

Bylaw 18223

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2486

WHEREAS Lots 199-201, Block 5, Plan B3; located at 10527, 10531 and 10541 – 106 Street NW, Central McDougall, Edmonton, Alberta, are specified on the Zoning Map as (DC1) Direct 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 199-201, Block 5, Plan B3; located at 10527, 10531 and 10541 – 106 Street NW, Central McDougall, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (DC1) Direct 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.

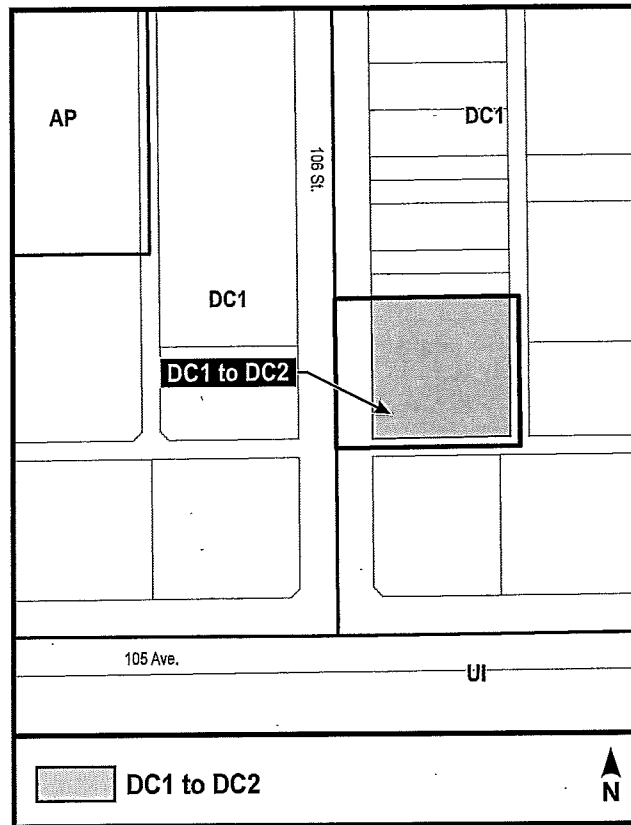
|                         |     |        |          |               |
|-------------------------|-----|--------|----------|---------------|
| READ a first time this  | 4th | day of | December | , A. D. 2017; |
| READ a second time this | 4th | day of | December | , A. D. 2017; |
| READ a third time this  | 4th | day of | December | , A. D. 2017; |
| SIGNED and PASSED this  | 4th | day of | December | , A. D. 2017. |

THE CITY OF EDMONTON

  
MAYOR

CITY CLERK

BYLAW 18223



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

To accommodate a 22 Storey, mixed-use development including Private Education Services within a podium and a tower form which is pedestrian friendly, transit supportive and contributes to a liveable urban environment.

**2. Area of Application**

This Provision shall apply to Lots 199 – 201, Block 5, Plan B3, located north of 105 Avenue NW and east of 106 Street NW, as shown on Schedule "A" of the Bylaw adopting this DC2 Provision.

**3. Uses**

- a. Apartment Housing
- b. Breweries, Wineries and Distilleries
- c. Child Care Services
- d. Commercial Schools
- e. Convenience Retail Stores
- f. Creation and Production Establishments
- g. General Retail Stores
- h. Group Home
- i. Health Services
- j. Indoor Participant Recreation Services
- k. Limited Group Home
- l. Lodging Houses
- m. Minor Home Based Business
- n. Personal Service Shops, excluding Body Rub Centres
- o. Private Education Services
- p. Professional, Financial and Office Support Services
- q. Public Education Services
- r. Residential Sales Centre
- s. Restaurants
- t. Specialty Food Services

- u. Urban Gardens
- v. Urban Indoor Farms
- w. Fascia On-premises Signs
- x. Minor Digital On-premises Signs
- y. Projecting On-premises Signs
- z. Temporary On-premises Signs

**4. Development Regulations**

- a. The development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.
- b. Residential Sales Centres shall be limited to the sale or lease of Dwellings on Site.
- c. Restaurants and Specialty Food Services shall be limited to 140 Occupants and 120m<sup>2</sup> of Public Space.
- d. Non-Residential Uses, other than Minor Home Based Businesses, shall be limited to the lowest four Storeys of the development.
- e. The maximum Floor Area Ratio shall be 10.0.
- f. The maximum number of Dwellings shall be 215.
- g. The maximum Height shall be 75.0 m.
- h. The maximum Height of the podium shall be 18.0 m.
- i. The maximum Tower Floor Plate shall be 900 m<sup>2</sup>.
- j. Minimum building Setbacks from the Lot lines at the podium shall be:
  - i. North Setback – 0.0 m
  - ii. East Setback – 0.0 m
  - iii. South Setback – 0.0 m
  - iv. West Setback – 2.0 m
- k. Minimum Tower Stepbacks from the podium Façade shall be:
  - i. North Stepback – 6.0 m
  - ii. East Stepback – 6.0 m
  - iii. South Stepback – 2.5 m

