

Charter Bylaw 19860

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 3325

WHEREAS Lots 179 - 181, Block 3, Plan NB1; located at 10301 - 104 Street NW, Downtown, Edmonton, Alberta, is specified on the Zoning Map as (HA) Heritage Area Zone; and

WHEREAS an application was made to rezone the above described properties to (DC1) Direct 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 179 - 181, Block 3, Plan NB1; located at 10301 - 104 Street NW, Downtown, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (HA) Heritage Area Zone to (DC1) Direct Development Control Provision.
2. The uses and regulations of the aforementioned DC1 Provision are attached as Schedule "B".
3. The sketch plan attached as Schedule "A" and the uses and regulations of the DC1 Provision shown on Schedule "B" attached 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 Area Ratio" and replacing it with the "Downtown

Maximum Floor Area Ratio” attached hereto as Schedule “C” and forming part of this Bylaw.

5. The Edmonton Zoning Bylaw is hereby further amended by deleting Appendix 3 to Section 910, the “Downtown Maximum Height Map” and replacing it with the “Downtown Maximum Height Map” attached hereto as Schedule “D” and forming part of this Bylaw.

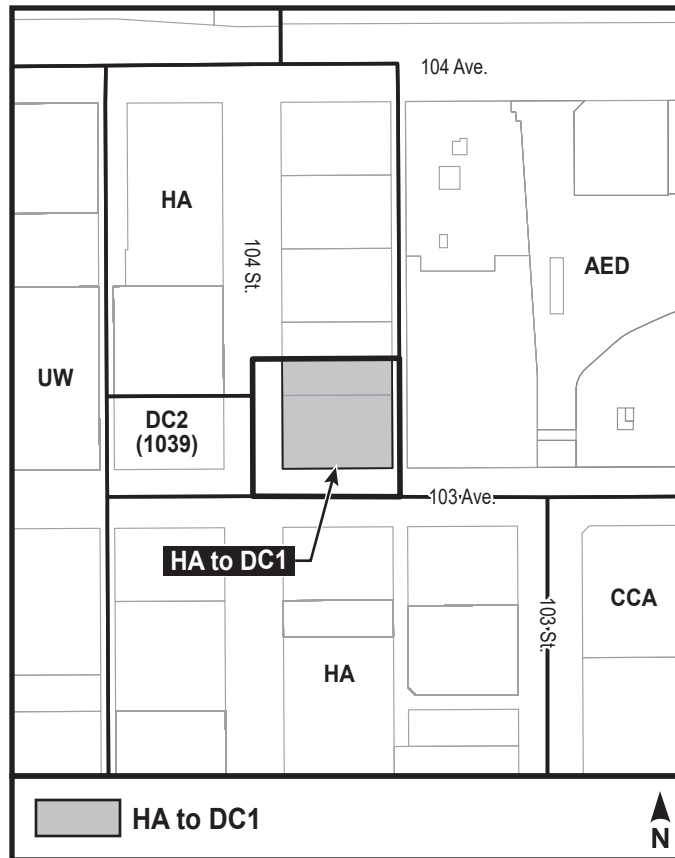
READ a first time this	day of	, A. D. 2022;
READ a second time this	day of	, A. D. 2022;
READ a third time this	day of	, A. D. 2022;
SIGNED and PASSED this	day of	, A. D. 2022.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

CHARTER BYLAW 19860



SCHEDULE “B”**(DC1) DIRECT DEVELOPMENT CONTROL PROVISION****1. General Purpose**

To accommodate a mixed use high rise development that is compatible in scale, function and built form with the surrounding historic warehouse area, contributing to an active streetscape and also incorporating the south and west Façades of the historic Horne & Pitfield building.

2. Area of Application

This Provision shall apply to Lots 179 - 181, Block 3, Plan NB1, located on the northeast corner of 104 Street NW and 103 Avenue NW; as shown on Schedule “A” of the Charter Bylaw adopting this Provision, Downtown.

3. Uses

1. Apartment Hotels
2. Automotive and Minor Recreation Vehicle Sales/Rentals
3. Bars and Neighbourhood Pubs
4. Breweries, Wineries and Distilleries
5. Business Support Services
6. Cannabis Retail Sales
7. Child Care Services
8. Commercial Schools
9. Convenience Retail Stores
10. Creation and Production Establishments
11. General Retail Stores
12. Government Services
13. Health Services
14. Hotels
15. Household Repair Services
16. Indoor Participant Recreation Services
17. Liquor Stores

18. Lodging Houses
19. Major Home Based Business
20. Media Studios
21. Minor Amusement Establishments
22. Minor Home Based Business
23. Multi-unit Housing
24. Personal Service Shops
25. Private Clubs
26. Private Education Services
27. Professional, Financial and Office Support Services
28. Religious Assembly
29. Residential Sales Centre
30. Restaurants
31. Secondhand Stores
32. Specialty Food Services
33. Supportive Housing
34. Urban Gardens
35. Vehicle Parking
36. Veterinary Services
37. Fascia On-premises Signs
38. Projecting On-premises Signs

4. Development Regulations for Uses

1. Automotive and Minor Recreation Vehicle Sales/Rentals shall be limited to a single business premise enclosed within the ground level Storey of the building which shall have a maximum Floor Area of 400 m².
2. Signs shall comply with the regulations found in Schedule 59H of the Zoning Bylaw.
3. A Comprehensive Sign Design Plan in accordance with Section 59.3 of the Zoning Bylaw shall be prepared for the development and submitted with the Development Permit application for construction of the principal building.
4. For all Sign applications, the Development Officer, in consultation with the Heritage Officer, shall review the application in context with the retained Façade

of the surrounding development, such as, but not limited to, the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; and any streetscape improvements. The Development Officer may require revisions to the application to mitigate the impact of a proposed Sign, and may refuse an application for a Development Permit that adversely impacts the built environment.

5. Development Regulations for Site Layout and Build Form

1. The development shall be in general conformance with the attached Appendices.
2. The building shall take the form of a podium-tower configuration.
3. The maximum Height shall be 160.0 m.
4. The maximum podium Height shall be 18.0 m.
5. The maximum Floor Area Ratio shall be 16.0.
6. The minimum podium Setbacks shall be:
 - a. 7.0 m from the north Lot line; and
 - a. 0.0 m from the south, east, and west Lot lines.
7. The minimum Tower Setbacks shall be:
 - a. 12.5 m from the north Lot line;
 - b. 7.0 m from the south Lot line;
 - c. 7.0 m from the east Lot line; and
 - d. 4.5 m from the west Lot line.
8. The maximum Tower Floor Plate shall be 850 m².

