

Bylaw 15489

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1187

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by:
 - a. adding to Section 910 Special Area Downtown "Section 910.12 – (AED) Arena and Entertainment District Zone" attached hereto as Schedule "A and forming part of this bylaw;
 - b. deleting Appendix I – the Downtown Zoning Map, Appendix 2 – Downtown Maximum Floor Area Ratio Map and Appendix 3- Downtown Maximum Height Map to Section 910 and replacing with Appendix I – the Downtown Zoning Map, Appendix 2 – Downtown Maximum Floor Area Ratio Map and Appendix 3- Downtown Maximum Height Map, attached hereto as Schedules "B", "C" and "D" and forming part of this bylaw;
 - c. deleting the first and second paragraph in its entirety from 910.3 Zones Created by Special Area Provisions and replacing with the following:

"Specific zones, as contained in Sections 910.5, 910.6, 910.7, 910.8, 910.9, 910.10, 910.11 and 910.12, have been created in accordance with Section 900 of the Zoning Bylaw.

All Regulations in the Zoning Bylaw shall apply to development in the AED, CCA, CMU, HA, HDR, JAMSC, RMU and UW, unless such Regulations are specifically excluded or modified therein."

- d. deleting the existing table within subsection 54.2 Schedule 1 and replacing with the following:

Schedule 1(B) Areas Within the Downtown Special Area							
Residential and Residential-Related Uses							
	Number of Required Parking Spaces by Zone						
Area of Application	AED / CCA	CMU	HA	HDR	JAMSC	RMU	UW
1. Bachelor Suite or Bed Sitting Room							
Minimum Parking Requirement per unit	0	0	0	0.4	0	0	0
Maximum Parking Requirement per unit	0.5	0.5	0.5	0.5	0.5	0.5	0.5
2. 1 or more Bedroom Dwelling or Residential-Related Unit							
Minimum Parking Requirement per unit	0.4	0.4	0.4	0.4	0.4	0.4	0
Maximum Parking Requirement per unit	1.25	1.25	1.25	1.25	1.25	1.25	1.25
3. Visitor Parking							
Minimum Parking Requirement per unit	0	1.0 per 10 units	0	1.0 per 10 units	0	1.0 per 10 units	0
Maximum Parking Spaces	10	10	10	10	10	10	10
4. Other Parking Regulations	<ol style="list-style-type: none"> 1. Where visitor parking is required, it must be readily available to an entrance of the building and be clearly identified as visitor parking. 2. The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem. 3. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem. 4. Employee Parking for Live Work Units shall not be required. 						

Non-Residential Uses							
	Number of Required Parking Spaces by Zone						
Area of Application	AED / CCA	CMU	HA	HDR	JAMSC	RMU	UW
5. Any development within a Commercial Use Class not listed separately in this table							
Minimum Parking Space Required (space/sq. m of GFA)	1.0 per 400m ²	1.0 per 300m ²	1.0 per 400m ²	1.0 per 350m ²	1.0 per 400m ²	1.0 per 400m ²	0
Maximum Parking Space Required (space/sq. m of GFA)	1.0 per 200m ²	1.0 per 200m ²	1.0 per 200m ²	1.0 per 100m ²	1.0 per 100m ²	1.0 per 100m ²	1.0 per 200m ²
6. Convenience Retail Stores	No parking is required						
7. Restaurants, Bars and Neighbourhood Pubs, Specialty Food Services	Less than 50 occupants and 60m ² of Public Space, no parking is required. Zero minimum parking requirement for the UW zone.						
8. All other Zones and Uses not listed above	All other Zones and Uses within the boundaries of the Capital City Downtown Area Redevelopment Plan not listed above shall meet the parking requirements established by the abutting Downtown Special Area Zone with the longest shared zoning boundary.						

READ a first time this _____ day of _____, A. D. 2011;
 READ a second time this _____ day of _____, A. D. 2011;
 READ a third time this _____ day of _____, A. D. 2011;
 SIGNED and PASSED this _____ day of _____, A. D. 2011.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

910.12 (AED) - ARENA & ENTERTAINMENT DISTRICT ZONE**1. General Purpose**

The purpose of this Zone is to provide for a vibrant mixed-use district that will accommodate a multi-purpose sports and entertainment complex complemented by a variety of entertainment, retail, service, office, institutional and residential uses that will strengthen the Downtown Core as a regional destination point. The area will be characterized by an accessible, pedestrian-friendly street environment, innovative signage, iconic architecture and exceptional urban design to create a strong sense of place in the Downtown Core and an exciting new image for Edmonton.

2. Permitted Uses

- a. Apartment Housing
- b. Apartment Hotels
- c. Auctioneering Establishments
- d. Bars and Neighbourhood Pubs, not to exceed 300 occupants and 360m² of Public Space
- e. Broadcasting and Motion Picture Studios
- f. Business Support Services
- g. Carnivals Casino and other Gaming Establishments
- h. Child Care Services
- i. Commercial Schools
- j. Community Recreation Services
- k. Convenience Retail Stores
- l. Convenience Vehicle Rentals, limited to indoor locations only
- m. Exhibition and Convention Facilities
- n. General Retail Stores
- o. Government Services
- p. Health Services
- q. Hotels
- r. Indoor Participant Recreation Services
- s. Limited Contractor Services
- t. Live Work Units
- u. Minor Amusement Establishments
- v. Major Amusement Establishments
- w. Minor Home Based Business
- x. Major Home Based Business
- y. Minor Alcohol Sales

- z. Major Alcohol Sales
- aa. Natural Science Exhibits
- bb. Nightclubs, not exceeding 450 occupants and 540 m² of Public Space and within 10 m of a site zoned for residential Uses
- cc. Outdoor Participant Recreation Services
- dd. Personal Service Shops
- ee. Professional, Financial and Office Support Services
- ff. Private Education Services
- gg. Public Education Services
- hh. Private Clubs
- ii. Public Libraries and Cultural Exhibits
- jj. Public Park
- kk. Religious Assembly
- ll. Residential Sales Centres
- mm. Restaurants
- nn. Specialty Food Services
- oo. Spectator Entertainment Establishment
- pp. Spectator Sports Establishment
- qq. Fascia On-premises Signs
- rr. Projecting On-premises Signs
- ss. Roof On-premises Signs
- tt. Temporary On-premises Signs, not including portable signs

3. Discretionary Uses

- a. Automotive and Minor Recreation Vehicle Sales/Rentals, limited to indoor locations only and not adjacent to residential or residential related uses
- b. Bars and Neighbourhood Pubs, exceeding 300 occupants and 360m² of Public Space
- c. Boarding and Lodging Houses
- d. Custom Manufacturing Establishments
- e. Extended Medical Treatment Services
- f. Flea Market, limited to farmers market involving the sale of items such as produce, handicrafts and artifacts
- g. Minor Secondhand Stores
- h. Major Secondhand Stores
- i. Minor Impact Utility Services
- j. Mobile Catering Food Services

- k. Nightclubs, exceeding 450 occupants or 540m² of Public Space or within 10 m of a site zoned for residential Uses
- l. Non-accessory Parking
- m. Protective and Emergency Services
- n. Veterinary Services
- o. Warehouse Sales
- p. Fascia Off-premises Signs
- q. Freestanding Off-premises Signs
- r. Freestanding On-premises Signs
- s. Projecting Off-premises Signs
- t. Roof Off-premises Signs
- u. Temporary Off-premises Signs, not including portable signs

4. Development Regulations for Permitted and Discretionary Uses

The Development Officer shall ensure that new developments and major renovations reflect the Urban Design Policies of the Capital City Downtown Plan and the following Regulations. Where a conflict arises, the AED zoning regulations shall prevail.

