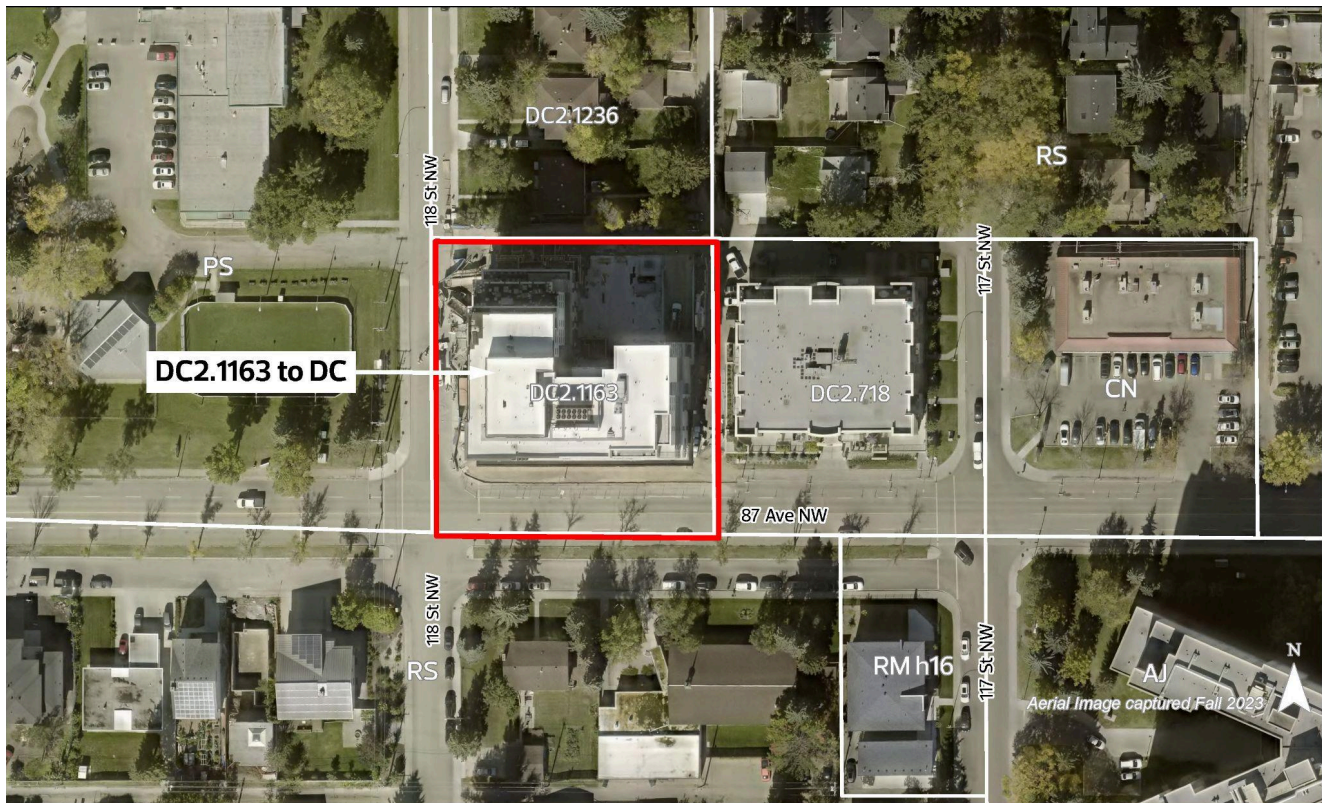


8709 - 118 Street NW

Position of Administration: Support



Summary

Bylaw 21179 proposes a rezoning from the Site Specific Development Control Provision (DC2.1163) to the Direct Control Zone (DC) to add a Child Care Service Use to an existing mixed use development.

Public engagement for this application included a mailed notice, and information on the City's webpage. Administration heard from five people, mainly all in support.

