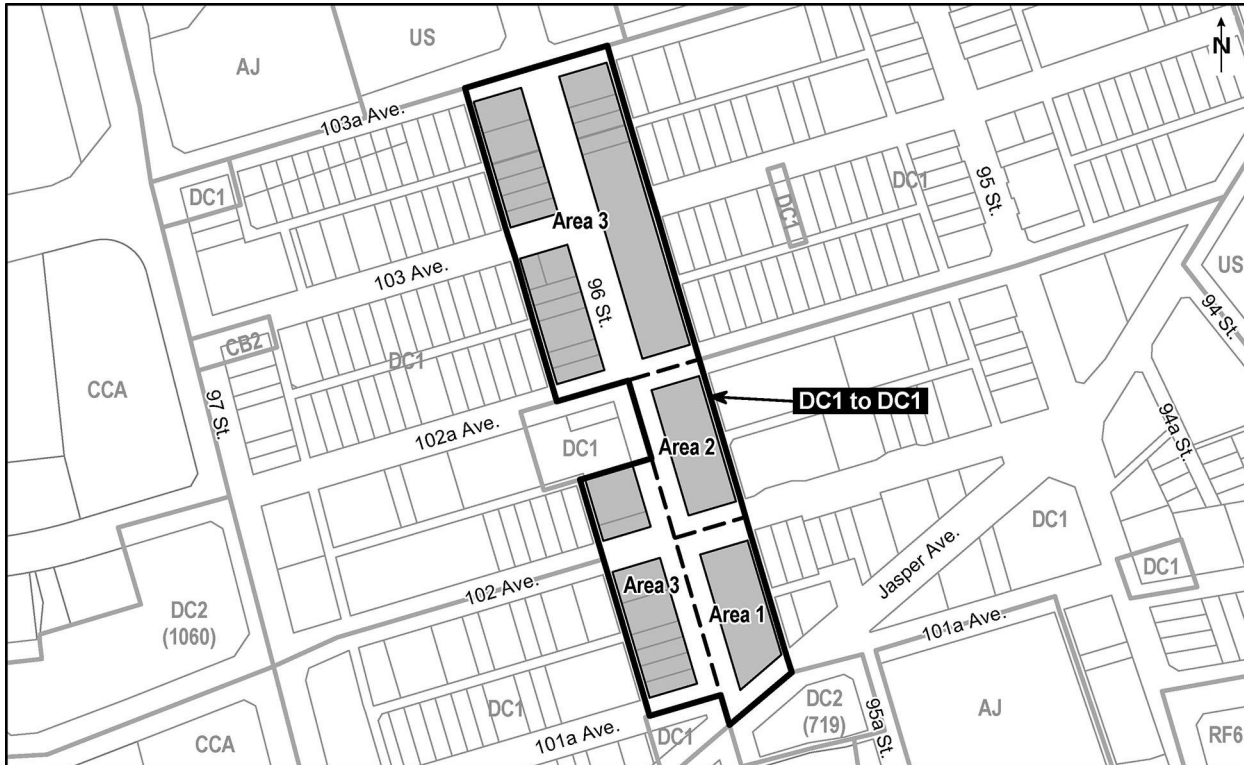


To allow alternative implementation methods for affordable housing contributions.



Administration is in **SUPPORT** of this application because it:

- ## Application Summary

Attachment 2 | File: LDA22-0113 | Boyle Street

accommodating alternative implementation methods for developer sponsored affordable housing contributions within a Area 1 of the Armature Quarter.

This application was accepted on April 26, 2022, from Invistec Consulting Ltd. (Claudia Rusnak) on behalf of property owners AUM Hotel Group Inc.

This proposal is in alignment with the goals and policies of The City Plan by providing Edmontonians the ability to live locally with access to diverse and affordable housing options in communities that support their daily needs.

## Community Insights

Based on the characteristics of this application the file was brought forward to the public using the Basic Approach. This approach was selected because the application proposes changes to a single lot located at 9576 Jasper Avenue NW and that it maintains the same development rights for all areas of this DC.

The Basic Approach included the following techniques:

**Advance Notice**, May 25, 2022

- Number of recipients: 161
- Number of responses with concerns: 0

### Webpage

- [edmonton.ca/boylestreetplanningapplications](http://edmonton.ca/boylestreetplanningapplications)

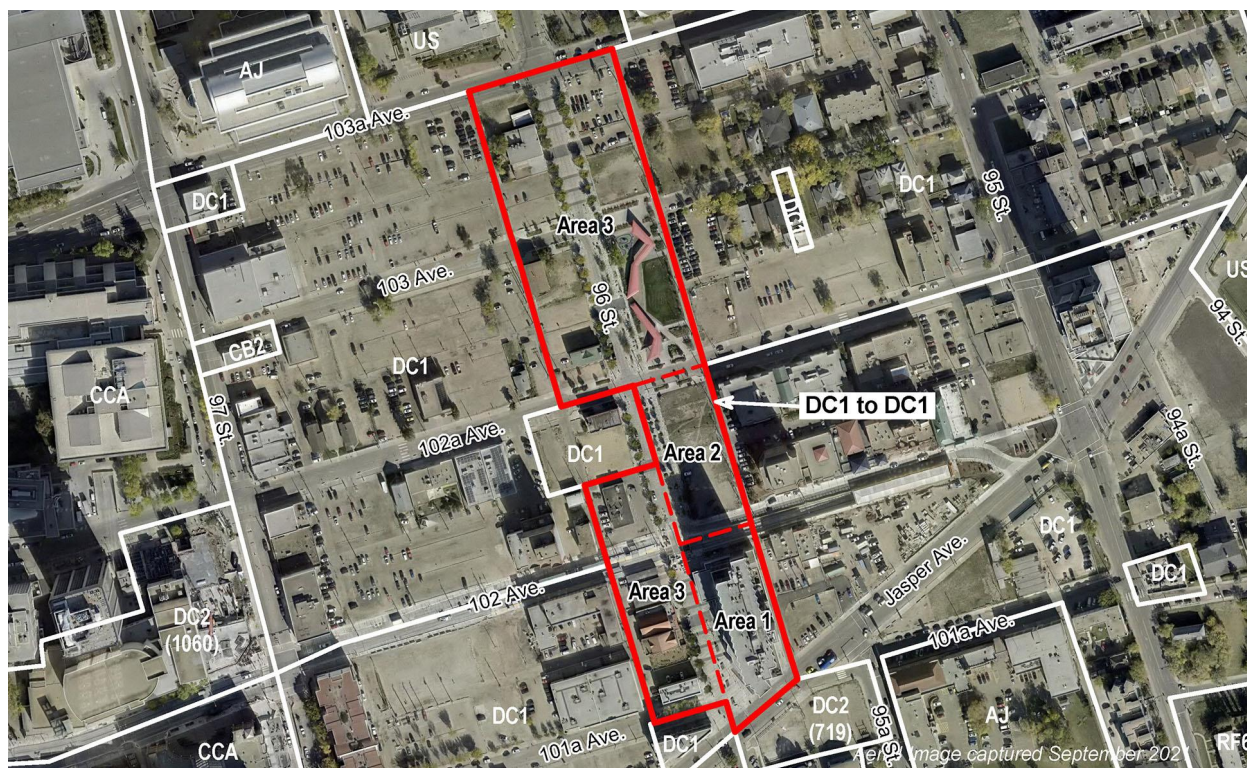
No formal feedback or position was received from the Boyle Street Community League at the time this report was written.

## Site and Surrounding Area

The Armature Quarter is located east of downtown and located within the Boyle Street Neighborhood. The subject area of rezoning is approximately 1.9 hectares in size, and is generally bounded between 103A Avenue NW and 101 Avenue NW, and between 97 Street NW and 92 Street NW. It consists of three separate Areas for redevelopment with highest forms of development envisioned within Area 1 with up to 52 metres in height and gradually decreasing within Areas 2 and 3 with maximum heights up to 40 metres and 23 metres respectively. Specifically, the updates to the DC1 entail only changes to Area 1's implementation method for developer sponsored contributions towards affordable housing with no updates to development rights proposed for any of the three Armature Quarter areas.

Area 1 consists of a 257 room, 13 storey hotel with seven ground level units for commercial uses, an accessory food and beverage facility on the 2nd floor and underground parkade. The applicant indicates an intent to convert the hotel use to allow for multi-unit residential housing or lodging units. This property is located on the northeast corner 96 Street and Jasper Avenue with good access to the lousie McKinney

park to the south and nearby transit service. Frequent bus service is made available along Jasper Avenue to the south, 103a Avenue to the north, 95 Street to the east and 97 Street to the west. Additional transit access to the City's LRT system including Churchill station approximately 420 m walking distance from the site and is less than 100 metres from the future Valley Line's Quarters Stop along 102a Avenue just west of 96 Street.



Aerial view of application area

	EXISTING ZONING	CURRENT USE
<b>SUBJECT SITE - (Area 1)</b>	(DC1) Direct Development Control Provision	Hotel
<b>CONTEXT</b>		
North	(DC1) Direct Development Control Provision	Vacant
East	(DC1) Direct Development Control Provision	Private Club and a Vacant parcel
South	(DC2) Site Specific Development Control Provision	Vacant Parcel
West	(DC1) Direct Development Control Provision	<ul style="list-style-type: none"> <li>• Gibson-Block Historical Building</li> <li>• Religious Assembly</li> <li>• Commercial buildings</li> </ul>





View of the site looking east from 96 Street NW, north of Jasper Avenue



View of the site looking southeast from 102a Avenue NW and 96 Street NW

## Planning Analysis

The proposed amendment to the current (DC1- Armature Quarter) Site Specific Development Control Provision is to change the regulation requiring a developer sponsored affordable housing contribution which is currently worded as follows:

*4.n Notwithstanding the Incentive System provided for in Section 860 of the Zoning Bylaw, prior to the issuance of a Development Permit for any base level development, 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 Development Permit approval, the option to purchase 5% of the proposed number of residential units at 85% of the list price, or to provide the equivalent value as cash-in-lieu to the City, or as prescribed in any future City of Edmonton Affordable Housing Policy initiatives as prescribed by City Council. C582.*

*Except:*

*Within Area 1, the Development Officer shall ensure that a signed agreement has been executed between the City and the Owner requiring a cash-in-lieu contribution equivalent to 0.75% of the construction value of the entire facility.*

Since approval of this Hotel, the developer has been unable to negotiate an agreement that satisfies the above. The applicant is requesting an additional option where the equivalent to cash-in-lieu is provided through affordable rental housing units triggered by a residential use conversion of the hotel. The proposed wording under a new regulation is as follows:

*4.o Notwithstanding the Incentive System provided for in Section 860 of the Zoning Bylaw, prior to issuance of any Development Permit for a Multi-Unit Housing and/or Lodging Houses Use within Area 1, the Development Officer shall ensure that an affordable housing agreement has been executed*

*between the City and the owner, and that a caveat has been registered with respect to the affordable housing agreement against the title to the land, confirming that a minimum of 5% of the Dwellings or Sleeping Units shall be operated as affordable housing with rents not more than 85% of market rates for a period of 10 years. The caveat shall remain registered against title until the Development Officer is satisfied that, at the option of the owner, either:*

- 1. a minimum of 5% of the Dwellings or Sleeping Units have been operated as affordable housing with rents not more than 85% of market rates for a period of 10 years; or*
- 2. payment of a cash in lieu contribution of \$262,500, equivalent to 0.75% of the original construction value of the entire facility, has been paid by the owner to the City.*

*If the foregoing affordable housing agreement is not executed within 24 months of the passage of the Charter Bylaw adopting this provision, or there is substantial breach of the affordable housing agreement, a cash in lieu contribution to the City of \$262,500, equivalent to 0.75% of the original construction value of the entire facility, shall be immediately due and payable by the owner to the City.*

The proposed wording creates the option for the owner to operate thirteen (13) affordable housing at 85% market rental rates for a period of 10 years captured under an agreement with the City of Edmonton. In the event an agreement is not executed, the City shall collect the cash-in-lieu for the amount of \$262,500 representing the 0.75% of the original construction value of the building.

### **The City Plan**

The proposed DC1 rezoning continues to support policies and objectives of the City Plan by providing Edmontonians the ability to live locally with access to diverse and affordable housing options in communities that support their daily needs (Policy 2.2).

## **Technical Review**

All comments from affected City Departments have been addressed.

## **Appendices**

- 1 DC1 Track changes
- 2 Application Summary

## Mark-up of Proposed DC1 - The Armature Areas 1, 2 and 3

Black Font	Existing Text in DC1 - The Armature Areas 1, 2 and 3
<del>Strikethrough:</del>	Proposed deletion
<u>Underline:</u>	Proposed addition

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### **(DC1) DIRECT DEVELOPMENT CONTROL PROVISION**

#### **(AQ) THE ARMATURE QUARTER AREA 1, 2, & 3**

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#### **1. General purpose**

The purpose of this Provision is to accommodate mid- and high-rise mixed-Use (but-predominantly residential) development with active retail and residential street Frontages that is pedestrian friendly and compatible in scale, function, built form and design with surrounding developments and open space and/or accessible public assembly space for passive and active Use, all in accordance with Section 860 of the Zoning Bylaw, The Quarters Downtown Area Redevelopment Plan and The Quarters Downtown Urban Design Plan.

#### **2. Area of Application**

This Provision shall apply to Area 1, Area 2, and Area 3 as shown on Appendix I.

#### **3. Uses**

- a. Apartment Hotels
- b. Bars and Neighbourhood Pubs
- c. Breweries, Wineries and Distilleries

- d. Business Support Services
- e. Cannabis Retail Sales
- f. Carnivals
- g. Child Care Services
- h. Commercial Schools
- i. Community Recreation Services
- j. Convenience Retail Stores
- k. Creation and Production Establishments
- l. Equipment Rentals
- m. General Retail Stores
- n. Health Services
- o. Hotels
- p. Household Repair Services
- q. Indoor Participant Recreation Services
- r. Liquor Stores
- s. Live-Work Unit
- t. Lodging Houses
- u. Major Home Based Business
- v. Market
- w. Media Studios
- x. Minor Amusement Establishment
- y. Minor Home Based Business

- z. Multi-unit Housing
- aa. Nightclubs
- bb. Personal Service Shops
- cc. Private Clubs
- dd. Professional, Financial and Office Support Services
- ee. Public Libraries and Cultural Events
- ff. Public Park
- gg. Residential Sales Centre
- hh. Restaurants
- ii. Specialty Food Services
- jj. Special Event
- kk. Spectator Entertainment Establishments
- ll. Supportive Housing restricted to Limited Supportive Housing
- mm. Urban Gardens
- nn. Urban Indoor Farms
- oo. Urban Outdoor Farms
- pp. Veterinary Services
- qq. Fascia On-premises Signs
- rr. Freestanding On-premises Signs
- ss. Projecting On-premises Signs
- tt. Temporary On-premises Signs

#### **4. Development Regulations**



- a. The minimum building Height shall not be less than 11.0 m
- b. The maximum building Height within Area 1 shall not exceed 52.0 m, subject to Section 860 of the Zoning Bylaw.
- c. The maximum building Height within Area 2 shall not exceed 40.0 m subject to Section 860 of the Zoning Bylaw.
- d. The maximum building Height within Area 3 shall not exceed 23.0 m, subject to Section 860 of the Zoning Bylaw.
- e. The minimum Floor Area Ratio shall be 3.0 subject to Section 860 of the Zoning Bylaw.
- f. The maximum Floor Area Ratio within Area 1 shall be 8.75 subject to Section 860 of the Zoning Bylaw.
- g. The maximum Floor Area Ratio within Area 2 shall be 6.5 subject to Section 860 of the Zoning Bylaw.
- h. The maximum Floor Area Ratio within Area 3 shall be 4.5 subject to Section 860 of the Zoning Bylaw.
- i. Lodging Houses shall not isolate an adjacent Site within this Zone of less than 800 m<sup>2</sup>.
- j. Equipment Rentals shall be fully enclosed within a building.
- k. General Retail Stores shall not exceed a capacity of 750 m<sup>2</sup> of gross Floor Area.
- l. Minor Amusement Establishments shall only be permitted as an Accessory Use to a Restaurant.
- m. The first floor of any Frontage, including the associated entranceway, shall have a maximum ground level separation of 1.2 m from any Abutting public sidewalk.

- n. Notwithstanding the Incentive System provided for in Section 860 of the Zoning Bylaw, prior to the issuance of a Development Permit for any base level development, except for within Area 1, 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 Development Permit approval, the option to purchase 5% of the proposed number of residential units at 85% of the list price, or to provide the equivalent value as cash-in-lieu to the City, or as prescribed in any future City of Edmonton Affordable Housing Policy initiatives as prescribed by City Council. ~~–C582.~~<sup>1</sup>

~~Except: Within Area 1, the Development Officer shall ensure that a signed agreement has been executed between the City and the Owner requiring a cash-in-lieu contribution equivalent to 0.75% of the construction value of the entire facility.~~

- o. Notwithstanding the Incentive System provided for in Section 860 of the Zoning Bylaw, prior to issuance of any Development Permit for a Multi-Unit Housing and/or Lodging Houses Use within Area 1, the Development Officer shall ensure that an affordable housing agreement has been executed between the City and the owner, and that a caveat has been registered with respect to the affordable housing agreement against the title to the land, confirming that a minimum of 5% of the Dwellings or Sleeping Units shall be operated as affordable housing with rents not more than 85% of market rates for a period of 10 years. The caveat shall remain registered against title until the Development Officer is satisfied that, at the option of the owner, either:
- i. a minimum of 5% of the Dwellings or Sleeping Units have been operated as affordable housing with rents not more than 85% of market rates for a period of 10 years; or

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<sup>1</sup> Reference to C582 - Developer Sponsored Affordable Housing Policy has been removed due to its repeal on July 5, 2021

- ii. payment of a cash in lieu contribution of \$262,500, equivalent to 0.75% of the original construction value of the entire facility, has been paid by the owner to the City.