The following regulations shall apply to all Permitted and Discretionary Uses:

a. Floor Area Ratio

- i. The maximum Floor Area Ratio (FAR) shall be 12.0.
- ii. Notwithstanding the above, Hotels and Apartment Housing shall be allowed an additional Floor Area Ratio of 4.0 where the Development Officer is satisfied that new developments fit within the urban context of the area and that adverse environmental impacts such as sun shadow and wind are minimized.

b. Building Height

- i. The maximum building Height shall not exceed 180 m, nor 60 storeys.
- ii. Notwithstanding the above, the maximum height for buildings in this Zone shall not exceed that established by the Airport Protection Overlay of the Zoning Bylaw.

c. Building Setbacks

- i. Buildings shall have a zero to 4.5 m Setback along 104 Avenue. The Development Officer, however, may increase the Setback for the purposes of public realm improvements. The Setback shall not be used for roadway widening.
- ii. Buildings shall have a zero to 2.5 m Setback along 101 Street; 105 Avenue between 101 and 102 Street; and the west side of the site.
- iii. Buildings shall not be required to provide a setback along 105 Avenue between 102 and 104 Street.

- iv. Notwithstanding the above, a greater setback may be provided to accommodate a particular architectural style or to provide opportunities for such features as sidewalk cafes, patios or a piazza.
- v. Where a setback is provided, architectural features and structures, including the building envelope and weather protection features including awnings, canopies and arcades may project to the property line.

d. Amenity Areas

- i. A minimum amenity area of 3% of the gross floor area of residential uses to a maximum of 10% shall be required for buildings over 2000m² to the satisfaction of the Development Officer. Amenity areas may include meeting rooms, fitness facilities, outdoor space, and shall be exempt from FAR calculations.
- ii. Non-residential buildings on sites of less than 1350m² shall not be required to provide Amenity Area.
- iii. Non-residential or mixed use buildings on sites greater than 1350m² shall provide a minimum Amenity Area of 4% of the gross floor area on the non-residential uses to a maximum of 10% and may be aggregated on the whole site. Such Amenity Area may include, but is not limited to, interior and exterior landscaped open spaces, arcades, roof top patios/gardens, atriums and plazas, and shall be exempt from FAR calculations.
- iv. Required open space shall achieve design excellence and may be located at or above grade or on rooftops. Parking areas, driveways and service access shall not be included as open space.
- v. A diversity of open space shall be provided throughout the development, designed to accommodate year-round use. Open space shall include, but is not limited to: space devoted to public gatherings, pedestrian movement and other social and recreational functions.
- vi. Public spaces shall support a variety of outdoor activities such as standing, sitting, strolling, conversing and dining.

e. Vehicular Parking

Parking shall be in accordance with Section 54 of the Zoning Bylaw; except that:

- i. At such time as a Shared Use Parking Impact Assessment is submitted, the applicant for a development permit may apply for a reduction to the minimum number of parking spaces. The applicant must demonstrate through a Shared Use Parking Impact Assessment that by virtue of the use, character, or location of the proposed development, and its relationship to public transit facilities and any other available parking facilities, the parking required for the proposed development may be less than any minimum set out in Schedule 1 (B) of Section 54 of the Zoning Bylaw.

f. Landscaping

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

- i. For development consisting of Residential Use Classes, the number of trees provided shall be a minimum of one tree for each 25m² of any required Setback at grade.
- ii. For tree requirements, only deciduous species shall be allowed on any Yard or Setback abutting a Public Roadway, other than a lane.
- iii. Within the required Setback along 104 Avenue, a 2.5 m sidewalk with flanking rows of deciduous shade trees shall be provided. Where an arena building abuts 104 Avenue, a 2.5 m sidewalk shall be maintained within road right of way, with shade tolerant plantings. A flanking row of deciduous trees shall not be required.
- iv. Landscaping on the Site shall consider the use of plant materials and architectural features that provide colour, texture and visual interest throughout the year to enhance the appearance of the development and create comfortable, attractive and sustainable environments for the benefit and enjoyment of its many stakeholders.
- v. At each development permit stage, a detailed Landscape Plan for the subject development permit stage shall be submitted. The Landscape Plan must be completed by a registered landscape architect registered to practice in the Province of Alberta and must be to the satisfaction of the Development Officer in consultation with the Planning and Development Department and Asset Management and Public Works Parks Department prior to approval of any Development Permit. The landscape plans shall incorporate all previous development permit stages, resulting in an overall landscape plan at the final development permit stage. The plans shall include, but are not limited to:
 - A. all existing and proposed utilities within any road right-of-way;
 - B. pavement materials;
 - C. exterior lighting;
 - D. street furniture elements;
 - E. pedestrian seating areas;
 - F. gathering places;
 - G. pedestrian linkages and connections;
 - H. sizes and species of new tree plantings; and
 - I. other landscaping elements as applicable.
- vi. The Landscape Plan submitted with each development permit stage must show proposed off-site landscaping on public property adjacent to the site, to the satisfaction of the Development Officer in consultation with Planning and Development Department, Asset Management and Public Works and the Transportation Department. The streetscape improvements may include, but are not limited to, new sidewalks, streetlights, boulevard landscaping, boulevard trees, street furniture, and/or the relocation of utilities underground.

g. Signage

Signage within the Arena and Entertainment District Zone is intended to consist of an array of high-quality, expressive signage that serves a primary role in establishing the character of the district as a unique place in the city, promotes and supports activities fostering a sense of arrival and excitement, and serving a wayfinding function. Large-format signage is imagined as an integral component of the district's design and character.

Signs shall comply with the regulations found in Section 59 and Schedule 59H of the Zoning Bylaw, except that:

- i. At each development permit stage, a Comprehensive Sign Design Plan and Schedule for the subject development permit stage shall be submitted in support of the land use concept and design that are integral in establishing the special character and ambiance associated with major destination sports, retail and entertainment uses for approval of the Development Officer. The sign plans shall be designed to contribute to the special character envisioned for each sub-area through the use of innovative, unique and high quality signage that contribute to a lively, colourful and exciting pedestrian environment. The sign plans shall incorporate all previous development permit stages, resulting in an overall sign plan at the final development permit stage.
- ii. Signage shall be designed as an integral built form component and contribute to urban design objectives for the Zone.
- iii. Landmark signage shall be located at key visual sites such as corners and view terminus sites, and shall be of the highest architectural quality and design.
- iv. Gateway signage shall be located at key entry points to the district to strengthen the district identity and to function as wayfinding elements.
- v. The size, height, placement, animation, illumination and number of signs shall be in accordance with the required Comprehensive Sign Design Plan, to the satisfaction of the Development Officer.
- vi. Illuminated signs shall be designed, located or screened so as to reduce visual and light impacts on adjacent off-site residential units.
- vii. Theatrically Programmed Environment (TPE System) signage can be incorporated into publicly-accessible open space, the facades and/or roof structures of buildings within the AED Zone. The TPE System may include, but is not limited to, features such as:
 - A. Full running video;
 - B. Projection systems on architectural surfaces;
 - C. LED lighting embedded into structures/buildings (i.e. nightscaping);
 - D. Interactive multi-media technologies; and
 - E. Environmental effects (i.e. special effects with the use of water and light).

5. Urban Design

a. General Design Regulation

- i. Developments in this zone shall reflect a coherent architectural style and urban character emphasizing design excellence, quality materials and sustainable features, consistent with planning and urban design principles approved in the Capital City Downtown Plan to enhance the Arena and Entertainment District.

b. Street Interface

The interface between buildings and streets is important in achieving street environments that are welcoming to pedestrians and encourage increased activity at the sidewalk level.