Administration supports this application because it:

- Introduces a Child Care Services use to a Direct Control Zone at a suitable location at the edge of the neighbourhood and adjacent to a school site.
- Aligns with the Scona District Plan by allowing for more non-residential opportunities within a Major Node.

Application Details

This application was submitted by Select Engineering Consultants Ltd. on behalf of 2325273 Alberta Ltd.

The proposed Direct Control Zone (DC) facilitates the addition of Child Care Service, a Community Use on the ground floor of the development, and updates the purpose and associated regulations accordingly. The proposal also updates the nomenclature, organizational structure and formatting of the DC to the new Zoning Bylaw 21000.

Site and Surrounding Area

	Existing Zoning	Current Development
Subject Site	Site Specific Development Control Provision (DC2.1163)	Mixed use building (Windsor House)
North	Site Specific Development Control Provision (DC2.1236)	Mid rise residential building (Under construction)
East	Site Specific Development Control Provision (DC2.718)	Low rise residential building (The Bentley)
South	Residential Small Scale Zone (RS)	Single Detached Dwelling St. George's Anglican Church
West	Parks and Services Zone (PS)	Windsor Park School



View of Site looking northeast from the intersection of 118 Street and 87 Avenue

Community Insights

This application was brought forward to the public using a basic approach. This approach was selected because it is an administrative amendment to add a Child Care Use to an existing development control that has been built, and includes updates to the new Zoning Bylaw 21000. Further, there was little, but positive feedback from the notification, and it complies with the Scona District Plan. The basic approach included:

Mailed Notice, February 10, 2025

- Notification radius: 60 metres
- Recipients: 237
- Responses: 5
 - In support: 4
 - In opposition: 0
 - Questions: 3

Webpage

- edmonton.ca/rezoningapplications

Notified Community Organizations

- The Windsor Park Community League

Common comments heard:

- Where will outdoor playspace be located? (1)
- Who is the owner/developer? There is interest in the space. (2)
- There is a need for this use in this community. (4)

Some aspects of the Child Care Service Use are regulated by the Province through licensing, which include requirements for outdoor play space. Though the zone provides direction on where this space could be located, it is not approving an outdoor play space location, as licensing of this use is subject to provincial approval.

The Windsor Park Community League expressed support for the application and provided the following information:

- The existing daycare in Windsor Park, the University Community Early Learning Centre, needs to find a new home by July 2026, and the neighbourhood's out-of-school care program is looking to expand to provide child care for preschool children.
- There is increased demand for childcare in the University area.

Application Analysis



Site analysis context

The City Plan

Combining both the Municipal Development Plan and the Transportation Master Plan, The City Plan is the City's strategic direction for planning and development. Recognizing the essential connection between land use and transportation, The City Plan identifies key areas within the city in a Nodes and Corridors system where population, business and employment growth are to be focused. The development of the Nodes and Corridors system will support a variety of goals, targets and policies outlined in the The City Plan as the city grows towards a population of two million.

By allowing for the Child Care Services use within the Garneau/University Major Node, an area that is well connected to the Mass Transit Network, this application will support the Big City Moves in The City Plan: a “Community of Communities” and “Catalyze and Converge”. Goals associated with the Community of Communities Big City Move include: 50% of trips made by transit and active transportation, and the creation of areas that allow people to meet their daily needs within 15-minutes of where they live and goals associated with the Catalyze and Converge Big City Move include: nodes and corridors support 50% of all employment in Edmonton.

District Plans

In the Scona District Plan, this site is located within the University/Garneau Major Node (Map 3: Nodes and Corridors). Major Nodes are large-scale urban centres anchored by large public

institutions and employment centres that serve multiple Districts. These areas provide residents a diverse mix of housing and employment opportunities, travel modes and connection to other Nodes.

The addition of the Child Care Services use will further support the development of this Major Node through the expansion of non-residential opportunities that provide employment opportunities and will help area residents meet their daily needs within 15-minutes of where they live.

