

**ATTACHMENT 2  
BYLAW 17398  
BYLAW 17399  
LDA15-0207  
STRATHCONA**

**DESCRIPTION:** AMENDMENT TO THE STRATHCONA AREA  
REDEVELOPMENT PLAN

ZONING BYLAW AMENDMENT from (RF5) Row Housing  
Zone to (DC2) Site Specific Development Control Provision,  
STRATHCONA.

**LOCATION:** 10125 – 84 Avenue NW

**LEGAL  
DESCRIPTION:** Lot 33, Block 78, Plan 1523194

**APPLICANT:** Kennedy Architecture  
10434 – 122 Street NW  
Edmonton AB T5N 1M3

**OWNERS:** Lockeford Construction Ltd.  
322, 9440 - 202 Street  
Langley, BC V1M 4A6

**ACCEPTANCE OF  
APPLICATION:** May 6, 2015

**EXISTING  
DEVELOPMENT:** Four (4) Single Detached Houses

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**SUSTAINABLE  
DEVELOPMENT'S  
RECOMMENDATION:** That Bylaw17398 to amend Strathcona Area Redevelopment Plan  
be APPROVED.

That Bylaw 17399 to amend the Zoning Bylaw from (RF5) Row  
Housing Zone to (DC2) Site Specific Development Control  
Provision be APPROVED.

## **DISCUSSION**

### **1. The Application**

This report pertains to two related Bylaws for the subject site located in the Strathcona neighborhood.

The first component, Bylaw 17398 proposes to amend the Strathcona Area Redevelopment Plan, as it applies to the subject site. The proposed amendments will change two policies within the Plan that currently prevent rezonings that increase density and limit height of apartment buildings to 3 storeys.

The second component, Bylaw 17399 proposes to rezone the subject site from the (RF5) Row Housing Zone and Mature Neighbourhood Overlay to a (DC2) Site Specific Development Control Provision. The proposed DC2 Provision provides the opportunity for an Apartment Housing development 16 metres (4 storeys) in height with regulations designed to ensure it is compatible in scale and character with the surrounding neighbourhood.

### **2. Background and Previous Council Motion**

This application was initially considered by Council at the October 19, 2015 Public Hearing. At that Public Hearing, Council passed the following motion:

“That Bylaws 17398 and 17399 be referred back to Administration to work with the applicant and the community to consider row housing forms for this parcel.”

In response to this motion, Sustainable Development worked with the applicant to consider Row Housing forms. This included research and analysis of Row Housing, Stacked Row Housing and different configurations of each on the site. An Open House was also held to share different types of Row Housing forms with the community and get feedback.

After completing this analysis and public consultation, the applicant decided to bring their application back to Council and continue to pursue an Apartment Housing built form but have made targeted revisions to the proposed DC2 Provision. These revisions were designed to enhance the quality of the Apartment Housing development and address certain areas of concern identified by Council, the community and Sustainable Development. A full comparison of the previously proposed DC2 Provision and the revised DC2 Provision is found as an appendix to this report. Key highlights of the changes include:

- deletion of Commercial Uses;

- decrease of the maximum number of Dwellings from 42 to 36;
- decrease in the maximum Floor Area Ratio from 2.5 to 2.2;
- increase in corner Stepbacks from 3 to 4 metres;
- addition of a communal rooftop Amenity Area;
- addition of a contribution to inclusionary, affordable housing in accordance with City Policy C582;
- enhancement of bicycle parking facilities; and
- addition or enhancement of various regulations related to landscaping, separation space, privacy zones, amenity areas, built form and design to better address issues of privacy, noise, lighting and interaction with the public realm.

### **3. Site and Surrounding Area**

The subject site is located between 100 Street NW and 101 Street NW, on the south side of 84 Avenue NW, a collector road, in the Mixed Low and Medium Density Residential Area of the Strathcona neighborhood. The site currently has four single detached houses on it.

A half block to the west lies the gravel surface parking lot for the Old Strathcona Farmer's Market and two blocks to the south is the Whyte Avenue commercial corridor.

Properties to the north, across 84 Avenue NW, are zoned (RA7) Low Rise Apartment Zone and consist of two low rise apartment developments of 3 and 4 storeys respectively.

Abutting the site, to the west, is the (RF5) Row Housing Zone consisting of a 4 storey low rise Apartment Housing development and its accessory surface parking lot.

Abutting the site, to the east, is the (RF5) Row Housing Zone containing single detached housing.

Properties to the south, across the rear lane, are zoned (RA7) Low Rise Apartment Zone and (RF5) Row Housing Zone and developed as a combination of single detached housing and a 3 storey low rise Apartment Housing development.

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*Figure 1 – Subject Site looking southeast from 84<sup>th</sup> Avenue.*



*Figure 2 – Subject Site looking southwest from 84<sup>th</sup> Avenue*

## **ANALYSIS**

### **1. Analysis of Row Housing Forms**

To respond to the Council motion, Sustainable Development encouraged the applicant to undertake a comparison of various types of Row Housing forms on their site with their originally proposed Apartment Housing development.

The applicant has indicated that they mainly focused on Stacked Row Housing forms because a typical, single level, linear Row Housing form would not result in a unit count or a unit size that would be marketable in Edmonton, according to their analysis.

Their Stacked Row Housing analysis considered a variety of forms including a site orientation with an internal courtyard, a linear form along the avenue and a form with an elevated walkway. All forms analyzed were assuming a certain unit count which the applicant felt was required in order for the development to be considered financially viable and that would result in marketable units while also being able to provide underground parking.

The Stacked Row Housing concepts presented resulted in a number of features that the applicant felt were not desirable for either potential residents or adjacent sites, including:

- smaller Setbacks and Stepbacks;
- reduced landscaping and quality materials; and
- safety and security concerns with internal courtyard and external staircases.

Sustainable Development cannot comment on whether the unit count that the applicant has indicated they require is accurate in order for the development to be economically feasible. However, if the assumption is made that it is, Sustainable Development agrees that getting that number of units on this site is more desirable in an Apartment Housing form. This form results in more efficient, safe use of the land with better transitions to adjacent properties in a manner that better addresses privacy and has more desirable architecture and urban design features.

