

Charter Bylaw 19600

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3168

WHEREAS Lot 29, Block 122, Plan 1822016; located at 8904 - 99 Street NW, Strathcona, Edmonton, Alberta, is specified on the Zoning Map as (DC2) Site Specific Development Control Provision; and

WHEREAS an application was made to rezone the above described property to (DC2) Site Specific Development Control Provision;

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. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lot 29, Block 122, Plan 1822016; located at 8904 - 99 Street NW, Strathcona, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision.
2. The uses and regulations of the aforementioned DC2 Provision are annexed hereto as Schedule "B".

3. The sketch plan annexed hereto as Schedule "A" and the uses and regulations of the DC2 Provision shown on Schedule "B" annexed hereto are hereby incorporated into the Zoning Bylaw, being Part IV to Bylaw 12800, The Edmonton Zoning Bylaw.

READ a first time this	day of	, A. D. 2021;
READ a second time this	day of	, A. D. 2021;
READ a third time this	day of	, A. D. 2021;
SIGNED and PASSED this	day of	, A. D. 2021.

THE CITY OF EDMONTON

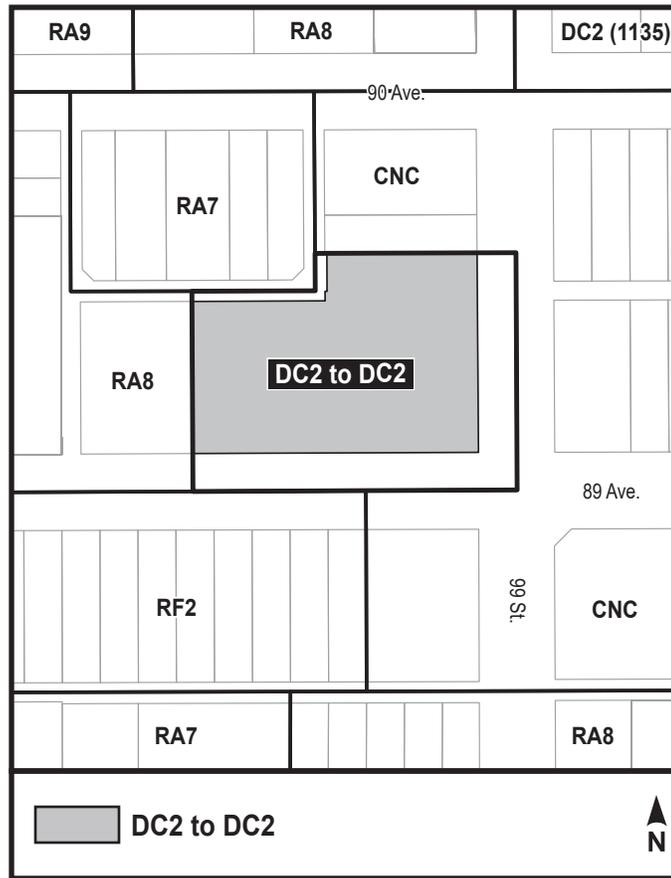
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MAYOR

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CITY CLERK

CHARTER BYLAW 19600



**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To accommodate a mid-rise, mixed use development comprising of ground oriented Residential Uses facing 89 Avenue NW and potentially 99 Street NW with ground level Commercial Uses at the corner that provides an active and inviting pedestrian oriented streetscape.

**2. Area of Application**

This provision shall apply to the lands legally described as Lot 29, Block 122, Plan 1822016 located on the northwest corner of 99 Street NW and 89 Avenue NW, shown in Schedule "A" of the Charter Bylaw adopting this Provision, Strathcona.

**3. Uses**

1. Bars and Neighborhood Pubs
2. Breweries, Wineries and Distilleries
3. Business Support Services
4. Child Care Services
5. Commercial Schools
6. Community Recreation Services
7. Convenience Retail Stores
8. Creation and Production Establishment
9. General Retail Stores
10. Government Services
11. Health Services
12. Indoor Participant Recreation Services
13. Live Work Units
14. Lodging Houses
15. Major Home Based Business
16. Liquor Stores
17. Market
18. Minor Home Based Business
19. Multi-Unit Housing
20. Personal Service Shops, excluding Body Rub Centres
21. Professional, Financial and Office Support Services
22. Public Libraries and Cultural Exhibits

23. Residential Sales Centre
24. Restaurants
25. Secondhand Stores
26. Special Event
27. Specialty Food Services
28. Supportive Housing
29. Urban Gardens
30. Vehicle Parking
31. Veterinary Services
32. Fascia On-premises Signs
33. Freestanding On-premises Signs
34. Minor Digital On-premises Signs
35. Projecting On-premises Signs
36. Temporary On-premises Signs

#### **4. Development Regulations for Uses**

1. Non-Residential and Non-Residential-Related Uses shall be limited to the ground level Storey.
2. The combined total Floor Area of all Non-Residential and Non-Residential-Related Uses shall be between 400 m<sup>2</sup> and 650 m<sup>2</sup>.
3. Each Restaurant Use shall be limited to a maximum of 235 m<sup>2</sup> of Public Space, excluding exterior patio/deck space which can be to a maximum of 50% of the interior Public Space.
4. Each Specialty Food Services Use shall be limited to a maximum 235 m<sup>2</sup> of Public Space, excluding exterior patio/deck space which can be to a maximum of 50% of the interior Public Space.
5. Each Bar and Neighbourhood Pubs Use shall be limited to a maximum 120 m<sup>2</sup> of Public Space, excluding exterior patio/deck space which can be to a maximum of 50% of the interior Public Space.
6. Each Secondhand Store Use shall be limited to a maximum 275 m<sup>2</sup> of Floor Area.
7. Breweries, Wineries and Distilleries shall only be allowed if developed in combination with a Restaurant or Bar and Neighbourhood Pub and the total Public Space, including any private non-sale hospitality area, does not exceed the Public Space allowed for a Restaurant (235 m<sup>2</sup>) or Bar and Neighbourhood Pub (120 m<sup>2</sup>) as described in this Provision.
8. Residential Sales Centres shall be limited to the marketing of the on-Site condominium or rental Dwellings.
9. Signs shall comply with the General Provisions of Section 59 of the Zoning Bylaw and the regulations found in Schedule 59B of the Zoning Bylaw for all

signs except that freestanding On-premises Signs and Minor Digital On-premises Signs shall comply with the regulations for Discretionary Signs in Section 59B.3 of the Zoning Bylaw.

10. Projecting Signs shall be located within 0.6 m of each individual business entrance of the building facing a public roadway other than a Lane.
11. Temporary On-premises Signs shall be limited to project advertising associated with a Residential Sales Centre and shall not include trailer mounted or signs with changeable canopy.

## **5. Development Regulations for Site layout and Built Form**

1. The maximum Height shall be 34.0 m.
2. The maximum Floor Area Ratio (FAR) shall be 6.0.
3. The maximum number of Dwellings shall be 190.
  - a. A minimum of 25% of dwellings shall have two bedrooms or more and have access to a communal outdoor Amenity Area of at least 50.0 m<sup>2</sup>.
4. The minimum Setback from 99 Street NW shall be:
  - a. 2.0 m in front of Non-Residential Uses up to a Height of 20.0 m; and
  - b. 4.5 m in front of Residential or Residential-Related Uses up to a Height of 20.0 m, not including outdoor patio space in front of Dwellings.
5. The minimum Setback from 89 Avenue NW shall be 1.0 m in front of Non-Residential Uses up to a Height of 20.0 m.
6. The minimum Setback from 89 Avenue NW in front of Residential or Residential-Related Uses shall be 7.0 m up to a Height of 20.0 m.
7. The minimum Setback from the abutting Lanes shall be 10.0 m.
  - a. 0.5 m of the Setback from the east-west Lane abutting the Site shall be Hardsurfaced, incorporated into the Lane and free of obstructions to allow for vehicle use.
8. The minimum Setback to the west and north Lot lines abutting adjacent properties shall be 1.2 m, except:
  - a. if the property abutting the Site to the north is redeveloped, this Setback can be reduced to 0.0 m up to a Height of 10.0 m to accommodate a continuous Street Wall facing 99 Street NW; and
  - b. the minimum setback shall increase to 3.0 m for any portion of the building above 10.0 m in Height.
9. The minimum Setback for all portions of the building above 20.0 m in Height shall be 4.5 m from the west, south and east Lot lines and 3.0 m from the north Lot line abutting the Site to the north.

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

1. Public realm interface:
  - a. The ground level Storey for Non-Residential and Non-Residential-Related Uses shall have a minimum Height of 4.0 m;
  - b. The building shall be designed and oriented to face 89 Avenue NW and 99 Street NW with entrances that are clearly visible.
  - c. Ground level Non-Residential or Non-Residential-Related Uses shall open to the street and not to an internal atrium.
  - d. Residential Uses shall have access that is separate from the Non-Residential or Non-Residential-Related Uses.
  - e. The most easterly 2.0 metres of the Setback from 99 Street NW in front of Non-Residential or Non-Residential-Related Uses and the most easterly 1.0 metre in front of Residential or Residential-Related Uses shall be Hardsurfaced and integrated with the public sidewalk adjacent to the Site.
    - i. Steps leading to patios and entrances for Residential and Residential-Related Uses shall be allowed to extend to the east Lot line.
    - ii. Steps in front of Non-Residential or Non-Residential-Related Uses shall be minimized as much as possible and shall only be considered appropriate at the northernmost portion of the frontage, as illustrated in Appendix A.
  - f. The most southerly 1.0 metre of the Setback from 89 Avenue NW shall be Hardsurfaced and integrated with the public sidewalk adjacent to the Site.
  - g. Non-Residential and Non-Residential-Related frontages in the first Storey facing 89 Avenue NW and 99 Street NW shall allow for active interactions by pedestrians and meet the following, to the satisfaction of the Development Officer:
    - i. The placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented street;
    - ii. Weather protection, where appropriate in the form of canopies or other architectural elements shall be provided to create a comfortable environment for pedestrians;
    - iii. A minimum of 70% of the linear frontage shall consist of transparent glazing. Linear frontage shall be measured as the horizontal plane at 1.5m above the finished Grade of the abutting sidewalk; and
    - iv. Building Facades of the Street Wall fronting onto 99 Street NW shall be designed with detail and articulations at intervals ranging from 8.0m to 16.0m to create an attractive streetscape.
  - h. First Storey Residential or Residential-Related frontages shall meet the following to the satisfaction of the Development Officer:

- i. All ground oriented Dwellings (Residential or Live-work Units) shall provide an individual external entrance oriented and clearly visible to be readable from and lend a sense of occupancy to the public roadway using features such as, but not limited to porches, staircases, courtyards and stoops;
  - ii. A semi-private outdoor Amenity area in front of each first Storey Dwelling exterior entry shall be provided in a manner that establishes a transition area between the public roadway, including a Lane, 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; and
  - iii. Residential, Residential-Related and Commercial Uses located in the first Storey shall have individual entrances.
2. The Underground Parkade shall not be subject to required Setbacks and can extend to all Lot lines provided there is sufficient soil depth maintained above to support any required landscaping.
3. Building Form
  - a. The Building shall provide articulation and visual interest through the variation of material and/or colour or other means to the satisfaction of the Development Officer.
  - b. All mechanical equipment, including ground level Underground Parkade vents, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building. Ground level vents shall be oriented away from adjacent sites or on-Site amenity or pedestrian circulation areas.
  - c. Balconies and glazing on portions of the building below 15.0 m in Height facing adjacent properties to the west shall provide adequate screening and be located to maximize privacy and minimize outlook to the satisfaction of the Development officer. This may include, but is not limited to privacy screens, louvers, frosted glass, glass block or landscaping buffer.
4. Architectural Treatment and Building Relationships to the Street
  - a. Exterior building materials shall be sustainable, durable, high quality and appropriate for the development within the context of the immediately surrounding neighbourhood, including, but not limited to: masonry, stone, brick, metal cladding/panelling and/or glazing. The contextual fit, design, proportion, quality, colour, texture, and application of various exterior finishing materials for the building, shall be determined at the Development Permit stage.
  - b. The use of vinyl siding as a finishing material is prohibited.

- c. The residential wing of the building extending west from the commercial portion on the corner (as shown in Appendix A) shall be complementary to, but distinct in design from the commercial corner portion of the building. Differences may utilize architectural expression including, but not limited to, colour, texture, and material.
- d. Platform Structures in the form of balconies can project from all Facades provided at least 2.0 m is maintained between the projection and the Lot line.
- e. The north Façade of the building that meets the minimum 1.2 m Setback requirement from the abutting property to the north shall have consistent and harmonious materials and have architectural design details or features that lend to visual interest, to the satisfaction of the Development Officer. Exterior finishing materials may include, but are not limited to painted Façade, textured concrete finishes, masonry, stone, brick, or metal cladding/panelling.

## **7. Development Regulations for Parking, Access, Loading, Storage and Access**

- 1. Vehicular access to the Site shall be from the abutting Lanes.
- 2. Surface vehicular parking is not permitted to be located between any building and a public roadway, other than a Lane.
- 3. A maximum of 15 surface vehicular parking spaces shall be provided with any remainder spaces required to be in an Underground Parkade.
- 4. Bicycle Parking Spaces shall be provided in a safe and secure location that is easily accessible to cyclists via a safe and segregated access ramp from vehicles, or a route through the building that facilitates easy and efficient transportation of bicycles.
- 5. All waste collection, storage, or loading areas shall be located adjacent to the Lane, within the principal building and designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation). Gates and/or doors of the waste enclosure shall not open or encroach into road right-of-way.

## **8. Development Regulations for Landscaping, Lighting and Amenity Areas**

- 1. The required Landscape Plan submitted with a Development Permit application for new building construction shall be prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects (AALA).
- 2. Building Setbacks in front of Non-Residential and Non-Residential-Related Uses shall be Hardsurfaced and integrated with the pedestrian oriented public realm to create Public Amenity Space.

3. Landscaping, both on-Site and off-Site, shall consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
4. The owner shall pay for the costs of installing and maintaining new boulevard trees along 99 Street NW for a minimum of two years after installation.
5. Landscaping that extends onto or over City-owned lands shall be developed in accordance with Traffic Bylaw 5590 and the City Design and Construction Standards.
6. Outdoor Common Amenity Area at ground level and on Rooftop Terraces shall be landscaped with soft landscaping, garden boxes/planters, seating area or other complementary amenities.
7. An arborist report and tree preservation plan, to the satisfaction of the Development Officer in consultation with Urban Forestry, shall be submitted with the Development Permit application to determine the impact of the proposed development, including excavation and construction, on the existing boulevard trees along 89 Avenue NW. The existing boulevard trees along 89 Avenue NW shall be retained and protected as per the City's Corporate Tree Management Policy C456B.
8. 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 and safe environment for pedestrians in accordance with Section 58 of the Zoning Bylaw, to accentuate artwork and building elements, and to highlight the development at night time and in winter months. Exterior lighting associated with the development shall be designed such that it has no negative impact on an adjacent property in accordance with Section 51 of the Zoning Bylaw. A detailed exterior lighting plan shall be provided with the Development Permit application to the satisfaction of the Development Officer.

## **9. Other Regulations**

1. Prior to the issuance of the Development Permit for construction of the principal building, a Wind Impact Study shall be submitted for review. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting both on and off Site, consistent with the recommendations of the Wind Impact Study.
2. A Development Permit for excavation for the purpose of remediation is required prior to excavation of the site.
3. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, additional Environmental Site Assessment work, an Environmental Risk Management Plan and Remedial Action Plan, as required by the Development Officer, shall be submitted and reviewed to the satisfaction of the Development Officer in consultation with City

Planning (Environmental Planner). The Development Officer shall 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.

4. As a condition of Development Permit issuance and prior to the release of drawings for Building Permit review, except for Building Permits for demolition, shoring, excavation or signage, the Site shall be remediated and a Remediation Report, along with any required updates to the Risk management Plan, shall be submitted and reviewed to the satisfaction of the Development Officer in consultation with City Planning (Environmental Planner).
5. Site and building layouts shall 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 sightlines and use; and high quality interior and exterior lighting. The physical layout and landscaping shall reduce the vulnerability of pedestrians by avoiding areas of concealment or entrapment such as: long public corridor spaces, stairwells, or other movement predictors; avoiding landscaping hazards such as: unpruned trees, rocks that can be thrown, or blind corners; and by locating parking areas close to building access points and using wayfinding mechanisms. The Development Officer may require a Crime Prevention Through Environmental Design assessment prepared by a qualified security consultant and may apply conditions to the approval of the Development Permit based on the recommendations of the CPTED assessment to promote a safe physical environment.
6. Notwithstanding the other Development Regulations of this Provision, the Appendices of this Provision and Section 720.3(2) of the Zoning Bylaw, in the event that the owner/developer does not obtain a Building Permit and commence construction of the principal building under a valid Development Permit within 5 years of the passage of the Bylaw adopting this Provision, development of the Site shall be in accordance with this Provision, except that:
  - a. the maximum Height shall be 23.0 m; and
  - b. the maximum Floor Area Ratio shall be 3.3.

## **10. Public Improvements and Contributions**

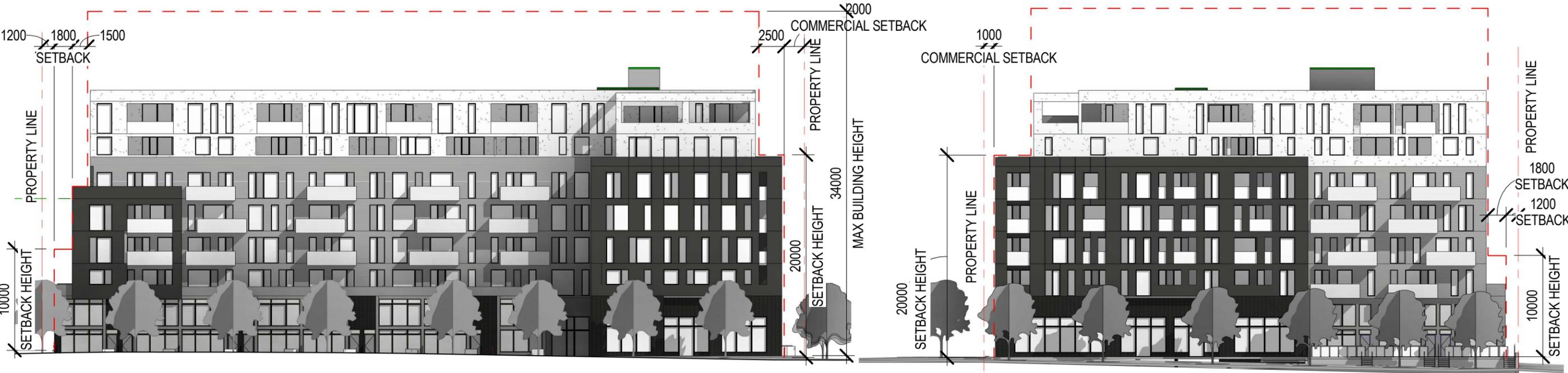
1. Prior to the issuance of a development permit for:
  - a. a building that contains 12 or more Dwelling units; or
  - b. a building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;

the Development Officer shall ensure a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of each development permit approval, the option to purchase up to 5% of the proposed number of Dwelling units (rounded to the nearest Dwelling unit) in each building with Dwelling units, at 85% of market value or the equivalent value as cash in lieu (at the discretion of the owner) to the City.

2. As a condition of any development permit, the owner shall 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 Officer in consultation with Subdivision and Development Coordination (Transportation). Such improvements shall be constructed at the owner's cost. The Agreement process shall include an engineering drawing review and approval as required. Improvements to address in the Agreement include but are not limited to:
  - a. Repair of any damage resulting from construction of the development to the abutting roadways, sidewalks and/or boulevard, including lanes not directly adjacent to the site but which may be used for construction purposes.
  - b. Improvements to the public realm along 99 Street and 89 Avenue NW directly abutting the site. These improvements shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination, City Operations, and Integrated Infrastructure Services. Such improvements shall include but are not limited to: removal of existing access to 99 Street NW, addition of a minimum of 6 new boulevard trees along 99 Street NW within enhanced growing mediums, pedestrian lighting, street furniture and paving treatment.
  - c. Upgrading the entirety of the east-west Lane and the north-south Lane north of the Site connecting to 90 Avenue NW to a commercial alley standard within the available right-of-way, including removal of any above-Grade utilities as necessary to facilitate development of the Site and access to the Underground Parkade, surface parking, loading and waste collection areas, in consultation with Waste Management Services.
  - d. The storm and sanitary drainage systems required to service the development, including off-site improvements and on-site stormwater management, shall be in general conformance with the Drainage Servicing Report or alternatives to the satisfaction of the Development Officer in consultation with Development Services (drainage). Such improvements are to be constructed at the owner's cost.
3. A minimum combined total of 8 Dwellings shall be developed with the following characteristics:

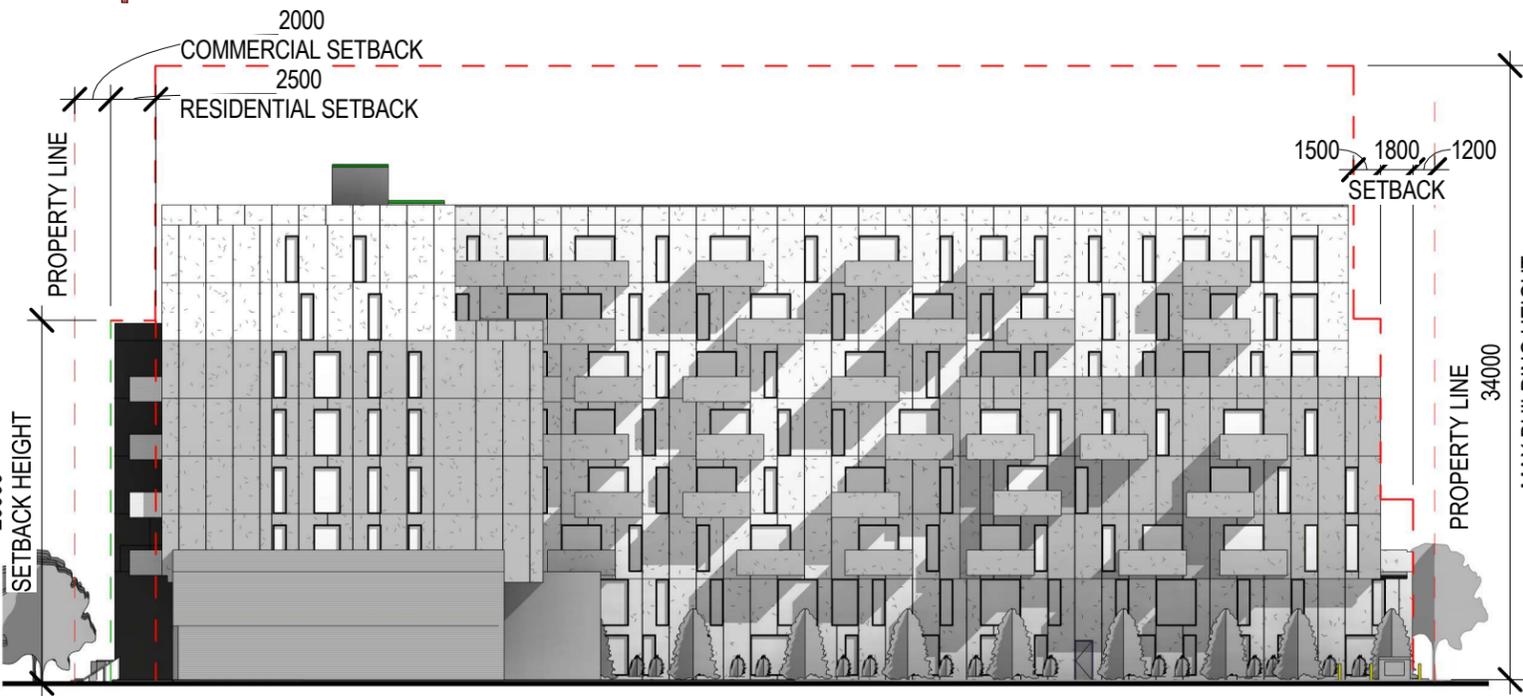
- a. The dwelling shall have three bedrooms or more;
  - b. The dwelling shall be located no higher than the 4th Storey of the building;
  - c. The dwelling shall have individual and private access to ground level;
  - d. The dwelling shall have dedicated, and enhanced bulk storage located within the dwelling or on the same storey as the dwelling.
  - e. The dwelling shall have access to a minimum of 2 bicycle parking spaces in addition to those required for the remainder of the dwellings in the development.
  - f. The dwelling shall have a private outdoor amenity area of at least 12.0 m<sup>2</sup>; and
  - g. The dwelling shall have access to a communal outdoor Amenity Area of at least 50.0 m<sup>2</sup>.
4. As a condition of the first Development Permit, the owner shall contribute \$200,000 to an off-Site Public Amenity, including but not limited to improvements to any of, or any combination of, the Strathcona Community League Building Site (which includes the tennis courts/dog off-leash area, playground, splash park and hockey rink) or redevelopment or new development of other parks, gardens or open spaces within the boundaries of the Strathcona neighbourhood prior to the issuance of an Occupancy Permit.
- a. Prior to the issuance of the first Development Permit, the owner shall enter into an agreement between the City and the owner for the contribution outlined in section 10.4 of this Provision. The agreement will outline that the funds will be disbursed by the City according to a separate agreement between the City and the Community League. More specific agreement details shall be determined at the Development Permit application stage between the owner and the City, in consultation with the Strathcona Community League.
  - b. In addition to the above, if a Development Permit application has not been made within five (5) years of the date of this Bylaw approval, the contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.





**1 SOUTH ELEVATION**

SCALE: 1 : 400



**2 EAST ELEVATION**

SCALE: 1 : 400



**3 NORTH ELEVATION**

SCALE: 1 : 400



**4 WEST ELEVATION**

SCALE: 1 : 400