6. Development Regulations for Building Design and Features

1. All exterior building materials for the podium portion of the building shall be 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.

2. The architectural treatment of a minimum of 14.0 m of the westerly north podium Façade shall adhere to the general alignment of the horizontal elements and vertical elements of the adjacent buildings along the same block face.
3. Architectural features and structures on the podium, such as weather protection features including awnings, canopies and arcades may project to the Lot lines, except these features shall not be applied to the historically designated portions of the south and west Façades.
4. Active frontages shall be developed along 104 Street NW and 103 Avenue NW in accordance with the following regulations:
 - a. Residential and Commercial Uses shall have well defined and individual entrances at ground level; and
 - b. the placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented environment.
5. Podium roofs shall provide enhancements to improve rooftop aesthetics. These enhancements may include, but are not limited to, landscape features, Amenity Area, screening elements and improved aesthetic rooftop materials.
6. All Façades of the Tower shall use consistent and compatible high quality, durable exterior materials, such as, but not limited to, brick, metal cladding/paneling, acrylic stucco, masonry, stone, and/or glazing.
7. The Tower Floor Plate of the top 4 Storeys shall be reduced by a minimum of 10% from the Floor Plate of the majority of the Tower Storeys, to the satisfaction of the Development Officer, to create articulation, visual interest, and a reduced massing effects.
8. The rooftop of the Tower shall be designed with penthouses and/or screening to conceal mechanical systems, reduce the heat island effect, facilitate energy efficiency and contribute to a distinctive and unique downtown skyline.
9. Platform Structures or any other architectural features which are of a similar character shall project a maximum of 2.5 m from the Tower Façades but shall not extend over Lot lines. Platform Structures shall not be permitted on the podium Façades.
10. All mechanical equipment, including roof mechanical units and Underground Parkade intake/exhaust 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.

7. Development Regulation for Parking, Loading, Storage and Access

1. The maximum number of on-site vehicular parking spaces to be provided shall be as specified in the table below:

Uses	Maximum Vehicle Parking Spaces
Per Studio Dwelling	0.5
Per 1 Bedroom Dwelling or Residential-Related Unit	0.75
Per 2 or more Bedroom Dwelling or Residential-Related Unit	1.25
Visitor Parking	10
Non-residential Uses	1.0 per 200 m ²
Child Care Services	Employee parking shall be provided at the rate of a maximum of 1 parking space per 200.0 m ² of Floor Area.

2. All vehicular parking shall be provided within an Underground Parkade.
3. Vehicular access shall be provided from the Lane abutting the Site.
4. 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. a minimum of 19 short term Bicycle Parking spaces shall be provided for Non-Residential Uses and visitors in highly visible locations in the public realm adjacent to the Site on 104 Street NW and/or 103 Avenue NW, either on or off-Site.

- b. Long term Bicycle Parking Spaces shall be provided at a minimum rate of 0.75 spaces per Dwelling in a safe and secure location that is easily accessible to cyclists via access ramps, or a route through the building that facilitates easy and efficient transportation of bicycles;
 - c. A bicycle wash, repair and maintenance station shall be required within or adjacent to the bike storage area within the Underground Parkade.
5. Loading, storage, and waste collection areas shall be located within the building. The waste collection area shall be accessed from the abutting Lane and be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and Waste Management Services.

8. Development Regulations for Landscaping, Lighting and Amenity Area

- 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. Landscaping on City-owned land adjacent to the Site on both 104 Street NW and 103 Avenue NW shall be hard surfaced and integrated with the style of the pedestrian oriented public realm that exists along 104 Street NW in accordance with the Streetscape Design Manual for Downtown and the Quarters Downtown.
- 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 environment for pedestrians, to accentuate artwork and building elements, and highlight the development in winter months. Exterior lighting associated with the development shall be designed to minimize impact on an adjacent property. Exterior lighting above the third storey of the building shall be directed downwards. A detailed exterior lighting plan shall be provided to the satisfaction of the Development Officer.

5. A minimum Amenity Area of 4.0 m² per Dwelling shall be provided. This may be achieved using balconies, terraces/patios on top of the podium base, Rooftop Terraces, and indoor communal Amenity Areas.

9. Other Regulations

1. 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 104 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. If:
 - a. the arborist report indicates that the development will unduly compromise the ongoing viability and health of a tree or trees, each tree shall be removed as part of the redevelopment of the site. The owner/developer shall be responsible for the cost of removal as well as for compensating the City for the value of the tree being removed. If required by the Development Officer, each tree removed shall be replaced by a new tree in an enhanced growing soil medium in the form of soil cells or continuous trenches, at the cost of the owner; or
 - b. the arborist report indicates that the development will not unduly compromise the ongoing viability and health of a tree or trees, each tree shall be retained and protected as per the City's Corporate Tree Management Policy C456B.
2. Prior to the issuance of a Development Permit for any buildings greater than 20.0 m in Height, 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.
3. 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 shall be submitted with the Development Permit for a principal building.
4. 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

5. The storm and sanitary drainage systems required to service the development, including 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). Improvements are to be constructed at the owner's cost.
6. 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.
7. 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 115.0 m; and

- b. the maximum Floor Area Ratio shall be 8.0.

If Residential Uses and/or a Hotel are provided the development shall be allowed an additional Floor Area Ratio of 4.0 where the Development Officer is satisfied that the development fits within the urban context of the area and that adverse environmental impacts such as sun shadow and wind are minimized.

