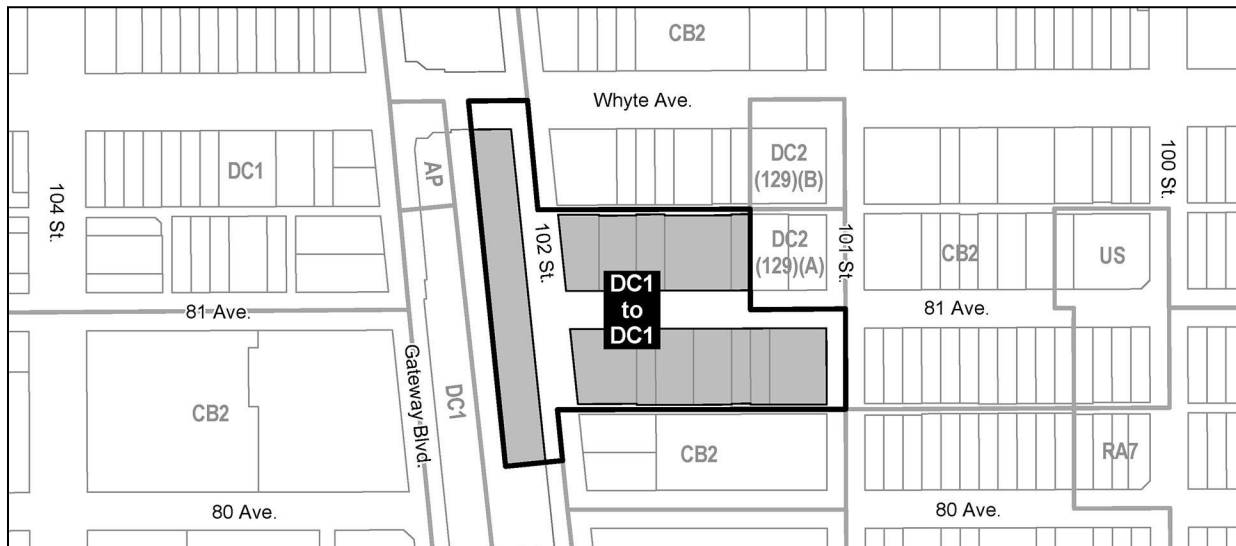


## 10103 & 10115 to 10150 - 81 Avenue NW

## 8015, 8109 & 8128 - 102 Street NW

To update the Historic West Ritchie (DC1) Direct Development Control Provision



**Recommendation:** That Bylaw 19987 to amend the Strathcona Area Redevelopment Plan and Charter Bylaw 19988 to update the Historic West Ritchie (DC1) Direct Development Control Provision be **APPROVED**.

Administration **SUPPORTS** this application because:

- the proposed DC1 Provision modernizes business opportunity in this area and ensures landowners will not face unnecessary regulatory barriers for new businesses;
- it respects the unique character of the broader area and the intent of the current DC1 Provision; and
- it conforms with the intent of the Strathcona Area Redevelopment Plan and The City Plan.

## Application Summary

This rezoning and plan amendment application was initiated by the City of Edmonton (Local Economy and Investment Services) on November 10, 2021 in response to concerns from the Old Strathcona Business Association about desired businesses being denied permits due to outdated zoning.

**CHARTER BYLAW 19988** will revise the Historic West Ritchie (DC1) Direct Development Control Provision mainly to update the allowable Uses. The current DC1 Provision is from 2011 and is restricted to allowing Zoning Bylaw Uses that were available at that time, which is resulting in newer Uses being denied permits for operating here. Some of these new Uses which are now proposed to be allowed within the revised DC1 Provision are:

- Breweries, Wineries and Distilleries
- Cannabis Retail Sales (subject to separation distance requirements)
- Markets
- Special Events
- Supportive Housing
- Urban Gardens
- Urban Indoor Farms
- Urban Outdoor Farms

Due to reorganising and updating the DC1 Provision to follow today's Direct Control writing standards, a 'track changes' appendix would not be beneficial and has not been attached to this report. However, for comparison, the current DC1 Provision is attached as Appendix 1 to this report and the proposed DC1 Provision is attached as Schedule 'B' to Charter Bylaw 19988.