If 36 dwellings are to be considered for this site, Sustainable Development recommends an appropriately designed Apartment Housing form.

## **2. Compliance with Approved Plans and Policies**

### City of Edmonton Municipal Development Plan – *The Way We Grow*

This application is in accordance with *The Way We Grow* policies that support low rise residential infill in mature neighbourhoods, including:

- supporting redevelopment and residential infill that contribute to the livability and adaptability of established neighbourhoods (Policy 3.5.1.1);
- Optimizing the use of existing infrastructure in established neighbourhoods (Policy 4.2.1.6);
- Encouraging new development and infill redevelopment to incorporate affordable housing that is visually indistinguishable from market housing (Policy 4.5.1.2); and
- Requiring development to fit with the existing and planned neighbourhood context, to respect the scale, form, massing, style and materials of the neighbourhoods and to incorporate other design elements that create a transition between the new development and the existing neighbourhood (Policy 5.2.1.1).

### Strathcona Area Redevelopment Plan

The subject site is located within *Sub Area 2 – Mixed Low and Medium Density Residential Area* of the Strathcona ARP. This application proposes to amend two policies related to residential development within this sub area. These are:

- Chapter 3, Section – Mixed Low and Medium Density Residential Area, Policy 1: “Properties that are developed for low density residential use will retain their current zoning, and redevelopment for single family dwellings will be encouraged”; and
- Chapter 3, Section – Mixed Low and Medium Density Residential Area, Policy 4.a: “Future apartment development will be sensitive to the scale of adjoining single family development and reflect the interesting qualities and character of the street cape that is currently present in the community. This will be achieved by reducing the height of apartments to 3 storeys, including habitable basement development”.

Collectively, these policies are designed to preserve a mixture of residential uses, accommodating the apartments that already exist, and maintaining single family and low density residential development, so that a variety of housing can continue to be provided in the area.

This application proposes to except this specific site from the application of the above policies. In evaluating proposed amendments such as this, Sustainable Development analyzes whether the policies and objectives being excepted are offset by the overall proposal being supportive of other policies or objectives and the overall intent of the plan. The proposed DC2 Provision is supportive of the following:

- Chapter 3, Section – Mixed Low and Medium Density Residential Area, Policy 4.b,c & d: “Future apartment development will be sensitive to the scale of adjoining single family development and reflect the interesting qualities and character of the street cape that is currently present in the community. This will be achieved by requiring articulation of the front facade and regular placement of front entrances, reducing side yard requirements to provide a pattern of breaks in development that is more consistent with single family housing, and accommodating features at the first storey level to create interest on the street and reduce the appearance of height and”.

The analysis indicates that the proposed DC2 Provision would allow a height that is not supported by the ARP by one storey, however, the proposed Apartment Housing building does meet the design policies associated with Apartment Housing for the sub area.

The policy that restricts any parcel in the sub area currently developed as low density from being rezoned to any other zone is considered too restrictive for this site context. This policy does not recognize the ability of a customized DC2 Provision to ensure development that is of a higher density is compatible and sensitive to surrounding low density development and also that it can help achieve some of the same goals that preserving Single Family Housing does. For example, there are currently 4 single family houses on site that the ARP wishes to maintain but the proposed DC2 Provision would require the inclusion of 7 family oriented dwellings. Therefore, there is actually more opportunity for families to be housed within the proposed DC2 Provision than in the current development context.

Therefore, it is concluded that the proposed DC2 Provision is, overall, supportive of the intent behind the policies of the ARP.

#### Residential Infill Guidelines

The proposed DC2 Provision has been evaluated relative to the RIG chapter for Low Rise Apartments. The proposed DC2 Provision meets the following guidelines:

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- The building should have direct access to a lane from which parking can be accessed – all parking is accessed from the rear lane of the site;
- The maximum height of a Low Rise Apartment should be four storeys – the proposed DC2 Provision allows for 16 metres in height which is approximately 4 storeys;
- To minimize visual impact on and maximize integration with the existing neighbourhood, Low Rise Apartments should incorporate fundamental design elements, proportions, and character found within the neighbourhood and be constructed with durable, quality materials similar or complimentary to those found within the neighbourhood – The proposed DC2 Provision includes regulations that address the use of high quality materials and compatible design;
- To optimize access to sunlight on adjacent properties, where a Low Rise Apartment building is proposed adjacent to a Single Detached Dwelling, the building mass should be stepped back or articulated or the side yards should be increased – The proposed DC2 Provision requires 4 metre by 4 metre stepbacks at the corners of the building to assist in sunlight penetration, however, the side yard is not increased from the standard amount expected;
- The privacy of adjacent dwellings should be maintained by minimizing overlook from the building through setbacks and articulation of the building and careful placement of windows, balconies, entrances and amenity areas – The proposed DC2 Provision includes regulations that require articulation and careful placement of the features listed;
- The building should front onto a street – The proposed DC2 Provision requires the building to front 84 Avenue NW;
- The majority of ground level units with street frontage should have individual entrances that front onto a street. All other units should be accessed through a front entrance hall fronting onto a street – The proposed DC2 Provision requires private exterior entrances that front 84 Avenue NW for all ground level units;
- The maximum building length of Low Rise Apartments should be no more than 48 metres, permitting views through the site and limiting building mass along the block face – The subject site is only 40 metres wide, the proposed DC2 Provision requires the building to be no more than 34 metres wide due to required setbacks;
- The site should be landscaped in accordance with an approved Landscape Plan which provides for a high standard of landscaping on the site – The Proposed DC2 Provision requires the submission of a detailed landscape plan;



- The Landscape Plan should include an assessment of mature trees on site, provide for the retention of mature trees to the greatest extent possible, incorporate the design and planting of public sidewalk and boulevard areas adjacent to the site and illustrate the landscaping of yards and common outdoor amenity areas – The Proposed DC2 Provision includes regulations to address these items including requiring the retention of mature trees;
- Common outdoor amenity space for residents which is suitable to serve the needs of families with children, and where there is surveillance and weather protection should be provided – The proposed DC2 Provision requires a rooftop amenity area on the building that includes a durable playground surface area for children;
- Sufficient onsite parking should be provided for all units as required by the Zoning Bylaw – The proposed DC2 Provision proposes to meet all Zoning Bylaw requirements; and
- All parking should be accessed from the adjacent lane – The proposed DC2 Provision requires all parking to be accessed from the rear lane.

