

Bylaw 18292

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2519

WHEREAS Lots 41-42, Block 6, Plan NB; located at 10620 - 99 Avenue NW, Downtown, Edmonton, Alberta, are 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 Lots 41-42, Block 6, Plan NB; located at 10620 - 99 Avenue NW, Downtown, 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. 2018;
READ a second time this	day of	, A. D. 2018;
READ a third time this	day of	, A. D. 2018;
SIGNED and PASSED this	day of	, A. D. 2018.

THE CITY OF EDMONTON

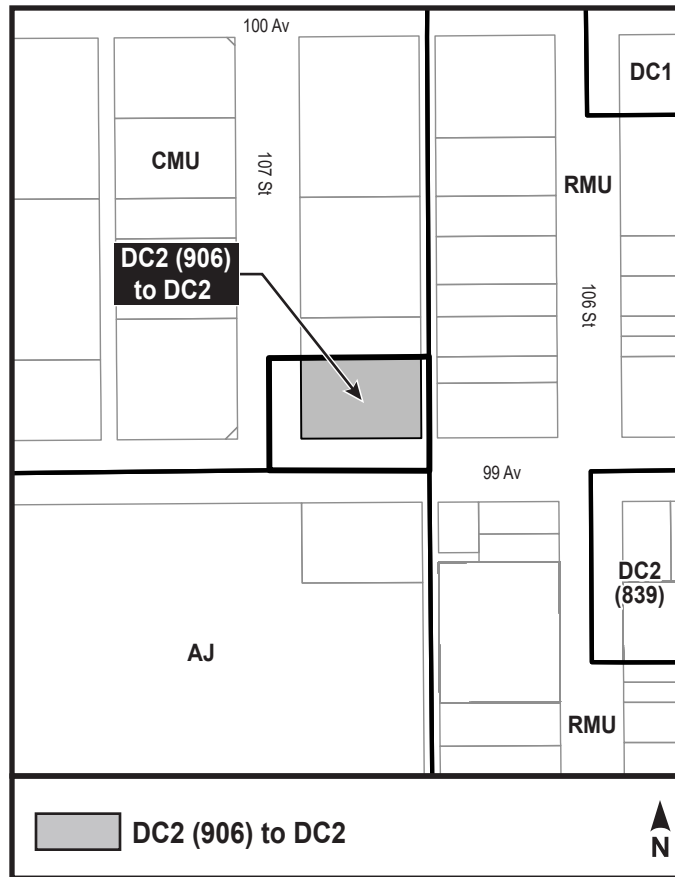
---

MAYOR

---

CITY CLERK

BYLAW 18292



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

This Provision is designed to accommodate a high density residential Tower with street level Commercial, Basic Service and Community, Educational, Recreational and Cultural Service Use Classes fronting onto 107 Street NW and 99 Avenue NW.

**2. Area of Application**

This Provision shall apply to a 0.14 hectare site, legally described as Lots 41-42, Block 6, Plan NB; 9901 - 107 Street NW, located at the northeast corner of 107 Street NW and 99 Avenue NW.

**3. Uses**

- a. Apartment Hotels
- b. Apartment Housing
- c. Bars and Neighbourhood Pubs
- d. Breweries, Wineries and Distilleries
- e. Business Support Services
- f. Child Care Services
- g. Commercial Schools
- h. Convenience Retail Stores
- i. Creation and Production Establishments
- j. General Retail Stores
- k. Government Services
- l. Health Services
- m. Household Repair Services
- n. Live Work Units
- o. Lodging Houses

- p. Media Studios
- q. Minor Alcohol Sales
- r. Minor Amusement Establishments
- s. Minor Home Based Business
- t. Personal Service Shops
- u. Private Education Services
- v. Professional, Financial and Office Support Services
- w. Public Libraries and Cultural Exhibits
- x. Residential Sales Centre
- y. Restaurants
- z. Secondhand Stores
- aa. Specialty Food Services
- bb. Veterinary Services
- cc. Fascia On-premises Signs
- dd. Projecting On-premises Signs
- ee. Temporary On-premises Signs, excluding trailer mounted Signs and/or Signs with Changeable Copy

#### **4. Development Regulations**

##### **4.1 General**

- a. Development shall be in general conformance with the attached Appendices
- b. Personal Services Shops shall not include Body Rub Centres.
- c. Residential Sales Centres shall be limited to the marketing of on-site condominium or rental units.
- d. 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.