**BYLAW 19987** will amend the Strathcona Area Redevelopment Plan (ARP) to update direction for the West Ritchie Area to reference the Main Streets Overlay (MSO) instead of the Pedestrian Commercial Shopping Street Overlay (PCSSO), amend Figure 9 for the West Ritchie Land Use Concept, and reflect other changes that have occurred in the area since 2011. The MSO replaced the PCSSO in the Zoning Bylaw in September 2017 but has the same function and intent relative to its reference in the ARP. As well, the existing DC1 Provision is embedded within the ARP and the proposed amendment would remove it from the plan, with the DC1 Provision being maintained within the Zoning Bylaw instead, based on current standards.

At the March 15, 2022, City Council Public Hearing, the following motion was Passed:

"That Bylaw 19987 and Charter Bylaw 19988 be referred to Administration to carry out engagement with an affected landowner and return to a future City Council Public Hearing."

Engagement resulting from this motion led to changes in how the proposed DC1 Provision incorporates regulations from the (CB2) General Business Zone and Main Streets Overlay to more directly reference them instead of the DC1 Provision containing its own full set of regulations based on them. This ensures

this updated DC1 Provision will not have any unintended changes to development rights that were not fully explored through analysis and engagement.

The proposed revisions to the Historic West Ritchie (DC1) Direct Development Control Provision help ensure landowners in this area will not face unnecessary regulatory barriers for new businesses while also respecting the unique character of the broader area and the intent of the DC1 Provision.

The Strathcona Area Redevelopment Plan (ARP) directs the use of a small-scale DC1 Provision for this land which aligns with The City Plan by promoting Edmonton's history and encouraging a sense of local identity by preserving and enhancing heritage.

## 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 proposed changes were seen as primarily minor updates to an existing DC1 Provision and there was little response to advance notifications.

The Basic Approach included the following techniques:

### **Advance Notice**, November 30, 2021

- Number of recipients: 296
- Number of responses in support: 1
- Number of responses with concerns: 0

### **Advance Notice**, October 21, 2022

- Number of recipients: 297
- Number of responses in support: 2
- Number of responses with concerns: 1

### **Webpage**

- [edmonton.ca/ritchieplanningapplications](https://edmonton.ca/ritchieplanningapplications)

### **Comments heard throughout the various methods include:**

- In favour of this rezoning (no specific reason given).
- Will make it easier for permits to be issued for new businesses in the area.
- Scope of changes is more significant than disclosed by the City because references to the CB2 Zone and Overlay for regulations were replaced with a full set of consolidated DC1 regulations.
- City's engagement was insufficient relative to the significance of the changes being proposed.
- Proposed changes actually decrease business opportunities in the area, not increase them.
- Initially proposed DC1 Provision had hidden design implications that were not fully discussed because of the change to having a consolidated set of DC1 regulations instead of referencing the CB2 Zone and Overlay.