The subject site does not meet any of the above locational guidelines.

- Low Rise Apartment infill developments may be located in the following areas:
  - On corner sites on the edge of the neighbourhood where the block face fronts onto an arterial or service road;
  - On existing regional or community level shopping centre sites;
  - On sites adjacent to neighbourhood commercial centres where the block face fronts onto an arterial or service road;
  - Along the full length of old commercial strips;
  - On Large Sites within mature neighbourhoods for which comprehensive plans have been prepared; or
  - On high frequency transit corridors as identified in the Transportation Master Plan.
- On sites abutting a Single Detached, Semi Detached or Row Housing zone, the height of the building adjacent to the side yard should be stepped down to the maximum height permitted in the adjacent zone – the height of the proposed building adjacent to the side yard (16 metres) is greater than the height allowed in the abutting (RF5) Row Housing Zone (8.6 metres), however there are 4 metre by 4 metre setbacks at the corners of the proposed building above the 2<sup>nd</sup> storey;
- Building facades should be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to create visual interest. The building

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façade should be punctuated at a maximum of eight metres along the building frontage with an indentation no less than two metres wide and two metres deep; and at the primary street entrance to the building with an indentation of no less than two metres wide and two metres deep – The Proposed DC2 Provision includes a variety of articulation along the facades of the building that reduce the appearance of building bulk and create visual interest, however, not exactly in accordance with these specific dimensions. There are punctuations at least every 8 metres but they vary in depth from approximately 1 metre to 1.7 metres; and

- All units should have access to outdoor, ground level amenity space – The Proposed DC2 Provision only requires the ground level units to have ground level amenity space, however, it also requires rooftop outdoor amenity space.

Aside from not meeting the locational guidelines for Low Rise Apartment infill, the majority of site layout and building design guidelines are met. Given that the site is within an area with many other Low Rise Apartment developments and the proposed DC2 Provision includes considerable regulations to address issues of transition and massing, the application is determined to adequately support the intent of the guidelines of ensuring sensitive, compatible infill.

### **3. Land Use Compatibility**

The site is located on the south side of 84 Avenue NW, between 102 Street NW and 101 Street NW. The site is located in an area where there is a variety of zones that are designed to provide opportunities for a variety of multi dwelling forms including Apartment Housing and Row Housing. The site is mostly surrounded by land zoned (RA7) Low Rise Apartment Zone, to the north, west and south and is at the very edge of an area zoned (RF5) Row Housing Zone. As such, the Apartment Housing form proposed by the DC2 Provision is compatible with the zoning in the surrounding area. It should also be noted that the DC2 Provision does retain the option for Row Housing development, to be developed in accordance with the (RF5) Row Housing Zone.

The abutting (RF5) Row Housing Zone is developed currently as Single Detached Housing so the transition to the east of the subject site is of primary importance. The proposed DC2 Provision strives to provide a transition from the (RA7) Low Rise Apartment Zone, to the west and the (RF5) Row Housing Zone to the east and be compatible within the neighbourhood context through a variety of measures, including:

- enhanced landscaping including retention of the large mature trees on the site's eastern edge;
- regulations requiring elements of the development and of individual dwellings such as windows, doors, balconies and Private Outdoor Amenity Areas to be sited, oriented and designed to minimize their impact on adjacent dwellings,

considering such things as sunlight, ventilation, noise, visual privacy, shadowing and views;

- reduction of separation space requirements to recognize the constraints of an infill site but only in certain controlled contexts with most requirements for separation space and privacy zones maintained;
- enhanced building articulation including a 4 metre by 4 metre stepback above the 2nd storey at the corners of the building that allows sun penetration into abutting sites;
- screening of any rooftop mechanical equipment; and
- respecting the settlement pattern of the block with front door entries, landscaped front yards, vehicular access and parking in the rear and breaking up the massing of the façade into distinguishable sections.

A comparison of key aspects of the existing and proposed zones is below in Table 1.

<b>Table 1: Zoning Comparison</b>			
	<b>Proposed DC2</b>	<b>Existing RF5</b>	<b>Mature Neighborhood Overlay</b>
<b>Height</b>	16.0 metres	10.0 metres	8.6 Metres
<b>Front Setback</b>	6.0 metres	6.0 metres	Based on the Block Face Average
<b>Rear Setback</b>	7.5 metres	7.5 metres	16.0 metres
<b>Side Setbacks</b>	3.0 – 4.0 metres	1.2 metres	3.0 metres

Medium Scale Residential Infill Overlay (MSRIO)

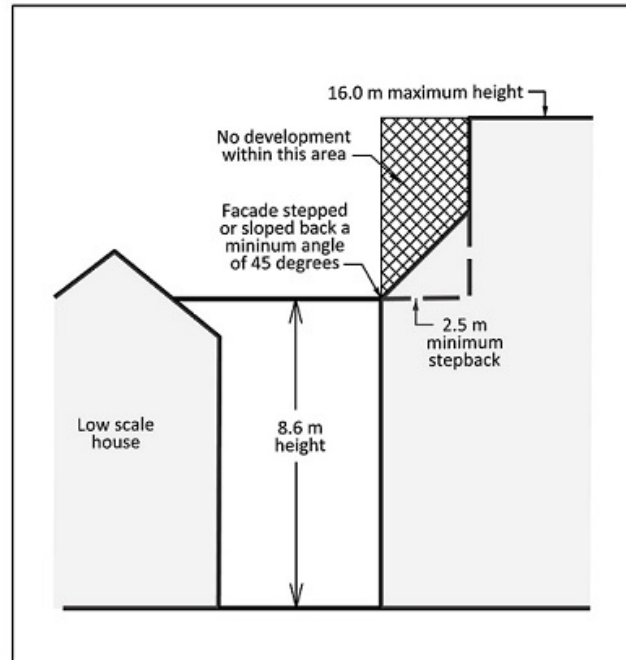
While this overlay does not apply to Development Permits within DC2 Provisions, it would apply to Development Permits for infill Apartment Housing buildings within standard zones in this area. As such, it is of value to compare the requirements of the DC2 Provision to the requirements of this overlay. Table 2 shows a comparison of key aspects of the DC2 Provision and MSRIO.