- e. Each Bar and Neighbourhood Pubs Use shall be limited to a maximum of 250 Occupants and 300 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.
- f. Each Restaurants Use shall be limited to a maximum of 250 Occupants and 300 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.
- g. Each Specialty Food Services Use shall be limited to a maximum of 250 Occupants and 300 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.
- h. The maximum building Height shall be 96.0 m.
- i. The maximum Height of the podium shall be 13.5 m
- j. The maximum Floor Area Ratio shall be 13.5.
- k. The maximum number of Dwelling units shall be 240.
- l. The maximum Tower Floor Plate shall not exceed 650 m<sup>2</sup>.
- m. The maximum length of any Tower Façade shall be 32.0 m.
- n. There shall be no requirement for building Setbacks and the building shall be built to the west and south Lot lines and to the corners.
- o. Minimum Tower Stepbacks shall be in general conformance with Appendix II, III, IV and V and as follows:
  - i. 7.0 m Stepback from the east podium Façade;
  - ii. 3.0 m Stepback from the west podium Façade;
  - iii. 4.0 m Stepback from the north podium Façade; and
  - iv. 3.0 m Stepback from the south podium Façade.
- p. A minimum of 7.5 m<sup>2</sup> of Amenity Area per Dwelling shall be provided in accordance with Section 46 of this Bylaw.
- q. Notwithstanding Section 46.3.a of the Zoning Bylaw, Platform Structures in the form of balconies with a minimum depth of 1.5 m may be used to satisfy required Amenity Area.
- r. Platform Structures in the form of balconies may project a maximum of 1.8 m into the Tower Stepbacks.
- s. Non-residential Uses shall be located on the ground floor only except that Apartment Hotels may be included on the floors above the ground floor.
- t. The development shall create a pedestrian-friendly environment on 99 Avenue NW and 107 Street NW, which will include such things as individual entrances, glazing and transparency, landscaping and other features that lend visual interest and a human scale to the development

along the street.

- u. Prior to the issuance of any development permit, except for the purpose excavation only, 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 Guide for a Safer City (City of Edmonton, 1995).
- v. 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 8 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 50.0 m; and
  - b. the maximum Floor Area Ratio shall be 7.0.

#### 4.2 Parking, Loading and Access

- a. Vehicular access and egress shall be from the abutting Lane and in general conformance with Appendix I, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination.
- b. Notwithstanding Section 54.2 of the Zoning Bylaw, the number of Off-street Vehicular Accessory Parking spaces required shall be in accordance with the below table.

<b>Land Use Component</b>	<b>Minimum Parking Space Allocation</b>	<b>Maximum Parking Space Allocation</b>
Residential	112	213
Visitor and Non-residential	12	13
Total	124	226

- c. Non-residential parking shall share on-site resident visitor parking spaces through an owner-operated parking management program.
- d. Vehicular Parking variances may be considered by the Development Officer if:
  - i. The owner can demonstrate through a Parking Impact Assessment, that the parking proposed is less than that required by this Provision; or
  - ii. The owner implements programs which reduce parking demand such as car share programs, carpooling, or universal transit passes to the satisfaction of the Development Officer in consultation with Transportation Services.
- e. Bicycle Parking Facilities shall be provided in accordance with Section 54.3 of the Zoning Bylaw and include a minimum of 75 bicycle parking spaces provided in a safe and secure location on the first underground level of the Parking Garage.

- f. Retaining walls bordering the underground driveway/parkade ramp, must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit safely to the satisfaction of the Development Officer in consultation with Transportation Services.
- g. The underground driveway ramp must not exceed a slope of 6% for a minimum distance of 4.5 m inside the Lot line and the ramp must be at grade at the property line, or to the satisfaction of the Development Officer in consultation with Transportation Services.
- h. Storage and waste collection areas shall be concealed from view from adjacent sites and located within the building.
- i. Notwithstanding Section 54.4 of the Zoning bylaw, one (1) Off-street Vehicular Loading space shall be provided at a minimum of 3.0 m in width and 6.0 m in length, and shall be in general conformance with Appendix I.