- i. Buildings, shall generally reflect the street types identified in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan, emphasizing specific boulevard treatments to enhance the pedestrian oriented character of the Arena and Entertainment District.
- ii. Pedestrian linkages and crossings shall be identifiable through decorative paving, stamping, patterned concrete or brick.
- iii. Pedestrian oriented streetscape elements such as pedestrian level street lighting, landscaping, benches and street furniture shall be provided throughout the site.
- iv. Buildings designed to accommodate Commercial Uses shall strengthen the pedestrian-oriented shopping experience by:
 - A. Designing the main floors to a minimum Height of 3.5m;
 - B. Developing major shopping complexes and large-format stores over 2000m² to contain smaller scale retail spaces that establish a rhythm of fine-grained retail establishments with direct access to the street at grade;
 - C. Providing a minimum of 60% at-grade street Frontage on 101 Street for retail, services, and other commercial uses;
 - D. Providing a minimum of 60% at-grade street Frontage on 104 Avenue for retail, services, and other commercial uses. The frontage of the arena building shall be exempt from the calculation of this requirement; and
 - E. Ensuring that above grade parking structures are screened from public roadways at grade in a way that does not disrupt the continuity of the street wall and the character of the zone. Screens may include, but are not limited to, public art, street fronting retail uses or other mechanisms or uses satisfactory to the Development Officer.

c. Public Amenity Area

- i. The development of the abutting public realm shall be in accordance with the standards outlined in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan.
- ii. Building setback areas shall improve the public realm and may include, among other amenities, appropriate seating areas, distinctive paving materials, fountains or public art.

d. Pedestrian Circulation

- i. In addition to the public right-of-way, a setback shall be provided to ensure safe pedestrian stacking room and convenient movement through the District. This setback shall be determined at the Development Permit stage through the submission of a pedestrian circulation study, to the satisfaction of the Development Officer, in

consultation with the Transportation Department. The study shall recommend appropriate setbacks based on:

- A. Location of public entrances to major traffic generators within the District;
 - B. Location of street crossings; and
 - C. Pattern and intensity of pedestrian movement at peak times.
- ii. Pedestrian connections and linkages shall be provided to Light Rail Transit entrances.
 - iii. Pedestrian connections and linkages shall be provided through the site from 104 Avenue to 105 Avenue. Pedestrian connections may be provided at or above grade, or a combination of both.
 - iv. In large developments, through access shall be provided to facilitate pedestrian access to other walkways, linkages or interior courtyards.

e. Street Wall Design

- i. The façade of commercial and residential buildings, excluding the arena building, that comprise a portion of the Street Wall shall range in Height from 9m to 26m. The Development Officer may vary the street wall heights in consideration of the following:
 - A. The visual, sun/shadowing, and other microclimatic impacts on adjacent residential development;
 - B. The recommendations and mitigative measures specified in any required technical studies;
 - C. Respect of building height proportionality;
 - D. The accommodation of podium gardens, restaurants/cafes; and
 - E. Consistency with the design of the District.

f. Entrances and Corners

- i. Ground level retail uses shall open to the street rather than exclusively to an internal atrium.
- ii. In mixed-use buildings, residential uses shall have access at grade that is separate from the commercial premises.
- iii. Buildings at corners shall provide courtyards, major entry ways or distinctive architectural features consistent with the style of the building or influences on the other corners of the intersection to enhance pedestrian circulation and, where appropriate, enhance axial views.
- iv. Buildings shall be designed and oriented to face the front property line with entrances that are clearly visible, except on double fronting streets where the building shall be designed to front both the street and the avenue.

g. Tower Floor Plate, Stepbacks, and Spacing

- i. Buildings containing Uses other than Spectator Sports Establishments greater than 26m in Height shall be allowed in the form of a podium plus Tower composition or other configuration that ensures design treatments are compatible with the façades of other buildings in the District.
- ii. The mid-level of tall buildings or Towers shall employ building stepbacks, tower spacing and sculpting to reduce building mass and augment views, light and privacy.
- iii. Towers shall stepback from the front podium wall a minimum of 4.5 m.
- iv. The minimum space between non-residential Towers shall be 20m.
- v. The minimum space between a residential Tower and any other Tower shall be 25 m.
- vi. Notwithstanding the regulations on Spacing, the Development Officer may vary the Tower spacing in consideration of the following:
 - A. The visual sun/shadowing and other microclimatic impacts on the adjacent residential development; and
 - B. The recommendations and mitigative measures specified in any required technical studies.
- vii. The Tower Floor Plate(s) of the top 4 floors shall be reduced a further 10% to 15%, to the satisfaction of the Development Officer, through Stepbacks to create articulation, visual interest and reduced massing effects.
- viii. Notwithstanding the above (7(g)(i), (ii) and (iii)) the Development Officer may use discretion in approving a Tower which does not include Stepbacks or reduced tower floor plates.
- ix. High rise structures, whether in the form of point Towers, multiple developments or an entire complex shall be designed, oriented and constructed to maximize views, articulate the downtown skyline, and allow sunlight penetration at the street level, in public spaces, plazas, parks and amenity areas.

h. Building Façade, Materials and Exterior Finishing

- i. Building façades shall incorporate architectural design details or features that recognize the predominant urban character of the street, as identified in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan.
- ii. A façade shall not extend greater than 10m without some manner of articulation at street-level, with the exception of the 105 Avenue façade for which articulation at least approximately every 15m is required. Articulation may be provided in the form of arcades, variations in building materials, colour changes, signage, building breaks or setbacks, or other methods suitable to the architectural style of the building which provide visual interest.

- iii. Building design and façade shall incorporate treatments such as awnings, canopies, window openings, reveals, offsets, multiple entrances, arcades, columns, quality materials, interesting design, fenestrations, double Height entrances, parks, plazas, appropriate landscaping, colour and other architectural features.
- iv. Where practical, weather protection in the form of a canopy at least 2.0 m wide or any other method suitable to the architectural style of the building or street theme shall be provided one Storey above sidewalk level to provide protection from inclement weather.
- v. Buildings shall emphasize horizontal and vertical elements as well as finer grain elements including windows, balconies, shadow lines and textures to distinguish between residential and non-residential buildings.
- vi. Building materials shall be sustainable, durable, high quality and appropriate for the development within the context of the Arena and Entertainment District.

i. Roof Tops and Skyline Effects

- i. The top floors of buildings shall contribute to the 'signature' of the building and the City's skyline through articulation of the upper floors and roof.
- ii. Rooftops of Towers shall be designed with penthouses to accommodate mechanical penthouses, reduce the heat island effect, facilitate energy efficiency and contribute to a distinctive and unique Downtown skyline. The design of the roof may include a combination of design features such as green roofs, solar panels, patios or private open spaces.
- iii. All minor mechanical equipment on a roof or any building shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.
- iv. Whenever podium roofs, with the exception of the arena building, are visible from adjacent developments, the developer shall provide enhancements to improve rooftop aesthetics. Enhancements may include, but are not limited to, improvements such as patios, gardens, green roofs, amenity areas or architectural features.

j. Exterior Lighting

- i. Enhanced lighting at grade shall be provided to improve the pedestrian environment and address the long night associated with a winter city. Detailed lighting plans shall be submitted with each development permit stage.
- ii. Large-scale architectural lighting:
 - A. Shall be used to highlight or accentuate vertical, horizontal or other architectural elements of buildings; and

- B. May change hues and mark special seasons, weather and events with unique colour arrangements, and may make use of dramatic lighting elements in order to create a dynamic and exciting event atmosphere.
- iii. Exterior lighting associated with the development shall be designed such that illumination is minimized beyond the boundaries of the development site, thereby limiting or preventing light pollution and intrusion.