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	<b>Proposed DC2</b>	<b>MSRIO</b>
<b>Height</b>	16.0 metres	14.5 metres (for flat roofs)
<b>Front Setback</b>	6.0 metres	6.5 metres – 8.5 metres
<b>Rear Setback</b>	7.5 metres	Underlying zone
<b>Side Setbacks</b>	3.0 – 4.0 metres	3.0 metres

One of the most relevant requirements of the MSRIO is that if a building exceeds 8.6 m in Height abutting a property within the RF5 Zone (applicable to this site) a minimum Setback of 7.5 metres is required but can be reduced to 3.0 metres where the proposed façade is a flanking or end wall and where an acceptable landscaped buffer is provided. The proposed DC2 Provision requires a Setback of between 3.0 metres and 4.0 metres and also requires the retention of existing mature trees which will provide significant landscaping within this setback. The façade is the end wall of the building and there are regulations designed to ensure the placement and type of windows on this façade do not negatively affect the privacy of the abutting site. It is concluded that the DC2 Provision adequately addresses the intent of the MSRIO for this site context.

Another feature of the MSRIO is that along the façade facing the abutting site in the (RF5) Row Housing Zone, at a maximum height of 8.6 m the directly adjacent façade shall be stepped or sloped back at a minimum angle of 45 degrees from the vertical plane for a minimum horizontal distance of 2.5 m to optimize access to sunlight, increase privacy and otherwise provide for an appropriate transition to the abutting property. This is illustrated in Figure 3 below which is found in the MSRIO. The proposed DC2 Provision requires a 4 metre Stepback but only at the corners of the building. This means that the majority of the façade would not have this type of Stepback for the upper storeys. As mentioned previously, privacy is dealt with through regulations designed to ensure the placement and type of windows on this façade and the 4 metre corner Stepbacks will allow greater sunlight penetration into portions of the abutting site than required by the MSRIO but not the entire site.



*Figure 3: Visual illustration of MSRIO regulations*

Given the mix of adjacent low and medium density housing forms, the proposed DC2 Provision would allow for a form that is compatible with both the adjacent Apartment Housing and Single Detached Housing forms as well as any future development allowed within the both the surrounding (RA7) Low Rise Apartment Zone and (RF5) Row Housing Zone.

#### **4. Public Amenity Contributions**

The proposed DC2 Provision requires (7) Family Oriented Dwellings to be within the development and also contributes 15% of dwellings to be used for inclusionary, affordable housing in accordance with City Policy C582.

#### **5. Parking and Traffic**

The proposed DC2 Provision meets the parking requirements of the Zoning Bylaw for required vehicular parking spaces including visitor parking spaces. Parking will be provided both underground and at-grade behind the proposed building and all parking is accessed from the rear lane.

#### **6. Civic Departments and Utility Agencies**

Drainage Services, EPCOR Distribution & Transmission, ATCO Gas, TELUS and EPCOR Water Services expressed no concerns regarding this application but all advised

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that any requirement for modification, relocation, and/or removal of existing facilities will be at the land owner/developer's expense, and would be dealt with at the development permit stage. TELUS also advised that a right-of-way easement will be required through a portion of the site.

Comments from other Civic Departments and utility agencies have been addressed.

## **7. Public Consultation**

### Initial Application

On March 24, 2015, the applicant sent a pre-application notification letter to surrounding property owners as well as the President of Strathcona Community League.

On May 22, 2015, Sustainable Development sent an advanced notice to surrounding property owners as well as the President of Strathcona Community League.

On August 21, 2015, Sustainable Development held a Public Meeting regarding this application. This meeting was attended by 16 people 5 of whom completed questionnaire and feedback forms. Feedback received on these forms expressed the following concerns:

- Front Setback does not appear to be respecting the average block face;
- Would rather see Row Housing or houses, not apartment buildings;
- Impact of shadow from building on surrounding properties;
- Do not want more studio and one bedroom units as we want to encourage families to be in the neighbourhood; and
- Increased amount of vehicular traffic and the impact this will have on road conditions.

Sustainable Development staff also noted the following discussion items and themes from the meeting in addition to those that were raised through the feedback forms:

- ARP should be protected;
- not enough Off-Site Improvements being provided; and
- front benches and trash enclosure would attract homeless people.

Comments for recommended improvements include:

- moving the trash enclosure and transformer further west on the site;
- retaining existing mature trees on eastern property line; and
- removing “pocket parks” in the front of the development.

In response to the feedback received, the applicant revised their application by:

- relocating the trash enclosure further to the west of the site;
- creating individual pedestrian oriented entrances for the ground level apartment dwellings; and
- removing the “Pocket Parks”.

#### Revised Application

After the initial application was considered by Council and the motion to consider Row Housing forms for the site was passed, an Open House was held on February 23, 2016 that was specifically designed to discuss this topic. The Open House presented a comparison of the original application alongside various configurations of Row Housing and Stacked Row Housing forms as well as a revised/enhanced Apartment Housing form. Both Sustainable Development staff and the applicant were present explore Row Housing forms with the community.

