

Charter Bylaw 19785

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3274

WHEREAS Lots 133-137, Block 5, Plan B2; located at 10123 - 106 Street NW and 10145 - 106 Street NW, Downtown, Edmonton, Alberta, is specified on the Zoning Map as (UW) Urban Warehouse Zone; and

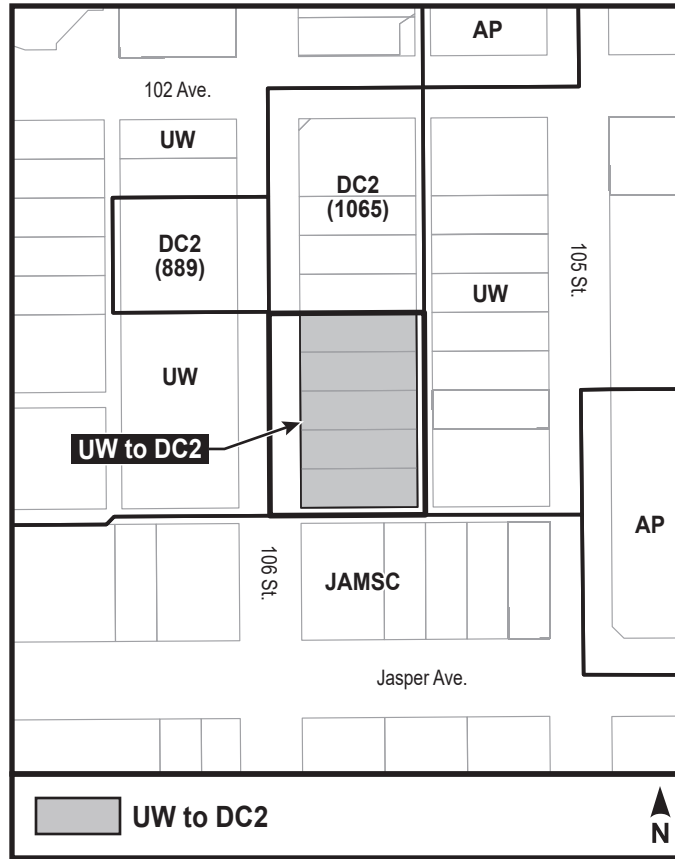
WHEREAS an application was made to rezone the above described properties to (DC2) Site Specific Development Control Provision;

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 Lots 133-137, Block 5, Plan B2; located at 10123 - 106 Street NW and 10145 - 106 Street NW, Downtown, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (UW) Urban Warehouse Zone 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.
4. The Edmonton Zoning Bylaw is hereby further amended by deleting Appendix 2 to Section 910, the "Downtown Maximum Floor Ratio Map" and replacing it with the "Downtown Maximum Floor Ratio Map" annexed hereto as Schedule "C".



### CHARTER BYLAW 19785



**SCHEDULE “B”****(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To accommodate one high rise residential building with a mixed-use podium that provides for an active and inviting pedestrian oriented streetscape fronting onto 106 Street NW as well as a temporary Surface Parking Lot.

**2. Area of Application**

This Provision shall apply to Lots 133 -137, Block 5, Plan B2, located on the east side of 106 Street NW, north of Jasper Avenue NW, as shown in Schedule “A” of the Charter Bylaw adopting this Provision, Downtown.

**3. Uses**

1. Apartment Hotels
2. Bars and Neighbourhood Pubs
3. Breweries, Wineries and Distilleries
4. Business Support Services
5. Cannabis Retail Sales
6. Child Care Services
7. Commercial Schools
8. Community Recreation Services
9. Convenience Retail Stores
10. Creation and Production Establishments
11. General Industrial Uses
12. General Retail Stores
13. Government Services
14. Supportive Housing
15. Health Services
16. Indoor Participant Recreation Services

17. Live Work Units
18. Lodging Houses
19. Liquor Stores
20. Major Home Based Business
21. Market
22. Media Studios
23. Minor Home Based Business
24. Minor Amusement Establishments
25. Multi-unit Housing
26. Personal Service Shops
27. Private Clubs
28. Private Education Services
29. Professional, Financial and Office Support Services
30. Public Education Services
31. Residential Sales Centre
32. Restaurants
33. Special Event
34. Specialty Food Services
35. Urban Gardens
36. Urban Indoor Farms
37. Vehicle Parking
38. Veterinary Services
39. Fascia On-premises Signs
40. Projecting On-premises Signs
41. Temporary On-premises Signs

**4. Development Regulations for Uses**

1. Notwithstanding the regulations and appendices of this Provision, an unenclosed Surface Parking Lot shall be allowed for a period of 5 years from the date of approval of the Charter Bylaw adopting this Provision. Afterwards, all vehicular

parking shall be located within either an Underground Parkade or Above Ground Parkade and abide by all regulations and appendices of this Provision.

2. Notwithstanding the regulations and appendices of this Provision, temporary outdoor Market or Special Event Uses shall be allowed for a period of 10 years from the date of approval of the Charter Bylaw adopting this Provision. Afterwards, these Uses shall abide by all regulations and appendices of this Provision.
3. The maximum Floor Area for Non-Residential and Non-Residential-Related Uses shall be 500 m<sup>2</sup>, not including enclosed Floor Area for Vehicle Parking, Urban Indoor Farms, Breweries, Wineries and Distilleries, and General Industrial Uses.
4. A minimum of 50% of the street frontage on 106 Street NW shall be for Residential or Residential-Related Uses, including the main Tower entrance.
5. Each Restaurants, Bars and Neighbourhood Pubs and Specialty Food Services Use shall be limited to a maximum of 120 m<sup>2</sup> of Public Space, excluding exterior patio/deck space.
6. Breweries, Wineries and Distilleries shall only be developed in association with a Restaurants or Bar and Neighbourhood Pubs Use.
7. Convenience Retail Stores and Liquor Stores shall be limited to the ground level Storey of the building.
8. Residential Sales Centres shall be limited to the marketing of the on-Site condominium or rental Dwellings.
9. Urban Indoor Farms shall only be located in a converted Underground Parkade.
10. General Industrial Uses shall be limited to a self-storage business and only located in a converted Underground Parkade.
11. Signs shall comply with the General Provisions of Section 59 of the Zoning Bylaw and the regulations found in Schedule 59F of the Zoning Bylaw.
12. 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 copy.
13. A Comprehensive Sign Design Plan shall be prepared for the development and submitted with the Development Permit application for the principal building.