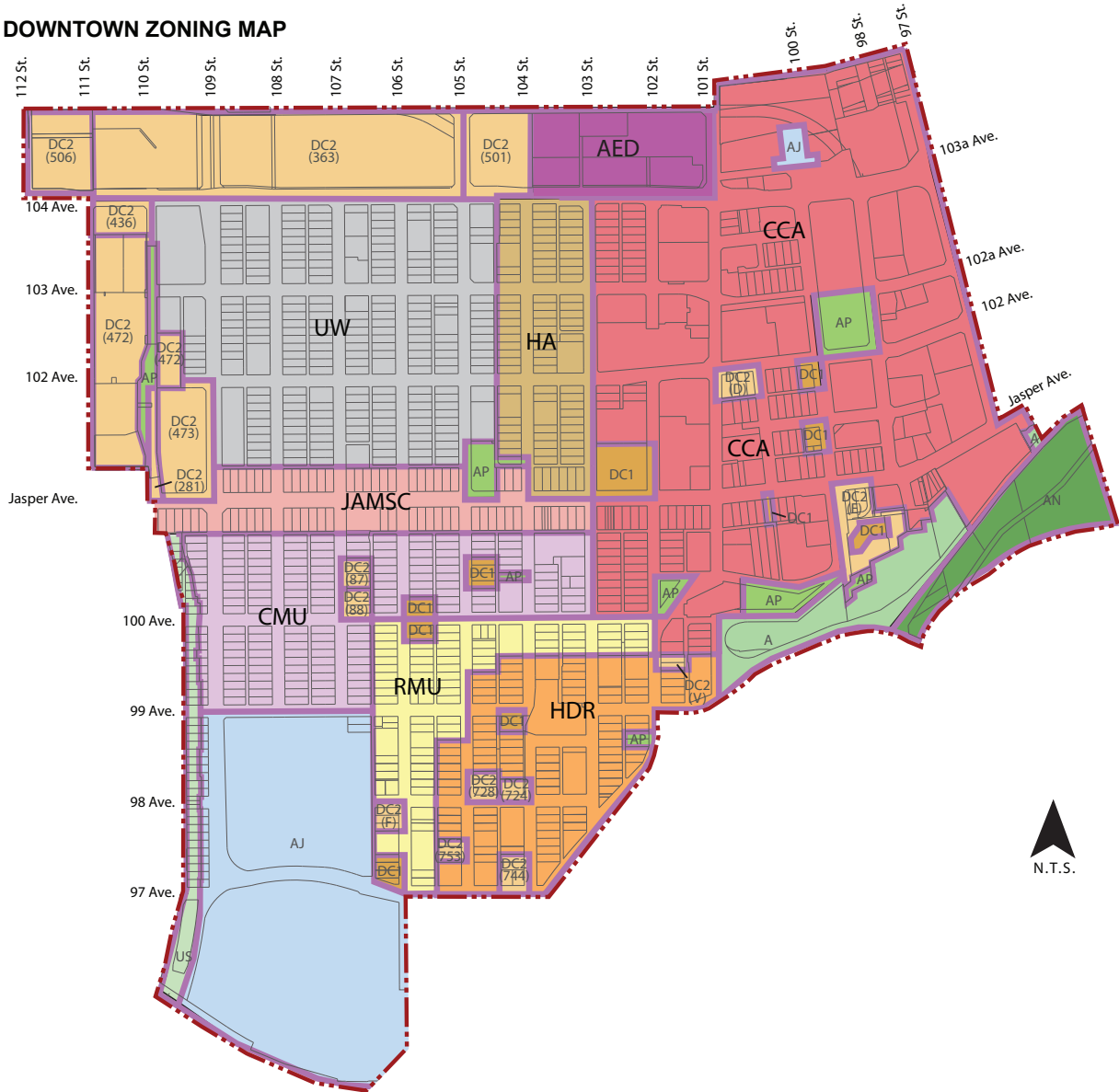
6. Additional Development Regulations for Specific Uses and Streets

- a. The following regulations shall apply to Automotive and Minor Recreational Vehicle Sales/Rentals and Convenience Vehicle Rentals:
 - i. There shall be no servicing, except for exterior and interior washing and detailing, and repair operations; and
 - ii. All sales, display and storage shall be contained within the building.
- b. Live/Work Units shall be developed in accordance with Section 92 of the Zoning Bylaw.
- c. Notwithstanding Section 91 of the Zoning Bylaw, the following regulations shall apply to Flea Markets:
 - i. No minimum distance from residential development shall be required;
 - ii. No additional parking shall be required;
 - iii. No direct vehicular access to arterial roadways shall be required; and
 - iv. May be of a temporary nature.
- d. The following regulations shall apply to Nightclubs:
 - i. Where nightclubs are located within the same building as residential, consideration shall be given to the adverse effects of nightclubs. Design techniques to mitigate the effects of noise and light shall be provided, to the satisfaction of the Development Officer.

Special Area, Downtown

Appendix 1 to Section 910 of Bylaw 12800 as amended by Bylaw 15202 and subsequent appropriate Bylaws.

DOWNTOWN ZONING MAP



Legend

Special Area Zones

- AED Arena Entertainment District
- CCA Core Commercial Arts
- CMU Commercial Mixed Use
- HA Heritage Area
- HDR High Density Residential
- JAMSC Jasper Avenue Main Street Commercial
- RMU Residential Mixed Use
- UW Urban Warehouse

Standard Zones

- US Urban Services
- A Metropolitan Recreation
- AJ Alternative Jurisdiction
- AN River Valley Active Node
- AP Public Parks

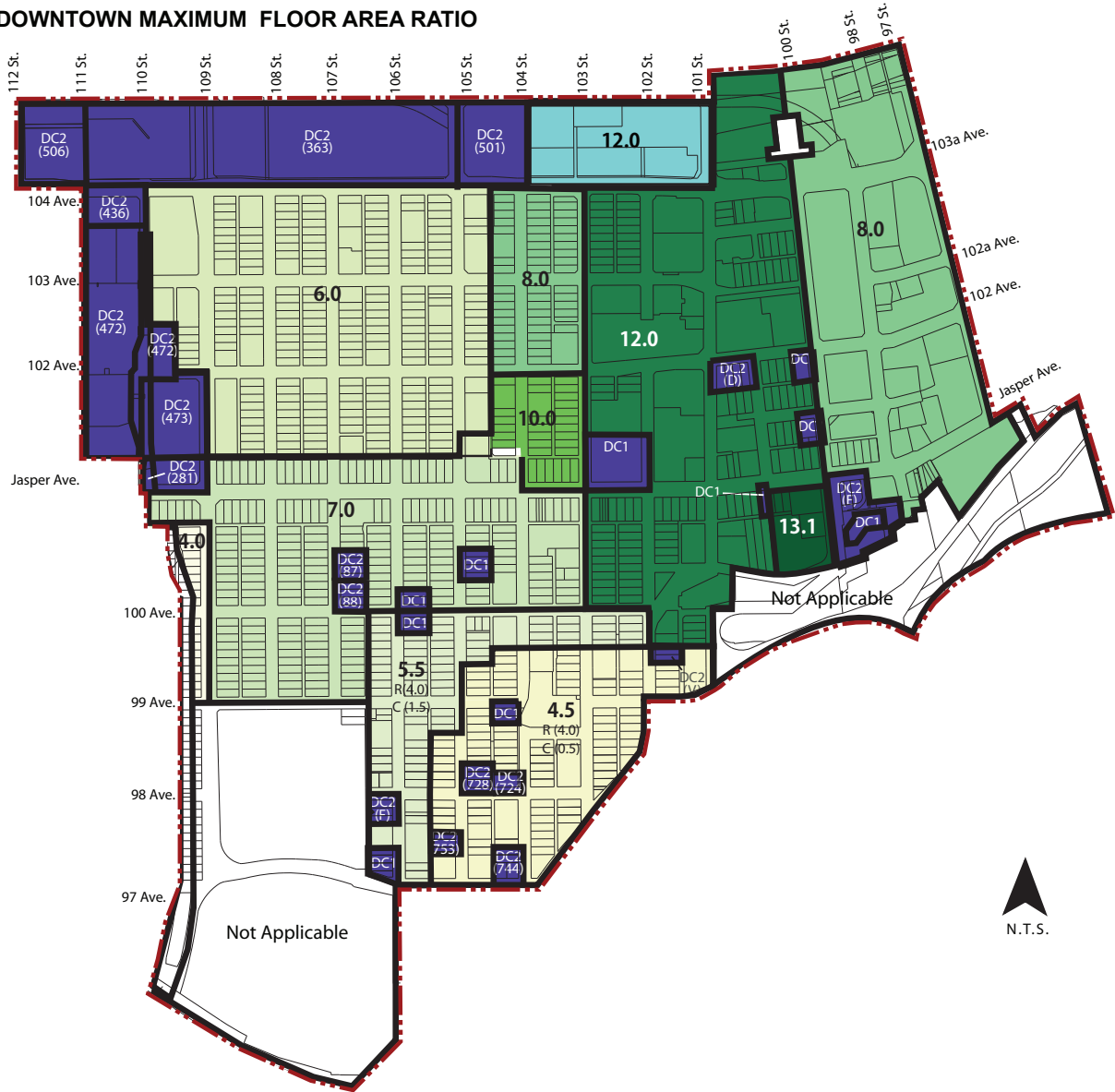
Direct Control Provisions

- DC1 Direct Development Control Provision
- DC2 Site Specific Development Control Provision

Special Area, Downtown

Appendix 2 to Section 910 of Bylaw 12800 as amended by Bylaw 15202 and subsequent appropriate Bylaws.