1. A minimum of 3 West Stepbacks shall be provided as follows :
  - i. Above the 4<sup>th</sup> Storey of the building, a minimum Stepback of 6.0 m from the West Façade of the podium in the northwest corner which increases in size on an angle to a minimum 16.0 m from the west facade in the southeast corner of the building as generally shown on Appendix I – Site Plan.
  - ii. Above the 14<sup>th</sup> Storey of the building, a second Stepback shall be implemented in which the tower remains a minimum 6.0 m from the podium's west façade at the northwest corner while increasing in size on an angle to a minimum 26.0 m from the west facade in the southeast corner of the building as generally shown on Appendix I- Site Plan
  - iii. Above the 22<sup>nd</sup> Storey of the building, a third Stepback shall be implemented if a mechanical penthouse rooftop unit is developed. This Stepback shall be implemented in which the tower is a minimum of 6.0 m from the podium's west façade at the northwest corner while increasing in size on an angle to a minimum 35 m from the west facade in the southeast corner of the building as generally shown on Appendix I – Site Plan.
- m. Notwithstanding the above Setback and Stepback requirements, the artistic canopy structure, as shown on Appendices II-V may project to the Lot lines.
- n. Amenity Area shall be provided in accordance with Section 46 of the Zoning Bylaw and the following:
  - i. A minimum of 450 m<sup>2</sup> of indoor common Amenity Area shall be provided on the ground storey in the form of an atrium.
  - ii. Minimum rooftop common Amenity Area of 180 m<sup>2</sup> shall be provided on the fourteenth Storey.
  - iii. Minimum indoor common Amenity Area of 610 m<sup>2</sup> shall be provided for the Apartment Housing Dwellings and shall be divided as follows;
    - A. A minimum of 250 m<sup>2</sup> on the fourteenth Storey.
    - B. A minimum of 40 m<sup>2</sup> of on every floor from the fifth Storey through to the thirteenth Storey.

## 5. Parking, Loading and Storage

- a. The development shall provide a minimum of 110 on-Site vehicular parking spaces for the collective Uses, inclusive of a minimum of 15 visitor parking spaces.

- b. All vehicular parking on-Site shall be within an underground Parking Garage.
- c. Vehicular access and egress shall be from the abutting Lane to the east.
- d. Underground driveway ramps shall have a minimum width of 6.0 m to accommodate two-way traffic. The driveway ramp shall be at Grade at the property line. The slope of the driveway ramp shall be no greater than 10% (maximum) negative downward slope between the property line to 5.0 metres into the site, unless otherwise agreed to by the Development Officer in consultation with Transportation Services.
- e. The ramp to the underground Parking Garage shall be designed to be integrated into the building framework.
- f. Retaining walls bordering the underground driveway/parkade ramp, must not exceed a Height of 0.3 m for a distance of 3.0 m from the Lot 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.
- g. Barrier-free, visitor and commercial parking areas shall be clearly marked with signs.
- h. The development shall provide 100 on-Site bicycle parking spaces, 95 of which shall be provided within a secure enclosed area within the underground parking garage of the building that is easily accessible to cyclists via access ramps, or a route through the building which facilitates easy and efficient transportation of bicycles and a minimum of 5 outdoor bicycle visitor parking spaces.
- i. Loading, storage and waste collection areas shall be located within the building. The waste collection area shall be designed to the satisfaction of the Development Officer in consultation with Waste Services and Transportation Services. Waste enclosures must be located entirely within private property and gates and/or doors of the waste enclosure must not open or encroach into road right-of-way.

## 6. Urban Design and Architectural Controls

- a. Podium:
  - i. The exterior podium Façade shall consist of durable materials such as glass and glazed systems, architectural concrete, and/or metal panel systems.
  - ii. The building shall address all adjacent public roadways, other than the rear Lane to the east, with individual entrances that are clearly visible to lend a sense of occupancy to the street.
  - iii. Commercial or institutional entrances shall address the street in a prominent manner.

