

Administration Report Queen Alexandra

Edmonton

10440 - 80 Avenue NW & 10455 - 81 Avenue NW

To extend a “sunset clause” regulation.



Recommendation: That Charter Bylaw 20506 to amend the Zoning Bylaw from an existing (DC2.1077) Site Specific Development Control Provision to a revised (DC2) Site Specific Development Control Provision be **APPROVED**.

Administration **SUPPORTS** this application because:

- there are no proposed changes to the scale, built form or design of the development
- it facilitates the redevelopment of a surface parking lot into a mixed use development with a high performance standard for the public realm experience
- it aligns with the Strathcona Area Redevelopment Plan and The City Plan

Application Summary

CHARTER BYLAW 20506 would amend the Zoning Bylaw, as it applies to the subject site, from an existing (DC2.1077) Site Specific Development Control Provision to a revised (DC2) Site Specific Development Control Provision. The change is to extend a regulation which currently restricts construction from starting after August 26, 2022. Though redevelopment of this site has not yet begun, the applicant still intends to build, and is requesting this deadline be extended. If approved, the new deadline to begin construction would be 3 years from the new date of zoning approval. Other administrative updates are also proposed including Open Option Parking and changes to defined uses and terms in the Zoning Bylaw. Apart from the above, the scale, built form and design of the development remains the same; a mixed use development with three towers and up to 495 new dwellings.

This application was accepted on March 28, 2023, from NORR on behalf of Cidex.

This proposal aligns with the goals and policies of The City Plan and the Strathcona Area Redevelopment Plan.

Community Insights

Based on the characteristics of this application the file was brought forward to the public using a basic approach. This approach was selected because there are no proposed changes to the scale, built form or design of the development and there were no concerns raised through pre-application engagement conducted by the applicant.

The basic approach included the following techniques (outline which techniques were used in your file):

Pre-Application Notification (by applicant), March 6, 2021

- Number of recipients: 106
- Number of responses: 0

Mailed notice of proposed land use changes, April 14, 2023

- Number of recipients: 106
- Number of responses: 0

Webpage

- edmonton.ca/queenalexandraplanningapplications

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

Site and Surrounding Area

The 0.87 hectare site is located one block south of 82 (Whyte) Avenue NW, which is a people-oriented shopping street. There is frequent and local bus service near the site on 82 (Whyte) Avenue NW and local

and community bus routes are also available nearby on Calgary Trail. Nearby 83 Avenue NW and 106 Street NW have separated bike lanes making this site well connected to active modes of transportation.



Aerial view of application area

| | EXISTING ZONING | CURRENT USE |
|---------------------|---|--|
| SUBJECT SITE | (DC2.1077) Site Specific Development Control Provision | Surface parking lot |
| CONTEXT | | |
| North | (CB2) General Business Zone (DC2.1026) Site Specific Development Control Provision | Low rise mixed use buildings Vacant lot zoned for a mixed-use tower |
| East | (CB2) General Business Zone | Low rise commercial buildings |
| South | (CB2) General Business Zone (RA7) Low Rise Apartment Zone | Low rise commercial buildings Low rise multi-unit housing |
| West | (CB2) General Business Zone | Low rise commercial buildings |



View of the site looking south from 81 Avenue NW



View of the site looking west along lane



View of the site looking north from 80 Avenue NW

Planning Analysis

The existing development rights and land use impacts of this already approved development under the current DC2 Provision remain unchanged to the proposed DC2 Provision. When the current DC2 Provision was approved on August 26, 2019, it required that the developer obtain a building permit and commence construction within 3 years. This type of regulation is common in DC2 Provisions and is referred to as a “sunset clause”, though it has more typically been implemented at 5, 7 or 10 years in length. In this case, in an effort to show their commitment to following through on the project, the applicant proposed 3 years.

The applicant has now advised that due to the impacts of the COVID-19 pandemic on the project shortly after it was approved by Council, they were unable to begin construction by August 26, 2022. A Development Permit has been issued for the project and Administration is currently processing a Building Permit for excavation and shoring, but an extension of the “sunset clause” proposed through this rezoning is required before construction can fully commence.

This application does not change development rights and therefore a detailed planning analysis was not conducted. The proposed DC2 Provision would continue to allow for a high density mixed-use development in the form of four buildings, three of which are towers.