#### **4.3 Landscaping**

- c. Notwithstanding Section 55 of the Zoning Bylaw, a detailed Landscape Plan for the Site, including all existing and proposed utilities within the road right-of-way must be prepared by a registered AALA Landscape Architect and submitted for review and approval by the Development Officer, prior to the issuance of any Development Permit.
- b. The Landscape Plan shall include pavement materials, sizes and species of new tree plantings, details of any proposed rooftop landscaping and outdoor amenity areas and other landscaping elements as applicable.
- c. Landscaping on the 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.
- d. All existing boulevard trees shall be removed and replaced with new trees within a larger, enhanced growing medium to the satisfaction of the Development Officer.

#### **4.4 Signage**

- a. Signs shall comply with the regulations found in Schedule 59B and in accordance with the General Provisions of Section 59 of the Zoning Bylaw.
- b. A Comprehensive Sign Design Plan and Schedule in accordance with Section 59.3 of the Zoning Bylaw shall be prepared for the development and submitted with the Development Permit Application.

#### **4.4 Other Regulations**

- a. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-site, consistent with recommendations of the Sun Shadow Impact Study and Wind



Impact Study.

- b. Prior to the issuance of a Development Permit that includes a Tower, a Sun Shadow Impact Study shall be submitted and be to the satisfaction of the Development Officer.
- c. Prior to the issuance of a Development Permit that includes a Tower, a Wind Impact Study shall be submitted detailing the anticipated wind characteristics in the surrounding pedestrian realm as a result of the development and be to the satisfaction of the Development Officer.

## **5. Urban Design Regulations**

### **5.1 Building Façade, Materials, and Exterior Finishing**

- a. Exterior building materials must be sustainable, durable, high quality and appropriate for the development within the context of the immediately surrounding neighbourhood. The contextual fit, design, proportion, quality, colour, texture and application of various exterior finishing materials shall be to the satisfaction of the Development Officer.
- b. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.

### **5.2 Built Form**

- a. Podium:
  - i. The main residential Tower entrance shall be designed to be clearly visible, distinct and oriented to 99 Avenue NW.
  - ii. A minimum of 75% of the linear building frontage of the ground floor west Façade and ground floor south Façade shall consist of glazing and all podium glazing shall be clear, transparent, untinted and unobscured.
  - iii. The podium exterior shall be finished with quality, durable materials that may include masonry, stone, brick and pre-finished metal.
  - iv. The design of the north Façade of the podium shall incorporate architectural design details or features, such as textured concrete finishes, that lend to visual interest to the satisfaction of the Development Officer.
  - v. Articulation of the surface of exposed retaining walls bordering the underground driveway/parkade ramp and decorative screening shall be provided and be to the satisfaction of the Development Officer.
  - vi. Where podium roofs are visible from existing adjacent developments, the development shall improve rooftop aesthetics to the satisfaction of the Development Officer. Improvements to aesthetics may include screening of mechanical equipment, appropriate

roof surface material, colour and texture variations and hard or soft Landscaping.

- b. Tower:
  - i. The exterior of the Tower shall be finished with high quality, sustainable, and durable materials such as masonry, stone, brick and glazing.
  - ii. The mid-tower zone shall be differentiated from the podium, but shall reinforce some of the design details, colours, materials and architectural expression of the podium to maintain compatibility between the two portions of the building.
  - iii. The Tower shall contribute to the “signature” of the building and the City’s skyline through treatment of the upper floors and roofs. The Tower shall provide articulation, visual interest and reduced massing effects by combination of sculpting of the building, variation of material/color or other means to the satisfaction of the Development Officer.

### **5.3 Street Interface, Entrances and Corners**

- a. If Setbacks are provided, they shall continue the public sidewalk paving materials, finish, and pattern from the Lot line to the building.
- b. Buildings shall be designed to accommodate non-residential uses to strengthen the pedestrian oriented quality of the development through the following:
  - i. The ground storey shall have a minimum height of 4.0 m; and
  - ii. A minimum of 60% of street frontage shall be for retail, services, and other non-residential uses.
- c. Ground level retail uses shall open to the street rather than an internal atrium.
- d. Buildings shall be designed and oriented to face 99 Avenue NW and 107 Street NW with entrances that are clearly visible.
- e. The Façade treatment shall wrap around the side of the building to provide a consistent profile facing both public roadways.
- f. The development shall provide, major entryways or distinctive architectural features consistent with the buildings or influences on the other corners of the intersection to enhance pedestrian circulation and, where applicable, enhance axial views.