This Open House was attended by 15 people, 6 of whom completed questionnaire and feedback forms. Participants were asked about their preferences between the various development forms and the following responses were received:

- 4 of 6 expressed a preference between the forms, 2 of 6 indicated they disliked all the forms equally;
- Of those that had a preference between forms, 3 most preferred some sort of Row Housing form and 1 most preferred the revised/enhanced Apartment Housing form;
- Of those that had a preference between forms, 1 least preferred some sort of Row Housing form and 3 least preferred the original Apartment Housing form;
- 5 of 6 indicated a preference between the various Row Housing forms; and

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- Of those that had a preference between Row Housing forms, 3 most preferred a Stacked Row Housing development with an interior courtyard and 2 most preferred one row of linear Row Housing along the avenue.

Other comments received at the open house included:

- Opinion that the applicant should have to stick with all current ARP policies;
- Desire to have more detailed design drawings of all the concepts presented;
- Opinion that all options were not going to be affordable for most people and were directed toward a very upscale market;
- Opinion that the discussion about Row Housing forms was disingenuous in that the applicant seemed to have already decided they were going to go back to council with an Apartment Housing form; and
- Opinion that the height and density of Apartment Housing forms are too much for the area.

There was also one person who contacted Sustainable Development just prior to the open house but did not attend the open house. They indicated that they were in support of the original proposal for Apartment Housing as it would help raise density in the neighbourhood.

In response to the feedback received as well as Sustainable Development input, the applicant made revisions to address some of the issues raised, including:

- decreasing of the maximum number of dwellings from 42 to 36;
- decreasing in the maximum floor area ratio from 2.5 to 2.2;
- increasing the corner setbacks from 3 to 4 metres;
- adding a communal rooftop amenity area;
- adding a contribution to inclusionary, affordable housing in accordance with City Policy C582; and
- adding or enhancing various regulations related to landscaping, separation space, privacy zones, amenity areas, built form and design to better address issues of privacy, noise, lighting and interaction with the public realm.



## **JUSTIFICATION**

Sustainable Development recommends that Bylaws 17398 and 17399 be APPROVED on the basis that the application:

- provides the opportunity for a broad and varied housing choice, including family oriented dwellings, that is compatible with the existing adjacent low and medium density housing forms;
- meets the technical requirements of Civic Departments and utility agencies;
- meets the intent of various Council approved plans and guidelines; and
- provides the opportunity for development that makes efficient use of existing infrastructure.

## **ATTACHMENTS**

- 2a Maps
- 2b Mark-up Showing Amendments to DC2 Provision

Written by: Andrew McLellan  
Approved by: Tim Ford  
Sustainable Development  
April 18, 2016

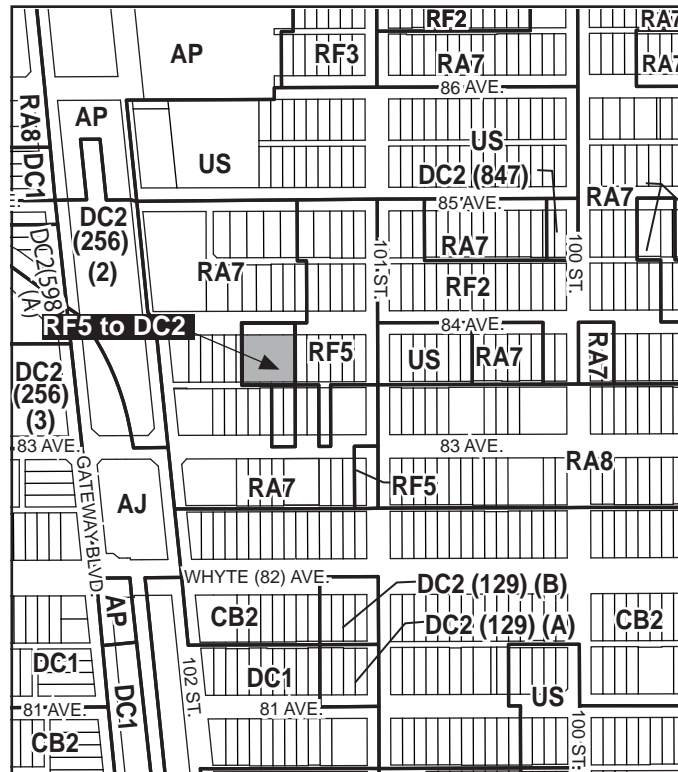


## SURROUNDING LAND USE ZONES

FILE: LDA15-0207  
DATE: April 18, 2016  
BYLAW 17399

## STRATHCONA, BYLAW 17399

Location: 10125 - 84 Avenue NW



Proposed Rezoning from

 RF5 to DC2



The purpose of proposed Bylaw 17399 is to change the Zoning Bylaw from (RF5) Row Housing Zone to (DC2) Site Specific Development Control Provision, Lot 33, Block 78, Plan 1523194, as shown on the attached sketch. The proposed DC2 Provision provides the opportunity for an apartment housing development 16 metres in height (4 storeys) with regulations designed to ensure it is compatible in scale and character with the surrounding neighbourhood. Sustainable Development supports this proposed bylaw.

## PROPOSED REZONING

FILE: LDA15-0207

SUSTAINABLE DEVELOPMENT

DATE: April 18, 2016

**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**

**1. General Purpose**

To establish a Site Specific Development Control Provision to accommodate a low rise residential development that is compatible in Uses ~~and~~, scale and character with the surrounding ~~area. The development shall enhance the character of the immediate neighborhood.~~neighbourhood.

**2. Area of Application**

This provision shall apply to Lot 33, Block 78, Plan 1523194; located at 10125 – 84 Avenue NW, as shown on Schedule “A” of this Bylaw adopting this Provision, Strathcona.