Land Use Compatibility

The existing DC Zone allows for a high rise residential building with non-residential uses permitted at ground level along 87 Avenue and a portion 118 Street. The DC Zone was approved in 2021, with the building being completed and occupied in 2023. The primary purpose of the proposed DC Zone is to add the Child Care Services use to the list of non-residential uses, including administrative updates to the DC Zone that align the nomenclature, organizational structure and formatting with the new Zoning Bylaw 20001. The proposed changes to the DC Zone are outlined in Appendix 1.

Mobility

With the addition of the Child Care Service use, the DC also proposes a reduced minimum of four pick-up and drop-off spaces for this use up to a maximum of 70 children. Administration supports this potential reduction given the site's strong connections to active transportation modes, its walkability, and its proximity to transit. There is a bus stop roughly 50 m away on 87 Avenue and the Health Sciences/Jubilee LRT Station within 800m walking distance. Bike routes are also available along 89 Avenue and 116 Street.

Utilities

The proposed rezoning is not anticipated to have a significant impact to the existing sanitary, storm, or water systems in the area, and these existing service connections can continue to be utilized. The applicant/owner will be responsible for all costs associated with infrastructure changes, should they be required upon further review at the Development Permit stage.

Appendices

1. DC Track Changes

Written By: Stuart Carlyle

Approved By: Tim Ford

Branch: Development Services

Section: Planning Coordination

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL ~~ZONE PROVISION~~

1. ~~General~~ Purpose

To accommodate a mixed-use development with **community**, commercial and residential uses on the ground floor that provides for an active and inviting pedestrian-oriented streetscape fronting onto 87 Avenue NW and 118 Street NW.

2. Area of Application

This ~~provision shall apply~~ **zone applies** to Lot 9A, Block 24, Plan 922 1629 located at the northeast corner of 87 Avenue and 118 Street shown in Schedule “A” of the ~~Charter~~ Bylaw adopting this **zone provision**, Windsor Park.

3. Permitted Uses

Residential Uses

- 3.1. ~~Minor~~ Home Based Business
- 3.2. **Residential, limited to**
 - 3.2.1. Lodging Houses
 - 3.2.2. Multi-unit Housing
 - 3.2.3. Supportive Housing

Commercial Uses

- 3.3. Custom Manufacturing
- 3.4. Food and Drink Service
- 3.5. Health Services
- 3.6. Indoor Sales and Service
- 3.7. Office
- 3.8. Residential Sales Centre

Community Uses

- 3.9. Child Care Service
- 3.10. Community Service

Signs

- 3.11. Fascia Sign, limited to On-premise Advertising
- 3.12. Freestanding Sign, limited to On-premise Advertising
- 3.13. Portable Sign, limited to On-premise Advertising for Residential Sales Centre
- 3.14. Projecting Sign, not in the form of a Roof Sign, limited to On-premise Advertising

- ~~1. Business Support Services~~
- ~~2. Commercial Schools~~
- ~~3. Convenience Retail Stores~~
- ~~4. Creation and Production Establishments~~
- ~~5. General Retail Stores~~
- ~~6. Government Services~~
- ~~7. Health Services~~
- ~~8. Live Work Units~~
- ~~9. Lodging Houses~~
- ~~10. Minor Home Based Businesses~~
- ~~11. Multi-unit Housing~~
- ~~12. Personal Service Shops~~
- ~~13. Professional, Financial and Office Support Services~~
- ~~14. Residential Sales Centre~~
- ~~15. Restaurants~~
- ~~16. Secondhand Stores~~
- ~~17. Specialty Food Services~~
- ~~18. Supportive Housing~~
- ~~19. Fascia On-premises Signs~~
- ~~20. Freestanding On-premises Signs~~
- ~~21. Projecting On-premises Signs~~
- ~~22. Temporary On-premises Signs~~

