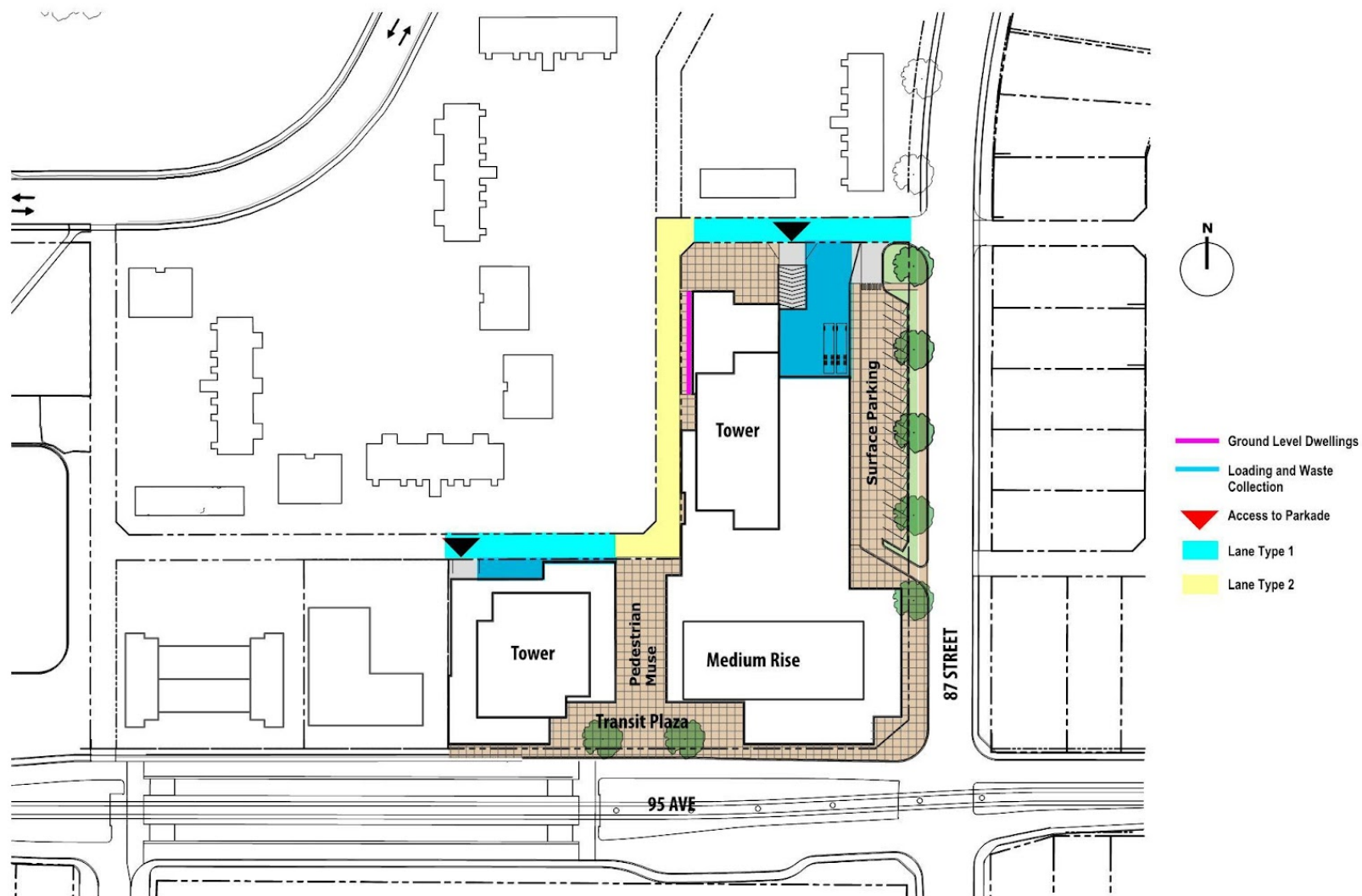
of the Development Officer in consultation with Subdivision and Development Coordination, City Operations and Integrated Infrastructure Services. Such improvements shall include, but are not limited to:

- i. Sidewalk upgrades, planting boulevard trees, benches, lights or bike racks.
 - ii. upgrading the east-west lanes abutting the north Lot Line to a commercial standard within the available right-of-way and as illustrated as lane type 1 in Appendix 1;
 - iii. upgrading of the north south Lane abutting the Site within the available right-of-way and as illustrated as lane type 2 in Appendix 1, to be a shared street and create visual and aesthetic continuity with the transit plaza.
 - A. shared streets are streets which significantly limit motor vehicle traffic, and limit drivers to speeds that are no faster than a person can walk. Design elements like pavement material and entry features define the space and make it clear that shared streets are primarily designed for people walking, wheeling, and cycling.
2. As a condition of the first Development Permit for new building construction, the owner(s) shall enter into an Agreement with the City of Edmonton, for the construction of a transit plaza and pedestrian mews located adjacent to the south Lot Line in general conformance with Appendix 1 and shall:
- a. be a minimum area of 1,200 m²;
 - b. be openly accessible to the Public through the registration of a Public Access Easement in favour of the City of Edmonton;
 - c. incorporate hard and soft landscaping to integrate with the planned LRT station;
 - d. provide age-friendly facilities for seating with a mix of bench types (armrests / armless, backrests / backless);
 - e. provide minimum of 25 short term Bicycle Parking Spaces; and
 - f. have regard for Crime Prevention Through Environmental Design principles to provide safe and defensible space, clear sightlines into and through the site, adequate lighting, and provision of multiple access points.
3. A minimum of 10 Dwellings shall be developed as Dwellings suitable for families by having with the following characteristics:
- i. the Dwellings have a minimum of three bedrooms;
 - ii. have access to a private Amenity Area of at least 12.0 m².
 - iii. be located below the seventh storey of a building or within the Podium of the development;