## **5. Development Regulations For Site Layout and Built Form**

1. Development shall be in general conformance with the appendices.
2. The building shall be comprised of three distinct vertical sections: the podium, the mid-tower, and the Tower as illustrated in the appendices. The distinct nature of

the three vertical sections shall be differentiated both through Stepbacks in the building mass, and/or through the architectural treatment of the Facades.

3. The Height of the podium shall be a minimum of 6.0 m and a maximum of 14.0 m.
4. The maximum Height of the mid-tower shall be 55.0 m.
5. The maximum Height of the Tower shall be 155.0 m.
6. The maximum Floor Area Ratio shall be 13.5.
7. The maximum number of Dwellings shall be 550.
8. The maximum Tower Floor Plates shall be:
  - a. 892 m<sup>2</sup> for the Tower
  - b. 1198 m<sup>2</sup> for the mid-tower
9. The maximum width of the Tower, east to west, shall be 26.0 m.
10. The maximum length of the mid-tower and Tower combined, north to south, shall be 60.0 m.
11. No podium Setbacks shall be required from the north, south and east Lot lines.
12. The Setback from 106 Street NW shall be varied between 2.5 m and 7.5 m by articulation in the Façade, to accommodate residential front yard space and street-related activities along the commercial edge, such as sidewalk cafes, architectural features, bicycle parking facilities and Landscaping.
13. The portions of the Parking Garage below ground level shall not be subject to required Setbacks and can extend to all Lot lines provided there is sufficient soil capacity to support the required Landscaping above (this can be achieved by the use of planters and other acceptable green roof technologies) and that the ongoing viability and health of existing City boulevard trees along 106 Street NW are not unduly compromised.
14. The minimum Tower Setback from the Lot lines shall be as follows:
  - a. From the north Lot line – 10.0 m
  - b. From the south Lot line – 6.4 m
  - c. From the east Lot line – 10.0 m
  - d. From the west Lot line – 9.0 m

## 6. Development Regulations for Building Design and Features

1. The building shall be designed and oriented to face and front 106 Street NW with residential and commercial entrances that are clearly visible and distinct.
2. All ground Storey Uses shall have individual accesses at ground level.
3. Entrances for non-Residential Uses shall be clearly differentiated from entrances to Residential and Residential-Related Uses on 106 Street NW through distinct architecture features.
4. A minimum of 5 Dwellings shall be developed as ground oriented fronting onto 106 Street NW in accordance with the appendices and the following:
  - a. Dwellings shall take the appearance of row housing and shall be articulated as individual units with individual direct entrances and windows fronting onto 106 Street NW and include such features as staircases, stoops, semi-private outdoor areas, or landscaped yards. Sliding patio doors shall not serve as these entrances.
  - b. Front Setbacks of Ground-oriented Dwellings shall provide a transition area from 106 Street NW which may include design features such as a maximum change from Grade of 1.0 m to the entrance, landscaping such as shrub or tree beds, different paving materials, and/or planters.
5. Non-Residential Uses fronting onto 106 Street shall provide a minimum of 60% of the linear building Facade on the ground Storey as transparent non-reflective, untinted, and unobscured glazing that allows viewing in and out of the Use. The proportion of glazing is calculated as a percent of linear meters at 1.5 m above Grade.
6. Non-Residential Uses fronting onto 106 Street NW shall provide weather protection in the form of a canopy or any other projecting architectural element shall be provided above entrances to create a comfortable environment for pedestrians.
7. The Façade of the podium shall be architecturally treated to create a unified building exterior that contributes to a visually interesting streetscape.
8. The podium and Mid-Tower and Tower Top shall provide a combination of private and shared rooftop amenity spaces for residents, as shown on Appendix 2, Landscape Plan.
9. The podium, Mid-tower and Upper Tower, shall be differentiated through architectural treatment of the Facades, including reductions in massing with setbacks and recesses.



10. Platform Structures in the form of balconies shall be allowed to project 1.5 m into the Tower Setbacks.
11. To provide a visual continuation of the podium Facade into the Lane to the south, the architectural treatment on the podium Façade shall wrap around into the Lane, for a minimum of 10.0 m to the east.
12. Exterior building materials shall be sustainable, durable, high quality and appropriate for the development within the context of the immediately surrounding neighbourhood. The use of vinyl siding is prohibited.
13. All mechanical equipment, excluding solar panels but including ground level Parking Garage 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, on-Site amenities, pedestrian circulation areas, and the 106 Street NW Walkways.

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

1. The maximum number of vehicle parking spaces is 470, of which a maximum of 15 spaces shall be permitted as surface parking, and a maximum of 6 spaces shall be permitted in the mezzanine parking level. All other parking spaces shall be provided in the Underground Parkade.
2. There shall be a minimum of two (2) car share parking spaces located at the rear of the building, accessed from the abutting Lane.
3. Vehicular access and egress shall only be provided from the Lanes abutting the Site.
4. Loading, storage, compactors and waste collection areas shall be located within the building and concealed from view from adjacent properties and public roadways. The waste collection area, and access to it, shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation).
5. Two off-street vehicular loading spaces shall be provided.
6. Bicycle Parking shall be provided in accordance with regulations for Bicycle Parking facilities in the Zoning Bylaw to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), and the following:
  - a. Long term Bicycle Parking Facilities shall be provided at a minimum rate of 0.85 spaces per Dwelling, in a safe and secure location in the Underground Parkade or in another secure location within the podium

that is easily accessible to cyclists via access ramps, or a route through the building which facilitates easy and efficient transportation of bicycles;

- b. a minimum of 30 short term Bicycle Parking spaces shall be provided in highly visible locations in the public realm adjacent to the Site on 106 Street NW either on or off-Site; and
- c. A bicycle wash, repair and maintenance station shall be required within or adjacent to the bike storage area within the Underground Parkade.

## **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. The following shall also apply and be shown on the required Landscape Plan:
  - a. the use of plant materials that provide colour throughout the year to enhance the appearance of the development during cold weather months.
  - b. 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.
  - c. within the Setback in front of active Non-Residential Uses fronting onto 106 Street NW, provide an enhanced pedestrian experience and a public realm that seamlessly transitions from public to private property by continuing the public sidewalk paving materials, finish, and pattern to compliment the adjacent streetscape.
- 3. 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.
- 4. 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, to accentuate artwork and building elements, and to highlight the development at night time and in winter months. A detailed exterior lighting plan shall be provided with a Development Permit application for construction of a principal building.

## 9. Other Regulations

1. A Wind Impact Study shall be prepared and submitted with a Development Permit application for any building or portion of a building with a height greater than 15.0 m. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting and rain sheeting, both on and off-Site, consistent with recommendations of the Wind Impact Study.
2. Built form, public realm interfaces, streetscape elements and pedestrian connections shall consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development conforms to these guidelines, to the satisfaction of the Development Officer, shall be submitted with the Development Permit for construction of a principal building.
3. Prior to the issuance of any Development Permit, except for the purpose of excavation, a Crime Prevention Through Environmental Design (CPTED) Assessment shall be provided to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guidelines for a Safer City (City of Edmonton 1995).
4. An arborist report, 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 106 Street NW. If required by the Development Officer, an air spading tool shall be used to determine the amount and size of roots that may need to be cut for the parkade/foundation wall.
5. The existing boulevard trees along 106 Street NW shall be retained and protected as per the City's Corporate Tree Management Policy C456B. To ensure this, prior to the issuance of a Development Permit for excavation or construction, a tree preservation plan completed by an ISA certified arborist, landscape architect or approved designate, shall be submitted and approved by the Development Officer in consultation with Urban Forestry. This report shall detail how the long term viability and health of the trees is to be ensured through site specific protection and care, to the satisfaction of the Development Officer in consultation with Urban Forestry.
6. Prior to the issuance of a Development Permit, excluding a development permit for demolition, excavation or signage, Environmental Site Assessment (ESA) work such as, but not limited to, additional Phase II ESAs, Remedial Action Plan(s), and/or Risk Management Plan(s), may be required at the discretion of the

Development Officer in consultation with the Environmental Planner, to be submitted and reviewed to the satisfaction of the Development Officer. 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.

7. 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.
8. Notwithstanding the other Development Regulations of this Provision, the Appendices of the 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 a principal building under a valid Development Permit within 10 years of the passage of the Charter Bylaw adopting this Provision, development of the Site shall be in accordance with this Provision, except that:
  - a. the maximum Height shall be 50.0 m; and
  - b. the maximum Floor Area Ratio shall be 6.0.

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

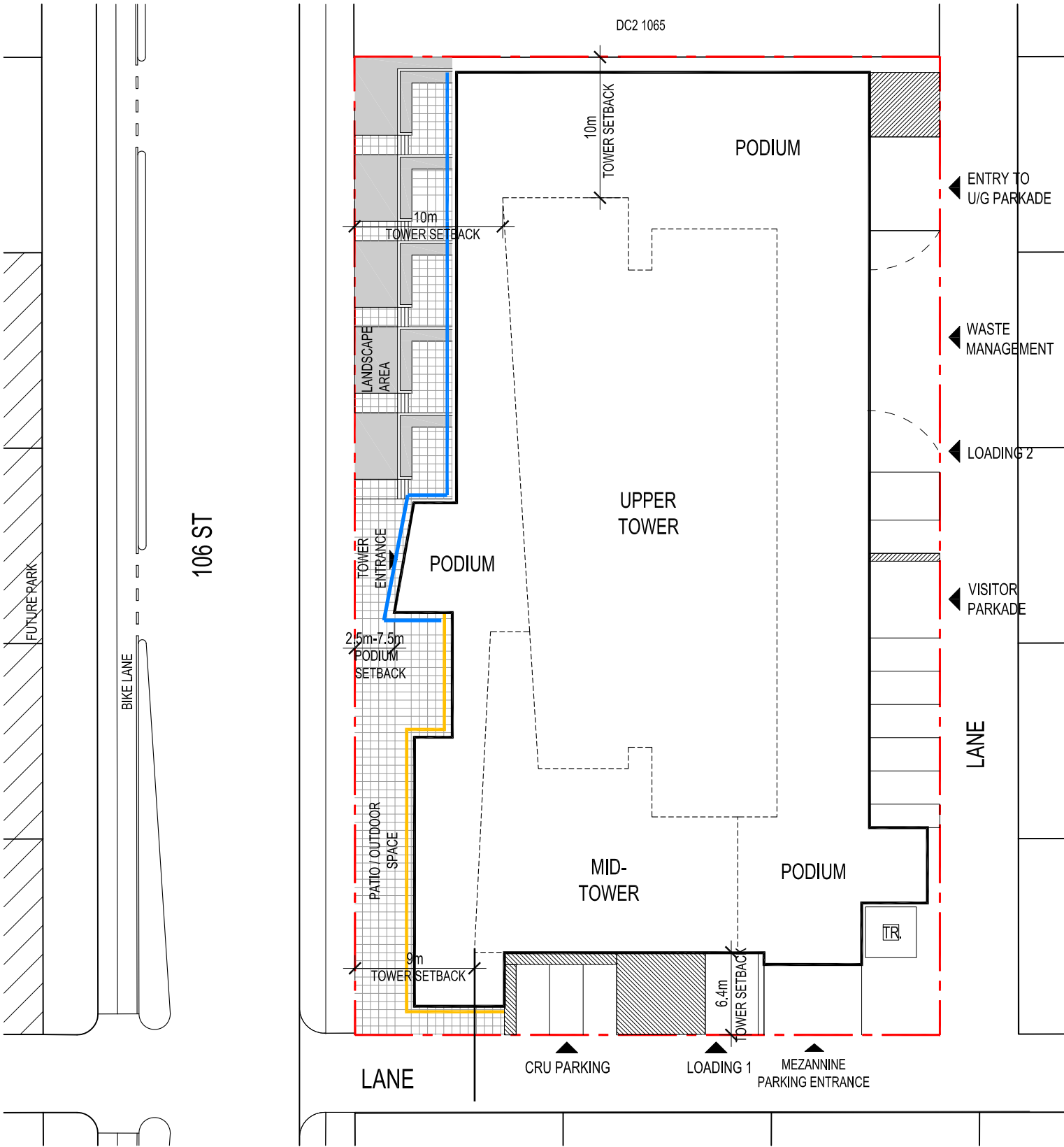
1. As a condition of any Development Permit, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve the development, such improvements to be constructed at the owner's cost and designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). The Agreement process includes an engineering drawing review and approval process. 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, Walkways, street furniture, street trees, and/or boulevard, including Lanes not directly adjacent to the Site but which may be used for construction purposes, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision and

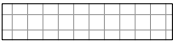

Development Coordination (Transportation) prior to the start of the construction and once again when construction is complete.

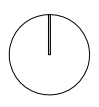
- b. Reconstruction of the east-west Lane between 106 Street and 105 Street to a commercial alley standard within the available right-of-way and with the potential to encroach on site in the constraint areas, including relocation and/or trenching of the above-ground utilities as required to serve the development.
  - c. Reconstruction of the north-south Lane between the east-west Lane and 102 Avenue to a commercial alley standard within the available right-of-way and with the potential to encroach on site in the constraint areas, including relocation and/or trenching of the above-ground utilities as required to serve the development.
  - d. Improvements to the public realm along 106 Street NW directly abutting the Site. These improvements shall be designed to the satisfaction of the Development Officer in conjunction with Subdivision and Development Coordination (Transportation), Urban Renewal, and Integrated Infrastructure Services. Such improvements shall be in general conformance with any approved Concept Plan for 106 Street NW and include but not be limited to:
    - i. the preservation of existing boulevard trees along 106 Street NW;
    - ii. removal of any existing vehicular access to the Site;
    - iii. continuous decorative surface treatment to extend the pedestrian realm;
    - iv. quality, durable street furnishings and materials; and
    - v. pedestrian-scaled lighting
  - e. Notwithstanding the above, improvements to 106 Street NW may be changed in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure services as a result of future planning by Building Great Neighbourhoods/Neighbourhood Renewal or Light Rail Transit development.
2. A minimum of 24 Dwellings shall be developed with the following characteristics:
- a. have a minimum of three bedrooms;
  - b. be located in the bottom 10 Storeys of the building with at least 5 being located at ground level;

- c. have access to a common amenity area that is specifically designed for children; and
  - d. be supported by a minimum of two of the following features:
    - i. have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling;
    - ii. have access to a minimum of three secure bicycle parking spaces; and
    - iii. have individual and direct access to a Private Outdoor Amenity Area of at least 10 m<sup>2</sup>.
3. Prior to the issuance of a Development Permit for construction of the principal building, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a contribution of \$50,124 toward the acquisition of public art. The funds shall be submitted to the City prior to the issuance of the Development Permit. The following shall apply to this contribution with further details contained in the said agreement:
- a. The owner shall provide details of the Public Art Plan including location, specifications, lighting and costs;
  - b. Artwork(s) shall be located on or within private property and shall be in locations that are publicly visible to the satisfaction of the Development Officer;
  - c. Artworks shall be commissioned or purchased by the owner and all costs and procedures related to the procurement of the artworks, operation and future maintenance shall be the responsibility of the owner;
  - d. Upon completion of the development, the owner shall demonstrate, to the satisfaction of the Development Officer, that the art has been installed or is placed in accordance with the approved Public Art Plan; and
  - e. If a Development Permit application has not been made within five (5) years of the date of this Charter Bylaw approval, this contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.

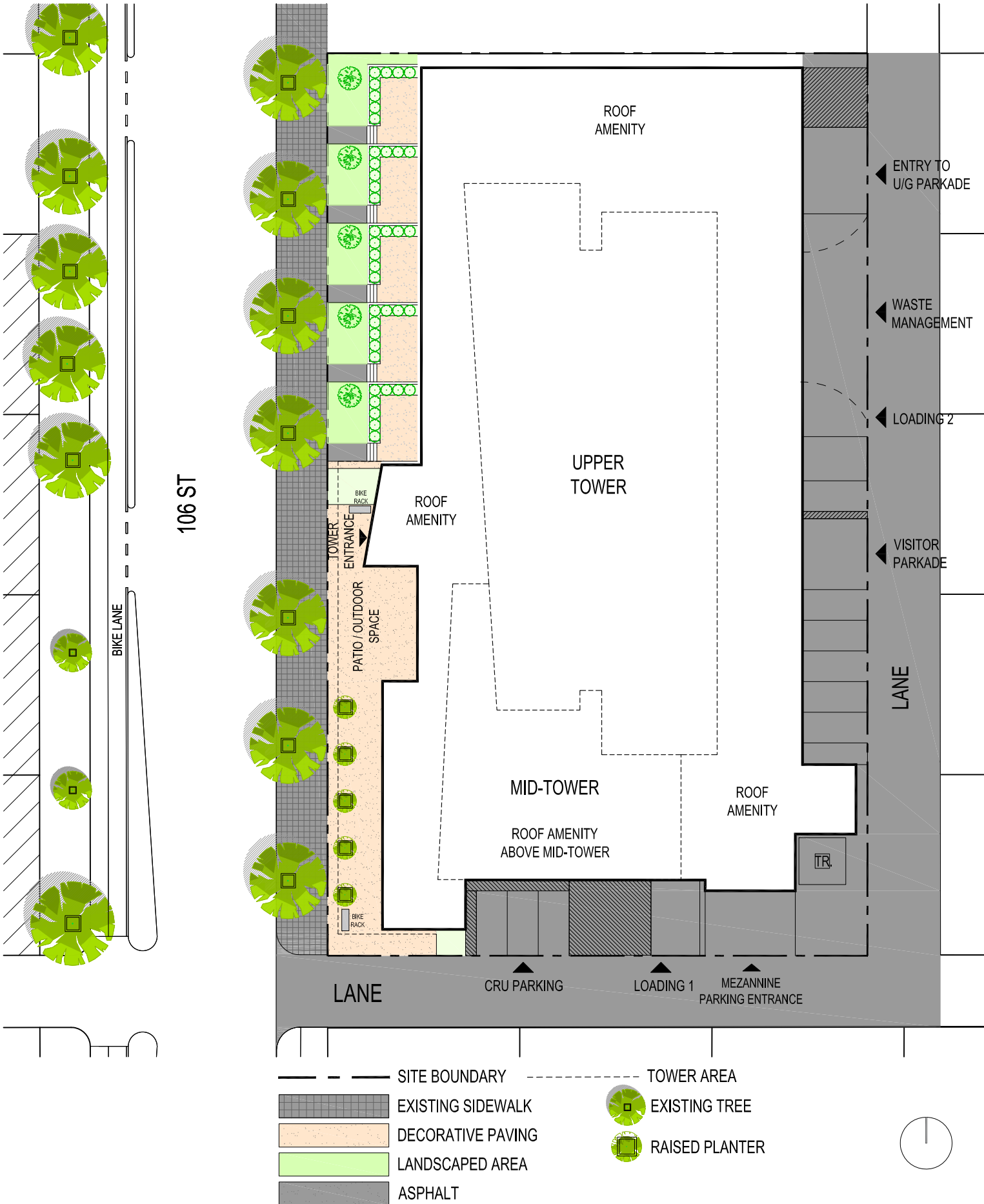
# APPENDIX 1 - SITE PLAN



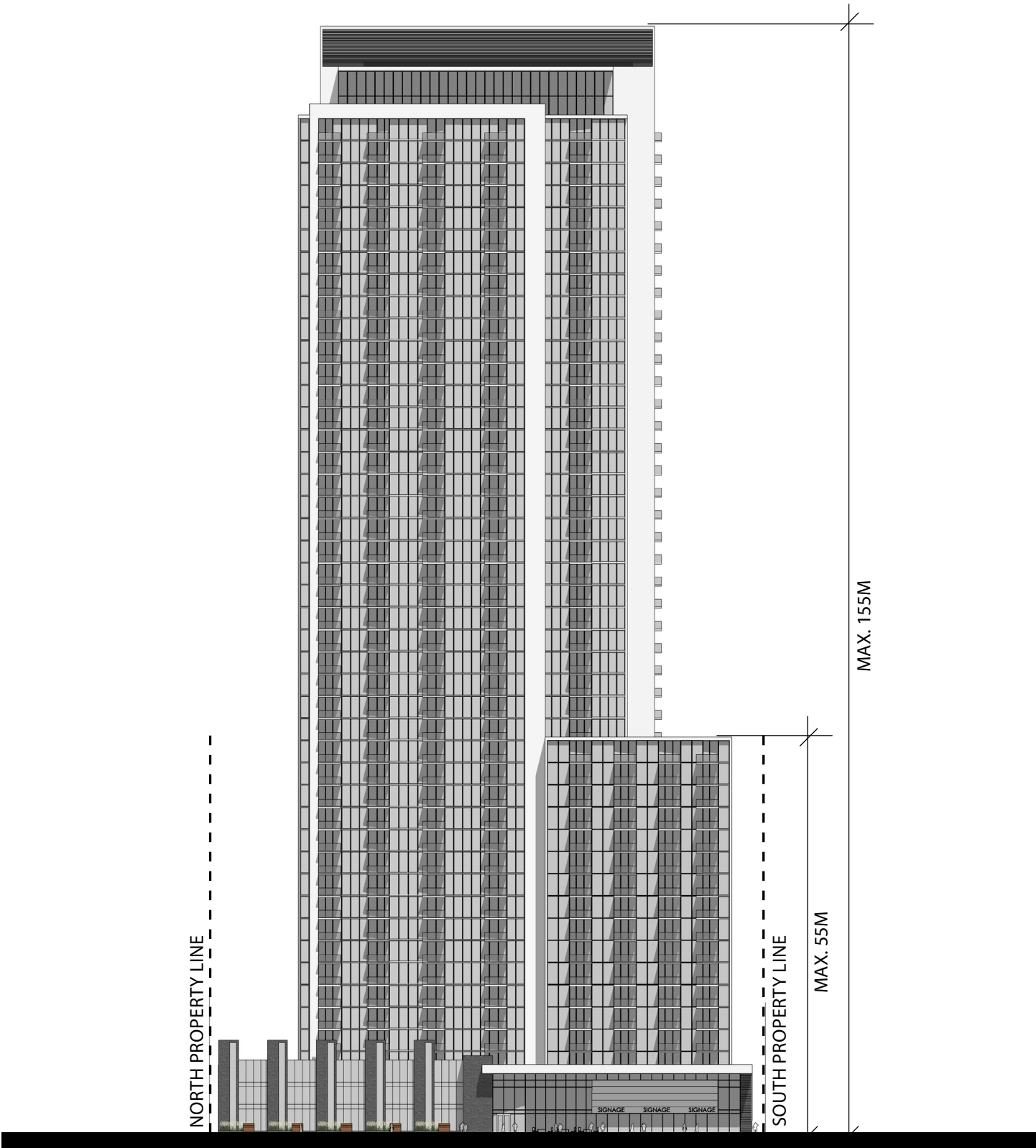
- - - SITE BOUNDARY
- COMMERCIAL EDGE
- RESIDENTIAL EDGE
- - - TOWER AREA
-  HARDSCAPED AREA
-  LANDSCAPED AREA

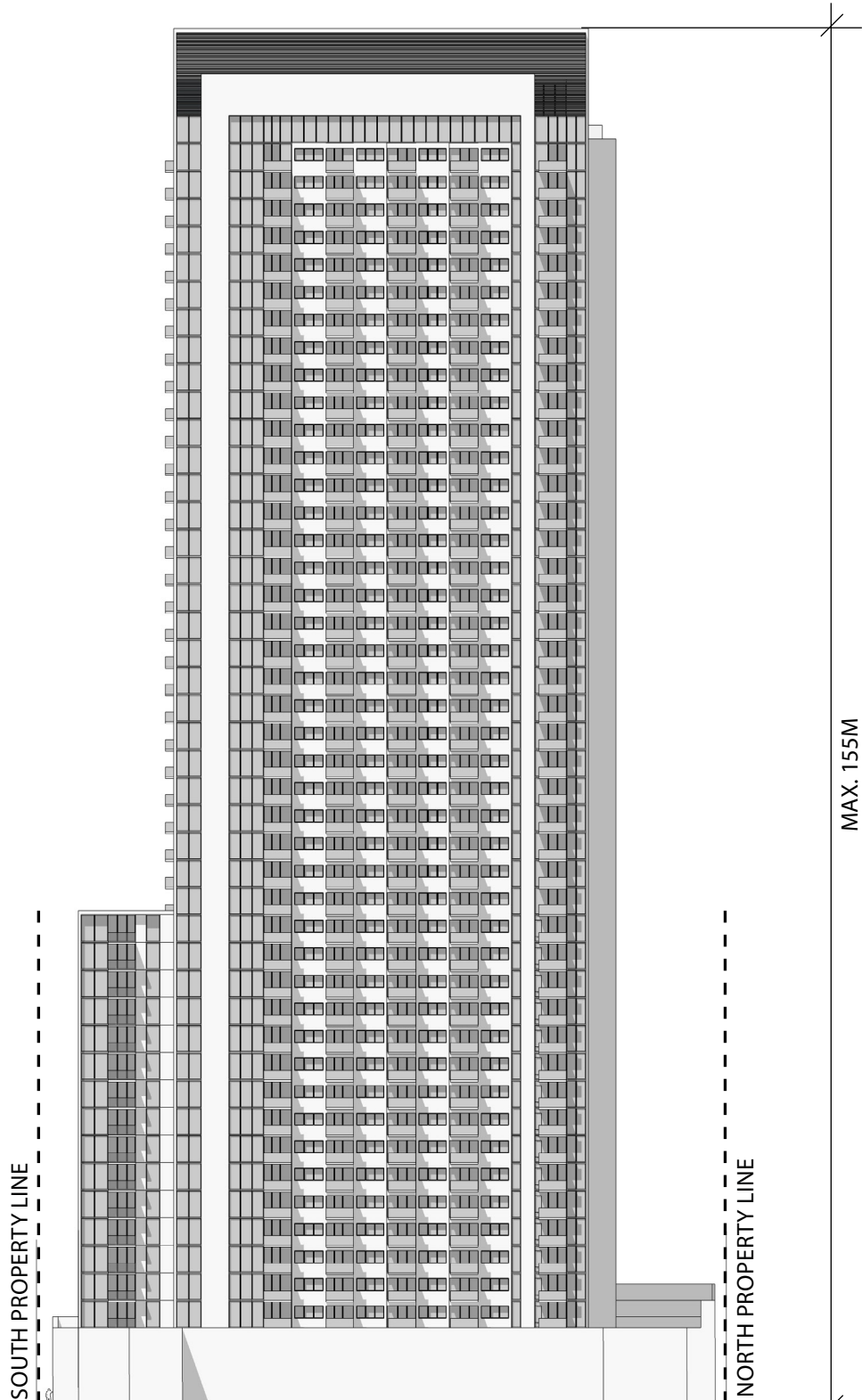


# APPENDIX 2 - LANDSCAPE PLAN



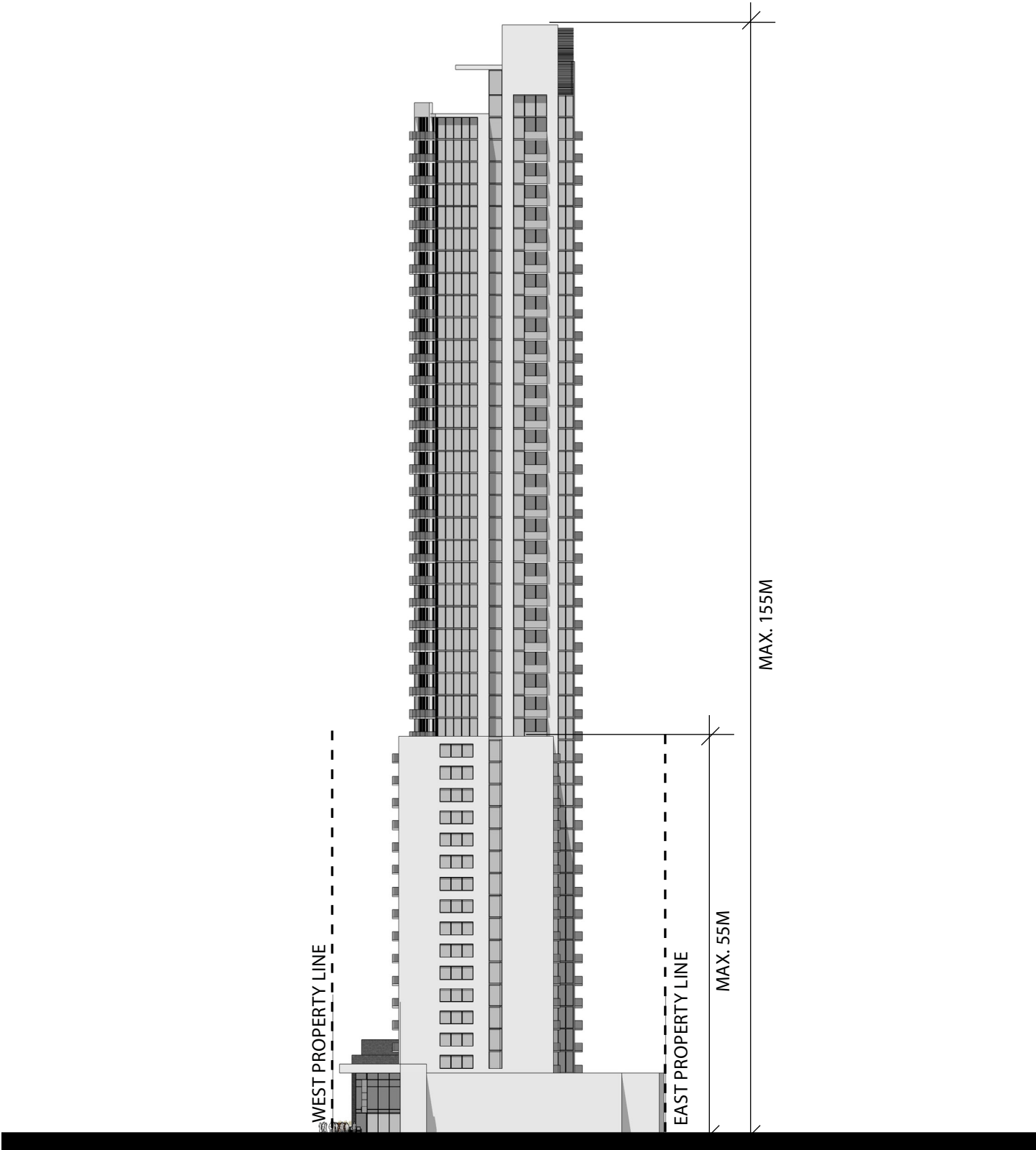


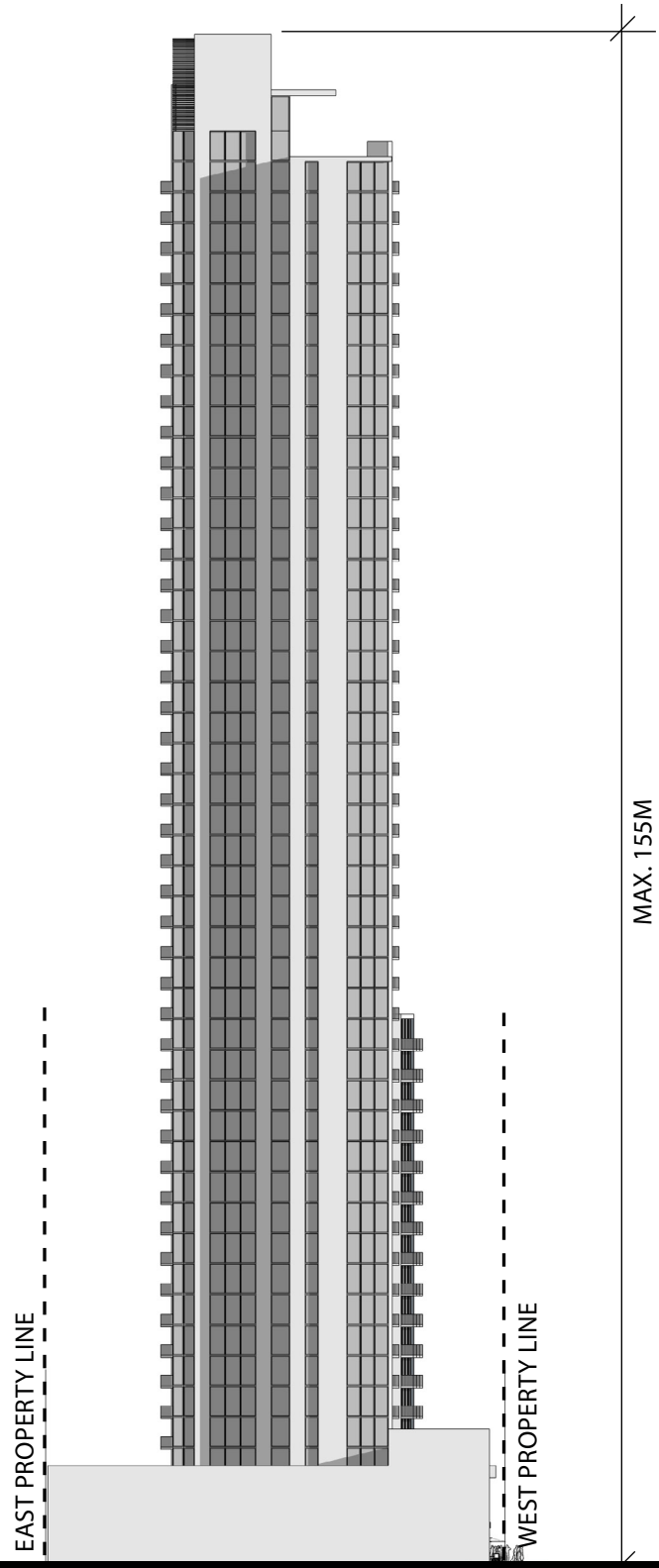




APPENDIX 5 - SOUTH ELEVATION

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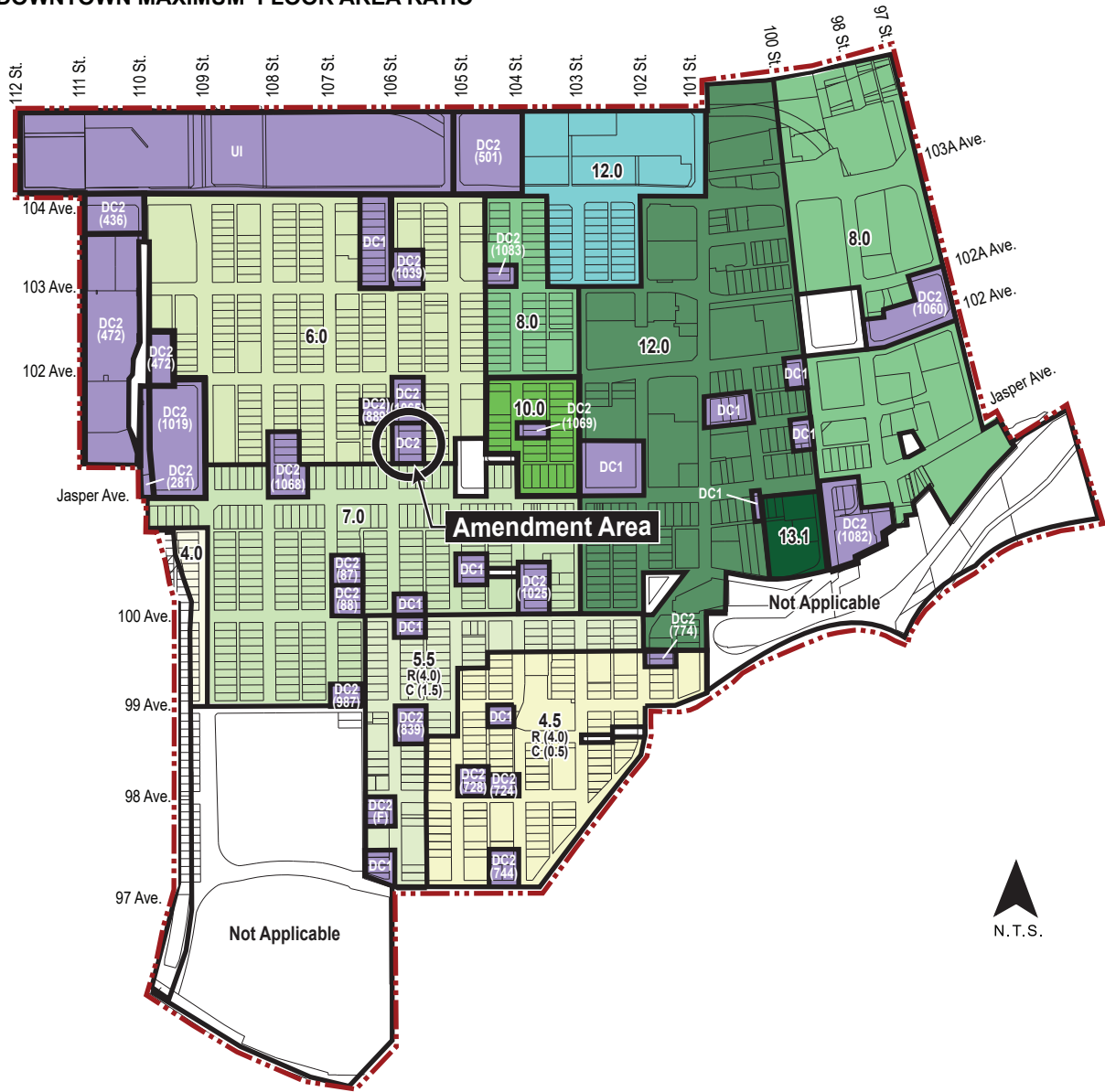