If the foregoing affordable housing agreement is not executed within 24 months of the passage of the Charter Bylaw adopting this provision, or there is substantial breach of the affordable housing agreement, a cash in lieu contribution to the City of \$262,500, equivalent to 0.75% of the original construction value of the entire facility, shall be immediately due and payable by the owner to the City.

- p. Within Area 1 and 2, the applicant and/or owner shall provide proof satisfactory to the Development Officer in consultation with Alberta Environment, Albert Health, and the City of Edmonton Subdivision and Development Coordination (Transportation) that, if necessary, the land has been remediated to allow for the intended Uses, excepting the parkade excavation Building Permit. The Development Officer shall not physically release the Development Permit for the purposes of a Building Permit until this condition has been adequately satisfied through sign-off letters from the reviewing agencies.
- q. Within Area 1, an updated Transportation Impact Assessment shall be provided prior to the issuance of any Development Permit. The issuance of any Development Permit for the site is subject to there being sufficient capacity on the adjacent roadway network, as well as adequate access via the adjacent alley to accommodate the traffic associated with the development, and shall be to the satisfaction of the Development Officer and Subdivision and Development Coordination (Transportation).
- r. Within Area 3, Residential and Live Work Units shall occupy no less than 33.3% of the Floor Area in any new building.

- s. Parking shall be provided in accordance with Section 860 of the Zoning Bylaw.
- t. Signage
  - i. Signs shall be provided in accordance with Section 59 and Schedule 59B of the Zoning Bylaw.
  - ii. Temporary On-premises Signs shall be limited to project advertising and residential sale purposes only. Trailer mounted signs and/or signs with Changeable Copy shall not be permitted.
  - iii. Freestanding Signs shall be limited to neighbourhood identification signage.

## **5. Urban Design Regulations**

- a. Site Planning shall be in accordance with the Quarters Downtown Urban Design Plan.
- b. Setbacks:
  - i. East of 96 Street NW, no building Setbacks are required.
  - ii. West of 96 Street NW, no Setbacks are required except a minimum 1.0 m Setback shall be required from any Lot line Abutting a Lane for each Storey of building Height.
- c. Stepbacks:
  - i. No Stepbacks are required for buildings adjacent to avenues.
  - ii. For buildings adjacent to the east side of 96 Street NW within Area 3, a minimum 3.0 m Stepback shall be provided at approximately 7.0 m OR 11.0 m building Height.
  - iii. For buildings adjacent to the west side of 96 Street NW, two Stepbacks, a minimum 3.0 m each shall be provided at approximately 7.0 m and 14.0 m of building Height.

- iv. For buildings adjacent to the Lane west side of 96 Street NW, a Stepback may be required at approximately 11.0 m of building Height.
- v. At the discretion of the Development Officer, Stepbacks may be required adjacent to Lot lines internal to a block having regard to the character of the surrounding built form, the objectives of the Quarters Downtown Urban Design Plan and Crime Prevention Through Environmental Design principles.
- d. Building entrances shall be developed in accordance with Section 860 of the Zoning Bylaw.
- e. Weather protection shall be provided in accordance with Section 860 of the Zoning Bylaw.
- f. Architectural control shall be in accordance with Section 860 of the Zoning.



## Application Summary

### Information

<b>Application Type:</b>	Rezoning
<b>Charter Bylaw:</b>	20301
<b>Location:</b>	Along 96 Street NW between Jasper Avenue NW and 103a Avenue NW
<b>Addresses:</b>	Multiple - See attached Schedule 'B' of Charter Bylaw 20301
<b>Legal Descriptions:</b>	Multiple - See attached Schedule 'B' of Charter Bylaw 20301
<b>Site Area:</b>	Approximately 1.9 Hectares
<b>Neighbourhood:</b>	Boyle Street
<b>Ward:</b>	O-day'min
<b>Notified Community Organizations:</b>	This section includes any notified Community Leagues, Business Revitalization Zones or other associations
<b>Applicant:</b>	Invistec Consulting Ltd.

### Planning Framework

<b>Current Zone and Overlay:</b>	(DC1) Direct Development Control Provision, and The Quarters Overlay
<b>Proposed Zone and Overlay:</b>	(DC1) Direct Development Control Provision, and The Quarters Overlay
<b>Plans in Effect:</b>	The Quarters Downtown Area Redevelopment Plan
<b>Historic Status:</b>	None

Written By:  
Approved By:  
Branch:  
Section:

Marty Vasquez  
Tim Ford  
Development Services  
Planning Coordination