- iv. Residential Uses shall have ground level access that is separate from Non-Residential Uses and differentiated through distinct architectural treatments.
- v. A minimum of 90% of the linear building Frontage of the ground Storey Facades shall have transparent glazing, where fronting onto a public roadway and Lane. This does not include the artistic canopy structure.
- vi. The ground Storey shall have a minimum Height of 3.5 m.
- vii. The geodetic elevation of the top of the floor on the level that is directly above Grade shall not exceed the geodetic elevation of the abutting public sidewalk by more than 0.3 m.
- viii. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the development and will be provided to ensure a safe, well-lit environment for pedestrians, to ensure no negative impact on an adjacent property and to accentuate architectural elements, roof tops and public art in accordance with Sections 51 and 58 of the Zoning Bylaw.
- ix. The artistic canopy structure shall have a distinctive character and shall be designed to complement the architectural style of the building contributing to a comfortable environment for pedestrians.

b. Tower:

- i. All mechanical equipment, including roof mechanical units, surface level venting systems, and transformers, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating them within the building and be oriented to minimize negative impacts on Amenity Areas, public roadways other than Lanes, and surrounding properties to the satisfaction of the Development Officer.
- ii. The Tower exterior shall consist of glazing, metal or precast concrete materials and shall not include stucco.
- iii. All exposed building Tower faces shall have consistent and harmonious exterior finishing materials.
- iv. The Tower Top shall contribute to the uniqueness of the building and the City's skyline through architectural treatment of the upper floors. The Tower shall provide articulation, visual interest and reduced massing effects by the combination of stepbacks, variation of materials / colour, architectural features, or other means.



**7. Signs**

- a. Signs shall be in accordance with Section 59 and Schedule 59F of the Zoning Bylaw as amended.
- b. A Comprehensive Sign Design Plan and Schedule shall be prepared for the development, and submitted with a Development Permit application for the principle building.
- c. Signs shall be reviewed in context with the surrounding development, such as, but not limited to, the architectural theme of the Site and proximity to residential development.
- d. Individual business identification signs located on the facades of buildings shall be similar in proportion and placement in general accordance with Appendix II.
- e. Window Signs shall be limited to 15% of the first Storey window area for Commercial Uses.

**8. Landscaping**

- a. Notwithstanding Section 55 of the Zoning bylaw, Landscaping for the Site shall be in general conformance with Appendix VI - Landscape Plan.
- b. A Landscape Plan prepared by a registered Landscape Architect shall be submitted prior to the issuance of any Development Permit for the principle building, to the satisfaction of the Development Officer.
- c. A detailed Landscape Plan for the Site, including front entry, roof top outdoor Amenity Areas, and all existing and proposed utilities and improvements within the road right-of-way shall be submitted for review and approval by the Development Officer prior to the issuance of any Development Permit.
- d. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings, detailed and other landscaping elements as applicable.
- e. 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 cold weather months.
- f. Landscaping within the Setback adjacent to 106 Street NW shall be developed to provide an enhanced pedestrian experience and a public realm that seamlessly transitions from public to private property by:
  - i. continuing the public sidewalk paving materials, finish, and pattern to compliment the adjacent streetscape. Soft Landscaping may be required at the discretion of the Development Officer; and
  - ii. providing design measures to reduce the environmental impacts of vehicular traffic on the pedestrian experience.

## 9. Other Regulations

- a. Prior to the issuance of a Development Permit for construction of the principle building, a Sun Shadow Impact Study shall be prepared by a qualified, registered Professional Engineer or Architect, to professional standards to the satisfaction of the Development Officer.
- b. Prior to the issuance of a Development Permit for construction of the principle building, a detailed Wind Impact Study shall be prepared by a qualified, registered Professional Engineer, and shall be based on a computer model simulation analysis, prepared to professional standards to the satisfaction of the Development Officer.
- c. The Development shall incorporate design features to minimize adverse microclimatic effects such as wind tunnelling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-Site, consistent with recommendations of the Sun Shadow and Wind Impact Studies, to the satisfaction of the Development Officer.
- d. The owner shall submit a Crime Prevention Through Environmental Design (CPTED) Assessment that shall be reviewed and accepted by the Development Officer prior to the issuance of a Development Permit to ensure that development on the Site provides a safe urban environment in accordance with the guidelines and principles established in the Design Guide for a Safer City.
- e. 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 10 years of the passage of the Bylaw adopting this Provision, development of the site shall be in accordance with this Provision, except that:
  - i. the maximum Height shall be 45.0 m; and
  - ii. the maximum Floor Area Ratio shall be 6.0.