DOWNTOWN MAXIMUM FLOOR AREA RATIO



Legend

- DC1 & DC2 (Direct Development Control Provisions)
FAR individually approved/established by City Council and remain unaltered
- Not Applicable

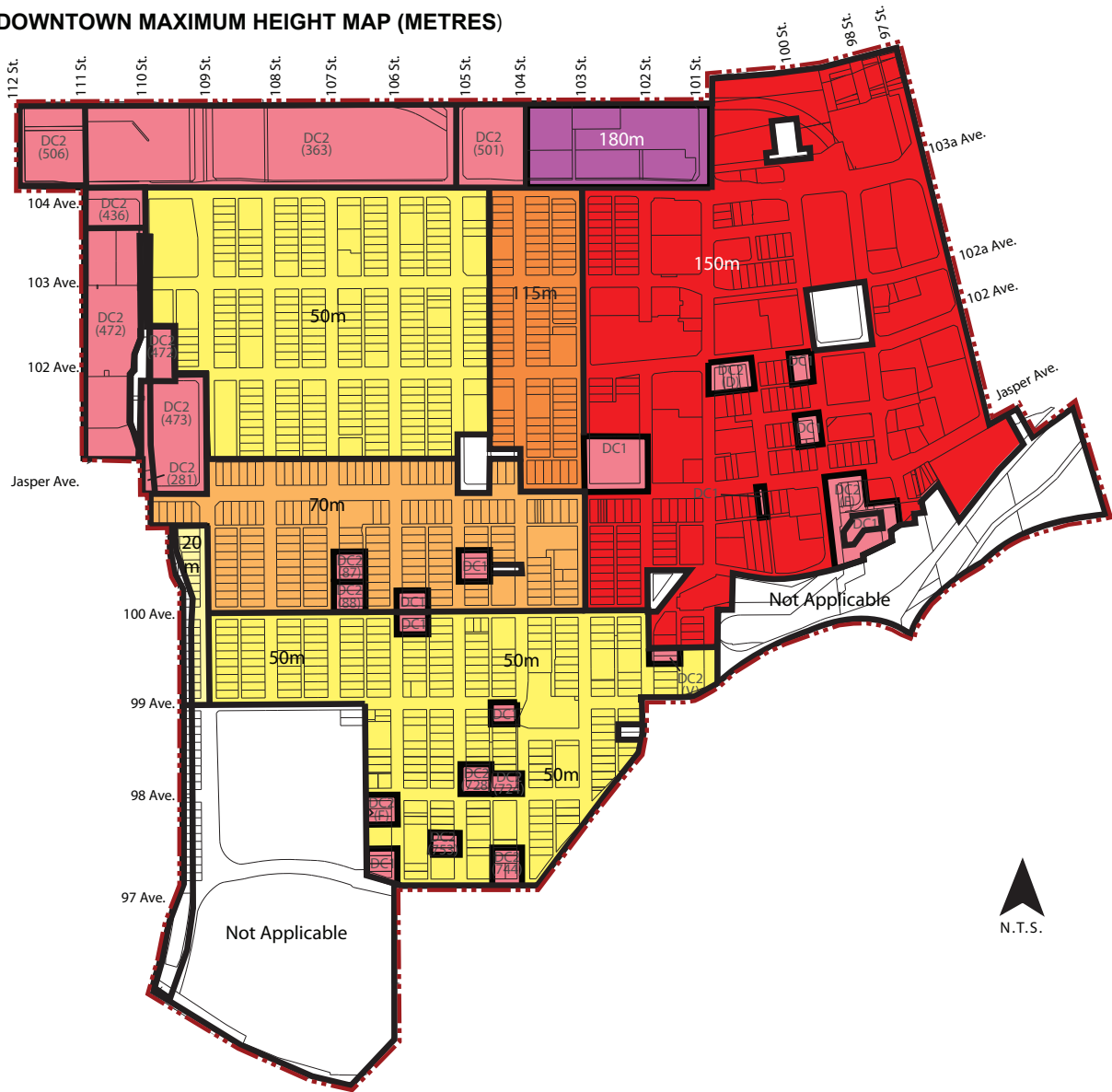
Total FAR → **8.0**
 R (6.0) ← Residential FAR
 C (2.0) ← Commercial FAR

NB: Maximum F.A.R. shown does not include additional F.A.R. for specific uses or discretion, where granted by the Development Officer.

Special Area, Downtown

Appendix 3 to Section 910 of Bylaw 12800 as amended by Bylaw 15202 and subsequent appropriate Bylaws.

DOWNTOWN MAXIMUM HEIGHT MAP (METRES)



Legend

- DC1 & DC2 (Direct Development Control Provisions)
Heights individually approved/established by City Council and remain unaltered
- Not Applicable

NB: Maximum height shown does not include discretionary height, where granted by the Development Officer.

The maximum allowable height shall not exceed that which has been established by the City Centre Airport Protection Overlay.

**ATTACHMENT 2
BYLAW 15489
BYLAW 15490
BYLAW 15491
FILE: LDA10-0114
DOWNTOWN**

DESCRIPTION: TEXT AMENDMENT TO SECTION 910 OF THE ZONING BYLAW;

ZONING BYLAW AMENDMENT from (DC2) Site Specific Development Control Provision to a new AED (Arena and Entertainment District) Zone; DOWNTOWN;

CLOSURE OF ROAD-RIGHT-OF WAY (undeveloped walkway) located north of 104 Avenue, between 103 and 104 Streets; DOWNTOWN

LOCATION: North of 104 Avenues, between 101 Street and 104 Streets.

LEGAL DESCRIPTION: Lot 2, Block 9E, Plan 9724372; Lot 3MR, Block 9E, Plan 9724372 and Block RLY, Plan 8622223

APPLICANT: Stantec Consulting Ltd.
10160, 112 Street
Edmonton, AB
T5K 2L6

OWNER: Multiple Property Owners

BENEFICIAL OWNER: Katz Group Properties Inc.; and
1455351 Alberta Ltd.

ACCEPTANCE OF APPLICATION: April 12, 2010; Revised October 18, 2010

EXISTING DEVELOPMENT: Casino and surface parking lots

BYLAW 15489
BYLAW 15490
BYLAW 15491
FILE: LDA10-0114
DOWNTOWN

**PLANNING AND
DEVELOPMENT
DEPARTMENT'S**

RECOMMENDATIONS: That Bylaw 15489 to amend Section 910 of the Zoning Bylaw to add a new Special Area Zone - the Arena and Entertainment District Zone to the Downtown be APPROVED;

That Bylaw 15490 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to an AED (Arena and Entertainment District) Zone be APPROVED;

That Bylaw 15491 to close a 6m Road-Right-Of-Way (Undeveloped Walkway) located north of 104 Avenue, between 103 And 104 Streets be APPROVED.

DISCUSSION

1. The Application

This application consists of **four** interrelated initiatives that seek to establish, and develop over time, an arena and entertainment complex that will strengthen Downtown as a world class sports and entertainment destination. Three of the initiatives require separate bylaws to provide legal rights and obligations for effective implementation; the other - the disposition of Municipal Reserves - will be handled by a Resolution of Council.