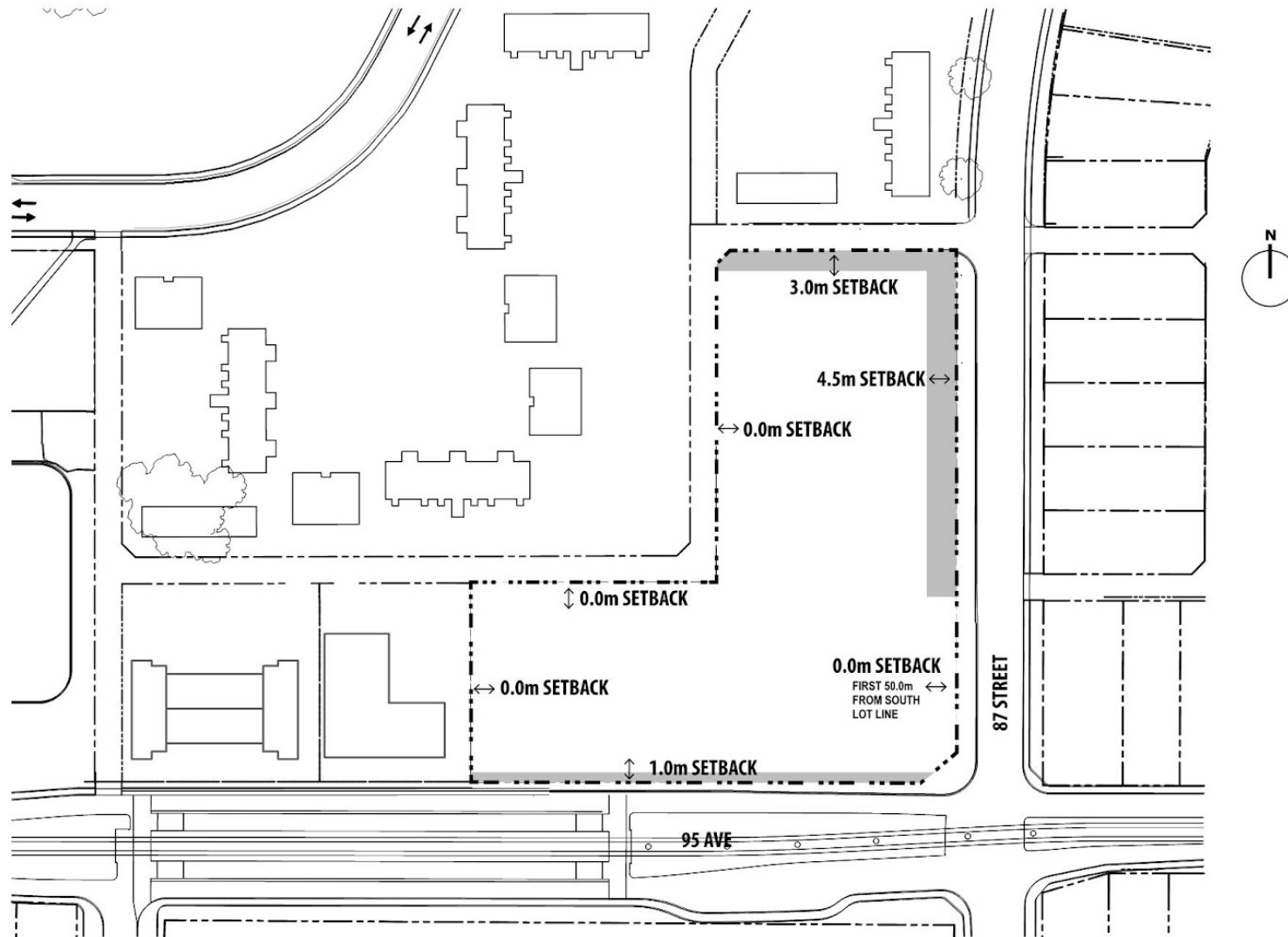
SCHEDULE "B"

- iv. have dedicated bulk storage located within the building;
 - v. have enhanced bicycle storage and shall have access to a minimum of 2 bicycle parking spaces in addition to those required for the remainder of the dwellings in the development.
4. Prior to the issuance of the first Development Permit for a new building construction, the owners shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of \$200,567.65 towards the acquisition and placement of public art. Such agreement shall require that:
- a. Prior to the issuance of the Development Permit, a public art plan showing the general location of the art 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(s) and all cost related to the procurement of the artwork, operation and future maintenance shall be the responsibility of the owner;
 - b. Artworks shall be created by a professional artist;
 - c. Artworks may be located on or within private property and shall be in locations that are publicly visible to the satisfaction of the Development Officer;
 - d. If located on public property or road right of way, the location shall be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services; and
 - e. The public Art contribution amount shall be increased every 5 years from the date of passage of the Bylaw adopting this Provision according to the annual rate of national inflation as determined by Statistics Canada.
5. Notwithstanding, Section 10.4 of this provision, the minimum art contribution amount of \$200,567.65 may be reduced down to a minimum amount of \$150,000.00, in the event that the owner exceeds the number of Dwellings suitable for families set out in Section 10.3 of this provision. For each additional Dwelling suitable for families above the stated minimum, the minimum art contribution amount shall be lowered at a rate of \$35,000/Dwelling suitable for families.