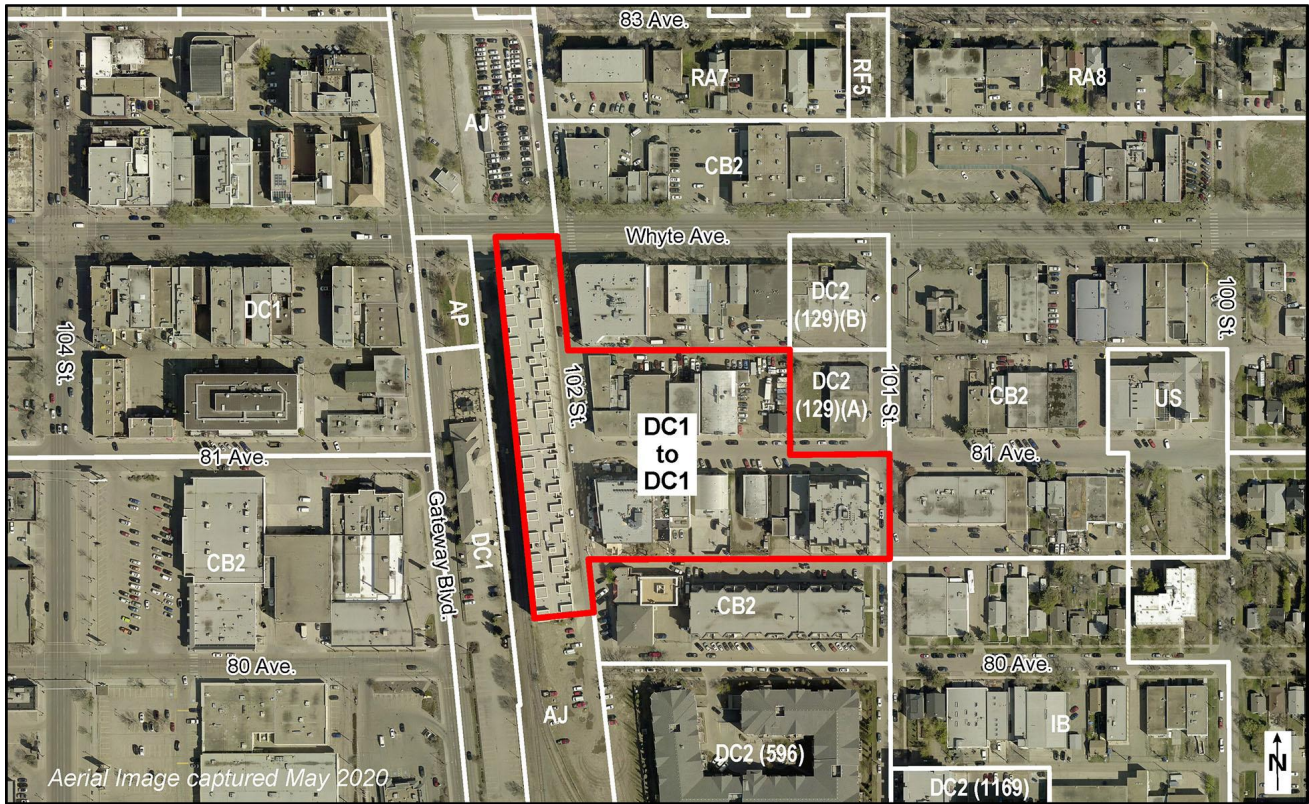
- The City needs to invest in proper streetscape improvements in West Ritchie as per the direction in the Strathcona ARP.
- The full list of permitted and discretionary Uses in CB2 should be allowed in this DC1 Provision.
- The Pedestrian Commercial Shopping Street Overlay should continue to apply, not the Main Streets Overlay.
- West Ritchie zoning shouldn't be exactly the same as the rest of Whyte Avenue otherwise it won't be a unique area.

All comments with concerns were received from one affected landowner who Council's motion directed Administration to engage with. Administration addressed several requests for information from the landowner and met to share information and better understand their concerns. In response, Administration adjusted the structure of the proposed DC1 Provision to directly reference the zone and overlay as the source of the development regulations in the same way the current DC1 Provision does. This helps ensure there are not any unintended changes to development rights. Administration also addressed engagement concerns by sharing more detailed information publicly.

The Old Strathcona Business Association supports this application. No formal feedback or position was received from any of the surrounding Community Leagues at the time this report was written.

## **Site and Surrounding Area**

West Ritchie is separated from adjacent neighbourhoods by arterial roadways and rail facilities and has a mix of commercial, industrial, residential and institutional Uses. The DC1 Provision covers most of the properties on both sides of 81 Avenue NW between 101 Street NW and 102 Street NW and the site west of 102 Street NW at 81 Avenue NW. The area is well connected to transit with the nearby 82 (Whyte) Avenue NW to the north being a Frequent Bus Route.