10. Public Improvements and Contributions

1. As a condition of a Development Permit for construction of a principal building, 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. 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; and replacement of any street furniture that is removed/damaged for construction and shall match the 104 Street NW streetscaping standard for style and frequency;
 - b. removal of the existing access to 104 Street NW and construction of the boulevard, curb, and gutter as required;
 - c. provision of one boulevard tree within an enhanced growing medium in the public realm directly abutting the Site along 104 Street NW, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), Urban Renewal, City Operations and Integrated Infrastructure Services; and
 - d. improvements to the public realm directly abutting the Site along 103 Avenue NW for the full length of the Site, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), Urban Renewal, City Operations and Integrated Infrastructure Services. Improvements may include, but are not limited to:

- i. construction of a widened sidewalk from the corner of 103 Avenue NW and 104 Street NW to the Lane east of the Site. The widened sidewalk shall have a minimum width of 4.2 m from the south Lot line of the Site to the curb which shall provide a continuous decorative surface treatment that is integrated with the style of the pedestrian oriented public realm that exists along 104 Street NW in accordance with the Complete Streets Design and Construction Standards and the Streetscape Design Manual for Downtown and the Quarters Downtown;
 - ii. provide a minimum of 4 boulevard trees within enhanced growing mediums;
 - iii. quality, durable street furnishings and materials; and
 - iv. pedestrian scaled lighting.
2. The following contribution shall only be required in the event that maintaining, in-situ, the south and west Façades of the historic Horne & Pitfield building is not feasible, as described in Section 11.1.b of this Provision, and subsequently, that there is no designation of the Facades as a Municipal Historic Resources, as described in Section 11.1.a of this Provision:
 - a. Prior to the issuance of the Development Permit for new building construction, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum contribution of \$182,862.80 toward the acquisition and placement of public art. Such agreement shall require that:
 - i. prior to the issuance of the Development Permit, a public art plan showing the general location(s) of art shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer. The art will be acquired through an art procurement process administered by the owner(s) and all costs related to the procurement of the artworks and the regular maintenance and conservation of the artwork for at least 25 years after installation, shall be the responsibility of the developer;
 - ii. artworks shall be created by a professional artist;
 - iii. artworks may be located on or within the public or private property

and shall be in locations that are publicly viewable to the satisfaction of the Development Officer, such as the western portion of the north podium Façade, the southern portion of the east podium Façade, and/or adjacent to 104 Street NW on the north side of the site to add interest and contribute to the enjoyment of the pedestrian public realm;

- iv. if located on public property or roadway right of way, the location shall be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services; and
- v. the Public Art contribution amount shall be increased every 5 years from the date of passage of the Charter Bylaw adopting this Provision according to the annual rate of national inflation as determined by Statistics Canada.

11. Heritage Regulations

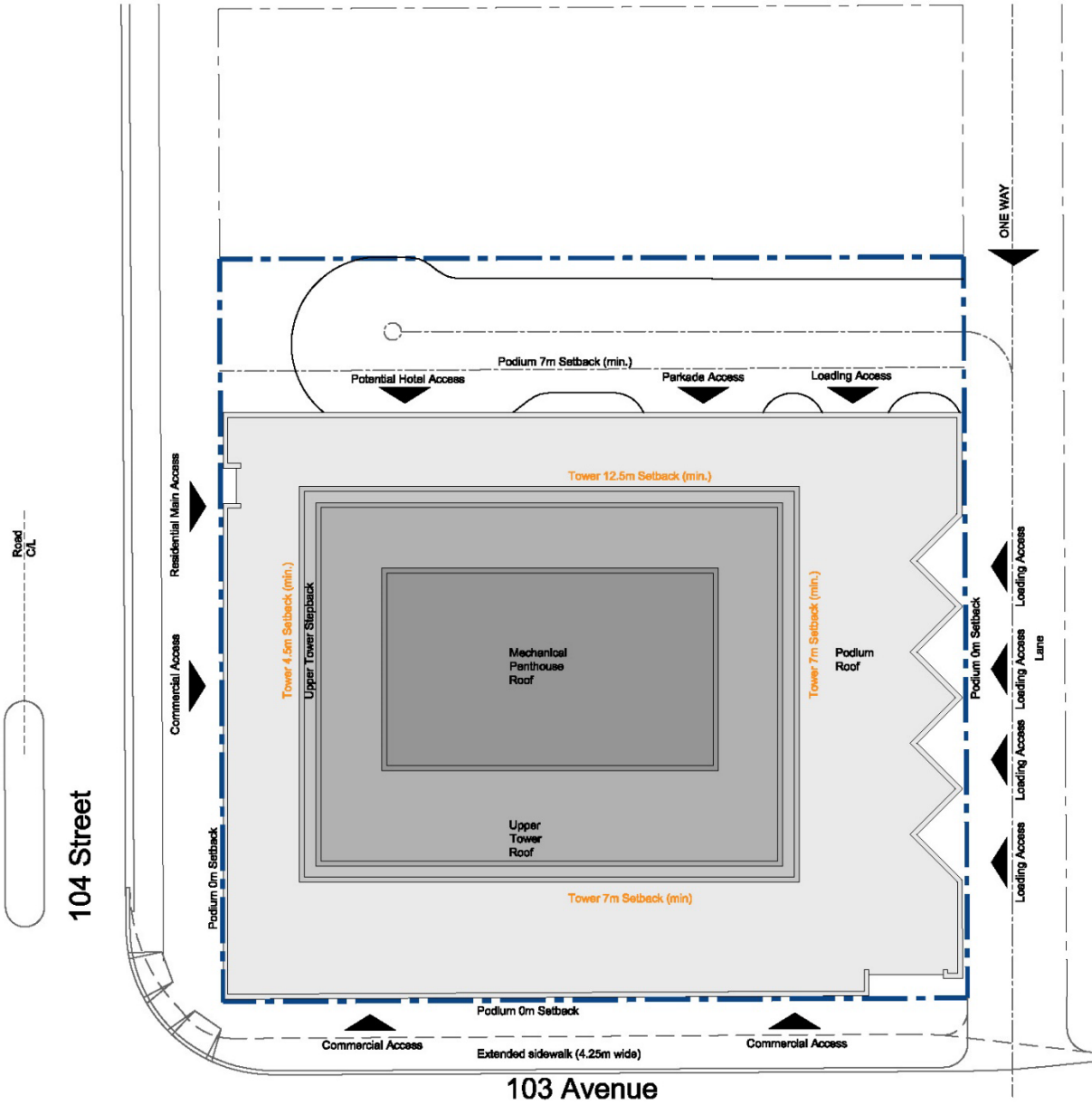
- 1. The Development shall incorporate the south and west Façades of the historic Horne & Pitfield Building into the podium of the building, to the satisfaction of the Development Officer in consultation with the Heritage Officer, in general conformance with Appendices VII and VIII, and in accordance with the following:
 - a. Prior to the issuance of the Development Permit for the demolition of the existing building in place on the date of approval of the Charter Bylaw adopting this Provision, and/or construction of the new building, a Bylaw to designate the historic south and west Façades of the Horne & Pitfield building as a Municipal Historic Resource and a Rehabilitation Incentive and Maintenance Agreement in a form satisfactory to the Development Officer, shall be brought to City Council for a decision. The Bylaw and Agreement shall reference the following features for conservation and maintenance:
 - i. For the west Façade, this shall include but not be limited to the following features:
 - A. Pressed red brick;