The first initiative (Bylaw 15489) proposes to amend Section 910 of the Zoning Bylaw to:

- a) add a new Special Area Zone - the Arena and Entertainment District Zone – that will capture the urban character and vibrancy envisaged in the commercial core of the Downtown. The intent is to provide an arena and entertainment zone that is distinguished from other Special Area Zones by its iconic architecture, exceptional urban design elements, built form and intensity of development to accommodate the creation of a strong sense of place in the Downtown Core and an exciting new image for Edmonton. The Special Area Zone is attached as Appendix C; and
- b) add new parking requirements to Section 54.2 by amending Schedule 1(B) to accommodate the AED Zone requirements.

The second initiative (Bylaw 15490) proposes to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to an (AED) Arena and Entertainment District Zone, as outlined in the attached Appendix D. The proposed AED Zone will provide the opportunity for the development of a multi-purpose sports and entertainment complex, supported by a variety of office, retail commercial, institutional, residential and other entertainment uses. The AED regulations are designed to permit developments up to a maximum Floor Area Ratio (FAR) of 12.0 with an additional bonus FAR of 4.0 for Apartments and Hotels; heights not exceeding 180m, nor 60 Storeys with special lighting, innovative signage and iconic architecture to ensure a distinct image and experience for the District.

The third initiative (Bylaw 15491) proposes to close a 6m Road-Right-Of Way (undeveloped walkway) located North of 104 Avenue, between 103 and 104 Streets and consolidate with adjacent properties to form a single site unencumbered by ownership and size requirements.

The fourth initiative involves the disposal of a parcel of land (0.42 ha) designated as Municipal Reserve (MR) within the larger site. It is the applicant's intent to acquire the MR lands and consolidate it with adjacent properties as part of the land assembly for the arena complex.

2. Site and Surrounding Area

The subject site is approximately 4.9 Ha (12.1 acres) and is located north of 104 Avenue, between 101 Street and 104 Street at the north edge of the Downtown commercial core. The site is zoned DC2 (500) and is occupied by the Baccarat Casino and several gravel surface parking lots. A small Municipal Reserve parcel (0.47 ha) and an undeveloped walkway are located in the central portion

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of the site. The site is easily accessible by public transit along adjacent arterials and will be served by the future north LRT line and MacEwan LRT Station on 105 Avenue.

North of the site is the neighbourhood of Central McDougall, with adjacent lots zoned DC1 and developed with a mix of small scale commercial, institutional and office buildings, surface parking lots and a four storey heritage structure (A. Macdonald Building) that was formerly used as a warehouse building. A rezoning for a major residential complex-the Aurora development -was approved in 2005, but nor Development Permits or Building Permits were applied for.

East of the site, across 101 Street, are a number of small surface parking lots and the 30 storey Epcor office tower which is currently under construction.

Lands south of 104 Avenue are occupied by the historic Mercer Building and the Grey Hound Bus Station zoned HA(Heritage Area), a surface parking lot and warehouse sales (Staples), zoned CCA (Core Commercial Arts) Zone.

The property immediately to the west is zoned DC2 and developed as a four storey residential apartment-Square104.

ANALYSIS

1. Compliance with Approved Plans

The proposed Arena Bylaws are in conformance with a number of strategic plans and policies designed to ensure that the long term vision of the City will be realized through successive and detailed planning and implementation, as follows:

a) Capital Region Land Use Plan

Capital Region Land Use Principles and Policies are supported through the opportunities presented in the AED zone. These include concentrating urban growth within the Downtown central area, emphasizing higher density development served by public transit, improvements to civic spaces and provision of more housing opportunities and choices in support of a complete community.

b) “The Way Ahead” City of Edmonton Strategic Plan 2009-2018– Bylaw 15100 (July 2008)

The Strategic Plan is comprised of six (6) ten-year goals used to focus and guide Edmonton’s future state. The development of an arena and entertainment multi-use complex supports these goals in various ways which serve to: preserve and sustain the environment, improve liveability, transform Edmonton’s urban form through excellent urban design, shift its transportation mode to a sustainable approach, ensure financial stability and diversify Edmonton’s economy.

c) “The Way We Grow” Municipal Development Plan – Bylaw 15100 (January 2010)

The City of Edmonton Municipal Development Plan (MDP) provides direction for managing growth and development in the Downtown area. The concept of a downtown Arena and Entertainment District Zone supports economic growth, high density mix-use development, sustainable transportation, pedestrian oriented development and excellent urban design.

d) “The Way We Move” Transportation Master Plan (TMP) – (September 2009)

The Transportation Master Plan (TMP) establishes the policy framework for addressing transportation issues and future needs in the City of Edmonton. The arena concept conforms to the TMP by emphasizing the integration of land-use planning and different modes of transportation to create a more accessible, efficient and compact Downtown arena and entertainment district. This is achieved by providing direct and enhanced access to adjacent public transit facilities along major bus routes, the future MacEwan Station and future stations along the proposed LRT line along 102 Avenue, connections to existing LRT stations, future bicycle paths, pedways and enhanced pedestrian corridors along 104 and 105 Avenues.

e) Capital City Downtown Plan

The Capital City Downtown Plan, approved by City Council on July 7, 2010 as Bylaw 15200, provides the policy framework and directions to support the concept of a downtown Arena and Entertainment District. The Downtown Plan identifies a new Sports and Entertainment District as a catalyst project contributing to the success of the Downtown and designates the Station Lands sub-area as a potential location for such a district. The Plan further recommends that development of the AED District should undertake a coordinated, transparent planning process with extensive public engagement to ensure the best fit into the Downtown environment, and apply a set of nine urban design principles as listed in Policy CC3.5 in the planning and design for a Sports and Entertainment District.

The proposed AED zone and amendments are in conformance with the development intent to develop the Station Lands Sub-area (3) with mixed-use, high density commercial, residential, institutional and major potential sports and entertainment uses.

The application provides the opportunity to become an additional catalyst and anchor around which transit-supportive, medium to high density uses (Policy CC3.3) and intensification (Policy CC3.1) can occur.

To further strengthen the urban character, quality of developments and fit within the context of the neighbourhood, the AED Zone provides a number of urban design regulations to meet the planning and urban design principles listed in Policy CC3.5. These regulations which are in alignment with the other Downtown Special Area Zones, provide for a diversity of mixed uses with limitations on Night clubs, Bars and Pubs, and provision of a diversity of parks,

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open spaces and amenity areas, and include design requirements for buildings, landscaping, lighting and enhanced signage to realize the goals of a sustainable, vibrant, accessible and well-designed Downtown.

f) Airport Protection Overlay (APO)

The Arena and Entertainment District site is located within the main north-south flight path for the City Centre Airport (runway 34). The AED Zone requires that developments of significant height be reviewed by NAV Canada, Transport Canada and the Edmonton Airport Authority. Should the City Centre Airport eventually be closed, the APO will be abandoned and the maximum heights for buildings on the site shall be limited to 180m or 60 storeys, as outlined in the proposed AED Zone. This height allowance and sculpted tower tops will contribute to the dynamism of the City's skyline as encouraged in the Downtown Plan.

2. Edmonton Design Committee

The Edmonton Design Committee (EDC) reviewed the Application on two occasions:

The initial application to create an Arena and Entertainment District and associated AED zone on 6.5 hectares of land located north and south of 104 Avenue was not supported by EDC. While the EDC supports the Arena being located in the Downtown area, EDC observed that the proposed zoning text did not reflect the intended design excellence highlighted in the package and presentation materials and recommended that:

- Explicit standards be set for open space
- Density transfer between sites should be removed
- The north and south parcels should reflect different height, FAR and uses, and
- The integration of the project with the public realm should be fully addressed.

Responding to the Committee's recommendations, the applicant, working with the Planning Department, revised and resubmitted the AED zone for the north parcel on November 16, 2010 for EDC's consideration. After deliberations, EDC supported the arena proposals, subject to minor text changes to the AED zone, as outlined in EDC's letter dated November 17, 2010, attached to this report as Attachment 2 (b). On December 14, 2010, an administrative walk-on responding to EDC's recommendations was reviewed and supported by EDC. These changes have been incorporated in the AED zone under consideration.

3. Parks, Open Space and Amenity Areas.

Parks Planning Branch of Asset Management and Public Works (AMPW) supports the proposed applications, including the provision of amenity areas and landscaping as outlined in the proposed regulations of the AED Zone, as well as the disposal of the municipal reserve located on site. Parks Planning also advises that, given the landmark nature of the arena project, enhanced landscaping

and design standards at the Development Permit stage(s) would ensure that an integrated network of parks, open spaces, plazas, recreational facilities and other amenity areas would contribute to a well designed public realm and accessible private spaces.

4. Sustainability

Sustainability is one of the key pillars of the Downtown Plan. The Plan sets out a number of policies and strategies, including a Green Building and Development Strategy to establish the foundation for future initiatives and regulations to achieve a more sustainable environment.

Specific to the Station lands Sub-area 3, Policy CC 3.5 *Potential for a Sports and Entertainment District* recommends that development should strive to achieve a high standard of sustainability. Embedded in all of the proposed Downtown Special Area Zones are a number of progressive, sustainable regulations relating to parking, urban design, building materials and the re-use of older buildings. The proposed AED zone also reflects the same approach.

It should be acknowledged that although the developer has signalled his intention to implement sustainable targets such as the Green Building Rating System LEED™ Canada or BREEAM, there are no specific regulations or targets provided. Given the sustainability policies in the Downtown Plan, the Development Officer has sufficient authority to require that developments demonstrate that Policy 2.3 Green Building and Development Strategy for private developments are met.

5. Environmental Considerations

Phases I and II Environmental Site Assessments are required prior to the granting of Development Permits for the site. The zoning provisions of the Edmonton Zoning Bylaw include the requirement for verification of remediation at the development permit stage or building permit stage, depending on the degree of excavation required for the various buildings. The developer has submitted further studies identifying potential environmental impacts and mitigative measures for review and approval by the Administration. These studies, dated November 2010, are in circulation.

To mitigate inclement weather impacts, developments in this new zone shall be required to meet Section 910.4.6 Weather and Environmental regulations that require buildings and public spaces to increase pedestrian comfort using urban and architectural design initiatives such as canopies, awnings, colonnades or overhangs designed to fit the character of the building or block.

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6. Transportation, Utilities and Infrastructure

The Transportation Department supports the closure and consolidation of the lane with abutting properties, amendments to Section 910 of the Zoning Bylaw and rezoning of the consolidated lands to a new AED Zone. Transportation also advises that the owner shall be required to provide the appropriate Traffic Impact Assessments (TIA) and Parking Impact Assessments (PIA) at the development permit stages.

The TIA will address, among other elements, site access, transit access and accommodation, pedestrian and cycling circulation, traffic safety, loading and unloading arrangements, and potential impacts to the adjacent transportation system.

The PIA will identify parking management strategies to accommodate the demands of the Arena and Entertainment District, including shared - use parking opportunities and programs to minimize vehicle trips.

The Transportation Department encourages Transportation Demand management initiatives during the design and development of the project to assist the shift to sustainable transportation modes.

There are no major issues regarding the provision of engineering services to the arena. Asset Management and Public Works, Atco Gas, Atco Pipelines, Epcor Power and Epcor Water Services and Shaw Cable, all support the proposed amendments and rezoning, with advisements:

Drainage Services advises that:

- a) Permanent sewer servicing shall be in accordance with the servicing scheme identified in the Downtown Entertainment District Servicing Concept submitted by the applicant (Stantec) November 2010.
- b) The upgrade to the drainage infrastructure may result in a levy or other funding mechanism.
- c) The developer will be responsible to pay the Sanitary Sewer Trunk Charge, as well as the extension or upgrading of public sewers, installation of new services, abandonment of redundant services and on-site servicing requirements.

Epcor Water advises that a Hydraulic Network Analysis Report is required to determine the level of upgrades required for the project in the future and that any new water main required must be built through a Servicing Agreement.

The issue of off-site improvement costs have not been addressed in this report due to the early stages of the design process. This will be dealt with in a Servicing Agreement to be submitted to Council once the total servicing needs are determined.

7. Lane Closure and MR Disposal.

There were no objections to the sale and consolidation of the undeveloped lane with adjacent properties or disposal of the reserve parcel. Parks Branch of the Asset management and Public Works has determined that the MR Lot is surplus to their requirements and is available for disposal.

8. Public Consultation and Involvement

On April 28, 2010 the City sent out notification of the initial applications to 2164 recipients, including property owners, the Central McDougall Community League, the Downtown Community League, the McCauley Community League, the Oliver Community League, the Boyle Street Community League and the Rossdale Community League. The Chinatown and Little Italy, and the Downtown and North Edge Business Revitalization Zones were also notified. A number of comments in various means were received, both in support and opposing the applications.

Public Meeting

The stakeholders' notification was followed by a public meeting which was held on May 19, 2010. Invitations to attend the meeting were sent to 2164 recipients. The meeting was attended by approximately 120 persons. Most of the concerns expressed during the meeting and provided in writing were focussed primarily on the Rezoning application. These concerns include, in summary:

- lack of clarity and detail in the application;
- zoning format (new zone instead of DC2);
- traffic and parking;
- interface of developments with the street;
- lack of public involvement (application appears to be fast-tracked);
- inadequate infrastructure;
- lack of Urban Design requirements; and
- uncertainty in final development product.

Following the July 21st directive by City Council, and a revised proposal and re-notification, the City engaged a private firm to conduct two stakeholder meetings and four public open houses/workshops held during November 2010 to provide an open forum for dissemination of information, discussion and gathering of opinions and ideas about the arena proposal.

A report on the findings of this consultation process was presented to City Council on December 10, 2010.

To ensure that the resulting developments meet the goals and objectives of the statutory Plans and civic policies, the City Administration worked with the applicant to streamline and strengthen the proposed AED regulations to address design expectations and performance commitments.

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JUSTIFICATION

The Planning and Development Department recommends that Bylaws 15489, 15490 and 15491 be APPROVED on the basis that they establish the regulatory mechanism to allow developments within the Arena and Entertainment District consistent with the strategic goals, objectives and development intent of the MDP and the Capital City Downtown Plan. There are no outstanding technical concerns regarding the servicing of developments that can be allowed under this new Special Area zoning. Submission of requisite studies to ensure developments meet technical and regulatory standards and the means to finance any on and off site improvements will be covered under other Agreements between the City and the developer.

ATTACHMENTS

- 2a Maps
- 2b Edmonton Design Committee letters dated November 17, 2010 and December 20, 2010.

Written by: Shafee Mohamed
Approved by: Scott Mackie
Planning and Development Department
December 6, 2010



SURROUNDING LAND USE ZONES

FILE: LDA10-0114
DATE: December 6, 2010
BYLAW 15491

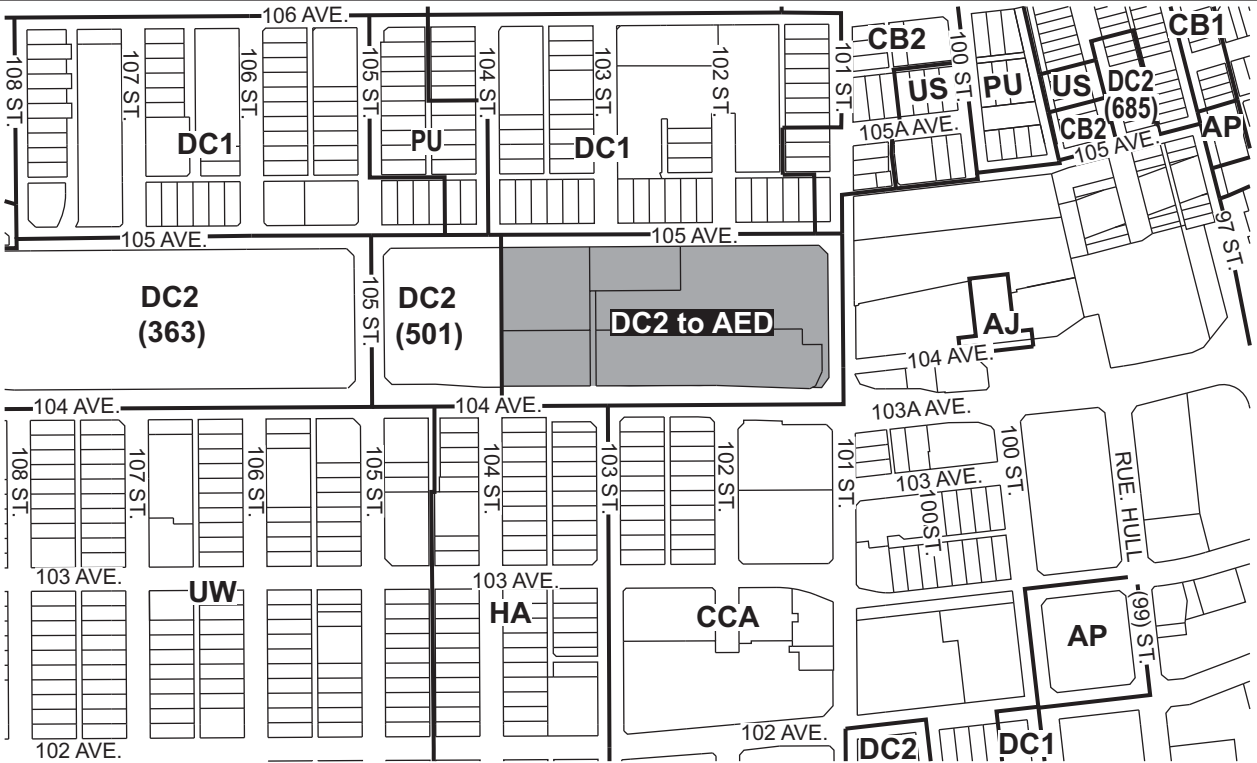




SURROUNDING LAND USE ZONES

FILE: LDA10-0114
DATE: December 6, 2010
BYLAW 15491





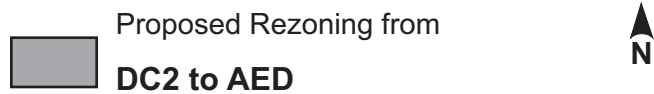
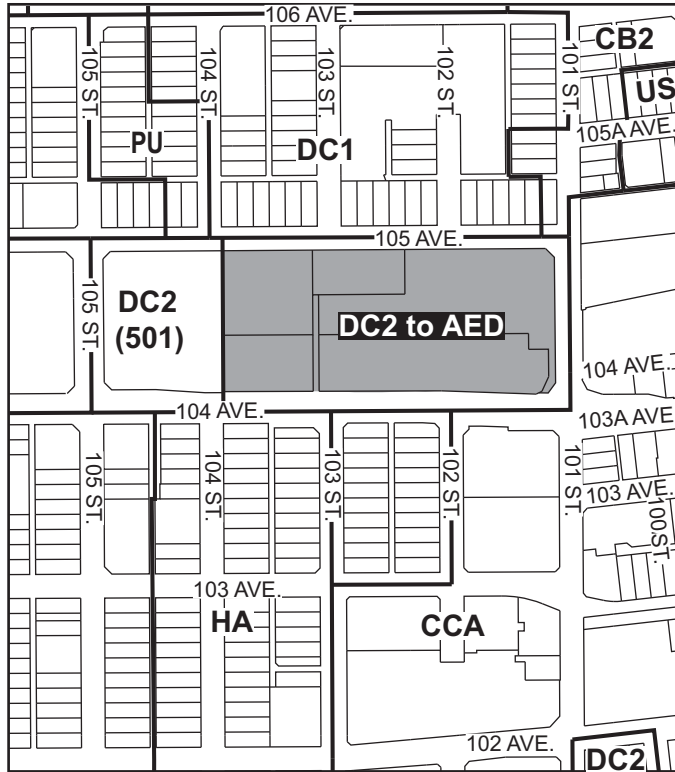
SURROUNDING LAND USE ZONES

FILE: LDA10-0114
DATE: December 6, 2010
BYLAW: 15490



DOWNTOWN, BYLAW 15490

Location: 10128-104 Avenue NW, 10157-105 Avenue NW,
10205-105 Avenue NW



The purpose of proposed Bylaw 15490 is to change the Zoning Bylaw from (DC2) site specific development control provision to (AED) arena and entertainment district zone; Lot 2, Block 9E, Plan 9724372; Lot 3MR, Block 9E, Plan 9724372 and Block RLY, Plan 8622223, as shown on the above sketch. Bylaw 15490 will apply Sub-section 910.12, (AED) Arena and Entertainment District Zone, as proposed by Bylaw 15489, to the properties described above. The Planning and Development Department **supports** this proposed bylaw.

PROPOSED REZONING

FILE: LDA10-0114

PLANNING AND DEVELOPMENT

DATE: December 6, 2010



EDMONTON • DESIGN • COMMITTEE

May 19, 2010

Mr. Scott Mackie, Branch Manager
 Current Planning, Planning and Development
 5th Floor, 10250 – 101 Street NW
 Edmonton, Alberta T5J 3P4

Dear Mr. Mackie:

Re: **Downtown Arena** – Rezoning Application #97353578-001(LDA10-0114)
 10157 – 105 Avenue NW; 10205 – 105 Avenue NW; 10128 – 104 Avenue NW;
 10310 – 102 Street NW
 Site legally described as:
 Lot 2, Block 9E, Plan 9724372; Lot 3MR, Block 9E, 9724372;
Block RLY, Plan 8622223; Lot 185-204,OT, Block 2, Plan NB1

As determined by the Edmonton Design Committee at the meeting on May 18, 2010, I regret to pass on the Committee's recommendation of **non-support** for the Downtown Arena submitted by Stantec Consulting Ltd.

The zoning text does not reflect the intended excellence described in the package and presentation. Architecture (urban character, built form, and street level architecture), sustainability, public art and the public realm must exemplify standards of excellence and require commitment to performance standards. Further clarity and specificity is required in the text to fully realize the intent described by the applicant.

The Committee feels that the items below (related to the Edmonton Design Committee Design Principles) require the appropriate attention. Please note that this list is not intended to fully represent all items that require further work, but highlights some specific areas of concern. The applicant is encouraged to review the entire zoning document in light of the previous paragraph.

A2 Creating + Enhancing the Neighbourhood, District + Corridor

- There are no explicit standards for the open space;
- In the reference to Development Regulations for Permitted and Discretionary Uses (Section 5.1, (AED) Arena and Entertainment District Zone), the excess density being transferred should be removed;
- Treat of the sites north of 104 Avenue and south of 104 Avenue differently. Each zone should have its own specific Height, FAR, and Uses;
- The integration of the project development with the public realm needs to be better described.

The Edmonton Design Committee supports the arena and entertainment district being in the downtown area.

You will notice that a copy of this letter is also being sent to the applicant. I hope this will inform your future discussions with the applicant as this project proceeds.

Yours truly,
Edmonton Design Committee

A handwritten signature in black ink, appearing to read "A. Fris". The signature is written in a cursive, flowing style.

Anneliese Fris, Chair

AF/ls

c. Yolanda Lew, Stantec Consulting Ltd.
Edmonton Design Committee

**EDMONTON • DESIGN • COMMITTEE**

December 20, 2010

Mr. Scott Mackie, Branch Manager
Current Planning, Planning and Development
5th Floor, 10250 – 101 Street NW
Edmonton, Alberta T5J 3P4

Dear Mr. Mackie:

Re: **Downtown Arena** - Rezoning Application #97353578-001(LDA10-0114)
10157 – 105 Avenue NW; 10205 – 105 Avenue NW; 10128 – 104 Avenue NW
Site Legally Described As:
Lot 2, Block 9E, Plan 9724372; Lot 3MR, Block 9E, 9724372; Block RLY, Plan 8622223

This is to advise that on December 14, 2010, that the “Administrative Walk-on’ for the Downtown Arena rezoning was presented and was accepted.

Yours truly,
Edmonton Design Committee

Anneliese Fris, Chair

AF/cc

c. Edmonton Design Committee