Applicant rendering from Development Permit Edmonton Design Committee Review, looking southeast

The proposal also contains the following administrative amendments:

- Updating the legal description
- Updating Use names (eg. Apartment Housing to Multi-unit Housing)
- Updating defined term (eg. Parking Garage to Underground Parkade)
- Adjusting parking regulations to align with Open Option Parking
- Updating names for referenced City groups
- Updating references to other City policies (eg. Tree policy C456A to C456C)
- Updating the wording of the sunset clauses to avoid future confusion/debate about when “construction” starts and instead just reference the issue dates of Development and Building Permits.

A full comparison between the current and proposed DC2 Provisions is found in Appendix 1.

The City Plan

While The City Plan was not yet in effect when the current DC2 Provision was approved, this development conforms well with the directions of the plan. Nearby 82 (Whyte) Avenue NW and 104 Street/Calgary Trail

NW are both identified as Primary Corridors where the anticipated built form is expected to be mostly mid-rise with some high-rise.

Strathcona Area Redevelopment Plan

This site is within the Urbanization District of the Strathcona Area Redevelopment Plan, where the plan calls for taller buildings that have a high quality design, materiality, and support a people oriented streetscape. This development conforms with this direction and associated policies within the plan.

Edmonton Design Committee (EDC)

While this rezoning technically qualifies for EDC review as it involves Direct Control zoning and is within the area of EDC's jurisdiction, an exemption to review was granted because there are no changes proposed for the scale, built form or design of the development.

Public Contributions

While City Policy C599 Community Amenity Contributions in Direct Control Provisions normally applies to direct control rezonings, because there is no proposed increase in the total floor area of the development, this application does not meet the criteria for implementation of this policy.

Technical Review

This application does not change development rights and therefore a detailed technical review was not conducted. Potential upgrade requirements for utilities or transportation related infrastructure will be reviewed at the Development Permit stage.

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

Appendices

- 1 DC2 Provision Comparison
- 2 Application Summary

DC2 Provision Comparison

Strikethrough: Proposed deletion from DC2 Provision

Underline: Proposed additions to DC2 Provision

Note: Appendices remains unchanged

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

1. General Purpose

To provide the opportunity for high density mixed-use development that accommodates a wide variety of uses and comprised of pedestrian oriented commercial and high rise residential that contributes to an inviting pedestrian environment and streetscape along 80 Avenue NW, 81 Avenue NW and 105 Street NW.

2. Area of Application

This Provision shall apply to Lots 11-~~21~~8, Block 49, Plan 8163ET and Lot 29, Block 49, Plan 2221770, ~~that is~~ located between 80 Avenue NW and 81 Avenue NW, east of 105 Street NW as shown on Schedule “A” of the Charter Bylaw adopting this Provision, Queen Alexandra.

3. Uses

- 1. ~~Apartment Housing~~
- 2. Bars and Neighbourhood Pubs
- 3. Breweries, Wineries and Distilleries
- 4. Business Support Services
- 5. Child Care Services
- 6. Commercial Schools
- 7. Convenience Retail Stores
- 8. General Retail Stores
- 9. Government Services
- 10. ~~Group Homes~~
- 11. Health Services
- 12. Indoor Participant Recreation Service
- 13. Lodging Houses
- 14. ~~Limited Group Homes~~
- 15. Live Work Units
- 16. Major Home Based Business
- 17. Media Studios

18. ~~Liquor Stores~~ ~~Minor Alcohol Sales~~
19. Minor Home Based Business
20. ~~Multi-unit Housing~~
- ~~20.21. Non-Accessory Parking~~
- ~~21.22. Personal Service Shops~~
- ~~22.23. Professional, Financial and Office Support Services~~
- ~~23.24. Public Libraries and Cultural Exhibits~~
- ~~24.25. Restaurants~~
- ~~25.26. Specialty Food Services~~
27. ~~Supportive Housing~~
- ~~26.28. Residential Sales Centre~~
- ~~27.29. Restaurants~~
30. ~~Vehicle Parking~~
- ~~28.31. Veterinary Services~~
- ~~29.32. Fascia On-premises Signs~~
- ~~30.33. Minor Digital On-Premise Signs~~
- ~~31.34. Projecting On-Premises Signs~~
- ~~32.35. Freestanding On-Premise Sign~~
- ~~33.36. Temporary On-premises Signs~~

4. Development Regulations for Uses

1. General Retail Stores shall be limited to 250 m² of Floor Area per individual business.
2. Restaurants and Specialty Food Services shall be limited to 240 m² of Public Space per individual business.
3. Bars and Neighbourhood Pubs shall be limited to 240 m² of Public Space, and a maximum of one establishment in Area 1 and one establishment in Area 2.
4. Personal Service Shops shall not be developed as Body Rub Centres.