## 10. Improvements and Contributions

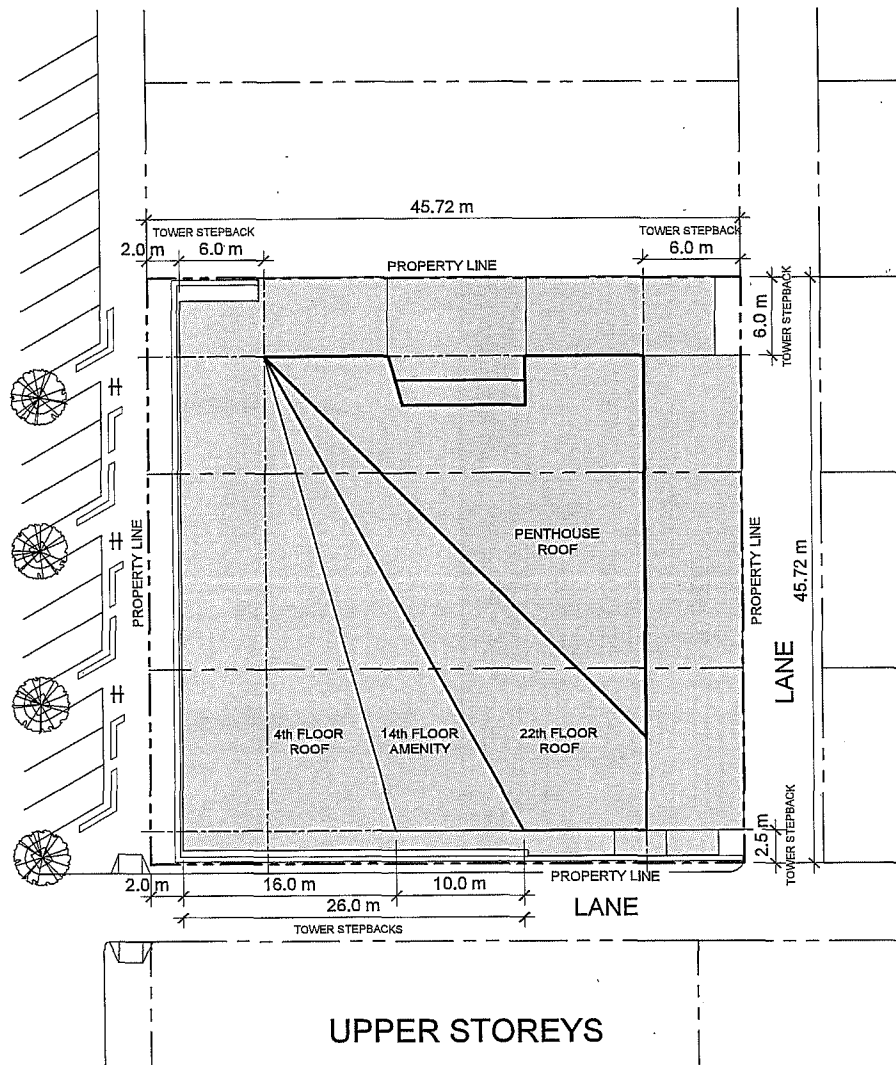
- a. The building shall be designed to meet the requirements of the current Green Building Rating System LEED™, Canada NC, as amended, at the time of Development Permit application, to achieve a minimum LEED Silver standard or equivalent. The owner is not required to seek LEED certification and may choose which supplementary green sustainable targets will be implemented, and, at his/her discretion, may indicate additional targets in excess of the Silver standard score to provide for flexibility of implementation. Upon submission of a Development Permit application, the applicant must submit a detailed report, endorsed by a registered professional engineer or architect, indicating how the LEED Silver points, or equivalent, will be achieved upon construction completion. This report must be approved by the Development Officer prior to the issuance of the Development Permit.