### **5.4 Lighting**

- a. 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 to highlight non-residential tenancies and other portions of the development at night time, to the satisfaction of the Development Officer.
- b. Night-time pollution shall be reduced by avoiding over-illumination of the development and

use low cut-off exterior lighting fixtures which direct light to ensure illumination does not extend beyond the boundaries of the development site.

## **6. Improvements and Public Amenity Contributions**

- a. 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. The Agreement process includes an engineering drawing review and approval process. Improvements to address in the Agreement include, but are not limited to the repair of any damage to the abutting roadways, sidewalks and/or boulevard resulting from construction of the development, to the satisfaction of Subdivision and Development Coordination. The site must be inspected by Transportation Services prior to the start of the construction and once again when construction is complete.
- b. Prior to issuance of a development permit, the owner shall enter into an agreement with the City of Edmonton to provide a contribution for off site improvements of \$250,000.00 as outlined below. The funds shall be provided prior to the issuance of the development permit and if the development permit has not been issued within five (5) years of the date of the approval of this Bylaw, the contribution shall be increased from that point forward according to the annual rate of national inflation as determined by statistics Canada. The agreement shall require that:
  - i. The funds shall first pay for off-site public realm improvements for the area along 107 Street NW and 99 Avenue directly abutting the Site and in general conformance with Appendix VI in an amount up to \$250,000. The off-site public realm improvements shall be to the satisfaction of the Development Officer and shall:
    1. Follow the standards outlined in the Urban Design Framework for Downtown Streets and for Downtown Parks and, where applicable, the Capital City Downtown Plan, Bylaw 18200; and
    2. Include, but are not limited to, boulevard trees within enhanced planting mediums, pedestrian lighting, street furniture and paving treatment.
  - ii. In the event that the off-site public realm improvements are already complete at the time of development permit issuance or \$250,000 is not required to complete the off-site public realm improvements, any remaining funds shall first be used to upgrade R.J.W. Mather Memorial Park and then used to upgrade other public parks within the boundaries of the Capital City Downtown Plan with details being determined at the Development Permit stage to the satisfaction of the Development Officer in consultation with the Downtown Edmonton Community League.

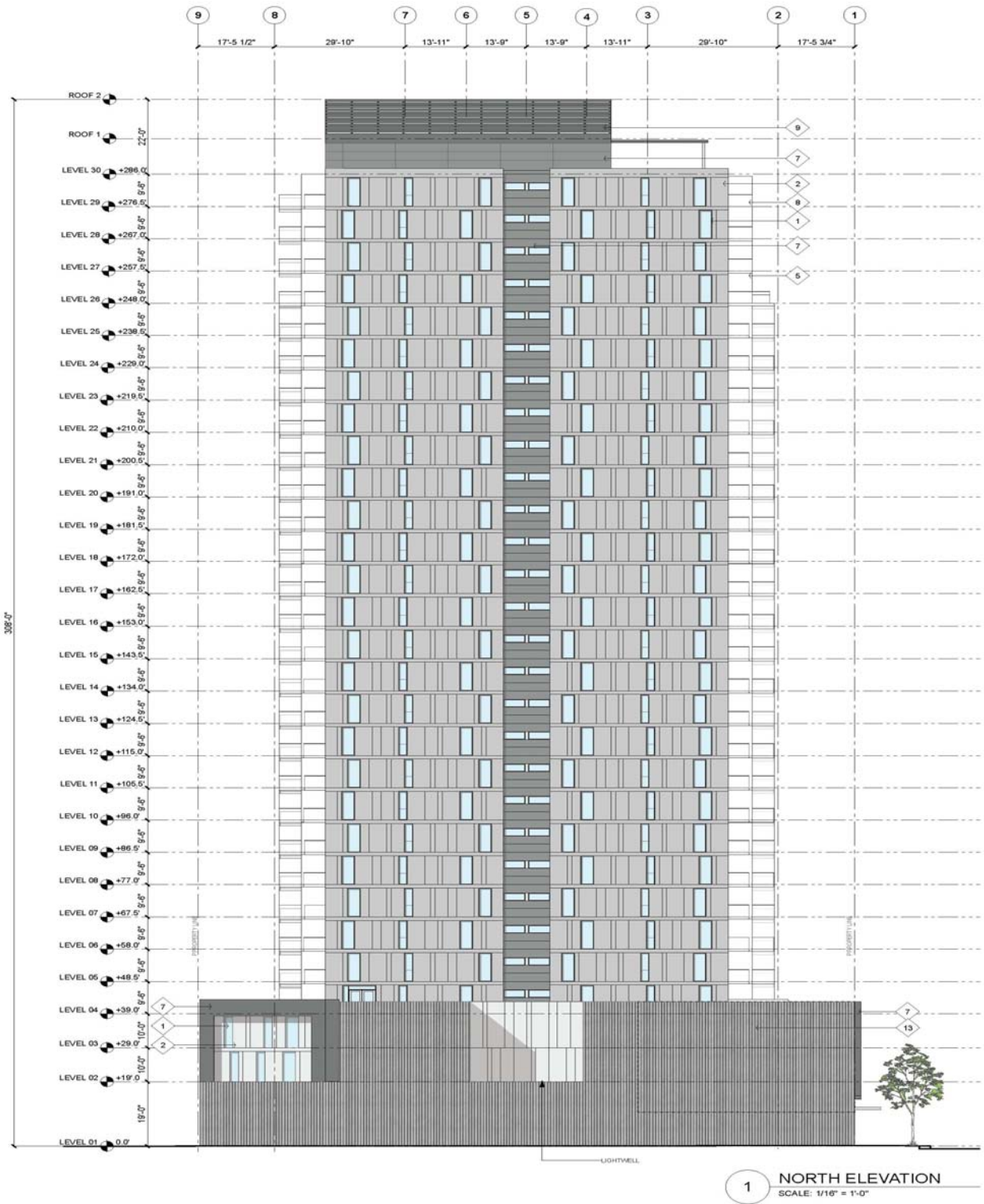
## **7. Sustainability Practices and Targets**

