

Bylaw 18078

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2399

WHEREAS Lots 1-2, Block 75, Plan I8; located at 8301 – 99 Street NW, Strathcona, Edmonton, Alberta, are specified on the Zoning Map as (DC2) Site Specific Development Control Provision; 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 1-2, Block 75, Plan I8; located at 8301 – 99 Street NW, Strathcona, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule “A”, from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision.
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.

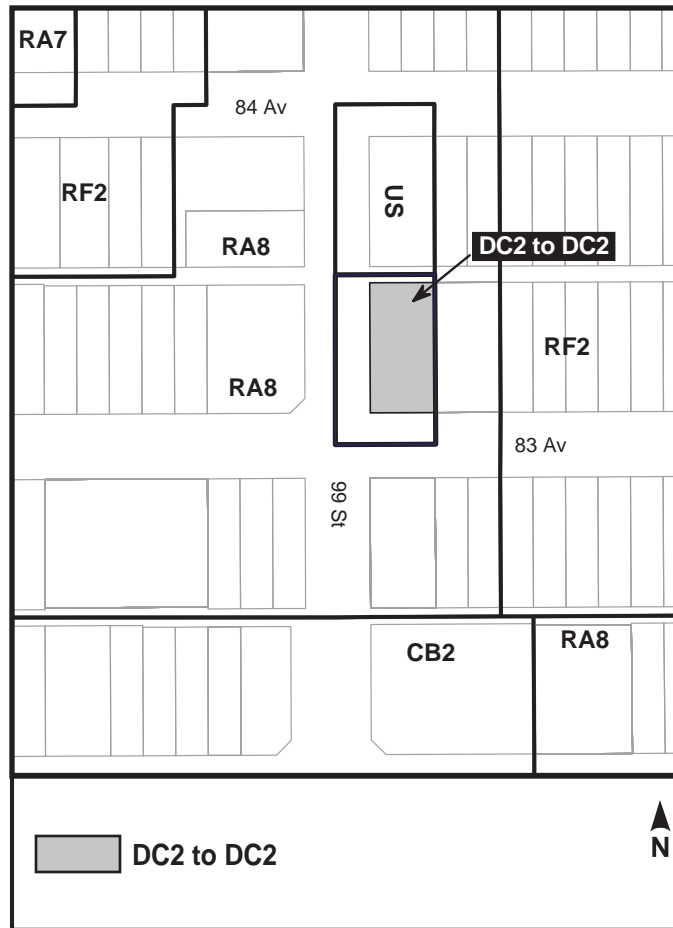
READ a first time this	day of	, A. D. 2017;
READ a second time this	day of	, A. D. 2017;
READ a third time this	day of	, A. D. 2017;
SIGNED and PASSED this	day of	, A. D. 2017.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

BYLAW 18078



SCHEDULE “B”**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To establish a Site Specific Development Control Provision to accommodate a medium density mixed use development that is compatible in use and scale with the surrounding area and contributes to a pedestrian friendly streetscape.

2. Area of Application

This Provision shall apply to Lot 1 & 2, Block 75, Plan I8, located on the northeast corner of 99 Street NW and 83 Avenue NW, as shown on Schedule “A” of the Bylaw, adopting this Provision, Strathcona.

3. Uses

- a. Apartment Housing
- b. business Support Services
- c. Child Care Services
- d. Creation and Production Establishments
- e. Equipment Rentals
- f. General Retail Stores
- g. Government Services
- h. Health Services
- i. Indoor Participant Recreation Services
- j. Live Work Units
- k. Media Studios
- l. Minor Home Based Business
- m. Personal Service Shops, excluding Body Rub Centres
- n. Professional, Financial and Office Support Services
- o. Public Libraries & Cultural Exhibits
- p. Residential Sales Centre
- q. Restaurants
- r. Specialty Food Services
- s. Fascia On-premises Signs