4. ~~Development~~ Additional Regulations for Specific Uses

- 4.1. All non-Residential and non-Residential-Related Uses ~~must~~ ~~shall~~:
 - 4.1.1. be located on the ground floor of the building;
 - 4.1.2. each have a separate outside entrance that ~~must~~ ~~shall~~ be universally accessible to all ages and capabilities and be oriented to face 87 Avenue,
 - 4.1.3. have up to one entrance oriented towards 118 Street within 20.0 m of the southern Lot line, and
 - 4.1.4. not be permitted in any freestanding structure separate from a structure containing Residential Uses.
- 4.2. Signs must comply with Section 6.90 Subsections 3 and 5, except that:

- 4.2.1. Fascia Signs must not extend higher than 1.0 m above the floor of the third storey;
- 4.2.2. The maximum Sign Area for a Fascia Sign is 3.0 m², except that one Fascia Sign facing 118 Street, above the principle residential entrance, must not exceed a Sign Area of 10.0 m².
- 4.2.3. Freestanding Signs must be used for Wayfinding purposes only and are subject to the following regulations:
 - 4.2.3.1. The maximum number of Freestanding Signs is three.
 - 4.2.3.2. The maximum Height of Freestanding Signs is 3.0 m.
 - 4.2.3.3. The maximum Sign Area of Freestanding Signs is 4.0 m².
 - 4.2.3.4. Freestanding Signs must be only located along the Alleys~~laneways~~.
- 4.2.4. Portable Signs must be limited to project advertising associated with an On-site Residential Sales Centre and must not be trailer mounted or have changeable letters.
- 4.3. Residential Sales Centres ~~shall~~ must be limited to the sale or lease of Dwellings on Site.

~~1. Personal Service Shops shall not include Body Rub Centres.~~

~~2. Each Restaurant shall be limited to 240 m² of Public Space.~~

~~3. Each Specialty Food Service Use shall be limited to 120 m² of Public Space.~~

~~4. All Non-residential and no Residential related Uses shall:~~

- ~~a. be located on the ground floor of the building,~~
- ~~b. each have a separate outside entrance that shall be universally accessible to all ages and capabilities and be oriented to face 87 Avenue,~~
- ~~c. have up to one entrance oriented to 118 Street within 20.0 m of the southern Lot Line and~~
- ~~d. not be permitted in any freestanding separate from a structure containing Residential Uses.~~

~~5. Signs shall comply with the regulations found in Schedule 59B of the Zoning Bylaw, with the exception of the following:~~

- ~~a. Fascia On-premises Signs shall be subject to the following regulations:~~
 - ~~i. Fascia On-Premises Signs shall not extend higher than 1 m above the floor of the Third Storey, and~~
 - ~~ii. The maximum Area for any Fascia On-premises Sign shall not exceed 3m², except for one Fascia On-premises Sign being permitted facing 118 Street located above the principle residential entrance which shall not exceed 10 m².~~

- ~~b. Freestanding On-premises Signs shall be used for wayfinding purposes and be subject to the following regulations:~~
 - ~~i. The maximum number of Freestanding On-premises Signs shall be three.~~
 - ~~ii. The maximum Height shall not exceed 3.0 m and shall have a maximum Area of 4m².~~
 - ~~iii. Shall be located along laneways.~~
- ~~c. Temporary On-premise Signs shall be limited to project advertising associated with an on-Site Residential Sales Centre and shall not include trailer mounted or signs with changeable copy.~~

~~6. Residential Sales Centres shall be limited to the sale or lease of Dwellings on Site.~~