~~Non Accessory Parking shall be limited to 150 vehicular parking spaces which shall only be within an u~~Underground Parking Garage in Area 1.

5. Residential Sales Centres shall be limited to the marketing of the on-Site condominium or rental Dwellings.

5. Development Regulations for Site Layout and Built Form

1. Development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.
2. The maximum Floor Area Ratio for Area 1, as shown on Appendix 1, shall be 4.0.
3. The maximum Floor Area Ratio for Area 2, as shown on Appendix 1, shall be 7.0.
4. The maximum combined Floor Area Ratio within this Provision shall be 5.0.
5. The maximum Height and number of Dwellings for each Area shown on Appendix 1 shall be as follows:

| Location | Maximum Height (Metres) | Maximum number of Dwellings |
|--------------------------------|--------------------------------|------------------------------------|
| Tower A | 60.0 | 180 |
| North-East Building | 12.0 | 10 |
| Tower B | 50.0 | 110 |
| Tower C | 66.0 | 195 |
| Area 1 and 2 (Combined) | -- | 495 |

6. Notwithstanding Section 5.5 of this Provision, no part of the development, including features such as chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers, Solar Collectors or other similar erections, shall cast a shadow past the curb on the north side of 82 (Whyte) Avenue NW between 9:30am and 3:30pm between March 21 and September 21.
7. The Height of the podium for any Tower, including the parapet, shall be between 6.0 m and 12.0 m.
8. Minimum building Setbacks shall be provided as follows:

| Location | Minimum building Setback (metres) |
|-----------------------|--|
| Area 1 (North) | |

| | |
|-------------------------|--------------------------------|
| 81 Avenue NW | 1.0 |
| 105 Street NW | 1.0 |
| South Lane | 1.5 |
| East Lane | 0 |
| Northwest Corner | 4.5 x 4.5 corner cut (chamfer) |
| Area 2 (South) | |
| 80 Avenue NW | 1.0 |
| 105 Street NW | 1.0 |
| North (Lane) | 1.5 |
| East Lot Line | 0 |
| Southwest Corner | 4.5 x 4.5 corner cut (chamfer) |

9. Notwithstanding Section 5.8 of this Provision, portions of the Underground Parkade Parking Garages developed below ground level shall be permitted to be built to the Lot lines provided there is sufficient soil depth maintained below Grade to support any Landscaping above and subject to limitations to reduce impacts on adjacent City boulevard trees in accordance with Section 8.6 of this Provision.
10. The three towers will have a minimum Tower separation distance of 25.0 m.
11. The Towers, including balcony projections, shall have the following minimum Stepbacks from the podium Façade:

| Location | Minimum Required Stepback (metres) |
|-----------------|---|
| Tower A | |
| North | 3.0 |
| South | 3.0 (No Stepback required for eastern portion as shown in Appendix 5) |

| | |
|----------------|---|
| East | 0.0 |
| West | 3.0 |
| Tower B | |
| North | 4.0 |
| South | 3.0 |
| East | 4.0 |
| West | 3.0 |
| Tower C | |
| North | 1.5 (No Stepback required for western portion as shown in Appendix 7) |
| South | 3.0 |
| East | 8.5 |
| West | 0.0 |

12. Towers A, B and C shall be in the form of a podium plus Tower configuration with Towers A and C including a “Mid Tower” and a “Tower Top”.
13. The maximum Floor Plate for Tower B shall be 575 m².
14. The maximum Floor Plate for the Mid Tower portion of Towers A and C shall each be 800 m².
15. The maximum Floor Plate for the Tower Top of Towers A and C shall each be 725 m² and shall be applicable to the portion of the Tower above the following Heights:
 - a. Tower A – 53.0 m
 - b. Tower C – 59.0 m
16. The Tower Top of Tower A shall have a minimum Stepback of 3.0 m from the north part of the Mid Tower Façade facing 81 Avenue NW.