- t. Projecting On-premises Signs

4. Development Regulations

- a. Development within this Provision shall be in general conformance with Appendices 1 to 4, to the satisfaction of the Development Officer
- b. The maximum Height shall not exceed 23.0 m.
- c. The maximum Floor Area Ratio shall be 3.0.
- d. The maximum number of Dwellings shall be 22.
- e. The development shall include a minimum of 10 Dwellings with two or more bedrooms, of which a minimum of 2 Dwellings shall have three bedrooms.
- f. Residential Sales Centres shall be limited to the sale or lease of Dwellings on Site.
- g. Uses other than Residential or Residential-Related Uses are limited to the ground Storey only and to a maximum combined total Floor Area of 340 m².
- h. Each Specialty Food Services and Restaurants Use shall be limited to 120 m² of Public Space, excluding any outdoor patio area.
- i. The minimum Setback from the south Lot line shall be 3.0 m for the first Storey of the Façade and 4.0 m for all Storeys above the first Storey.
- j. The minimum Setback from the east Lot line shall be 2.5 m, except that:
 - i. the exterior Façade of the stairwell shall be allowed to project into this Side Setback provided a minimum of 1.5 m is maintained between the Lot line and the stairwell; and
 - ii. the second and third Storeys shall be allowed to project 0.6 m into this Side Setback at the north and south corners of the east Façade for a maximum distance of 4.0 m from the corner, respectively.
- k. The minimum Setback from the west Lot line shall be 3.5 m for the first Storey of the north portion of the Façade and 1.0 m for the south portion of the Façade as generally shown in Appendix 1.
- l. The minimum Setback from the west Lot line shall be 3.0 m for all Storeys above the first Storey.
- m. The minimum Setback from the north Lot line shall be 6.5 m.
- n. Portions of the Parking Garage that are above Grade shall not be subject to Setback requirements provided they are no more than 1.2 m above Grade.
- o. A minimum Amenity Area of 7.5 m² per Dwelling shall be provided which can be satisfied by private space assigned to a specific Dwelling or a communal Amenity Area.
- p. Signs associated with Residential or Residential Related Uses shall comply with the General Provisions of Section 59 and Schedule 59B of the Zoning Bylaw.
- q. Signs associated with all other Uses shall comply with the General Provisions of Section 59 and Schedule 59E of the Zoning Bylaw.

- r. Notwithstanding the other Development Regulations, 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 Development 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 shall be in accordance with this Provision, except that the maximum Height shall be 16 m and the maximum Floor Area Ratio shall be 2.5.

5. Parking, Loading and Access

- a. Vehicular access to the Site shall be from the abutting Lane.
- b. The Driveway ramp must not exceed a slope of 10% for a minimum distance of 2.5 m inside the Lot line or the ramp must incorporate transition slopes to the satisfaction of the Development Officer in consultation with Transportation Services. The ramp must be at Grade at the Lot line and shall be heated to prevent snow/ice accumulation in cold weather to ensure usability of the ramp.
- c. Retaining walls bordering the Driveway ramp leading to the Parking Garage shall not exceed a Height of 0.3 m for a distance of 3.0 m from the Lot line, and no portion of the wall may encroach onto road right-of-way. This Height may increase provided adequate sightline data is provided to ensure vehicles can exit safely to the satisfaction of the Development Officer in consultation with Transportation Services.
- d. The Parking Garage shall not exceed 1.2 m above Grade and shall be integrated with the design of buildings and landscaping so as to be unobtrusive.
- e. Section 54 of the Zoning Bylaw shall apply to this development except that:
 - i. 22 vehicular parking spaces shall be required for the development of which:
 - A. a minimum of 17 shall be for Residential Uses in the Parking Garage;
 - B. a minimum of 3 shall be for Commercial Uses in the Parking Garage; and
 - C. a maximum of 2 shall be surface spaces located at the rear of the building and provided as a combination of visitor spaces for Residential Uses, car share spaces and/or spaces for Residential-Related or Commercial Uses to the satisfaction of the Development Officer;
 - ii. If required by the Development Officer, Development Permit applications for Child Care Services, Indoor Participant Recreation Services, Government Services and Public Libraries and Cultural Exhibits shall be accompanied by a Parking Impact Assessment that demonstrates, to the satisfaction of the Development Officer in consultation with Transportation Services, that there is sufficient on site vehicular parking available to accommodate the nature and size of the sought Use;

- iii. No off-street vehicular loading facilities shall be required; and
- iv. A minimum of 15 bicycle parking spaces shall be required and each Bicycle Parking space shall be a minimum clear length of 1.6 m. Bicycle Parking Facilities shall be located on Site in secure enclosed areas within the building. Access to Bicycle Parking facilities shall be accessible to cyclists through the use of access ramps, or a route through the building which facilitates easy and efficient transportation of bicycles to the satisfaction of the Development Officer.
- f. All exterior waste collection areas shall be located as generally shown on Appendix 1 and shall be accessed from the Lane. Waste collection enclosures must be located entirely within private property and screened in accordance with Section 55 of the Zoning Bylaw. Gates and/or doors of the enclosure must not open or encroach into the road right-of-way.
- g. Prior to the issuance of any Development Permit, except for excavation or signage, a Crime Prevention Through Environmental Design (CPTED) Assessment shall be provided to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guidelines for a Safer City (City of Edmonton 1995).

6. Landscaping

- a. In addition to the requirements of Section 55 of this Bylaw, the required Landscape Plan shall be prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects and shall demonstrate:
 - i. the use of vertical landscaping features (e.g. hedges, decorative fences, low walls, shrubs or other plant material) between surface parking areas and ground Storey Apartment Housing Dwellings that look onto these areas;
 - ii. entry transitions including features such as steps, decorative fences, gates, hedges, low walls, and planting beds between the public roadway and Dwellings that front onto the public roadway;
 - iii. clear delineation of all Amenity Areas and common Amenity Areas with vertical landscaping features (e.g. hedges, decorative fences, gates, low walls);
 - iv. a minimum of five deciduous trees within the east Setback, south of the stairwell, which shall be 70mm diameter caliper trees at the time of planting, and shall have a minimum height of 3.5m.
 - v. a minimum of four coniferous trees within the east Setback, south of the stairwell, which shall have a minimum height of 3.5m at time of planting
 - vi. soil above underground parking facilities shall be of sufficient depth to accommodate required landscaping, including trees, shrubs, flower beds, grass, and ground cover.

7. Adjacent City of Edmonton public boulevard trees shall be retained and protected in accordance with the Large Tree “Tree Protection Zone” from the City’s Design and Construction Standards, Volume 5 – Landscaping.

8. **Urban Design Regulations**

- a. At a maximum Height of 11.0 m, the building shall have a minimum 2.0 m Stepback on the east, west and south Facades. The stairwell on the east Façade shall not be subject to this Stepback provided a minimum of 1.5 m is maintained between the Lot line and the stairwell.
- b. Residential and Residential-Related Uses shall have a separate entrance at Grade from non-Residential Uses.
- c. Notwithstanding Section 44 of the Zoning Bylaw, architectural features such as balconies and roof projections may project into required Setbacks, provided that such projections do not exceed 2.0 m.
- d. Architectural treatment of all Façades of the building shall create a unified building exterior. The building shall include the following design elements to reduce the perceived mass, add architectural interest and provide a sense of human scale:
 - i. articulation of the façade;
 - ii. creation of architectural pattern;
 - iii. the use of recessions and projections, such as porches, bay windows and entrance features; and
 - iv. the use of a variety of exterior building cladding materials and colours.
- e. The building shall be finished with high quality, durable materials. The contextual fit, design, proportion, quality, texture, and application of various finishing materials shall be to the satisfaction of the Development Officer.
- f. All Facades shall have consistent and harmonious exterior finishing materials.
- g. Exposed portions of the Parking Garage above Grade and entrance ramp walls shall be designed and articulated to the satisfaction of the Development Officer.
- h. Building components such as windows, doors, trim, columns, balconies, stairs, and roofline features should be in proportion to one another and to the overall mass of the building.
- i. Windows, doors, balconies and Amenity Areas should be sited, oriented and designed to reduce their impact on adjacent dwellings and shall consider daylight, sunlight, ventilation, visual privacy, shadowing, views, and noise. The applicant shall provide, at the discretion of the Development Officer, information regarding the location of such features on adjacent and abutting Sites and the relationship to the subject Site that demonstrates the reduction of the impact described above to the satisfaction of the Development Officer.
- j. Windows on the east Façade shall be adequately screened and appropriately located to balance privacy and minimize overlook to the adjacent residential

property. This may include, but is not limited to clerestory windows, privacy screens, louvers, frosted glass, glass block or a landscaping buffer to the satisfaction of the Development Officer.

- k. Balcony railings facing east shall be heightened and frosted to avoid overlook to the satisfaction of the Development Officer. This is for both balconies facing east and the ends of balconies facing north/south.
- l. Ground level Residential Dwellings adjacent to a public roadway, other than a lane, shall have direct access to Grade and shall have an entrance complete with an outdoor Amenity Area designed in a manner that established a transition area between the Amenity area and the public roadway or Setback area 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. 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.
- n. All ground level vents or exhaust systems shall be located a minimum of 2.0 m from the perimeter of any outdoor patio or entrance and placed to the satisfaction of the Development Officer so that it does not create adverse effects related to noise, fumes or safety.

9. Contributions and Improvements

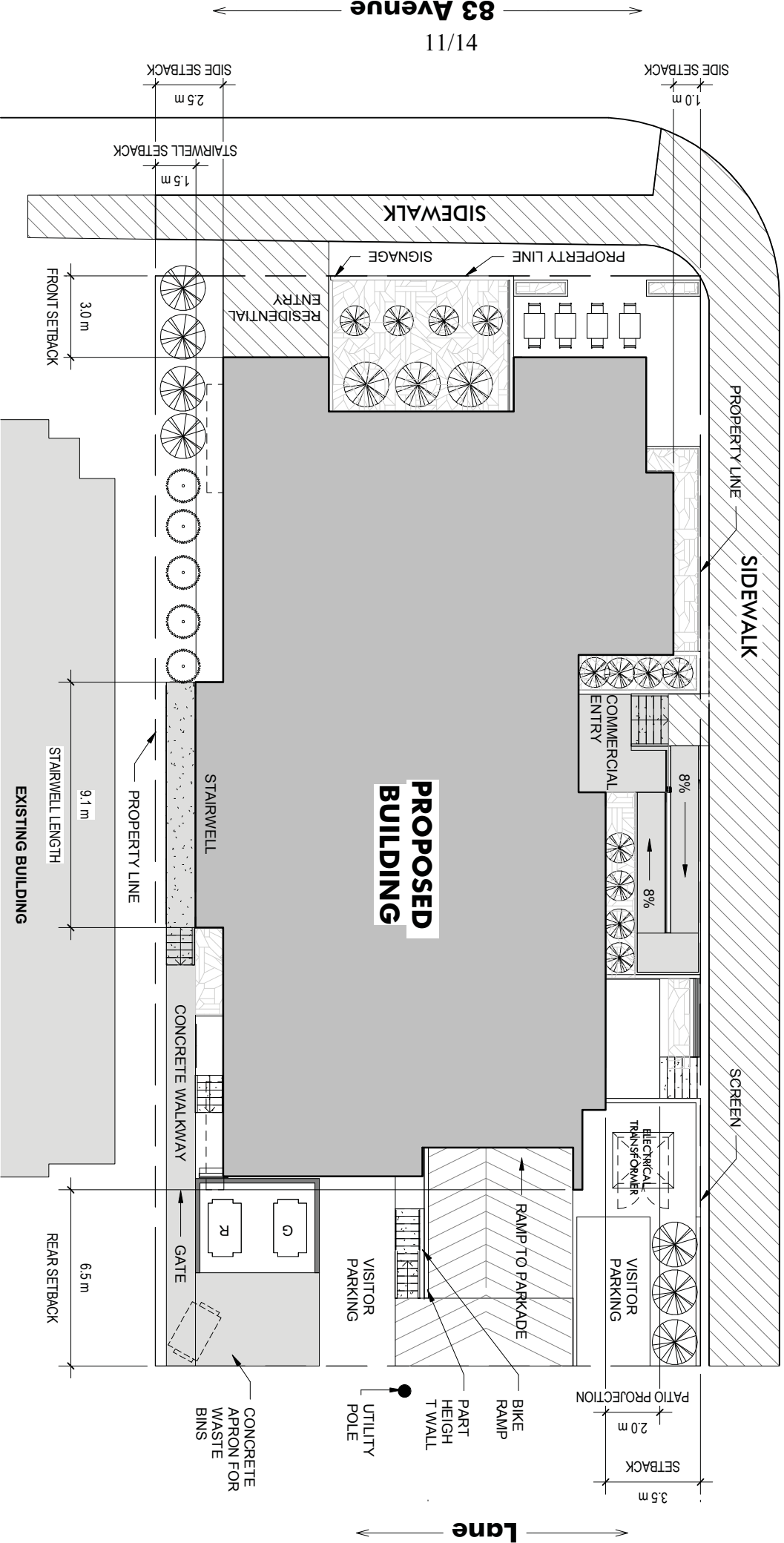
- a. Prior to the issuance of any development permit, except for the purpose of excavation, the Development Officer shall ensure that a signed agreement has been executed between the City and the owner, requiring the owner to provide the City at the time of the Development Permit approval, the option to purchase up to 5% of the proposed number of residential units at 85% of market value, or the equivalent value as cash in lieu to the City.
- b. The owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development with such improvements to be constructed at the owner's cost. The Agreement process includes an engineering drawing review and approval process. Improvements to be addressed in the Agreement include, but are not limited to the following:
 - i. Construction of the alley north of the lot, to a paved residential standard, from the east Lot line to 99 Street NW, to the satisfaction of the Development Officer in consultation with Transportation Services.
 - 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 Transportation Services. The site must be inspected by Transportation Services prior to the start of construction and once again when construction is complete.
 - iii. The removal of the existing access to 83 Avenue NW, and construction of

curb and gutter and sidewalk, and restoration of the boulevard, to the satisfaction of the Development Officer in consultation with Transportation Services.



99 Street

Appendix 1



Lane



Appendix 2





1 North Elevation
1 : 150



2 South Elevation
1 : 150