- b. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer that demonstrates, to the satisfaction of the Development Officer, that the design and construction of the building meets the target LEED Silver, or equivalent, as described in Section 10(a) of this Provision.
- c. Prior to the issuance of any development permit, the development officer shall ensure that a signed agreement has been executed between the City and the Owner, requiring the Owner to provide the City, at the time of development permit approval, the option to purchase 5% of the proposed number of residential units at 85% of market value, or the equivalent value as cash in lieu (at the option of the developer) to the City.
- d. The owner shall submit a market value appraisal within 30 days of a Development Permit application for the principle building for the purposes of determining the amount of the redevelopment levy that applies to the Site. The redevelopment levy shall be an amount representing 8% of the estimated market value of the Site. All redevelopment levies collected will be used to fund the acquisition of public park space as identified in the Central McDougall/Queen Mary Park Area Redevelopment Plan.
- e. As part of the development permit application for the principle building, the applicant shall submit an art plan prepared by an art consultant showing the integration of public art as part of the canopy design of the building. The art plan shall be reviewed and be completed to the satisfaction of the development officer prior to issuance of a Development Permit for the principle building.
- f. As a condition of the building's development permit issuance, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a contribution of \$100,000, either as cash or by Letter of Credit to the City, towards publicly viewable art to the satisfaction of the Development Officer. The art shall be:
  - i. integrated into the building as part of the canopy/exterior cladding design;
  - ii. consistent with an art plan prepared by an art consultant that was submitted to the City of Edmonton for review and approval.
  - iii. acquired through an art procurement process administered by owner/operator; and
  - iv. owned and maintained by the owner of the Site.
- g. If a development application has not been made within ten (10) years of the date of passage of this Bylaw, the art contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada
- h. The owner shall be responsible for the costs of the required streetscape improvements to the portion(s) of road right(s)-of-way abutting the Site (from private Lot line to the new curb) that are identified by the 105 Avenue Corridor Study, and/or identified by the Community Services, City Planning, or Transportation Services as part of the

development. These costs shall be paid to the City of Edmonton as a condition of the approval of a Development Permit. These streetscaping improvements may include, but are not limited to, new sidewalks, streetlights, boulevard landscaping, boulevard trees, street furniture, and/or the relocation of utilities underground.

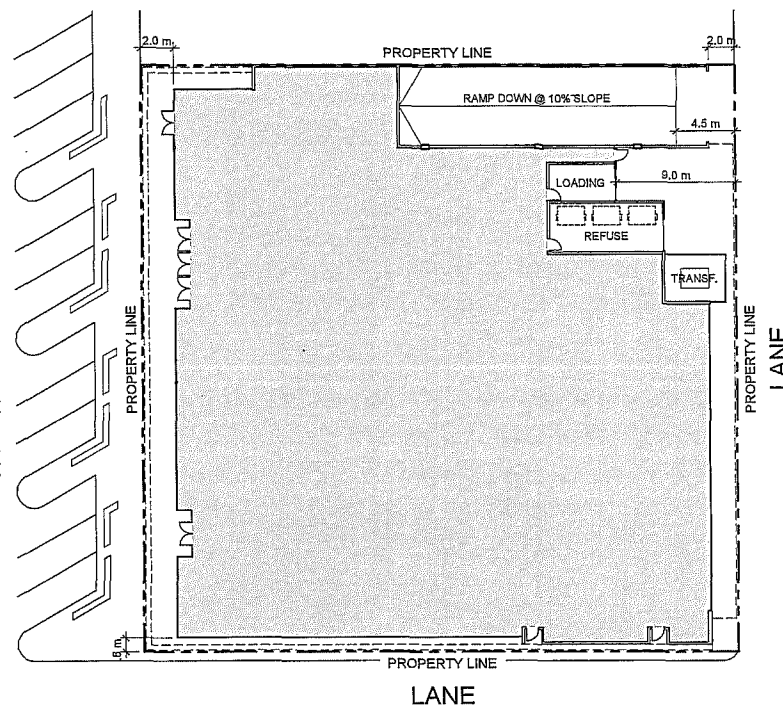
- i. Where applicable, the Site plan submitted with a Development Permit application must indicate the coordination between development on the Site and the adjacent 105 Avenue corridor, in accordance with the 105 Avenue Corridor Study.
- j. As a condition of a Development Permit for construction of the principle building, the owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development. Such improvements are to be constructed at the owner's cost. The Agreement process includes an engineering drawing review and approval process. Improvements to be addressed in the Agreement include, but are not limited to the following:
  - i. The final design of the improvements shall be to the satisfaction of the Development Officer in consultation with Transportation Services and Urban Forestry
  - ii. Reconstruction of 106 Street along the west property line, to meet City of Edmonton Standards and the satisfaction of Transportation Services
  - iii. Construction of a continuous sidewalk with curb and gutter along 106 Street, in general accordance with Appendix VI; Landscaping Plan, to the satisfaction of the Development Officer in consultation with Transportation Services; and
  - iv. Repair of any damage to the abutting roadways, sidewalks and/or boulevards resulting from construction of development to a commercial standard, to the satisfaction of the Development Officer, in consultation with Transportation Services. The Site must be inspected by Transportation Services prior to the start of construction and once again when construction is complete.
  - v. Four trees shall be provided in accordance with Appendix VI: Landscaping Plan, planted within landscaped islands on road right-of-way. These landscaped islands shall provide either a continuous soil trench, cell underground or soil filled median to ensure healthy tree growth to the satisfaction of the Development Officer, in consultation with Urban Forestry.
    - A. Each tree planted shall provide a minimum of 17 metre cubed of soil, with an optimum 24 metre cubed.
    - B. A minimum 2 metre wide median, from curb to curb, shall be provided for the trees.

13/18  
106 STREET

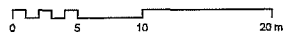


UPPER STOREYS

106 STREET



GROUND STOREY FOOTPRINT



# APPENDIX I

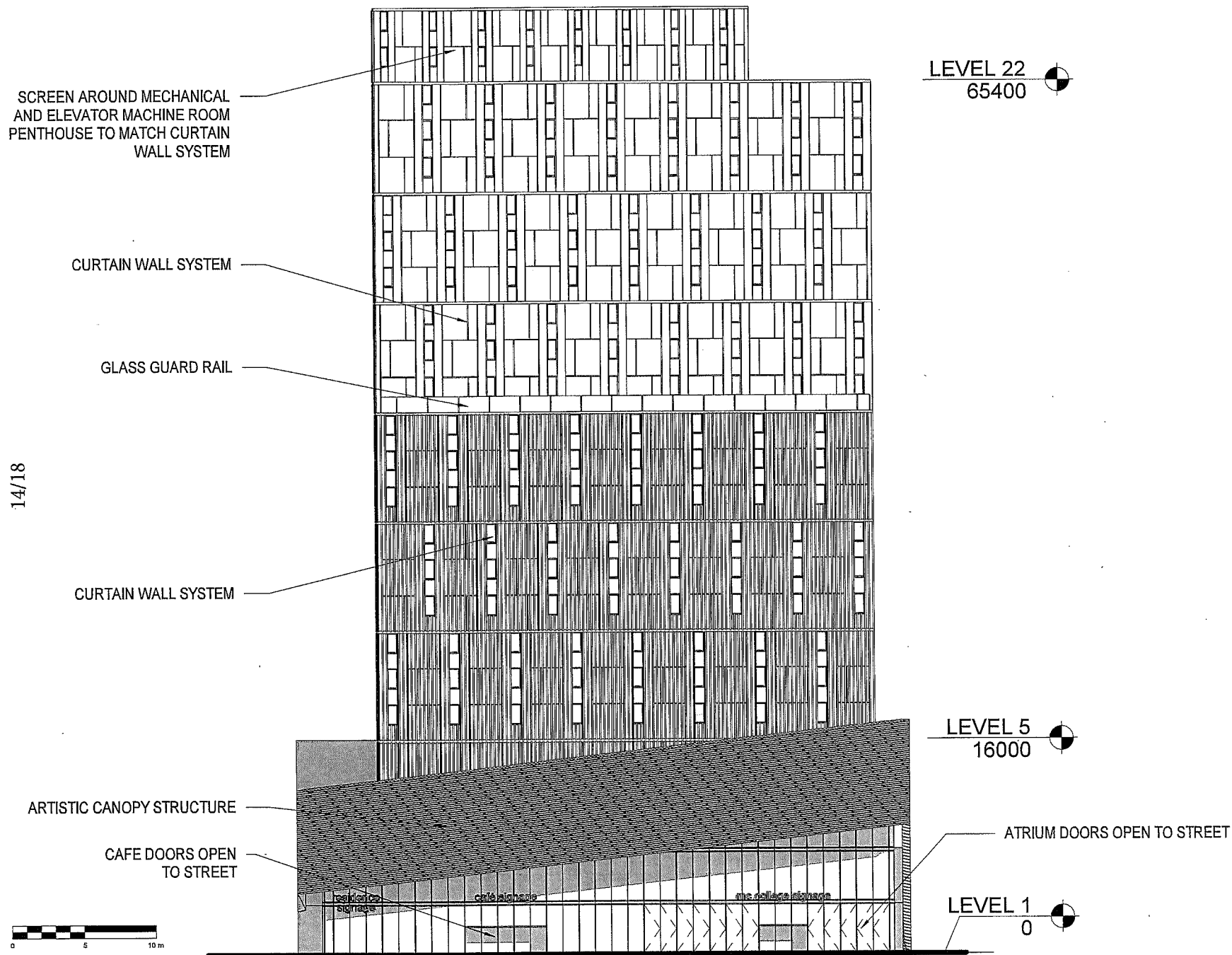
AUGUST 8, 2017



(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

# SITE PLAN

PRELIMINARY



15/18

SCREEN AROUND MECHANICAL  
AND ELEVATOR MACHINE ROOM  
PENTHOUSE TO MATCH CURTAIN  
WALL SYSTEM

CURTAIN WALL SYSTEM

GLASS GUARD RAIL

CURTAIN WALL SYSTEM

ARTISTIC CANOPY STRUCTURE

STACKABLE ENTRY GLAZING

LEVEL 22  
65400



LEVEL 5  
16000



LEVEL 1  
0



16/18

SCREEN AROUND MECHANICAL  
AND ELEVATOR MACHINE ROOM  
PENTHOUSE TO MATCH CURTAIN  
WALL SYSTEM

CURTAIN WALL SYSTEM

ARTISTIC CANOPY STRUCTURE

LEVEL 22  
65400

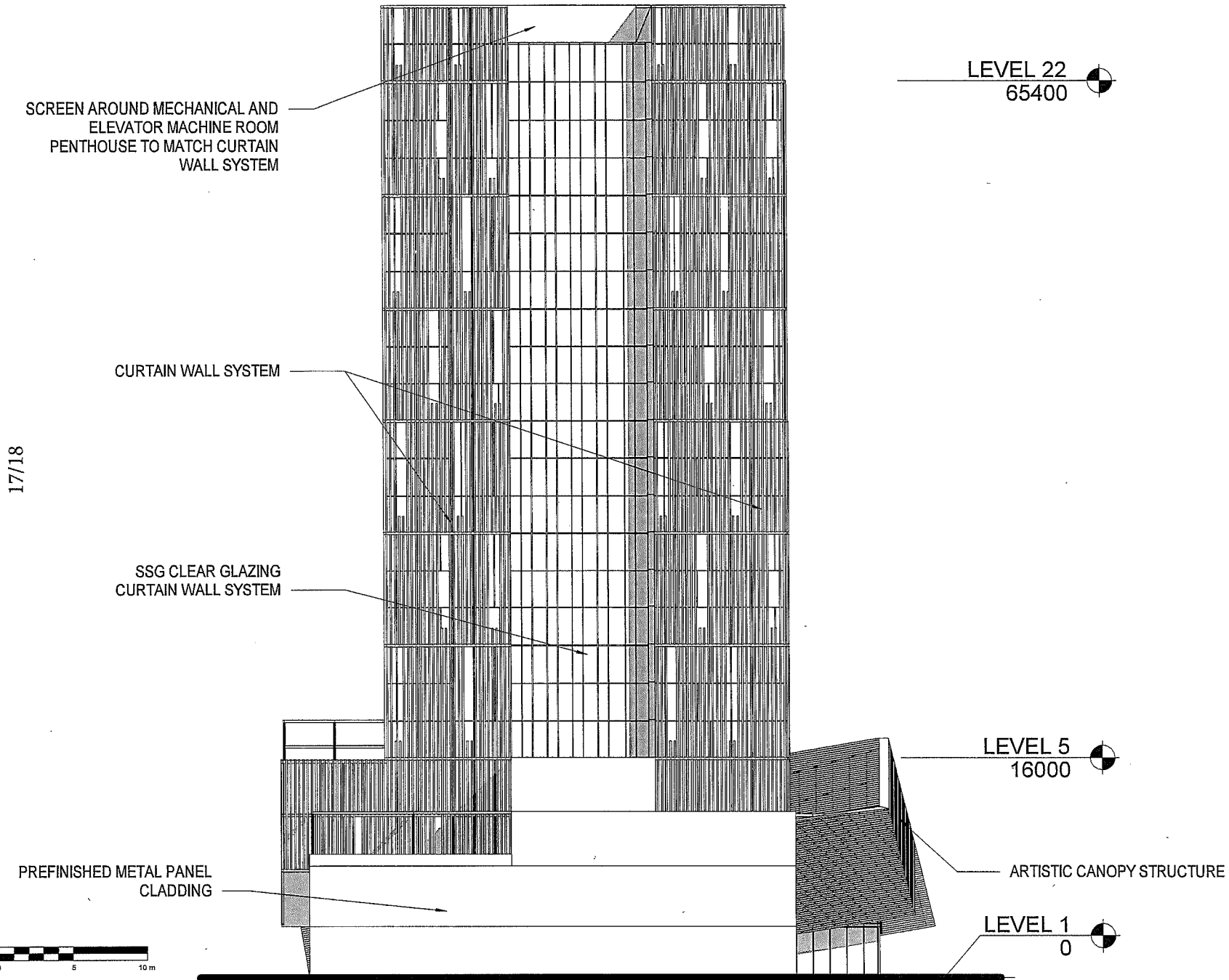
LEVEL 5  
16000

LEVEL 1  
0

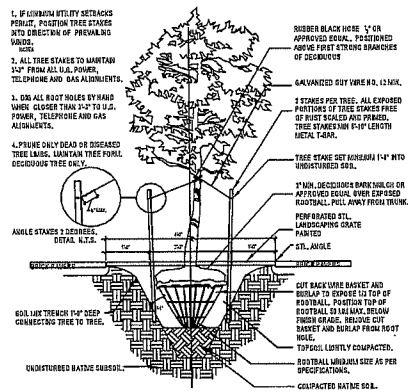
PREFINISHED METAL PANEL  
CLADDING



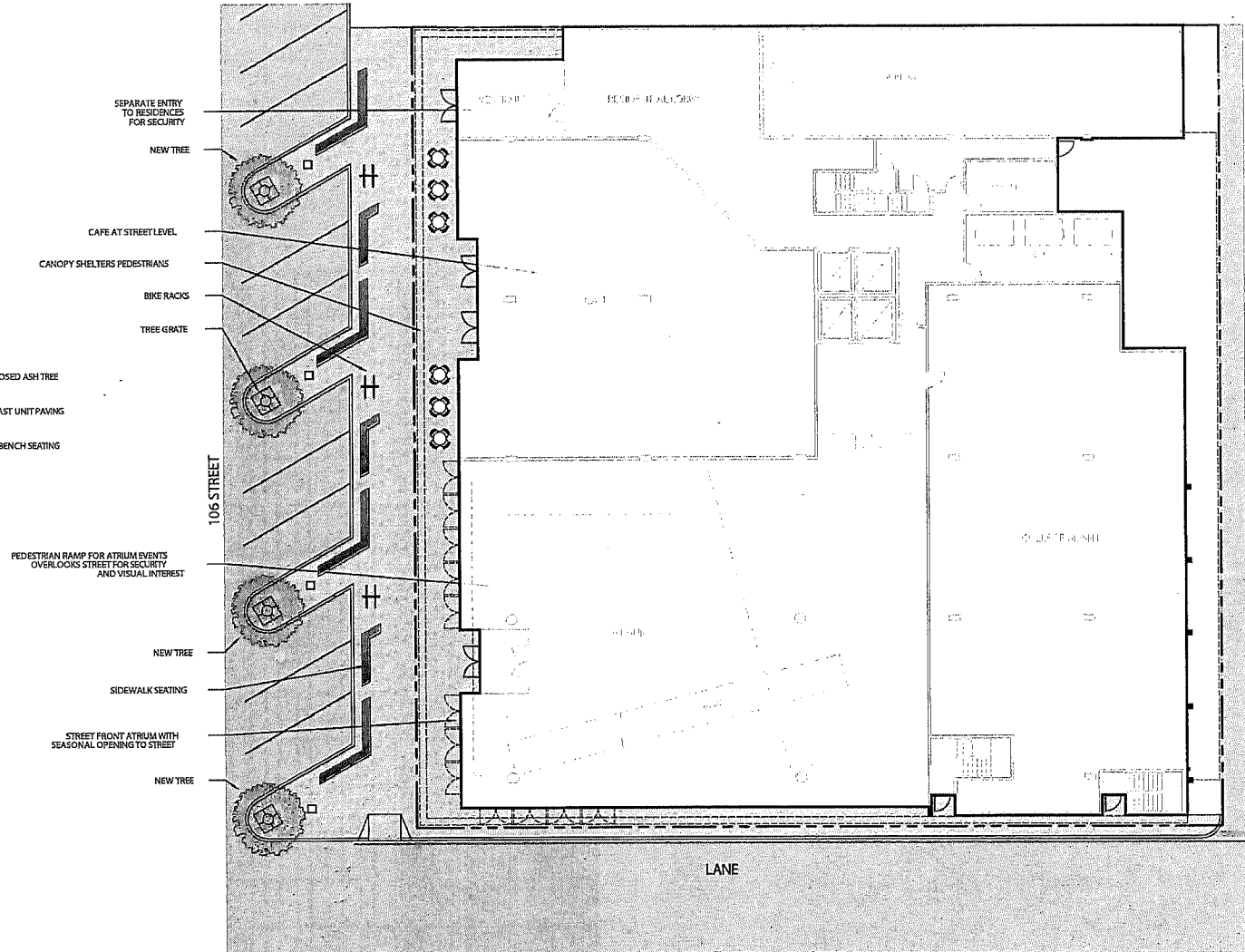




# deciduous LESS THAN 4" CALIPER



typ. tree planting detail



PRELIMINARY