~~7. Live-Work Units shall be limited to ground level Residential Dwellings.~~

5. Development Site and Building Regulations for Site Layout and Built Form

- 5.1. The development ~~shall~~ must be in general conformance with the attached appendices.
- 5.2. The maximum Floor Area Ratio (FAR) for Residential and Residential-Related Use Classes ~~shall~~ must not exceed ~~be~~ 5.6.
- 5.3. The maximum Floor Area Ratio for Community and Commercial Use Classes ~~shall~~ must not exceed ~~be~~ 0.2 and the minimum total Floor Area for Community and Commercial Use Classes ~~shall~~ must be 230 m².
- 5.4. The maximum ~~f~~Floor ~~p~~Plate area is as follows:
 - 5.4.1. 1,300 m² up to 9.5 m in Height.
 - 5.4.2. 1,200 m² from 9.0 m to 15.5 m in Height,
 - 5.4.3. 1,150 m² from 15.0 m to 27.5 m in Height.
 - 5.4.4. 1,100 m² from 27.0 m to 30.5 m in Height, and
 - 5.4.5. 1,000 m² above 30 m in Height.
- 5.5. The maximum Height excluding roof mechanical units ~~shall~~ must not exceed 34.0 m.
- 5.6. The maximum number of Dwelling units ~~shall~~ must not exceed ~~be~~ 140; of which:
 - 5.6.1. No more than 10% ~~shall~~ can be constructed as studio Dwellings.
- 5.7. Minimum Setbacks ~~shall~~ must be in general conformance with ~~a~~Appendix 1 and 2 and as follows:
 - 5.7.1. North Setbacks
 - 5.7.1.1. 3.7 m from the north Lot line,
 - 5.7.1.2. 6.5 m from the north Lot line above 9.5 m, and
 - 5.7.1.3. 13.4 m from the north Lot line above 27.5 m.
 - 5.7.2. East Setbacks
 - 5.7.2.1. 0.0 m from the east Lot line,

- 5.7.2.2. 1.4 m from the east Lot line above 6.5 m,
- 5.7.2.3. 2.0 m from the east Lot line above 15.5 m.

5.7.3. South and west Setbacks

- 5.7.3.1. 0.0 m from the south and west Lot line.

5.8. Despite Section 5.1 and Appendix 1 & 3, parking and loading spaces can be reconfigured or reduced to accommodate activities associated with Child Care Services, to the satisfaction of the Development Planner, in consultation with the City department responsible for transportation services.

6. ~~Development Regulations for Building Design~~ **Design Regulations and Features**

- 6.1. The building ~~shall~~ **must** be primarily “L”-shaped in an effort to reduce the building’s massing along its northern and eastern edges. Use of material differences along all Façades and setbacks along the north and east Façades shall reinforce the concept of terracing and provide the appearance of appropriate building scale and form.
- 6.2. The ~~g~~Ground ~~f~~Floor base of the building, excluding any parapet wall, ~~shall~~ **must** not exceed 6.0 m in Height.
- 6.3. The geodetic elevation of the top floor on the level that is directly above Grade ~~shall~~ **must** not exceed the geodetic elevation of the ~~a~~Abutting sidewalk by more than 0.3 m.
- 6.4. Building materials ~~shall~~**must** be durable, of high quality and appropriate for the development within the urban context, including but not limited to masonry, stone, metal, wood, acrylic stucco, and clear glass.
- 6.5. Weather protection in the form of a canopy or other architectural element ~~shall~~**must** be provided above ground floor commercial entrances.
- 6.6. The use of vinyl and masonry stucco as a finishing material is prohibited.
- 6.7. All mechanical equipment, including roof mechanical units, surface level venting systems, and transformers ~~shall~~**must** be concealed by screening in a manner compatible with the architectural character of the building or concealed by Public roadwayincorporating them within the building framework and be oriented to minimize negative impacts on Amenity Areas, ~~Street~~ **public roadways other than Lanes**, and surrounding properties.
- 6.8. The development ~~shall~~ **must** address both 87 Avenue and 118 Street by providing:
 - 6.8.1. distinctive architectural features consistent with the style of the building to enhance the corner, and
 - 6.8.2. a strong retail base ~~shall~~ **must** be distinct and separate from the rest of the building by use of glazing and a horizontal canopy.
- 6.9. All ground level Residential Dwelling units ~~shall~~ **must** have an individual external entrance at Grade with addressing to be readable from the Street or ~~Alley-lane~~. Sliding patio doors ~~shall~~ **must** not serve as this entrance.