Aerial view of application area

|                     | EXISTING ZONING   | CURRENT USE  |
|---------------------|---|--|
| <b>SUBJECT SITE</b> | <ul style="list-style-type: none"> <li>Historic West Ritchie (DC1) Direct Development Control Provision</li> </ul>  | <ul style="list-style-type: none"> <li>1-2 storey commercial buildings</li> <li>Three low rise mixed-use buildings</li> </ul>                    |
| <b>CONTEXT</b>      |   |  |
| North               | <ul style="list-style-type: none"> <li>(CB2) General Business Zone</li> <li>(DC2.129) Site Specific Development Control Provision</li> <li>(A) Alternative Jurisdiction Zone</li> </ul> | <ul style="list-style-type: none"> <li>1-3 storey commercial buildings</li> <li>Vacant land (zoned for 12 storey mixed-use)</li> </ul>           |
| East                | <ul style="list-style-type: none"> <li>(CB2) General Business Zone</li> <li>(DC2.129) Site Specific Development Control Provision</li> </ul>  | <ul style="list-style-type: none"> <li>1-3 storey commercial buildings</li> <li>Vacant land (zoned for 12 storey mixed-use)</li> </ul>           |
| South               | <ul style="list-style-type: none"> <li>(CB2) General Business Zone</li> <li>(A) Alternative Jurisdiction Zone</li> </ul>  | <ul style="list-style-type: none"> <li>One 2 storey commercial building</li> <li>One 4 storey mixed use building</li> <li>CP Railyard</li> </ul> |
| West                | <ul style="list-style-type: none"> <li>(A) Alternative Jurisdiction Zone</li> <li>Canadian Pacific Railway Station (DC1) Direct Development Control Provision</li> </ul>                | <ul style="list-style-type: none"> <li>CP Railyard</li> <li>Historic Canadian Pacific Railway Station</li> <li>Public Park (unnamed)</li> </ul>  |



*View of the south side of 81 Avenue NW looking west*    *View of the north side of 81 Avenue NW looking west*

## Planning Analysis

### Land Use Compatibility

The main change with this application is with the allowable Uses for this land. Administration is proposing a list of Uses that includes both Permitted and Discretionary Uses from the current CB2 Zone, but not all of them. The proposed Uses are compatible with this area and are allowed on surrounding blocks outside the DC1 Provision where there is CB2 Zoning. Selections were made based on the context of the area, the goals and objectives of the Strathcona Area Redevelopment Plan, technical review and discussion with the Old Strathcona Business Association. Appendix 2 of this report contains details of these selections. The proposed list of allowable Uses ensures landowners in this area will not face unnecessary regulatory barriers for new businesses while also respecting the unique character of the broader area and the intent of the DC1 Provision.

Development Regulations are proposed to be as per today's (CB2) General Business Zone with the Main Streets Overlay, which is the standard commercial zoning that applies to this area and is therefore fully compatible. This is the same as the current DC1 Provision except for the Main Streets Overlay replacing the reference to the former Pedestrian Commercial Shopping Street Overlay. The proposed DC1 Provision also carries over specific design regulations from the current DC1 Provision related to false fronts and a view corridor towards the historic Canadian Pacific Railway Station.

This application is also proposing site specific changes to an existing building within the DC1 Provision west of 102 Street NW to allow for residential uses at ground level. The current zoning requires commercial uses at ground level, however, the building has poor design features including low

ceiling/entrance heights and awkward accessibility due to changes in grade. This has made attracting commercial tenants to the building difficult and the majority of the space remains vacant 10 years on. Administration supports this exception in order to increase the viability of this space. This change would only be allowed for the existing building and if the site is redeveloped, the requirement for commercial uses at ground level would be reinstated.

### **Strathcona Area Redevelopment Plan (ARP)**

The general intent for the area is to build on West Ritchie's existing qualities so that it can become a vibrant, historically-referenced urban village with quality urban design and architecture. Policy 2 of the West Ritchie Area directs the use of a DC1 Provision to help achieve this intent:

*"An historical (DC1) Direct Development Control Provision based on the (CB2) General Business Zone as modified by the Pedestrian Commercial Shopping Street Overlay will be applied to maintain the unique character of 81 Avenue between 101 and 102 Streets. The DC1 Provision will maintain the 'false front' façade character of this area and seek to preserve the view to the historic CPR station to the west."*

The proposed amendment to the ARP would replace the reference to the Pedestrian Commercial Shopping Street Overlay with the Main Streets Overlay in this policy.