**3. Uses**

- a. Apartment Housing
- b. Duplex Housing
- c. Garage Suites
- d. Garden Suites
- ~~e. Health Services~~
- e. Live Work Unit
- f. Major Home Based Business
- g. Minor Home Based Business
- ~~h. Personal Service Shops~~
- ~~i. Professional, Financial and Office Support Services~~
- ~~j.~~h. Residential Sales Centre
- ~~k.~~i. Row Housing
- ~~l.~~j. Secondary Suites
- ~~m.~~k. Semi-detached Housing
- ~~n.~~l. Single Detached Housing
- ~~o.~~m. Stacked Row Housing
- ~~p.~~n. Projecting On-premises Signs
- ~~q.~~o. Fascia On-premises Signs

## Mark-up Showing Changes to DC2 Provision

- ~~r~~.p. Freestanding On-premises Signs
- ~~s~~.q. Temporary On-premises Signs

### 4. Development Regulations for Apartment Housing

- a. Development shall be in general ~~ae~~~~ordance~~conformance with ~~Appendix~~Appendices I, ~~Site Plan~~, IV
- b. Residential Sales Centres shall be limited to the sale or lease of Dwellings on Site.
- ~~b~~.c. The maximum number of Dwellings shall be ~~42~~36.
- ~~e~~.d. The minimum number of Family Oriented Dwellings shall be 7.
- e. Family Oriented Dwellings shall meet the definition of such in the Zoning Bylaw except that Dwellings can be located on any Storey of the building and the minimum number of 3 bedroom Family Oriented Dwellings shall be 2 with the remainder being 2 bedroom Dwellings.
- f. The minimum number of 3 bedroom Dwellings shall be 3.
- g. The minimum number of 2 bedroom Dwellings shall be 15.
- ~~d~~.h. The maximum Height shall not exceed 16.0 m.
- ~~e~~.i. The maximum Floor Area Ratio shall be ~~2.5~~2.
- ~~f~~.j. The minimum Front Setback shall be 6.0 m.
- ~~g~~.k. The minimum Rear Setback shall be 7.5 m.
- ~~h~~.l. The minimum Side ~~Setbacks~~Setback shall be ~~in accordance~~3.0 m in the south portion of the site, and 4.0 m in the north portion of the site, in general conformance with Appendix I, Site Plan.
- ~~i~~.m. ~~The façade~~A Stepback shall ~~step back at a minimum of 3.0 m by 3.0 m above the second Storey~~, be provided at all four ~~outer~~ corners of the ~~development~~building above the second Storey that has a minimum depth of 4.0 m from each Façade to optimize access to sunlight, increase privacy and otherwise provide for an appropriate transition to the abutting property~~;~~. The Stepback shall only apply to the corner area and not the entire length of the Façade as shown on Appendices III and IV.
- ~~j~~.n. Principal ~~Buildings~~buildings shall front onto 84 Avenue NW.
- ~~k~~.o. All ground Storey Apartment Dwellings adjacent to 84 Avenue NW shall have a private exterior entrance, in accordance with Appendix I. Sliding patio doors shall not serve as this entrance.

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- ~~l. Principal Living Room Windows, Non Habitable Room Windows, Non-required Habitable Room Windows and Habitable Room Windows located on the east and west facades of the development shall be designed to provide privacy to adjacent properties, to the satisfaction of the Development Officer. This may include using a clerestory or transom window design, in general accordance with Appendix IV.~~
- ~~m. Separation Space and Privacy Zones as outlined in Section 48 shall be reduced to accommodate Side Setback requirements, shall be provided in accordance with Section 48 of the Zoning Bylaw except where that Separation Space in front of a Principal Living Habitable Room Window faces an interior Side Yard. Separation Space shall be provided in accordance with Section 48.~~
- ~~n.p. Notwithstanding 4.13, where~~ other than a Principal Living Room Window shall be reduced to the required Setback. If the sill of a Principal Living Room Window ~~or a Habitable Room Window~~ is at least ~~1.5 m~~ 1.5 m above Grade, ~~or where~~ and an acceptable landscaped buffer is provided, the required Privacy Zone may be reduced to 1.0 m; to the satisfaction of the Development Officer.
- q. A minimum outdoor communal Amenity Area of 100 m<sup>2</sup> to a maximum of 150 m<sup>2</sup> shall be provided on the rooftop, in general accordance with Appendix II.
- r. The rooftop Amenity Area shall incorporate design features such as fencing, planters, seating, lighting, screening, properly barricaded mechanical equipment and a durable playground surfaced area for children that is designed to protect the privacy of residents in adjacent developments and to ensure illumination does not extend beyond the boundaries of the development Site.
- ~~o.s.~~ A minimum Private Outdoor Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided, and ~~the~~ at-grade Family Oriented Dwellings shall have a minimum of 15 m<sup>2</sup> of Private Outdoor Amenity Area.
- ~~p. Notwithstanding Section 47, the following criteria shall apply to~~ Private Outdoor Amenity Areas:
- ~~q.t. Private Outdoor Amenity Areas may be located in~~ shall be provided in accordance with Section 47 of the Zoning Bylaw except that they may also be provided within a Front Yard.
  - ~~i. Elements of the development and of individual dwellings such as windows, doors, balconies and Private Outdoor Amenity Area~~ Areas shall be ~~screened to the satisfaction of the Development Officer and shall create a defined edge to delineate the Amenity Area as a private space.~~
- ~~r. Where RF5 Row Housing Zone exists to the east of the Subject Site, the following regulations shall apply along the said property line:~~
  - ~~i. articulation of building Facades, recessed balconies, or other design techniques meant~~sited, oriented and designed to minimize ~~building massing and/or shadow impacts, and provide architectural interest, complimentary to the surrounding development, shall be in general accordance with Appendices III and IV, in order to minimize the~~

~~perception of massing of the building when viewed from adjacent residential areas and roadways;~~

~~ii. To optimize access to~~ their impact on adjacent dwellings, considering such things as sunlight ~~on adjacent properties, where a Low Rise Apartment building is proposed adjacent to a Single Detached Dwelling the building mass should be articulated, and~~

~~s.u.~~ , ventilation, noise, visual privacy, shadowing and views. The applicant shall provide, at the discretion of the Development Officer ~~shall require~~, information regarding the location of ~~windows and Amenity Areas~~ such features on adjacent ~~properties to ensure~~ and abutting Sites and the ~~windows or Amenity Areas~~ relationship to the subject Site that demonstrates the minimizing of the ~~proposed development are placed~~ impact described above to ~~minimize overlook into adjacent properties~~ the satisfaction of the Development Officer.

v. Signs shall comply with the ~~regulations found in~~ General Provisions of Section 59 and Schedule 59B of the Zoning Bylaw.