17. The Tower Top of Tower C shall have a minimum Stepback of 3.0 m from the south part of the Mid Tower Façade facing 80 Avenue NW.
18. Amenity Areas:
 - a. Of the total required Amenity Area, a minimum of 200 m² in each of Area 1 and Area 2 shall be provided as outdoor Common Amenity Area in the form of a Rooftop Terrace or patio. The Rooftop Terraces or patios shall be on the podium roofs above the Commercial Floor Area located on the first Storey.
 - b. Of the total required Amenity Area, a minimum of 200 m² in each of Areas 1 and 2 shall be provided as indoor Common Amenity Area.
19. The first phase of development shall be Area 1. The required loading facilities, vehicular and bicycle parking and the mid-block north-south pedestrian corridor for Area 1 shall be developed with this first phase to the satisfaction of the Development Officer.
20. During all phases of construction, at least 20 ~~Vehicle~~~~Non Accessory~~ Parking spaces meant for 24 hour public use shall remain open and available.

6. Development Regulations for Parking and Access, Landscaping, Lighting and Signs

1. Parking and Access
 - a. Vehicular access to the Site shall be from the abutting Lanes.
 - b. All vehicular parking shall be located in an ~~u~~Underground Parking~~ing~~ ~~Garage~~.
 - c. Loading, storage and waste collection areas shall be located within the building. The waste collection areas shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and City Operations (Waste Management).
 - d. Notwithstanding loading space regulations of the Zoning Bylaw, one ~~onff-~~~~sitetreet~~ vehicular loading space shall be provided for each of Area 1 and Area 2.

~~Notwithstanding parking regulations of the Zoning Bylaw, off-street Accessory Vehicular Parking requirements shall be as follows:~~

~~i. For Residential and Residential-Related Uses, the minimum number of visitor parking spaces per Dwelling, Sleeping Unit or Live Work Unit shall be 1 for every 25; and~~

~~ii. There shall be no accessory vehicular parking spaces required for Non-residential and Non-Residential-Related Uses.~~

- e. A total of 150 ~~Vehicle~~Non-Accessory Vehicular Parking spaces for public use shall be provided in Area 1. These parking spaces shall be available for public use 24-hours per day.
- f. Notwithstanding bicycle parking regulations of the Zoning Bylaw, the minimum number of long term Bicycle Parking spaces for Residential Uses shall be 250 and shall be provided in a secure indoor location at ground level within Area 1 that is easily accessible to cyclists and facilitates easy and efficient transportation of bicycles. At least 150 spaces shall be constructed in association with the first Development Permit for a principal building within this Provision.
- g. A minimum of 10 short term Bicycle Parking spaces for visitors shall be provided at ground-level in each of Areas 1 and 2.
- h. Vehicular drop-off zones shall be provided both north and south of the Lane that bisects Areas 1 and 2 integrated with the mid-block pedestrian Walkway as generally shown in Appendix 3.
- i. A public parkade entry structure for pedestrians shall be constructed within the mid-block north-south Walkway (pedestrian corridor). The ground-level access structure shall provide 24 hour public access to non-accessory (public) underground parking and be of a barrier free design. The exterior of the structures shall be mainly comprised of fenestration that is transparent, non-reflective and unobscured. The structure shall be located to provide clear unobstructed pedestrian visibility and accessibility to the satisfaction of the Development Officer.

2. Landscaping

- a. Notwithstanding Landscaping regulations of the Zoning Bylaw, Landscaping shall comply with the following:
 - i. Landscaping within the Site shall consist of hard Landscaping that provides texture and visual interest throughout the year to enhance

the appearance of the development and create comfortable, attractive and sustainable environments;

- ii. The mid-block north-south Walkway (pedestrian corridor) as shown on Appendix 10 shall be hardsurfaced with textured, patterned and continuous materials and designed for people of all ages and during all seasons to the satisfaction of the Development Officer. This space shall include, but not be limited to, public art, hard Landscaping, seating areas, waste bins and/or bicycle facilities. The mid-block Walkway shall contain exterior lighting that enhances the pedestrian experience.
- iii. Building Setbacks at ground level shall be hardsurfaced and integrated with the public Walkway to create Public Amenity Spaces; and
- iv. The Landscape Plan shall show the following details:
 - A. existing and proposed utilities within the road right-of-way;
 - B. off-Site improvements including enhancements to Lanes and the public realm; and
 - C. on-Site and off-Site pavement materials, including colour and pattern, exterior lighting, street furniture elements, pedestrian seating, sizes and species of existing and new plantings.