The current West Ritchie Land Use Concept (Figure 9) directs all the land within the DC1 Provision to be "commercial" with supporting policy clarifying that residential uses are allowed above the main storey. To allow residential uses at ground level for the existing building west of 102 Street NW, this concept is proposed to be amended to have this site directed for "Commercial/Residential Mix".

Overall, this application conforms with the intent of the Strathcona Area Redevelopment Plan.

### **The City Plan**

Both Gateway Boulevard NW and 82 (Whyte) Avenue NW are identified as Primary Corridors. As defined by The City Plan, a Primary Corridor is a prominent urban street designed for living, working and moving. They serve as destinations, but also provide critical connections between nodes, throughout the city and beyond. A primary corridor includes a wide range of activities and jobs supported by mixed-use development and mass transit.

The main purpose of this application, to modernize business opportunities in the area, aligns with The City Plan goals for Primary Corridors. Moreover, The City Plan also includes policies to promote Edmonton's history and encourage a sense of local identity by preserving and enhancing heritage, which aligns well with the intent of this DC1 Provision.

## Heritage

The current DC1 Provision was created to recognize the special character of the streetscape, which features a collection of 'false front' commercial facades and a special vista westward of the historic Canadian Pacific Railway Station. Arndt's Machine Shop located at 10131 - 81 Avenue NW is the one building within the DC1 Provision that is a designated Municipal Historic Resource. Built circa 1940, it is a one storey commercial building valued due to its modern variation on the commercial boomtown front design popular at the turn of the 20<sup>th</sup> century and shows the transition from previous commercial design to a more modern one. Southern Autobody, located at 10130 - 81 Avenue NW, is also listed on the Inventory of Historic Resources, but not designated.



*Arndt's Machine Shop*

With reference to the direction in the ARP, the view to the historic CPR Station has been obstructed by construction of a building in 2012 but the proposed revised DC1 Provision retains special design regulations for historic false façades and the requirement to open up the 81 Avenue NW view corridor to the historic Canadian Pacific Railway Station, should future redevelopment occur on the site west of 102 Street NW.

## Technical Review

This application does not substantially change development rights enough for the land to require a detailed technical review and the impacts of the proposed new Uses in the DC1 Provision are similar to Uses that are already allowed. As such, potential upgrade requirements for utilities or changes to site access will be reviewed at the Development Permit stage.

All other comments from affected City Departments and utility agencies have been addressed.



## **Appendices**

- 1 Current DC1 Provision
- 2 Use Selection Details
- 3 Application Summary

## **Current DC1 Provision**

### **(DC1) DIRECT DEVELOPMENT CONTROL PROVISION HISTORIC WEST RITCHIE**

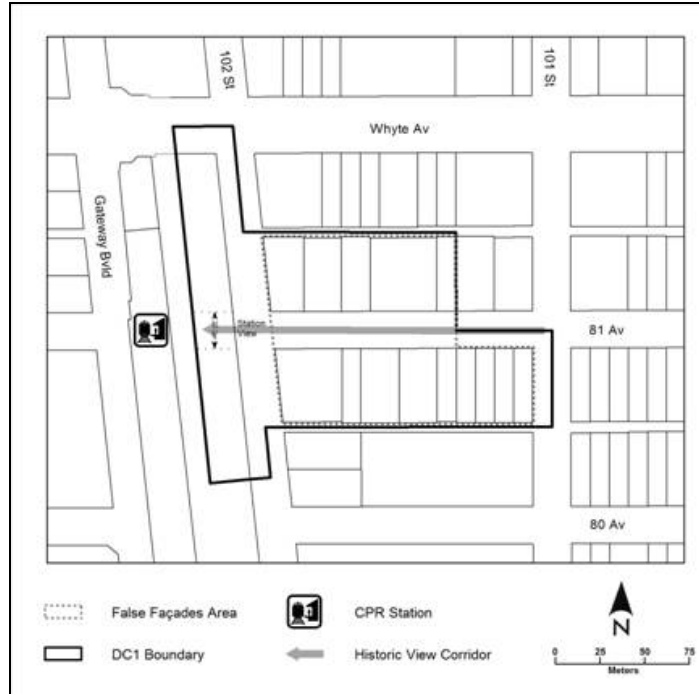
#### **1. Purpose**

The purpose of this Provision is to preserve the unique architectural character of a portion of 81 Avenue, provide for new commercial and compatible mixed use development opportunities and if possible preserve the view of the historic Canadian Pacific Railway (CPR) station to the west. This provision creates a unique pedestrian commercial shopping district while ensuring future development is compatible with the character of buildings with historic false Façades.

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

This Provision applies to those lots indicated on Schedule “A” of the Bylaw adopting this DC1 Provision, as well as Map A below, located on 81 Avenue between 101 and 102 Streets and south of Whyte Avenue as well as the lot on the west side of 102 Street at 81 Avenue (Lot 4, Block L, Plan 0521161) within the Ritchie and CPR Irvine neighbourhoods and the boundaries of the Strathcona Area Redevelopment Plan.

#### **Map A. DC1 West Ritchie Historic Area**



### 3. Permitted and Discretionary Uses

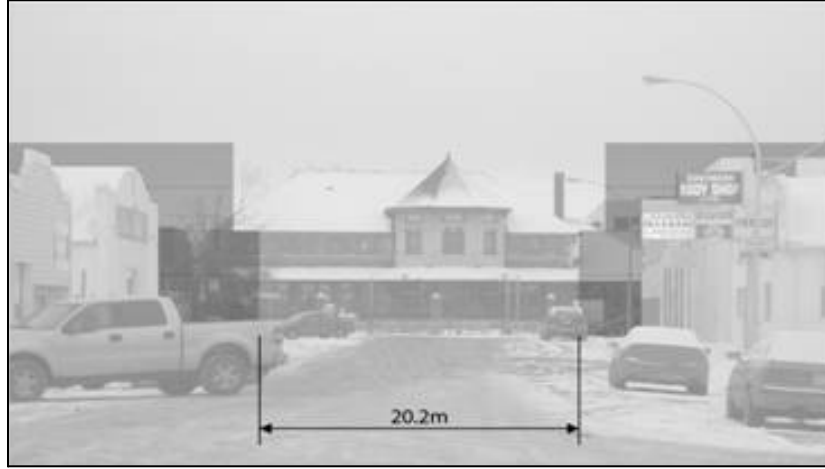
Permitted and Discretionary Uses in this Provision shall be as prescribed in the (CB2) General Business Zone with the addition of Live Work Units as a Permitted Use.

### 4. Development and Design Regulations

1. Except as modified below, development regulations in this Provision shall be as prescribed in the (CB2) General Business Zone and as modified by the Pedestrian Commercial Shopping Street Overlay, notwithstanding subsection 800.2(2)(a) of the Zoning Bylaw.
2. Historic View Corridor - Canadian Pacific Railway (CPR) Station
  - a. A 20.2 m historic view corridor, defined as the equivalent of an extension of 81 Avenue through Lot 4, Block L, Plan 0521161, on the west side of 102 Street, with the centre of the extension being aligned with the centre of the existing 81 Avenue right-of-way, is established as shown on Map A and Figure A.
  - b. Within the 20.2 m historic view corridor, no buildings shall be constructed, however limited development may be allowed as follows: outdoor Amenity Areas, pedestrian pathways, street furniture, landscaping provided no trees exceed a height of 3.0 m, driveways, drive aisles and surface parking may be developed provided that the view of the Strathcona

CPR Station is unimpeded to the satisfaction of the City of Edmonton's Development Officer and Heritage Officer (see Figure A).