The design and implementation of the development shall apply techniques to reduce consumption of water, energy and material consistent with best practices in sustainable design in general conformance with Appendix VII. Upon submission of a Development Permit application, the applicant shall submit a detail report, endorsed by a registered professional engineer or architect, indicating how the Sustainable Practices and Targets will be achieved upon construction completion. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer that demonstrates that the design and construction of the building meets the targets described in Appendix VII.

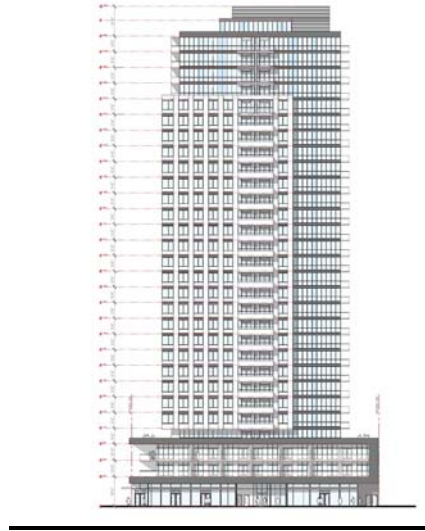
### Appendix I, Illustrative Site Plan



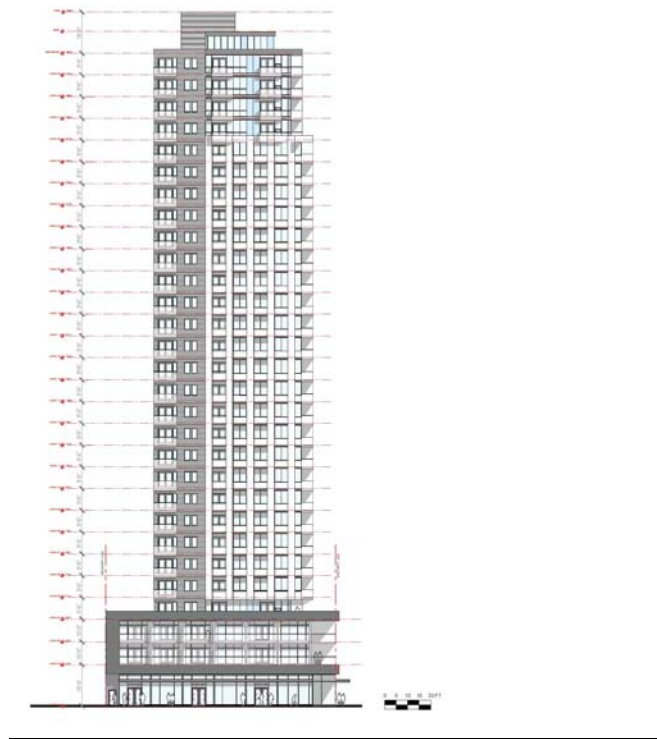
# Appendix II, Project North Elevation



**Appendix III, Project South Elevation**



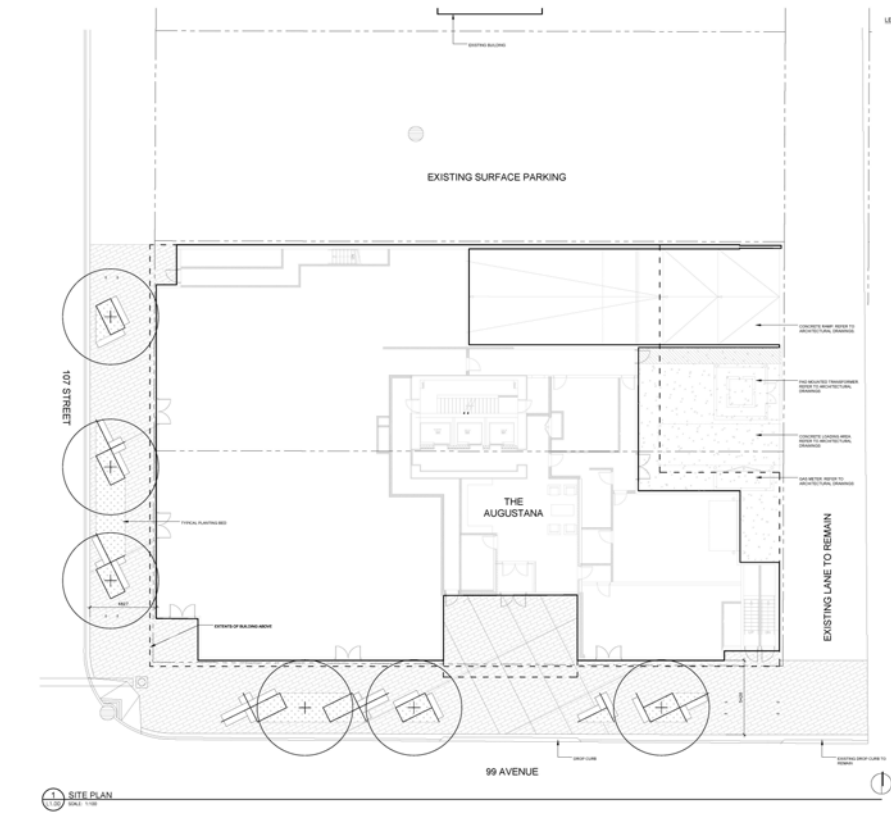
**Appendix IV, Project East Elevation**



### Appendix V, Project West Elevation



### Appendix VI, Illustrative Landscape Plan





## Appendix VII: Sustainability Practices and Targets

The Development shall:

1. implement an erosion and sedimentation control plan during construction;
2. follow the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) Indoor Air Quality guidelines during construction;
3. use a high Solar Reflective Index (SRI) material for hardscape within the landscape design;
4. provide adequate day-lighting in all regular occupied spaces;
5. incorporate light controls for building occupants and shared spaces;
6. limit light trespass from the building and Site onto neighbouring properties, with the exception of adjacent public areas requiring lighting for reasons of security;
7. implement lighting that meets or exceeds the efficiency specified in the Model National Energy Code for Buildings;
8. apply efficient irrigation strategies, to reduce potable water consumption and the building shall use plumbing fixtures that use 20% less water than the water use baseline;
9. use high efficiency hot water tanks and condensing boilers;
10. include sub-metering of the suites;
11. not use CFC-based refrigerants;
12. comply with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ventilation rates;
13. incorporate entryway systems, new air filtration media, and CO alarms to deal with indoor chemical pollutants;
14. use Low-Emitting products for adhesives, sealants, paints, coatings and flooring; and
15. use Energy Star appliances.