**Special Area, Downtown**

Appendix 2 to Section 910 of Bylaw 12800 as amended by Bylaw 15202 and subsequent appropriate Bylaws. (amended for Charter Bylaw 19785 on December 7, 2021)

**DOWNTOWN MAXIMUM FLOOR AREA RATIO**



**Legend**

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

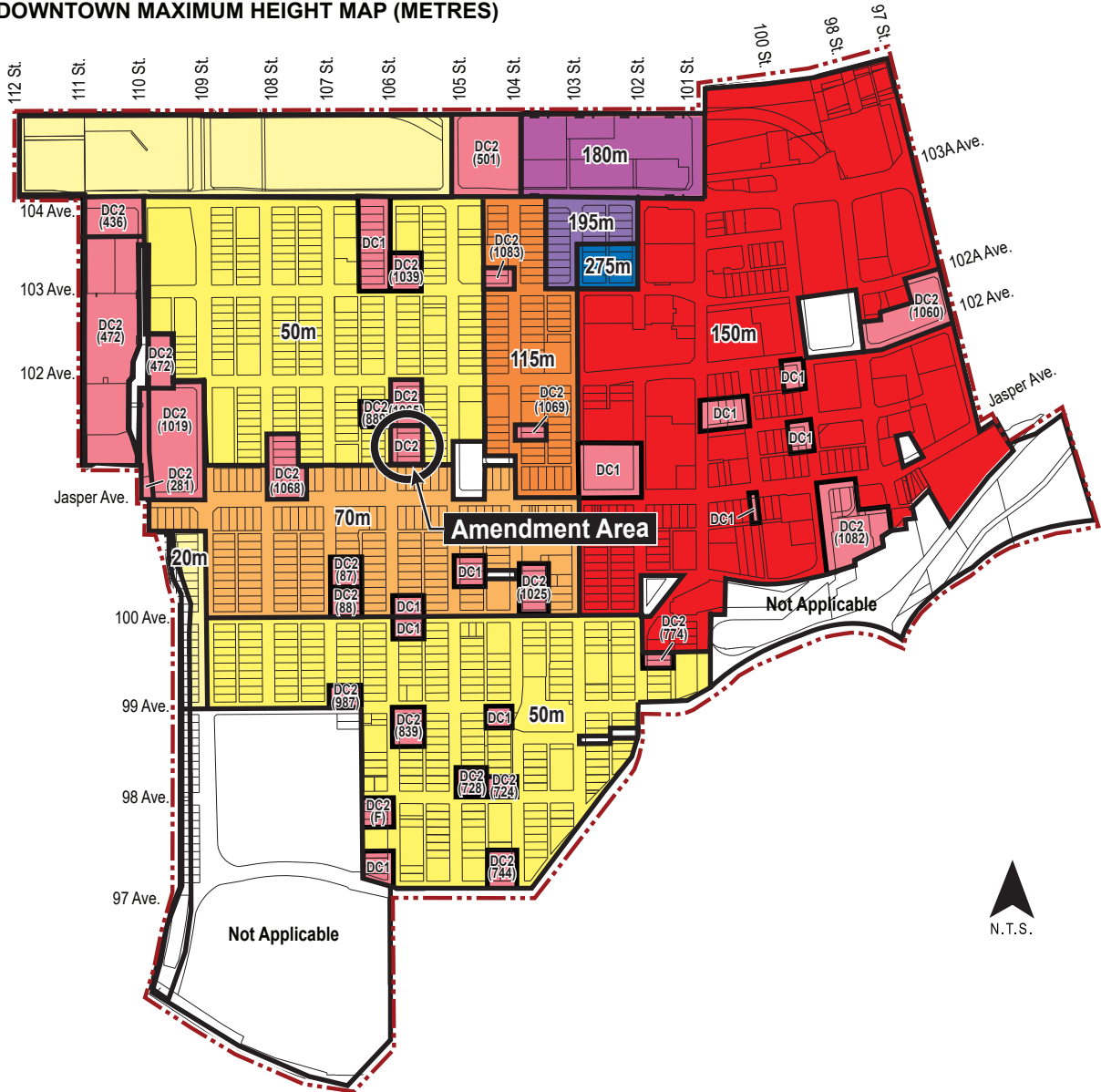
Total FAR → 8.0  
 R (6.0) ← Residential FAR  
 C (2.0) ← Commercial FAR

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. (amended for Charter Bylaw 19785 on December 7, 2021)

**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.