- B. Cut stone horizontal banding above the first floor level;
 - C. Window openings, including brick corbelling, concrete sills and single windows appropriate in materials to the 1911 historic period of the building. PVC window units shall not be allowed;
 - D. Brick cornice with decorative corbelling and dentil border at the parapet level; and
 - E. Identification stone above main door entrance and stone door surround.
- ii. For the south Façade this shall include but not be limited to the following features:
- A. Pressed brick;
 - B. Cut stone horizontal banding above the first floor level that extends from the west Façade;
 - C. Brick cornice with decorative corbelling that extends from the west Façade; and
 - D. Window openings, including, concrete sills and single windows appropriate in materials to the 1911 historic period of the building. PVC window units shall not be allowed.
- iii. This agreement shall also identify mechanisms for evaluation of the viability of maintaining the historic south and west Façades should unforeseen circumstances arise during the construction phase of the development, as described in Section 11.1.b of this Provision, below.
- b. The Applicant shall maintain, in-situ, the south and west Façades of the historic Horne & Pitfield building, to its 1911 architectural design, unless it can be shown to the satisfaction of the Development Officer in consultation with the Heritage Officer, that attempts at maintaining the Façades in-situ would create an unreasonable risk of unintentional demolition or hazard to the worksite. If the Development Officer, in consultation with the Heritage Officer, agrees that retention in-situ is not reasonable, the historic south and/or west Façades shall not be maintained

in-situ but shall instead be dismantled and subsequently reassembled in its same historic location, and the Applicant shall still be required to comply with all applicable regulations of this Provision with the exception of 11.1.a.

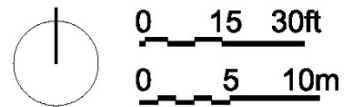
- c. To the extent possible, the original materials, brickwork, architectural features, parapets, door openings and fenestration pattern of the historic south and west Façades shall be maintained, repaired and re-used, or if damaged beyond repair, shall be replicated with in-kind materials matching as closely as possible to the original.
 - i. Notwithstanding the above, vertical extension of first storey of the south and west Façades windows to the ground level shall be permitted to allow for natural light into retail stores. On the west Façade portions of the existing concrete banding below the first storey windows shall be retained to the extent possible. On the south Façade a maximum of three first storey windows shall also be permitted to expand horizontally in general conformance with Appendix VIII.
- d. Any required maintenance or alterations to the historic south and west Façades of the Horne & Pitfield building as part of its rehabilitation shall be in conformance with the provisions of the Standards and Guidelines for the Conservation of Historic Places in Canada.
- e. A plaque providing visual and textual representation of the Horne & Pitfield building shall be provided on Site and accessible to the public in a location such as an internal communal lobby area. The plaque shall be designed in such a manner as to provide an appropriate interpretation of the Horne & Pitfield building's historical significance to the satisfaction of the Development Officer in consultation with the Heritage Officer. This plaque shall be in addition to any Municipal Historic Resource designation plaque provided by the Edmonton Historical Board and/or the City of Edmonton.