3. Lighting

- a. 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 accentuate architectural elements and public art, to the satisfaction of the Development Officer.

4. Signs

- a. A Comprehensive Sign Design Plan and Schedule, in accordance with Section 59.3 of the Zoning Bylaw, shall be prepared for the development and submitted with the new building construction Development Permit Applications, to the satisfaction of the Development Officer.

- b. At the time of Development Permit Application, the applicant shall demonstrate visual harmony and the compatibility of the proposed signage with the architectural character and finish of the development and with the design, location and appearance of other signs on the development, to the satisfaction of the Development Officer.
- c. The existing Freestanding “South Scona Parking” Sign, shown in Appendix 11, shall be integrated within the Site.
- d. Section 59, Schedule 59H of the Zoning Bylaw shall apply to the development of Signs within this Provision, unless altered as follows:
 - i. The Height of Fascia On-premises Signs and Projecting On-premises signs shall not extend above the Height of the podium;
 - ii. A Sign may be backlit provided the lettering is translucent, so that only the lettering is backlit with the remainder being opaque;
 - iii. The outward projection of Projecting On-premises Signs from the building wall shall be a maximum of 2.5 m;
 - iv. Projecting On-premises Signs shall have a minimum vertical clearance of 2.4 m;
 - v. The maximum Area of a Projecting On-premises Sign shall be 7.5 m²;
 - vi. Freestanding On-Premises Signs shall be limited to the existing “South Scona Parking” Sign which shall be integrated and installed on the Site; and
 - vii. Temporary On-premises Signs shall not include trailer mounted or signs with changeable copy.

7. Development Regulations for Building Design and Features

1. Building Facades and Entrances

- a. All mechanical and electrical equipment, including surface level venting systems, and transformers, shall be screened in a manner compatible with the architectural character of the building or be concealed by incorporating it

within the building. Ground level vents shall be oriented away from adjacent Sites or on-Site amenity or pedestrian circulation areas.

- b. The Tower Top, including the rooftop mechanical shall contribute to the uniqueness of the building, adding architectural interest and sculpting of the upper portions of the building.
- c. The Tower Tops of each tower shall differ and be unique in architectural appearance from each other. Differences may utilize architectural expression through the use of colour, textures, articulation and material.
- d. Podium Facades shall be designed with detail and articulation to create attractive streetscapes and interfaces by including varying setbacks, building projections and recessions, building material finishes, textures and/or colors to divide the Façade into smaller visual forms vertically and horizontally, to the satisfaction of the Development Officer.
- e. The exterior architectural expression of each podium shall be complementary to, but distinct from, the other podiums using features such as, but not limited to, material colours, texture and fenestration patterns and parapet design, to the satisfaction of the Development Officer.
- f. The Towers shall be finished with high quality and durable materials such as metal, acrylic stucco and glass. The use of vinyl and masonry stucco is prohibited.
- g. The exterior architectural expression of each Tower shall be complementary to, but distinct from, the other Towers by using alternate Façade forms, material ratios and finishing, to the satisfaction of the Development Officer.
- h. Non-Residential and Non-Residential-Related Uses shall be limited to the podiums of the Towers and/or the low scale building in the northeast of the Site.
- i. Ground Storey Non-Residential Uses shall be designed with active frontages and entrances that shall be no greater than 0.3 m above the abutting public sidewalk and shall be universally accessible and oriented to face the public roadway or a Lane.
- j. Non-Residential and Non-Residential-Related Uses shall have pedestrian entrances that are separate from the Residential Uses and shall not be developed above the lowest Storey.

k. Live Work Units shall have individual entrances at ground level.

2. Pedestrian Orientation

a. The podium Facades that face 80 Avenue NW, 81 Avenue NW, 105 Street NW, the most northerly and southerly 4.5 m of the mid-block north-south Walkway (pedestrian corridor) and the most westerly 4.5 m of the east-west Lane shall develop active commercial frontages that comply with the following:

- i. The Podium shall emphasise the use of traditional materials such as brick, pressed metal and/or stone. The brick shall be the predominant cladding material (more than 50% of the exterior cladding excluding the windows and entrances);
- ii. Blank walls or non-transparent segments shall not exceed 4.5 m in linear frontage and a minimum of 65% of the total linear frontage of the podium Façade shall consist of fenestration. Linear frontage shall be measured as the horizontal plane at 1.5 m above Grade. The fenestration shall be comprised of transparent, non-reflective and unobscured glazing;
- iii. Window placement shall allow viewing into the building to provide a positive pedestrian oriented shopping street;
- iv. The overall architectural composition, including distinct vertical and horizontal bands, design details and features, shall generally reflect the urban fabric and character of the Old Strathcona heritage area; and
- v. No individual Use shall occupy more than 12.0 m of linear frontage facing any single public roadway. Linear frontage shall be measured as the horizontal plane at 1.5 m above the ground level of the abutting public lands.

b. The podium Façades that face onto the mid-block Walkway (pedestrian corridor) shall contain a minimum linear frontage of 50% of transparent, non-reflective and unobscured glazing. Linear frontage shall be measured as the horizontal plane 1.5 m above the ground level of the abutting public lands.

8. Other Regulations

1. Prior to the issuance of a Development Permit for any buildings greater than 20.0 m in Height, a Wind Impact ~~Assessment Study~~ shall be prepared by a qualified, registered Professional Engineer in accordance with Section 14 of the Zoning Bylaw and shall be to the satisfaction of the Development Officer. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting both on and off Site, consistent with the recommendations of the Wind Impact ~~Assessment Study~~.
2. Prior to the issuance of a Development Permit for any buildings greater than 20.0 m in Height, a Sun Shadow Impact Study shall be prepared in accordance with Section 14 of the Zoning Bylaw and shall be to the satisfaction of the Development Officer. The Sun Shadow Study shall confirm that no shadow is cast past the curb on the north side of 82 (Whyte) Avenue NW between 9:30am and 3:30pm between March 21 and September 21 in accordance with Section 5.6 this Provision.
3. Prior to the issuance of a Development Permit for construction of a principal building, a Crime Prevention Through Environmental Design (CPTED) Assessment shall be provided to the satisfaction of the Development Officer to ensure the development provides a safe urban environment in accordance with the Guidelines for a Safer City (City of Edmonton 1995).
4. The buildings and development shall be designed to meet the requirements of the Green Building Rating System LEEDTM v4 to achieve a minimum LEED Silver standard, although the applicant/owner is not required to obtain LEED certification. Upon submission of a Development Permit application, the applicant must submit a detailed report, endorsed by a registered Engineer/Architect, on how the LEED Silver points will be achieved. Upon completion of the building/development, the applicant/owner shall provide a report by a registered Engineer/Architect that the building/development meets the target LEED Silver points described in the aforementioned approved report.
5. Built form, public realm interfaces, streetscape elements and pedestrian connections shall consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development conforms to these guidelines shall be submitted with each Development Permit for a principal building, to the satisfaction of the Development Officer.
6. An arborist report and tree preservation plan, to the satisfaction of the Development Officer in consultation with ~~City Operations~~ (Urban Forestry), shall be submitted with the Development Permit application to determine the impact of the proposed

development, including excavation and construction, on the existing boulevard trees along 80 Avenue NW, 81 Avenue NW and 105 Street NW. If required by the Development Officer, an air spading tool shall be used to determine the amount and size of roots that may need to be cut for the parkade foundation wall. If:

- a. the arborist report indicates that the development will unduly compromise the ongoing viability and health of a tree or trees, each tree shall be removed and replaced by a new tree ~~within~~ an enhanced growing medium at the cost of the owner; or
 - b. the arborist report indicates that the development will not unduly compromise the ongoing viability and health of a tree or trees, each tree shall be retained and protected as per the City of Edmonton's Corporate Tree Management Policy C456CA to the satisfaction of the Development Officer in consultation with City Operations (Urban Forestry).
7. 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 or applicant~~ does not obtain a valid Development Permit and Building Permit ~~for and commence construction of~~ a principal building in Area 1, ~~under valid Development Permits,~~ within 3 years of the passage of the Charter Bylaw adopting this Provision, development of Area 1 of the Site shall be in accordance with this Provision, except that:
- a. the maximum Height shall be 14.5 m; and
 - b. the maximum Floor Area Ratio shall be 2.0.
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 or applicant~~ does not obtain a valid Development Permit and Building Permit ~~for and commence construction of~~ a principal building in Area 2, ~~under valid Development Permits,~~ within 7 years of the passage of the Charter Bylaw adopting this Provision, development of Area 2 of the Site shall be in accordance with this Provision, except that:
- a. the maximum Height shall be 14.5 m; and
 - b. the maximum Floor Area Ratio shall be 2.0.
9. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage in any Area, pursuant to Sections 11.2

and 14.9 of the Zoning Bylaw, additional Environmental Site Assessment work, an Environmental Risk Management Plan and Remedial Action Plan, as required by the Development Officer, shall be submitted and reviewed to the satisfaction of the Development Officer. The Development Officer, in consultation with the Planning Coordination (Environmental Planner), shall also impose any conditions necessary to ensure that the Site is suitable for the full range of Uses contemplated in the Development Permit application.