~~t.w.~~ Freestanding On-premises Signs and Temporary On-premises Signs shall comply with Schedule 59B.3.

~~u.x.~~ A Crime Prevention through Environmental Design (CPTED) assessment shall be submitted and reviewed for acceptance by the Development Officer prior to the issuance of Development Permit to ensure that the overall development of the Site provides a safe urban environment in accordance with the guidelines and principles established in the Design Guide for a Safer City (City of Edmonton, 1995).

~~v.~~ Projections into Setbacks and Separation Spaces shall be in accordance with Section 44 of the Zoning Bylaw:

~~w.y.~~ ~~Notwithstanding 4.20,~~ except that no verandas, porches, windows, unenclosed steps, cantilevered projections or Platform Structures shall ~~be allowed on either~~ project from the east or west ~~or east~~ Facades of the building ~~facades~~.

## 5. Urban Design Regulations

- a. The development shall be designed to include the use of different architectural elements and treatments, articulated Façades, materials, and colours to add variety, rhythm, to break up the massing and provide a sense of human scale.
- b. 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.
- c. The building shall be finished with high quality, durable materials. Vinyl siding and/or knockdown stucco are prohibited. The development will maximize the use of high quality exterior cementitious and fibrous cladding, wood panelling,

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glazing, acrylic stucco, masonry veneer, and prefinished metal cladding. The contextual fit, design, proportion, quality, texture, and application of various finishing materials shall be to the satisfaction of the Development Officer.

- e.d. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a well-lit environment for pedestrians, ~~to accentuate artwork~~ in accordance with Section 58 of the Zoning Bylaw and to highlight the development at night time, to the satisfaction of the Development Officer.
- d.e. Night-time light pollution shall be reduced by avoiding over-illumination of the development and by using exterior lighting fixtures that are full cut-off in design which direct light downward, to ensure illumination does not extend beyond the boundaries of the development Site. ~~A lighting plan shall be provided with the Development Permit application.~~ in accordance with Section 51 of the Zoning Bylaw.
- e.f. The building shall be finished with high quality, durable materials such as wood, stone, brick and glass. Exterior finish materials and colours shall complement, and be harmonious with adjacent development.
- f.g. All mechanical equipment, including roof mechanical units, surface level venting systems, and transformers shall be concealed by screening in a manner compatible with the architectural character of the building; or concealed by incorporating ~~it~~ them within the building framework and be oriented to minimize negative impacts on Amenity Areas, public roadways other than Lanes, and surrounding properties.
- x. ~~A transformer generally located within the SE corner within the Rear Setback, shall be properly screened to the satisfaction of the Development Officer.~~
- g.h. Balconies and glazing along the east side of the principal building shall provide adequate screening and be located to maximize privacy and minimize overlook to the adjacent residential property. This may include, but not be limited to privacy screens, louvers, frosted glass or glass block, or landscaping buffer, to the satisfaction of the Development Officer.
- y. ~~The maximum building length of Low Rise Apartments should be no more than 48 metres, permitting views through the site and limiting building mass along the block face.~~
- z. ~~Notwithstanding the definition of Family Oriented Dwelling in the Zoning Bylaw, all Family Oriented Dwellings shall:~~
  - i. ~~have individual entrances at ground level;~~
  - ii. ~~have direct access to Private Outdoor Amenity Area;~~



~~iii. Amenity Area for ground floor dwellings shall be screened to the satisfaction of the Development Officer and shall create a defined edge to delineate the Amenity Area as private space, and~~

~~iv. The minimum number of 3 bedroom Dwellings shall be 2.~~

- i. **5**All ground level Residential Dwellings shall have a semi-private outdoor Amenity Area in front of each at-grade Dwelling exterior entry that shall be provided in a manner that establishes a transition area between the Amenity Area and the adjacent public roadway (including a Lane), abutting Site 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.

## 6. Additional Development Regulations

- a. The owner/developer shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve the development, 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 repair of any damage to the Abutting roadways, sidewalks and/or boulevards resulting from construction of the development, to the satisfaction of Transportation Services. The Site must be inspected by Transportation Services prior to the start of construction and once again when construction is complete.
- b. Prior to the issuance of any development permit, 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.
- c. Notwithstanding Section 4 of this provision, ~~if Apartment Housing does not get developed,~~ Single Detached Housing, Semi-detached Housing, Duplex Housing, Secondary Suites, Garage Suites and Garden Suites ~~in~~ shall be developed in accordance with the provisions of the (RF4) Semi-detached Residential Zone, as amended, including application of the Mature Neighbourhood Overlay, as amended.
- ~~b.d.~~ Notwithstanding Section 4 of this ~~Zone~~ provision, Row Housing and Stacked Row Housing shall be developed in accordance with the provisions of the ~~RF4 Zone.~~ (RF5) Row Housing Zone, as amended, including application of the Mature Neighbourhood Overlay, as amended.
- ~~e. The following regulations shall apply to Personal Service Shops, Health Services and Professional Financial and Office Support Services:~~

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- ~~i. — the total Floor Area of these Uses on any Site shall not exceed 225 m<sup>2</sup> and shall be located on the main floor;~~
- ~~ii. — the Uses shall not be permitted in any freestanding structure separate from a structure containing Residential Uses. The principal entrance shall be a separate, outside entrance, and~~
- ~~iii. — the Uses shall be accessory to the Apartment Housing Use.~~
- ~~d. — Conversion of Single Detached, Semi-detached and Duplex Dwellings to Professional, Financial and Office Support Services shall be in accordance with Section 77.~~
- ~~e. — Garage Suites and Garden Suites shall comply with Section 87.~~
- f.e. Major Home Based Business shall comply with Section 75, and shall only be permitted in Single Detached, Semi-detached and Duplex Dwellings.
- f. Notwithstanding the other regulations and appendices of this Provision, in the event that the owner/developer does not obtain a Building Permit and commence construction under a valid Development Permit for a principal building within 10 years of the date of the passage of the Bylaw adopting this Provision, development of the Site shall be developed in accordance with the (RF5) Row Housing Zone, as amended, including application of the Mature Neighbourhood Overlay, as amended.