Appendix I: Site Plan

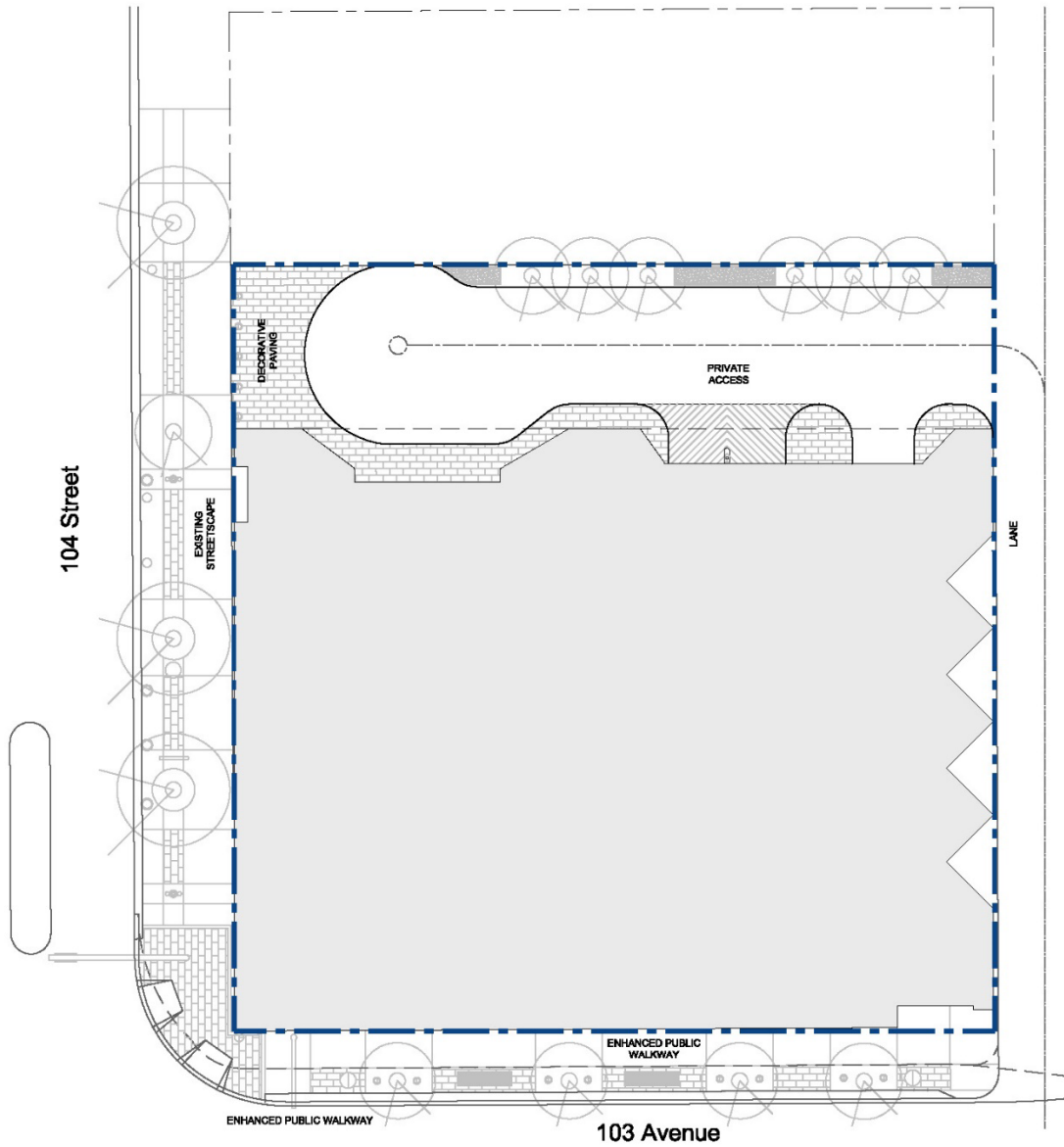


Site Plan / Roof Plan

10301 - 104 St Rezoning



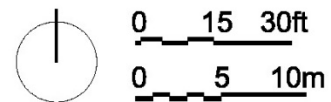
Appendix II: Landscape Plan



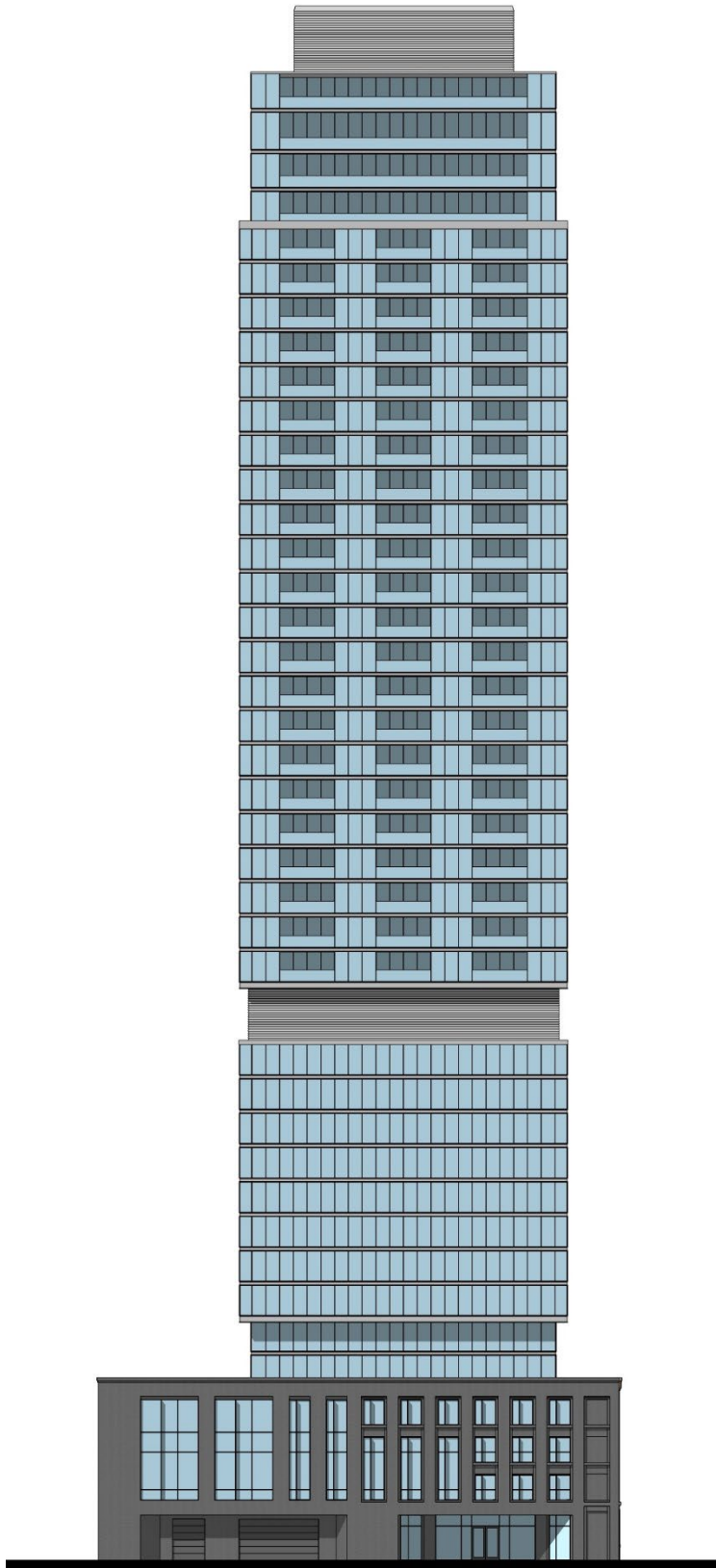
- LEGEND**
- EXISTING SIGN
 - EXISTING STREET LIGHT
 - EXISTING WASTE BIN
 - EXISTING TRAFFIC SIGNAL
 - ⊙ EXISTING DECORATIVE POLE LIGHT
 - EXISTING TREE
 - EXISTING BICYCLE RACK
 - EXISTING DECORATIVE BOLLARD
 - ⊙ NEW WASTE BIN
 - ⊙ NEW DECORATIVE BOLLARD
 - ▬ NEW SITE SEATING
 - NEW TREE
 - ▬ NEW PLANTER