**Figure A. Historic View Corridor - Restricted Development Area**



3. Exemption to Clause 4.2: west side of 102 Street at 81 Avenue, 10201 82 Avenue NW (Plan 0521161 Blk L Lot 4)
  - a. Notwithstanding Clause 4.2 in this Provision, the development as approved at the time of the Bylaw adopting this Provision located on the west side of 102 Street at 81 Avenue, 10201 82 Avenue NW (Plan 0521161 Blk L Lot 4), comprising a four-storey, commercial-residential mixed use building, including General Retail Uses on the first floor and Apartment Housing on the upper three floors, along with underground parking, is deemed to conform to the regulations of this Provision.
  - b. Any future development permit applications on this Site that do not comply with clause 4.2 in this Provision shall be required to comply with the development as approved at the time of the Bylaw adopting this Provision.
  - c. Any subsequent development permit applications on the same Site that do not comply with the development as approved on this Site as of the time of the Bylaw adopting this Provision shall be required comply with clause 4.2 and all other regulations of this Provision.
4. Historic False Façades
  - a. Historic false Façades shall be maintained, renovated or reconstructed as part of new development within existing buildings with historic false Façades within the area shown as "False Façades Area" as contained within the DC1 West Ritchie Historic Area Map A, (examples, Figure B).
  - b. One or more new false Façades in character with the historic false Façades of the area shall be requirement of development of new buildings.
  - c. New false Façades should be 1 ½ to 2 Storeys in height.

- d. Notwithstanding subsection 819.3(6) of this Bylaw, in multi-Storey buildings there shall be a minimum 2.5 m Stepback above the first Storey to give prominence to the false Façade.
- e. Multi-Storey development should be designed such that upper floors relate to the ground floor in style, material and/or architecturally to ensure the building reads as a cohesive unit.
- f. Symmetrical false Façades, using stucco or cementitious finishes, are encouraged.
- g. The design of new false Façades and the renovation or reconstruction of existing buildings with historic false Façades shall be to the satisfaction of the City of Edmonton's Development Officer and Heritage Planner.
- h. Alternative architecture that is not completely compliant with Clauses 4(d)(iii –vi) above shall be considered at the discretion of the City of Edmonton's Development Officer and Heritage Planner, provided that it compliments and otherwise does not conflict with the existing character of the historic false Façades within this area.
- i. Where the Frontage of a Site exceeds 20.2 m, the front of the building shall be designed to break the appearance into sections with a maximum width of 20.2 m.
- j. The Development Officer shall consult with the Heritage Planner on any development permit application for a Sign prior to rendering a decision to ensure compatibility with the false Façades within this area.

**Figure B. False Façades in West Ritchie**



- 5. The following additional regulation shall apply to Live Work Unit developments:
  - a. Where a development contains two or more Live Work Units, a minimum of 7.5 m<sup>2</sup> of Amenity Area per Unit is required, in accordance with the provisions of Section 46 of this Bylaw
- 6. The following additional regulations shall apply to Apartment Housing and Live Work Unit developments:

- a. Housing applications within 75 m of the CP Rail Yard and within 75 m of the CP railway shall include a noise and vibration study and any Development Permits shall include any required noise mitigation measures to meet standards as prescribed in the Community Standards Bylaw as well as by Canada Mortgage and Housing Corporation, as updated from time to time, to the satisfaction of the Development Officer, as long as the CP Rail Yard is operational.
- b. Housing applications that are within areas greater than 75 m of the CP Rail Yard and greater than 75 m of the CP railway shall consider measures to mitigate any potential impacts of noise and vibration.

## Use Selection Details

Uses in the Zoning Bylaw are categorized as either Permitted or Discretionary Uses depending on the zone:

- Permitted Uses means those uses of land, buildings or structures for which Permits *must be issued* by the Development Officer, if the development meets all applicable regulations; and
- Discretionary Uses means those uses of land, buildings or structures for which Permits *may be issued* only at the discretion of the Development Officer and after notification to surrounding properties owners.

All Permitted Uses from the CB2 Zone are proposed to carry over into the proposed DC1 Provision, with the following exceptions/adjustments:

- Drive-in Food Services - Not included
- Freestanding On-premises Signs - Not included
- Gas Bars - Not included
- Minor Service Stations - Not included
- Recycling Depots - Not included
- Automotive and Equipment Repair Shops - Included, but would be limited to only those that exist at the time the revised DC1 Provision is approved.
- Bars and Neighbourhood Pubs - Included, but limited to a maximum of 240 m<sup>2</sup> of Public Space
- Restaurants - Included, but limited to a maximum of 240 m<sup>2</sup> of Public Space
- Specialty Food Services - Included, but limited to a maximum of 240 m<sup>2</sup> of Public Space
- Warehouse Sales - Included, but limited in size to 400 m<sup>2</sup> of Floor Area.

The following Discretionary Uses from the CB2 Zone are proposed to carry over into the proposed DC1 Provision:

- Animal Hospitals and Shelters
- Child Care Services
- Government Services
- Liquor Stores (subject to separation distance requirements)
- Live Work Units
- Major Home Based Business
- Media Studios
- Minor Home Based Business
- Mobile Catering Food Services
- Multi-unit Housing
- Nightclubs, limited to a maximum of 240 m<sup>2</sup> of Public Space
- Private Clubs
- Residential Sales Centre
- Secondhand Stores
- Spectator Entertainment Establishments
- Urban Indoor Farms
- Urban Outdoor Farms
- Vehicle Parking

The following Discretionary Uses from the CB2 Zone are not proposed to be included in the DC1 Provision due to incompatibility with the purpose of the DC1 Provision and the goals and objectives of the area:

- Auctioneering Establishments
- Automotive and Minor Recreation Vehicle Sales/Rentals
- Bars and Neighbourhood Pubs, for more than 200 occupants and 240 m<sup>2</sup> of Public Space
- Carnivals
- Convenience Vehicle Rentals
- Fascia Off-premises Signs
- Fleet Services
- Freestanding Off-premises Signs
- Funeral, Cremation and Interment Services
- Major Digital Signs
- Major Service Stations
- Minor Digital Off-premises Signs
- Minor Digital On-premises Off-premises Signs
- Minor Digital On-premises Signs
- Motels
- Outdoor Amusement Establishments
- Pawn Stores
- Rapid Drive-through Vehicle Services
- Recycled Materials Drop-off Centres
- Religious Assembly
- Restaurants, for more than 200 occupants and 240 m<sup>2</sup> of Public Space
- Roof Off-premises Signs
- Roof On-premises Signs
- Spectator Sports Establishments
- Temporary Off-premises Signs
- Truck and Mobile Home Sales/Rentals



## Application Summary

### Information

|  |   |
|--|---|
| <b>Application Type:</b>                 | Plan Amendment, Rezoning  |
| <b>Bylaw/Charter Bylaw:</b>              | 19987, 19988  |
| <b>Location:</b>                         | Most of the properties on both sides of 81 Avenue NW between 101 Street NW and 102 Street NW and the site west of 102 Street NW at 81 Avenue NW |
| <b>Addresses:</b>                        | 10103 & 10115 to 10150 - 81 Avenue NW<br>8015, 8109 & 8128 - 102 Street NW  |
| <b>Legal Descriptions:</b>               | Lot 4, Block L, Plan 0521161<br>Lot 13A, Block 51, Plan 1221272<br>Lots 1-10, Block 51, Plan I<br>Lots 19-28, Block 60, Plan I                  |
| <b>Site Area:</b>                        | 1.3 ha  |
| <b>Neighbourhoods:</b>                   | Ritchie, CPR Irvine   |
| <b>Ward:</b>                             | papastew  |
| <b>Notified Community Organizations:</b> | Ritchie Community League<br>Strathcona Community League<br>Central Area Council of Community Leagues<br>Old Strathcona Business Association     |
| <b>Applicant:</b>                        | City of Edmonton - Local Economy and Investment Services  |

### Planning Framework

|                                   |  |
|-----------------------------------|--|
| <b>Current Zone and Overlay:</b>  | Historic West Ritchie (DC1) Direct Development Control Provision with the Whyte Avenue Commercial Overlay  |
| <b>Proposed Zone and Overlay:</b> | Historic West Ritchie (DC1) Direct Development Control Provision with the Whyte Avenue Commercial Overlay  |
| <b>Plan in Effect:</b>            | Strathcona Area Redevelopment Plan   |
| <b>Historic Status:</b>           | <ul style="list-style-type: none"> <li>Arndt's Machine Shop located at 10131 - 81 Avenue NW is a designated Municipal Historic Resource</li> <li>Southern Autobody located at 10130 - 81 Avenue NW is on the Inventory of Historic Resources, but not designated.</li> </ul> |

Written By:  
Approved By:  
Branch:  
Section:

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