## 6. Landscaping

Landscaping shall be in accordance to Section 55 of the Zoning Bylaw, except that:

- a. A detailed Landscape Plan prepared by a registered AALA Landscape Architect shall be submitted ~~in conjunction~~ with an application for a Development Permit. ~~The number of trees and shrubs shall be in accordance with Section 55. The layout of trees and shrubs shall be at the discretion~~ to the satisfaction of the Development Officer.
- b. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, sizes and species of new plantings and other Landscaping details and elements as applicable.
- c. The selection of plant materials shall consider plants and shrubs that provide colour throughout the year to enhance the appearance of the development.
- d. A minimum 1.83 m high wood screen fence shall be provided for the full length of the east property line except within the Setback from 84 Avenue NW and within 3.0 m of the rear Lane, to the satisfaction of the Development Officer.
- ~~d. —~~ Adjacent City of Edmonton boulevard trees and the 4 existing Manitoba Maple (*Acer negundo*) trees along the east property line, as shown on Appendix II, shall be protected as per Parks and Planning 'Large Tree Hoarding', drawing L100. All

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components and workmanship shall conform to the specification Section 02930 Trees, Shrubs, and Groundcovers as well as related sections. ~~Existing boulevard trees along 84th Avenue NW shall be retained and protected throughout the construction of the development.~~ The Landscape Plan shall provide details and specifications describing the appropriate protection of the boulevard trees during construction, to the satisfaction of the Development Officer

- ~~e. The 4 existing Manitoba Maple (*Acer negundo*) trees located along the east property line, as shown on Appendix II, shall be protected during construction and not removed.~~ In addition, a report prepared by a certified AALA Landscape Architect, shall be submitted as part of the development permit application, detailing the methodology and steps taken to preserve on-site trees that are to be retained, to the satisfaction of the Development Officer.
- ~~f. The ratio of required deciduous and coniferous plants shall be 50:50. The ratio of plant material above and beyond minimum requirements shall be at the discretion of the Development Officer.~~
- ~~g. Notwithstanding the Zoning Bylaw, a solid wood fence shall be constructed at 1.85 m in Height in accordance to Appendix II, but shall not extend beyond the foremost portion of the principal building abutting the Front Yard .~~
- ~~h.e. Adjacent City of Edmonton boulevard trees and the 4 existing Manitoba Maple (*Acer negundo*) trees along the east property line, as shown on Appendix II, shall be protected as per Parks and Planning ‘Large Tree Hoarding’, drawing L100. All components and workmanship shall conform to the specification Section 02930 Trees, Shrubs, and Groundcovers as well as related sections.~~ The following shall also apply:
  - i. trees within 1 – 3m of construction activity require 10mm plywood and 1.25m height enclosure separating tree from the project site;
  - ii. trees within 3 – 5m of construction require a standard “safety orange” snow fence to be placed a min. of 2.5m from the tree trunk; and
  - iii. excavation beyond 2m of existing trees requires all tree roots to be severed with a “root-cutter” to a depth of 350mm to 500mm prior to digging with all exposed roots flush with the excavation wall pruned immediately after excavation.
- i. The Landscaping Plan shall demonstrate:
  - i. the use of vertical landscaping features (e.g. hedges, decorative fences, low walls, shrubs and other plant material) between surface parking areas and ground storey apartment Dwellings that look onto these areas.
  - ii. entry transitions including features such as steps, decorative fences, gates, hedges, low walls, and planting beds within the setback from 84<sup>th</sup> 84 Avenue NW.

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- iii. a decorative screen wall along the parkade ramp entrance, and shall not impair the sight lines for vehicular traffic, in general accordance with Appendix II, with a vertical height to the satisfaction of the Development Officer. This screen wall shall not consist of landscaping.
- iv. clear delineation of all Private Outdoor Amenity Areas at grade with vertical landscaping features (e.g. hedges, decorative fences, low walls, shrubs and other plant material).
- v. soil above the underground parking facilities shall be of sufficient depth to accommodate required landscaping, including trees, shrubs, flower beds, grass, and ground cover.

### 7. Vehicular Access and Parking

- a. Vehicular access to parking shall be from the Abutting Lane, in general conformance with Appendices I and II.
- b. Residential visitor parking spaces shall be located at Grade.
- c. In addition to the requirements of Section 54.3 of the Zoning Bylaw, Bicycle Parking Facilities shall be located on Site in a secure ~~location either interior~~ enclosed area within or ~~exterior~~ attached to the principle building; that is easily accessible to cyclists via access ramps, or a route through the ~~satisfaction~~ building which facilitates easy and efficient transportation of ~~the Development Officer~~ bicycles.
- d. Any underground parking access card devices must be located on Site, a minimum of 3 m inside the property line.
- e. The entrance to the underground parkade shall be at Grade at the Lot line and not exceed a slope of 6% for a distance of 4.5 m inside the Lot line or be to the satisfaction of the Development Officer in consultation with Transportation Services.
- f. Parking for the disabled shall only be located in the underground parkade, with direct and barrier-free access to the elevator.
- g. Retaining walls bordering the underground driveway/parkade ramp, must not exceed a Height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way. If these Height and distance requirements cannot be achieved, it shall be demonstrated that adequate sight lines to traffic in the Lane are maintained for vehicles entering and exiting the parkade to the satisfaction of the Development Officer, in consultation with Transportation Services.
- h. ~~A garbage and recycling~~ A waste collection area shall be located adjacent to the Lane and entirely within private property. The collection area shall be screened from view on at least 2 sides through the use of landscaping, fencing or walls. The

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bins shall be equipped with a locking mechanism and the enclosure shall be secured to the satisfaction of the Development Officer.

- i. Articulation details of the surface of decorative screen wall and exposed retaining walls bordering the underground driveway/parkade ramp shall be provided and be to the satisfaction of the Development Officer.