Site Plan / Landscape

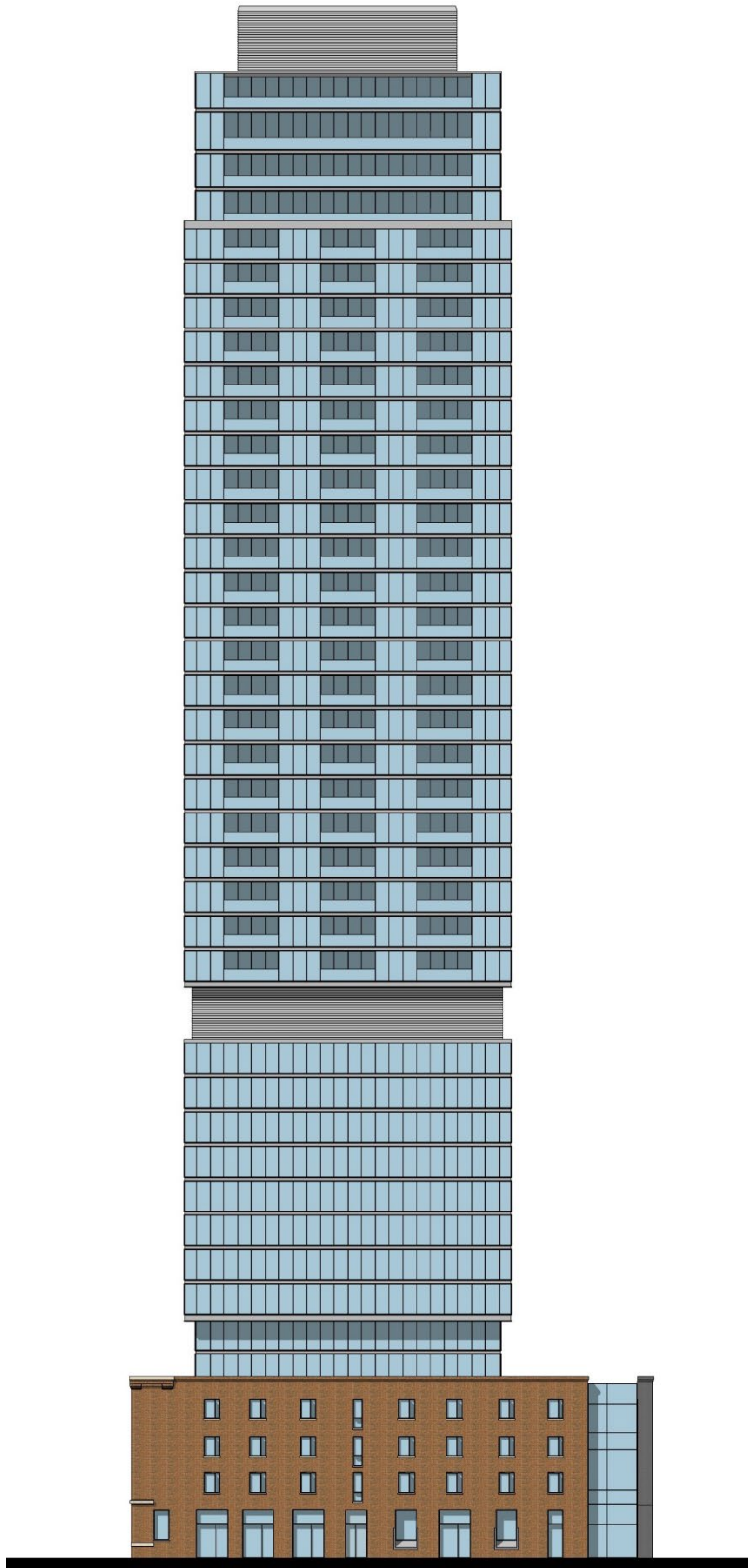
10301 - 104 St Rezoning



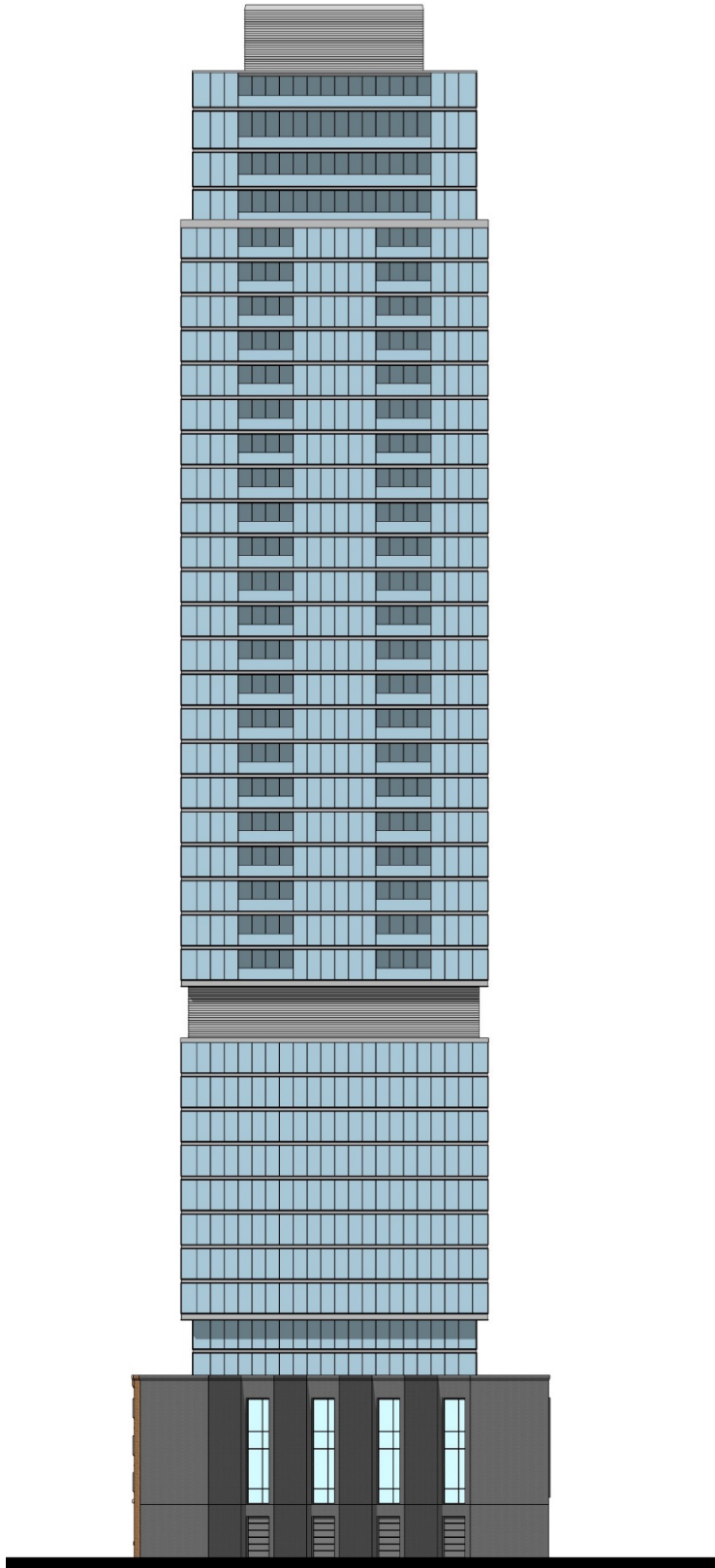
Appendix III: North Elevation



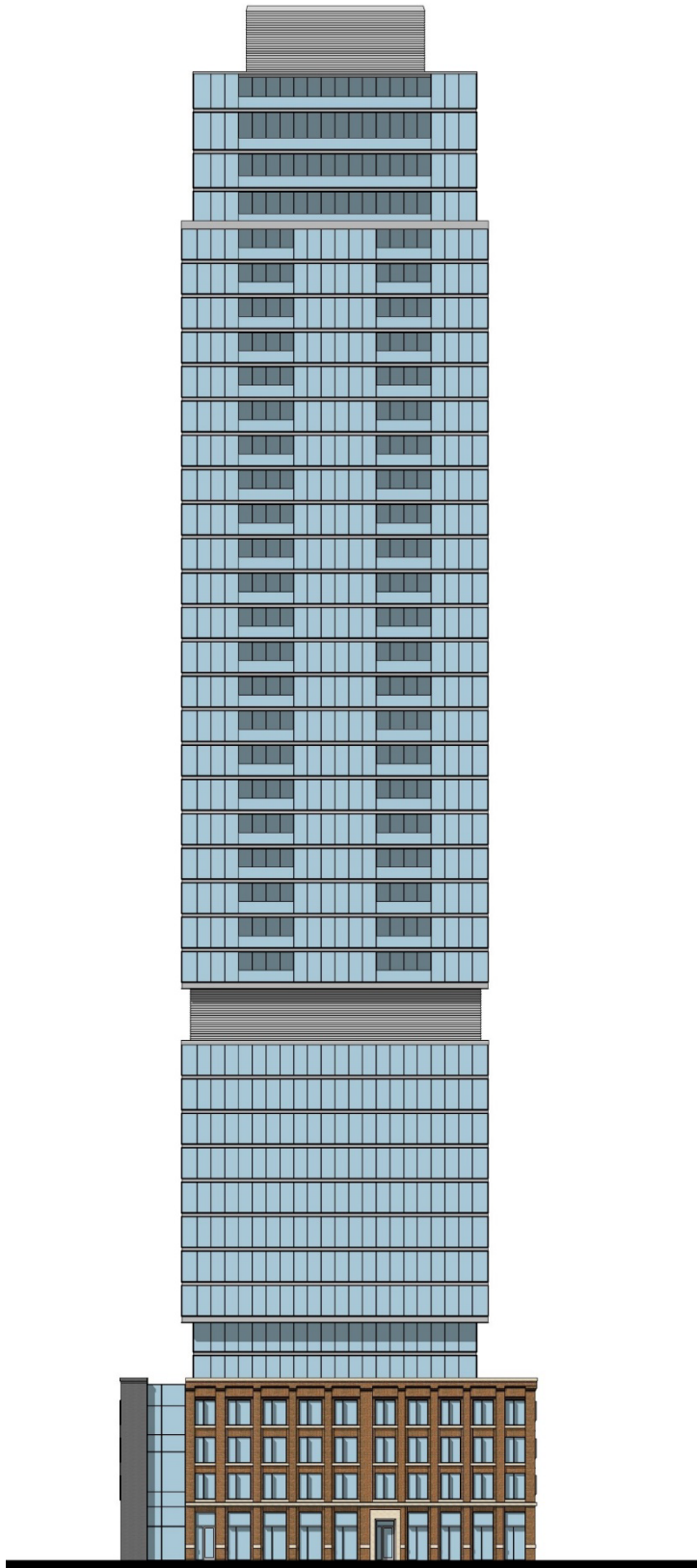
Appendix IV: South Elevation



Appendix V: East Elevation



Appendix VI: West Elevation



Appendix VII: West Architectural Façade of the Historic Horne and Pitfield Building



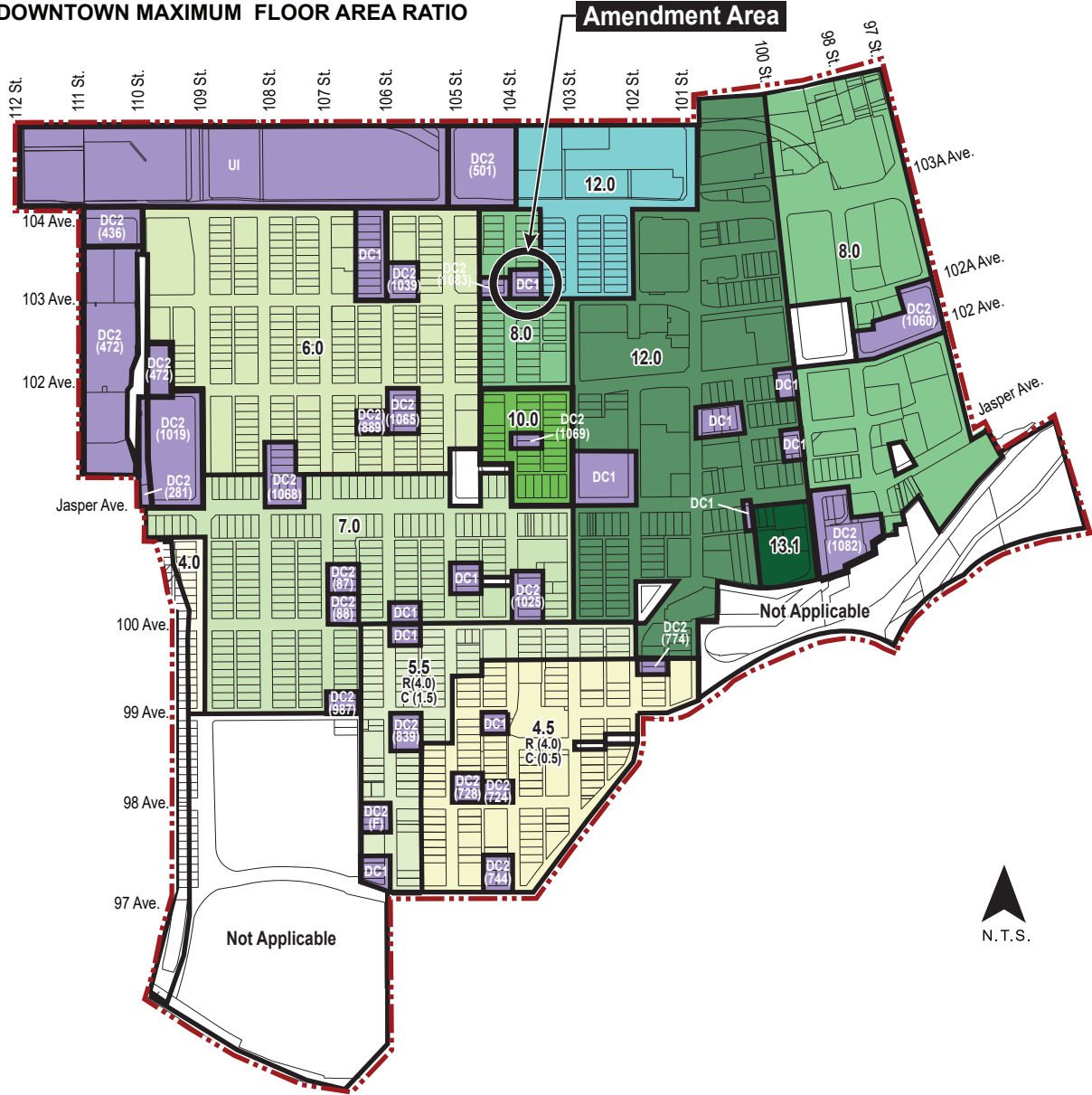
Appendix VIII: South Architectural Façade of the Historic Horne and Pitfield Building