- 6.10. A semi-private outdoor ~~a~~Amenity ~~a~~Area in front of each at-grade Dwelling exterior entry ~~shall~~ must be provided in a manner that establishes a transition area between the ~~Street~~ ~~public roadway~~, including an ~~Lane~~ Alley 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.
- 6.11. Active ~~Non-residential~~ ~~commercial~~ frontages on the south and west Façade ~~shall~~ must be developed in accordance with the following regulations:
- 6.11.1. All exposed building Facades ~~shall~~ must have consistent exterior finishing materials and design in general conformance with attached appendices.
- 6.11.2. All window glazing ~~shall~~ must be transparent and ~~shall~~ must be placed to allow viewing into the building to promote a positive pedestrian-oriented street. Tinted, reflective or other opaque treatments ~~shall~~ must be prohibited.
- 6.11.3. A minimum of 70% of the linear frontage of the ~~Non-residential~~ ~~commercial~~ south and west ground floor Façade fronting onto the ~~Street~~ ~~public roadways other than a Lane~~ ~~shall~~ must utilize glazing. Linear frontage ~~shall~~ must be measured as the horizontal plane at 1.5 m above Grade.
- 6.11.4. Building Facades ~~shall~~ must be designed with detail and articulation at a maximum of 12 m intervals to create an attractive streetscape. The building ~~shall~~ must be articulated by a combination of recesses, projections, change in building materials, and a physical break in building mass.

7. Development ~~R~~egulations for Parking, Loading, Storage and Access

- 7.1. Vehicular access and egress ~~shall~~ must be from the abutting ~~Alleys~~ ~~Lanes~~.
- 7.2. ~~Notwithstanding~~ ~~Despite~~ the Zoning Bylaw, long term Bicycle Parking ~~shall~~ must be provided in a safe and secure location in the Underground Parkade and/or in another secure location on the first Storey of the building that is easily accessible to cyclists via access ramps or a route through the building which facilitates easy and efficient transportation of bicycles, to the satisfaction of the Development ~~Planner~~ ~~Officer~~.
- 7.3. Vertical or stacked bicycle racks may be used to satisfy long term Bicycle Parking requirements. The minimum size of vertical bike parking stalls ~~shall~~ must be 0.60 m wide, 2.3 m high, and 1.1 m deep, with a minimum 1.5 m wide aisle.
- 7.4. A bicycle repair and maintenance station ~~shall~~ must be required within or adjacent to the bike storage area within the Underground Parkade.
- 7.5. One vehicle car wash bay ~~shall~~ must be required within the Underground Parkade.
- 7.6. The Underground Parkade ~~shall~~ must not be subject to required Setbacks and can extend to all Lot lines.

- 7.7. Despite Subsection 6.10.3 of Section 5.80 of the Zoning Bylaw, the minimum number of passenger pick-up and drop-off spaces for Child Care Services is 4 for up to 70 children. Beyond 70 children, Sections 6.10.3.1 and 6.10.3.2 will apply.
- 7.8. Loading, storage and waste collection areas ~~shall~~ must be concealed from view from adjacent sites and public roadways. The waste collection area ~~shall~~ must be located within the building. The waste collection area, and access to it, be designed to the satisfaction of the Development ~~Officer~~ Planner in consultation with the City department responsible for waste services ~~Waste Management Services and Subdivision and Development Coordination (Transportation)~~.