10. Prior to issuance of a Development Permit an easement, in favour of the City of Edmonton, shall be registered on title to address waste collection vehicle turning movements. The easement area shall be located on the southeast corner of Area 1, in the configuration of a triangular 3.0 m x 3.0 m corner cut, and shall remain unobstructed and hardsurfaced.

9. Public Improvements and Amenity Contributions

1. A mid-block north south Walkway (pedestrian corridor) shall be constructed connecting 80 Avenue NW and 81 Avenue NW, as generally shown in Appendix 3. The portion of the connection in each of Areas 1 and 2 shall be constructed with the development of the first Development Permit for a principal building in the Area. The connection shall be a minimum of 10.0 m in width and be openly accessible to the public at all times through the registration of a 24 hour Public Access Easement in favour of the City of Edmonton which shall be a condition of the said Development Permit.
2. A minimum total of 10 Dwellings in each of Area 1 and Area 2 for a minimum total of 20 Dwellings, shall ~~be designed to be suitable for families by meeting~~ the following criteria:
 - a. The Dwelling has at least three bedrooms;
 - b. The Dwelling has direct access to a private outdoor Amenity Area, in the form of a balcony or patio of at least 10 m²;
 - c. The Dwelling shall have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling;
 - d. The Dwelling has access to a minimum of 2 bicycle parking spaces; and
 - e. At least 50% of the 20 Dwellings shall be in the lower 6 Storeys of a building.

3. As a condition of a Development Permit, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements to enhance the development and surrounding public right-of-way. The owner shall provide detailed engineering and Landscaping drawings with detailed costing to the satisfaction of the Development Officer, in consultation with Subdivision and Development Coordination (Transportation), City Operations (Parks and Road Services and Waste Services) and Integrated Infrastructure Services. The Agreement shall include an engineering drawing review, phasing plan, and approval process. Improvements shall be constructed at the owner's cost and shall include the following:
 - a. Reconstruction of the north-south Lane, between 81 Avenue NW and the east-west Lane south of 81 Avenue, to a commercial alley standard. This reconstruction shall be a condition of the Development Permit for the first principal building within Area 2.
 - b. Reconstruction of the east-west Lane, between 105 Street NW and the north-south Lane to the east of the Site, to a commercial alley standard, and including construction of a commercial crossing on 105 Street NW. This reconstruction shall be a condition of the Development Permit for the first principal building within Area 1.
 - c. An enhanced pedestrian crossing and vehicle drop-off zones on the east-west Lane to provide a connection between Area 1 and Area 2 as part of the north-south mid-block Walkway (pedestrian corridor) in general conformance with Appendix 3. Improvements may include, but shall not be limited to provision of enhanced paving materials, new curb, sidewalk, street lighting and street furniture. This improvement shall be a condition of the Development Permit for the first principal building within Area 2.
 - d. Two new marked pedestrian crossings extending across 105 Street NW and 81 Avenue NW from the northwest corner of the Site to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and Parks and Roads Services (Traffic Safety). These crossings may include, but shall not be limited to enhanced materials such as stamped asphalt, signage and pavement markings, to assist with the safe and efficient movement of pedestrians. These improvements shall be a condition of the Development Permit for the first principal building within Area 1.
 - e. A new marked pedestrian crossing on 80 Avenue NW generally in line with the north-south mid-block Walkway (pedestrian corridor), to the satisfaction

of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and Parks and Roads Services (Traffic Safety). This improvement shall be a condition of the Development Permit for the first principal building within Area 2.

- f. Improvements to the southern portion of 81 Avenue NW, the northern portion of 80 Avenue NW and the eastern portion of 105 Street NW with the first Development Permit for a principal building within Area 1. Improvements shall include:
 - i. the planting of a minimum of 13 new trees within enhanced growing mediums ;
 - ii. a minimum of a 3.0 m wide pedestrian through zone; and
 - iii. other improvements to create a high quality pedestrian oriented public realm such as, but not limited to, the provision of new curb and curb extensions, sidewalks, street lighting, and furniture.
 - g. Repair of any damage resulting from construction of the development to the abutting roadways, sidewalks, street furniture, and/or boulevard, including Lanes not directly adjacent to the Site but which may be used for construction purposes, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). The site must be inspected by the City prior to the start of the construction and once again when construction is complete.
4. Prior to the issuance of a Development Permit for each principal building, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a contribution of \$2.00/m² of Floor Area of the proposed development toward the acquisition of public art. The funds shall be submitted to the City prior to the issuance of a Development Permit. The following shall apply to this contribution with further details contained in the said agreement:
- a. The owner shall provide details of the Public Art Plan including location, specifications, lighting and costs, to the satisfaction of the Development Officer;
 - b. Artwork(s) shall be located on or within private property and shall be in locations that are publicly visible to the satisfaction of the Development Officer;

- c. Artworks shall be commissioned or purchased by the owner and all costs and procedures related to the procurement of the artworks, operation and future maintenance shall be the responsibility of the owner;
 - d. Upon completion of the development, the owner shall demonstrate, to the satisfaction of the Development Officer, that the art has been installed or is placed in accordance with the approved Public Art Plan; and
 - e. If a Development Permit application has not been made within five (5) years of the date of this Charter Bylaw approval, this contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.
 - f. With phasing of the overall development, the contributions may be held and pooled until creation and installation of the art required in connection with the final development permit for a principal building within Area 2.
 - g. In the event that ~~development construction~~ does not meet the timeline laid out in Section 8.8 of this Provision, any contributions received by the date specified in Section 8.8 shall be used towards the acquisition, creation and installation of public art in Area 1.
5. Prior to the issuance of each Development Permit for construction of a principal building, the developer shall enter into an agreement to contribute a minimum of \$5.00/m² of Floor Area towards an off-Site public amenity such as, or any combination of, a community fitness facility, community garden, and/or other amenity or other parks or open spaces within the boundaries of the Queen Alexandra neighbourhood. The funds shall be submitted to the City prior to the issuance of the Development Permit and be disbursed by the City according to a separate agreement between the City and the Queen Alexandra Community League. More specific agreement details shall be determined at the Development Permit stage between the owner and the City, in consultation with the Queen Alexandra Community League. Notwithstanding the above, if a Development Permit application has not been made within five (5) years of the date of this Charter Bylaw approval, this contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.
6. Prior to the issuance of a development permit for:
 - a. a building that contains 12 or more Dwelling units; or

- b. a building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;

the Development Officer shall ensure a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of each development permit approval, the option to purchase up to 5% of the proposed number of Dwelling units (rounded to the nearest Dwelling unit) in each building with Dwelling units, at 85% of market value or the equivalent value as cash in lieu (at the discretion of the owner) to the City. This agreement shall be written to become null and void if unitization of Dwelling units does not occur within 5 years of issuance of the Occupancy Permit for each building.

Application Summary

Information

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| Application Type: | Rezoning |
| Charter Bylaw: | 20506 |
| Location: | East of 105 Street NW, between 80 Avenue NW and 81 Avenue NW |
| Addresses: | 10440 - 80 Avenue NW 10455 - 81 Avenue NW |
| Legal Descriptions: | Lot 29, Block 49, Plan 2221770 Lots 11-18, Block 49, Plan 8163ET |
| Site Area: | 0.87 hectares |
| Neighbourhood: | Queen Alexandra |
| Ward: | papastew |
| Notified Community Organization(s): | Queen Alexandra Community League Central Area Council of Community Leagues Old Strathcona Business Association |
| Applicant: | NORR |

Planning Framework

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|---|---|
| Current Zone(s) and Overlay(s): | (DC2.1077) Site Specific Development Control Provision Whyte Avenue Commercial Overlay |
| Proposed Zone(s) and Overlay(s): | (DC2) Site Specific Development Control Provision Whyte Avenue Commercial Overlay |
| Plan in Effect: | Strathcona Area Redevelopment Plan |
| Historic Status: | None |

Written By:

Approved By:

Branch:

Section:

Andrew Mclellan

Tim Ford

Development Services

Planning Coordination