Special Area, Downtown

Appendix 2 to Section 910 of Bylaw 12800 as amended by Bylaw 15202 and subsequent appropriate Bylaws. (amended for Bylaw 19859 on April 20, 2022)

DOWNTOWN MAXIMUM FLOOR AREA RATIO



Legend

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

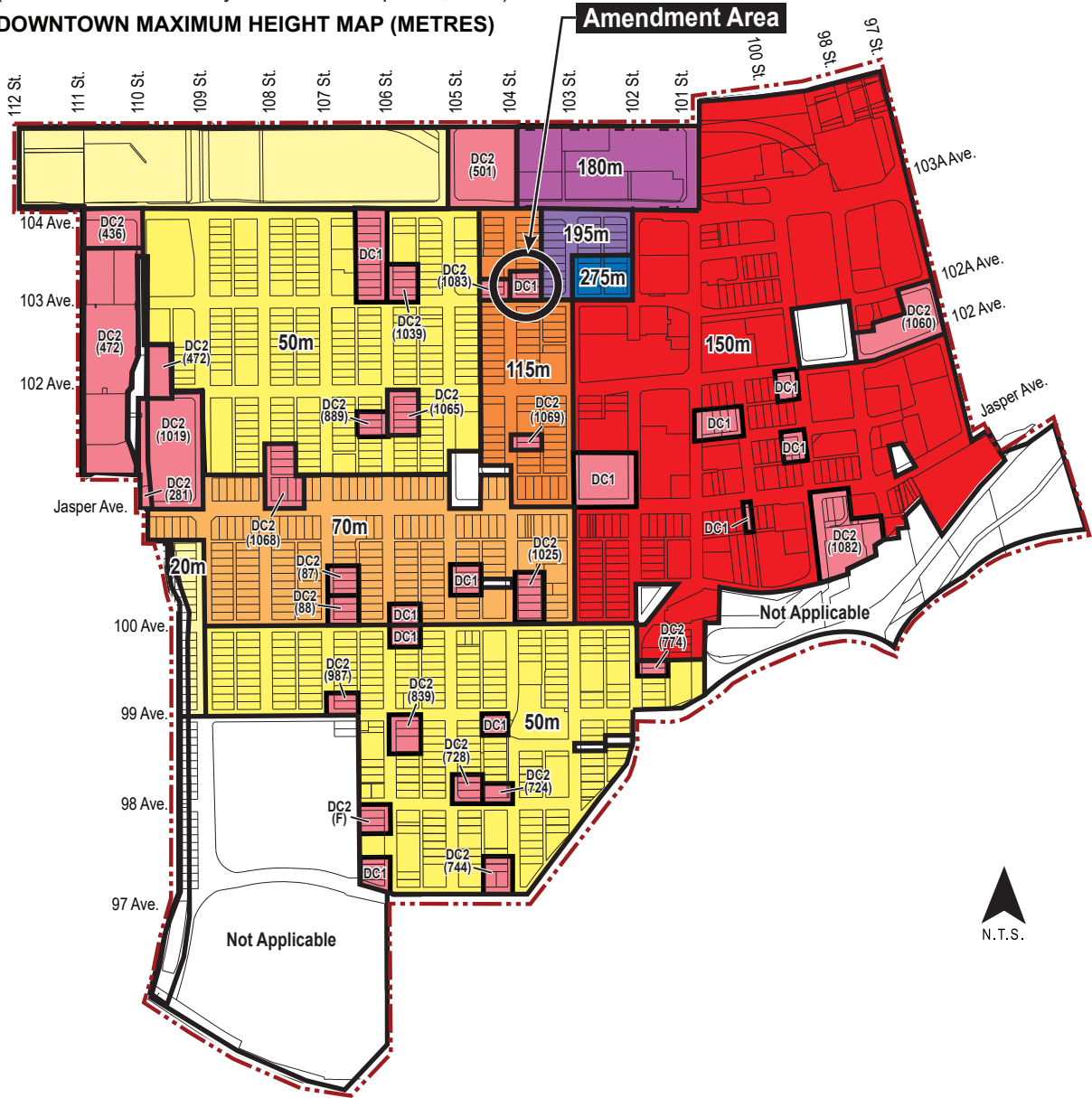
Total FAR → 8.0
 R (6.0) ← Residential FAR
 C (2.0) ← Commercial FAR

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 19859 on April 20, 2022)

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.