8. Development Regulations for Landscaping, Lighting and Amenity Areas

- 8.1. Landscaping ~~shall~~ must be completed in general conformance with Appendix 3. Trees and landscaping will be planted within the 118 Street and 87 Avenue Boulevards and on-site to enhance the public realm.
- 8.2. Landscaping that extends onto City-owned lands must be developed in accordance with the Traffic bylaw 5590 and the City Design and Construction Standards to the satisfaction of the Development ~~Officer~~ Planner in consultation with the City department responsible for roadway design ~~Subdivision and Development Coordination (transportation)~~.
- 8.3. To ensure a high standard of appearance a Landscape Plan prepared by a registered AALA Landscape Architect ~~shall~~ must be submitted as part of the Development Permit application.
- 8.4. Landscaping on and off site ~~shall~~ must consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
- 8.5. The Landscape Plan ~~shall~~ must include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new and existing tree plantings, and other landscaping elements as applicable.
- 8.6. For Residential Uses, a minimum Amenity Area of 7.5 m² per Dwelling ~~shall~~ must be provided through the following:
- 8.6.1. Indoor Common Amenity Area that may include, but not limited to, lounges, entertainment rooms, bicycle room and fitness rooms;
 - 8.6.2. Outdoor Common Amenity Area in the form of Rooftop Terrace's; and
 - 8.6.3. Platform Structures in the form of balconies with a minimum depth of 1.6 m.

9. Other Regulations

- 9.1. Prior to issuance of a Development Permit for construction of the principle building, a Wind Impact Study ~~shall~~ must be submitted for review. The

development ~~shall~~ **must** incorporate design features to minimize adverse microclimate effects such as wind tunneling, snow drifting, rain sheeting both on and off Site, consistent with the recommendations of the Wind Impact Study. Special attention in the Wind Impact Study ~~shall~~ **must** be given to ensure the ground level area in the west and south of the Site is properly protected from any adverse impacts.

- 9.2. Prior to the issuance of a development permit, excluding a development permit for ~~excavation, shoring, footing, foundation,~~ demolition or signage, the owner ~~shall must conduct be required to perform~~ Environmental Site Assessment (ESA) work ~~outside the property boundary-in this area~~, including, but not limited to: Phase II ESA ~~(s)~~ **delineation of contamination**, Remedial Action Plan(s), Final Remediation Report(s), and/or Risk Management Plan(s), at the discretion of the Development ~~Planner-officer~~ in consultation with the Environmental Planner to be submitted and, reviewed, and approved to the satisfaction of the Development ~~Planner-officer~~. The Development ~~Planner officer~~ ~~shall~~ **may** impose any Development Permit conditions necessary, prior to the release of the drawings for Building Permit review, to ensure that the Site is suitable for the full range of uses contemplated in the Development Permit application.
- 9.3. Site and building layouts ~~shall~~ **must** include design elements that take the principles of Crime Prevention Through Environmental Design (CPTED) into consideration. These elements may include, but are not limited to, elements that allow for natural surveillance, increase site lines and use, and high-quality interior and exterior lighting. The physical layout and landscaping ~~shall~~ **must** reduce the vulnerability of pedestrians by avoiding areas of concealment or entrapment such as:
- 9.3.1. long public corridor spaces, stairwells, or other movement predictors;
 - 9.3.2. avoiding landscaping hazards such as unpruned trees, rocks that can be thrown or blind corners; and
 - 9.3.3. by locating parking areas close to building access points and sign wayfinding mechanisms.
- 9.4. Prior to the issuance of the Development Permit, a detailed exterior lighting plan ~~shall~~ **must** be provided to the satisfaction of the Development ~~Planner Officer~~. Decorative and security lighting ~~shall~~ **must** be designed and finished in a manner consistent with the design and finishing of the development and ~~shall~~ **must** be provided to ensure a safe well-lit environment. All exterior lighting of the Site ~~shall~~ **must** be designed to ensure that it is directed away from the residential development.
- 9.5. Built form, public realm interfaces, streetscape elements and pedestrian connections ~~shall~~ **must** consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the

development responds to these guidelines ~~shall~~ must be submitted with each Development Permit for a principle building to the satisfaction of the Development ~~Planner-Officer~~.