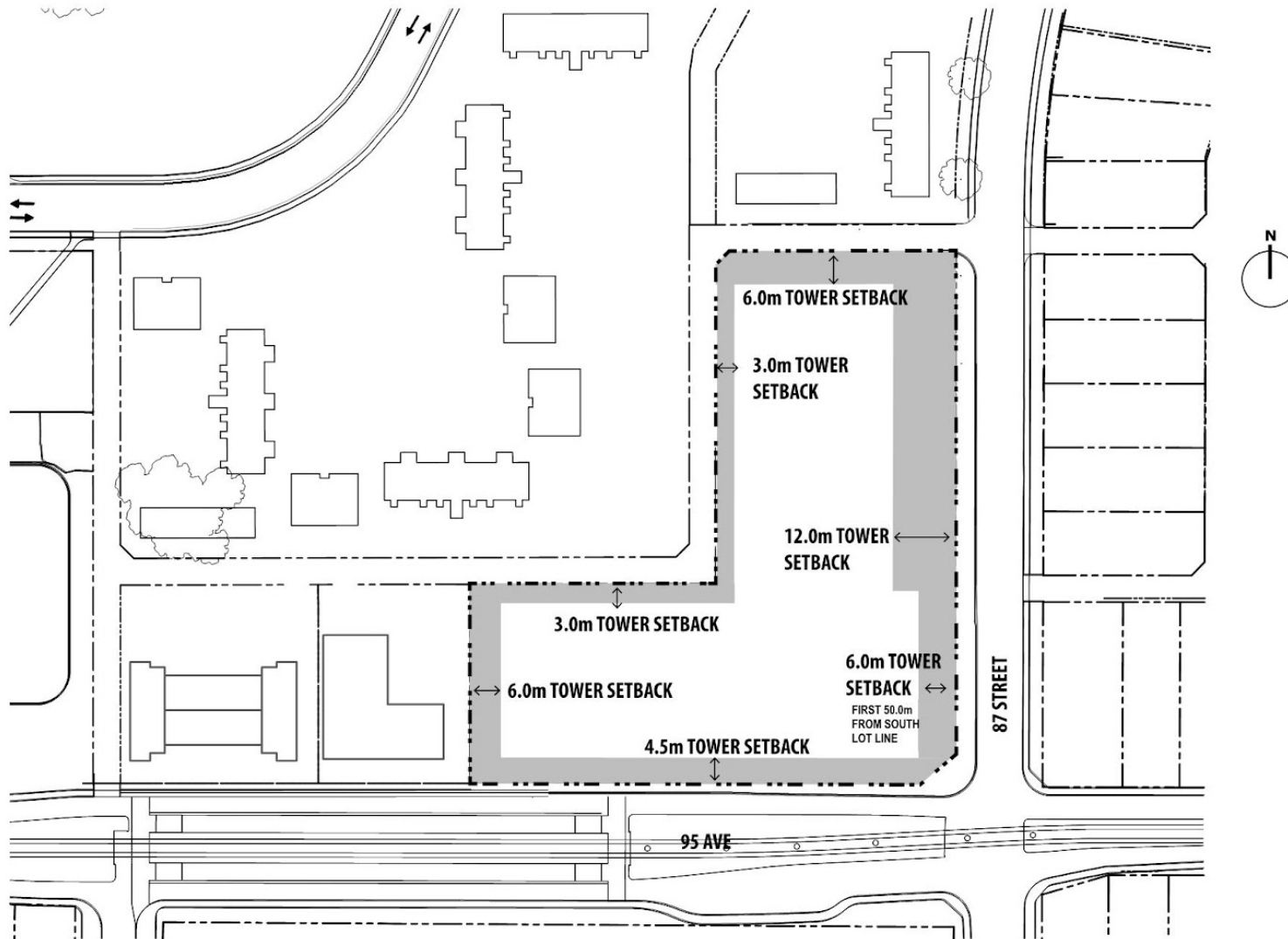
Appendix 1 – Site Plan



Appendix 2 – Setbacks



Appendix 3 – Tower Setbacks



Appendix 4 – Elevations

South Elevation



Appendix 4 – Elevations

East Elevation



Appendix 4 – Elevations

North Elevation



Appendix 4 – Elevations

West Elevation