- 9.6. ~~Notwithstanding~~ Despite the other Development Regulations of this ~~Provision~~ Zone and the Appendices of this ~~Provision-Zone~~ and Section ~~720.3 (2)~~ 7.80.4.1.1.5 of the Zoning Bylaw, in the event that the owner or developer does not obtain a building Permit and commence construction of a principle building, under valid Development Permits, within 10 years of the passage of the Bylaw adopting this ~~Zone Provision~~, development of the Site ~~shall~~ must be in accordance with this ~~ZoneProvision~~, except that:

9.6.1. The maximum Height ~~shall~~ must not exceed ~~be~~ 29.9 m, and

9.6.2. The Maximum Floor Area Ratio ~~shall~~ must not exceed ~~be~~ 4.9

10. Public Improvements and Contributions

- 10.1. As a condition of any development permit, the Owner ~~shall~~ must enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve or enhance the development, to the satisfaction of the Development ~~Planner Officer~~ in consultation with Subdivision and Development Coordination (Transportation). Such improvements ~~shall~~ must be constructed at the owner's cost. The Agreement process ~~shall~~ must include an engineering drawing review and approval. Improvements to be addressed in the Agreement include but are not limited to:

10.1.1. Repair of any damage to the abutting roadways, sidewalks, and boulevard, including ~~Alleys-Lanes~~ not directly adjacent to the Site caused by the construction of the development,

10.1.2. Upgrading of the north-south ~~Alley-Lane~~, and west-east ~~Alley-Lane~~ adjacent to the Site to a commercial standard within the available right-of-way, and

10.1.3. Removal of the existing access to 87 Avenue within portions of the right-of-way directly adjacent to the Site. Detailed landscaping plans, including all existing and proposed utilities within the road right-of-way must be submitted with the Development Permit application.

- 10.2. Prior to the issuance of the Development Permit for new building construction, the owner ~~shall~~ must enter into an agreement with the City of Edmonton whereby the owner ~~shall~~ must provide a minimum contribution of \$50,000.00 toward the acquisition and placement of public art. Such agreement ~~shall~~ must require that:

10.2.1. Prior to the issuance of the Development Permit, a public art plan showing the general location(s) of art ~~shall~~ must be prepared and submitted to the City of Edmonton for review and approval by the Development ~~Planner Officer~~. The art will be acquired through an art procurement process

administered by the owner(s) and all costs related to the procurement of the artworks, operation and future maintenance ~~shall~~ must be the responsibility of the owner;

- 10.2.2. Artworks ~~shall~~ must be created by a professional artist;
- 10.2.3. Artworks may be located on or within the public or private property and ~~shall~~ must be in locations that are publicly viewable to the satisfaction of the Development ~~Planner-Officer~~;
- 10.2.4. If located on public property or roadway right of way, the location ~~shall~~ must be to the satisfaction of the Development ~~Planner-Officer~~ in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services; and
- 10.2.5. The Public Art contribution amount ~~shall~~ must be increased every 5 years from the date of passage of the Bylaw adopting this ~~Provision Zone~~ according to the annual rate of national inflation as determined by Statistics Canada.
- 10.2.6. ~~Prior to the issuance of a development permit for:~~
- 10.2.7. ~~A building that contains 12 or more Dwelling units; or~~
- 10.2.8. ~~A building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;~~
- 10.2.9. ~~The Development Planner Officer shall must 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.~~
- 10.3. A minimum of Three (3) Family Oriented Dwellings ~~shall~~ must be developed within the building and subject to the following criteria:
 - 10.3.1. Have a minimum of three (3) bedrooms,
 - 10.3.2. Be located below the 6th Storey of the building,
 - 10.3.3. Have individual and direct access to private outdoor amenity area in the form of a balcony or patio that is a minimum of 10m² in size, and
 - 10.3.4. Have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling.