

Charter Bylaw 19008

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2883

WHEREAS Lots 171-172, Block 4, Plan NB1; located at 10420 103 Avenue NW, Downtown, Edmonton, Alberta, are specified on the Zoning Map as (HA) Heritage Area 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 171-172, Block 4, Plan NB1; located at 10420 103 Avenue NW, Downtown, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (HA) Heritage Area 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.

READ a first time this	day of	, A. D. 2019;
READ a second time this	day of	, A. D. 2019;
READ a third time this	day of	, A. D. 2019;
SIGNED and PASSED this	day of	, A. D. 2019.

THE CITY OF EDMONTON

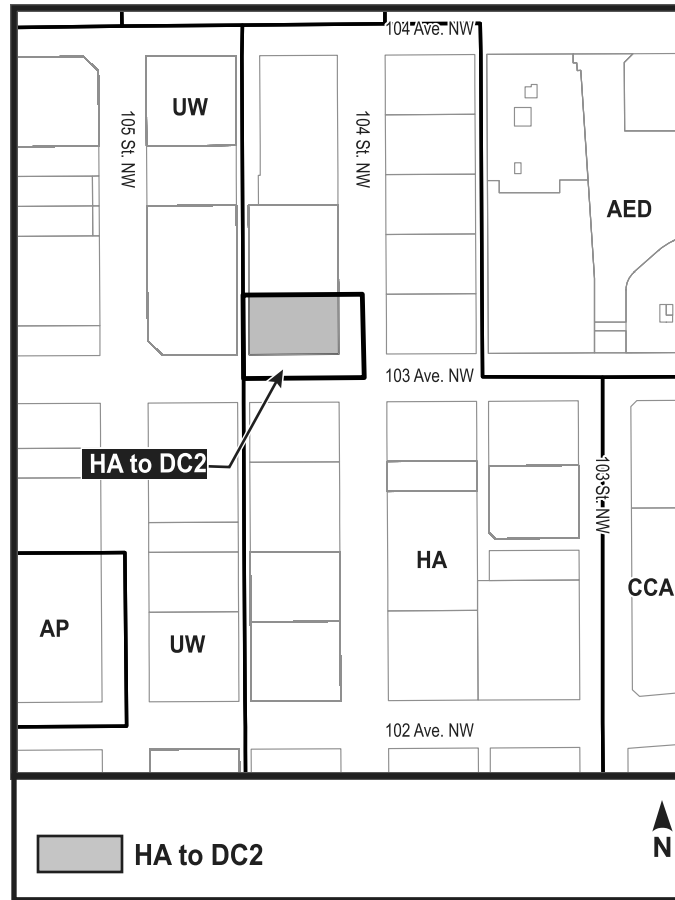
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MAYOR

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CITY CLERK

## CHARTER BYLAW 19008



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

To accommodate a mixed use high rise development that provides an active streetscape and is compatible in scale, function, built form and design with the historical, architectural and urban village character to the area.

**2. Area of Application**

The provision shall apply to Lots 171 & 172, Block 4, Plan NB1, located on the northwest corner of 103 Avenue NW and 104 Street NW; as shown on Schedule "A" of the Charter Bylaw adopting this Provision, Downtown.

**3. Uses**

- a. Apartment Hotels
- b. Bars and Neighbourhood Pubs
- c. Breweries, Wineries and Distilleries
- d. Cannabis Retail Sales
- e. Child Care Services
- f. Commercial Schools
- g. Convenience Retail Stores
- h. Creation and Production Establishments
- i. General Retail Stores
- j. Government Services
- k. Group Home
- l. Health Services
- m. Hotels
- n. Household Repair Services
- o. Indoor Participant Recreation Services
- p. Limited Group Home
- q. Liquor Stores
- r. Live Work Unit
- s. Lodging Houses
- t. Major Home Based Business

- u. Media Studios
- v. Minor Amusement Establishments
- w. Minor Home Based Business
- x. Multi-unit Housing
- y. Non-accessory Parking
- z. Personal Service Shops
- aa. Private Clubs
- bb. Private Education Services
- cc. Professional, Financial and Office Support Services
- dd. Religious Assembly
- ee. Residential Sales Centre
- ff. Restaurants
- gg. Secondhand Stores
- hh. Specialty Food Services
- ii. Urban Gardens
- jj. Urban Outdoor Farms
- kk. Veterinary Services
- ll. Fascia On-premises Signs
- mm. Projecting On-premises Signs

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

- a. The development shall be in general conformance with the attached Appendices.
- b. The maximum Floor Area Ratio (FAR) shall be 16.0.
- c. The maximum number of Dwellings shall be 315.
- d. The maximum building Height shall be 103.0 m.
- e. The podium shall be a maximum of 18.0 m in Height.
- f. The Tower Floor Plate shall not exceed 850 m<sup>2</sup>.
- g. No Setbacks shall be required, except the western 22.0 m of the south Façade shall have a minimum Setback of 2.0 m from the south Lot line.
- h. The minimum Tower Setbacks shall be:
  - i. 3.0 m from the west Lot line;

- ii. 2.4 m from the north Lot line;
- iii. 7.0 m from the east Lot line; and
- iv. no Tower Setbacks shall be required on the south Façade, except for the required building Setback.
- i. Platform Structures or any other architectural features which are of a similar character may project a maximum of 2.1 m from the Façades but shall not extend over Lot lines.
- j. Architectural features and structures on the podium, such as weather protection features including awnings and canopies may project to the Lot lines.
- k. A minimum Amenity Area of 4.0 m<sup>2</sup> 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.
- l. The maximum Floor Area for all Commercial Uses shall not exceed 950 m<sup>2</sup>.
- m. Each Bars and Neighbourhood Pubs Use shall not exceed 120 m<sup>2</sup> of Public Space.
- n. There shall be a minimum of four (4) 3-bedroom Dwellings provided.

## **5. Signage**

- a. Signs shall comply with Schedule 59H of the Zoning Bylaw.
- b. 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 the principal building.
- c. For all Sign applications, the Development Officer, in consultation with the Heritage Planner, shall review the application in context with 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 sign Development Permit that adversely impacts the built environment.

## **6. Parking, Access, Loading, and Storage**

- a. The development shall provide vehicular parking in accordance with the requirements within the Downtown Special Area (HA Zone) of the Zoning Bylaw. The Development Officer may vary the number of required off-street vehicular parking spaces if the owner provides a Parking Impact Assessment that rationalizes any variance in parking requirements to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
- b. All vehicular parking shall be provided within an underground Parking Garage.
- c. For parking spaces other than parallel parking spaces, up to 45% of the required parking spaces may be a minimum length of 4.6 m. Such spaces shall be clearly signed as small car spaces, easily located and convenient to use.

- d. Vehicular access and egress shall be provided from the Lane abutting the Site.
- e. Bicycle Parking shall be provided in accordance with regulations for Bicycle Parking facilities in the Zoning Bylaw, and the following:
  - i. long term Bicycle Parking shall be provided at a rate of 0.5 spaces per Dwelling, in a safe and secure location in the underground Parking Garage 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;
  - ii. if vertical racks are used, each Bicycle Parking space shall be a minimum of 0.6 m wide, 1.1 m deep and have a vertical clearance of at least 2.3 m; and
  - iii. a minimum of 12 short term Bicycle Parking spaces shall be provided for Commercial Uses and visitors in the public realm adjacent to the Site on 104 Street NW and/or 103 Avenue NW, either on or off-Site, and be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
- f. 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.
- g. A minimum of one (1) Off-street Loading space shall be provided for the Site.

## **7. Landscaping**

- a. The required Landscape Plan shall be prepared by a registered AALA Landscape Architect.
- b. Landscaping on City-owned land adjacent to the Site on both 104 Street NW and 103 Avenue NW shall be Hardsurfaced 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.
- c. The south Setback shall be Hardsurfaced and integrated with the public sidewalk.
- d. 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.
- e. 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:
  - i. if the arborist report indicates that the development will unduly compromise the ongoing viability and health of a tree or trees, each such tree shall be removed and replaced by a new tree within an enhanced growing medium at the cost of the owner;

or

- ii. if the arborist report indicates that the development will not unduly compromise the ongoing viability and health of a tree or trees, each such tree shall be retained and protected as per the City's Corporate Tree Management Policy C456A to the satisfaction of the Development Officer in consultation with Urban Forestry.

## **8. Urban Design Regulations**

- a. 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.
- b. Brick shall be used as the primary cladding material for the podium portion of the building wrapping the eastern 14.5 m of the south Façade, the east Façade and the eastern 10.0 m of the north Façade. Other materials such as glass and traditional stone may be used as complementary materials.
- c. The exterior finishing materials on the western 22.0 m of the south Façade shall wrap the corner to a minimum of 5.0 m on the west Façade into the Lane.
- d. The architectural treatment of the podium fronting onto 104 Street NW and wrapping onto 103 Avenue NW, shall be in general alignment with the adjacent streetscapes which is characterized by adjacent historical structures with a similar rhythm and alignment of horizontal and vertical elements. This shall be accomplished using architectural features such as but not limited to; pilasters, horizontal banding, vertical orientation and/or extrusion of brick to the satisfaction of the Development Officer in consultation with Heritage Planning.
- e. Building Façades of the podium fronting onto 104 Street NW and 103 Avenue NW, shall be strongly articulated at regular increments to add variety, rhythm and a human scaled dimension along the block face to create an attractive and visually interesting streetscape.
- f. Active frontages shall be developed along 104 Street NW and 103 Avenue NW in accordance with the following regulations:
  - i. Residential and Commercial Uses shall have well defined and individual entrances at ground level;
  - ii. the placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented environment;
  - iii. on the east Façade and the eastern 32.0 m of the south Façade, a minimum of 70% of the linear frontage of the ground floor Façade shall consist of transparent glazing. This shall be calculated as a percentage of linear frontage measured as the horizontal plane at 1.5 m above finished Grade;
  - iv. horizontal sign bands shall be located above commercial entrances; and
  - v. weather protection in the form of a canopy, inset doors, or other architectural elements shall be provided above all ground level entrances.



- g. High quality public facing art shall be provided on the western portion of the south podium Façade and the eastern portion of the north podium Façade to add interest and contribute to the improvement of the pedestrian public realm, to the satisfaction of the Development Officer, in accordance with Section 10.b of this Provision, and in general accordance with the Appendices.
- h. Above the third storey of the building, only Residential Uses and Residential-Related Uses shall be permitted.
- i. 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.
- j. The top levels of the Tower shall contribute to the 'signature' of the building and the City's skyline by providing a reduced height on the western portion of tower top, in general accordance with the appendices.
- k. 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. The design of the roof may include a combination of green roofs, solar collectors, patios, or public or private open spaces.
- l. The podium roof shall provide three or more enhancements such as patios, gardens, green roofs, children play areas, and additional Amenity Area.
- m. 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.
- n. All mechanical equipment, including roof mechanical units and Parking Garage 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, pedestrian circulation areas and the public realm.

## **9. Other Regulations**

- a. A Crime Prevention through Environmental Design Assessment shall be prepared and submitted with the Development Permit application for the principal building. Prior to the issuance of the Development Permit, recommendations of the assessment shall be incorporated into the design of the building to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment.
- b. A Wind Impact Study shall be prepared by a qualified, registered Professional Engineer and submitted with the Development Permit application for the principal building. Prior to the issuance of the Development Permit, any mitigation measures recommended by the study shall be incorporated into the design of the building, to ensure the space around the building

is fit for the intended Uses and that the balconies and terraces of the adjacent building located to the north are not significantly impacted and remain fit for the intended purpose relative to expected wind levels.

- c. Prior to the issuance of any Development Permit, excluding a Development Permit for demolition or signage, Environmental Site Assessment (ESA) work such as, but not limited to, Phase II ESAs, Remedial Action Plan(s), Final Remediation Report, and/or a Risk Management Plan(s), shall be to be submitted, reviewed and approved at the discretion of the Development Officer in consultation with the 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.
- d. Notwithstanding the other Development Regulations and Appendices of this Provision and the Zoning Bylaw, in the event that the owner/developer does not obtain a Development Permit and commence construction of the building within 10 years of the passage of the Bylaw adopting this Provision, development shall be in accordance with this Provision, except the maximum FAR shall be 12.0.

## **10. Improvements and Contributions**

- a. Prior to the issuance of a Development Permit for:
  - i. a building that contains 12 or more Dwelling units; or
  - ii. a building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;

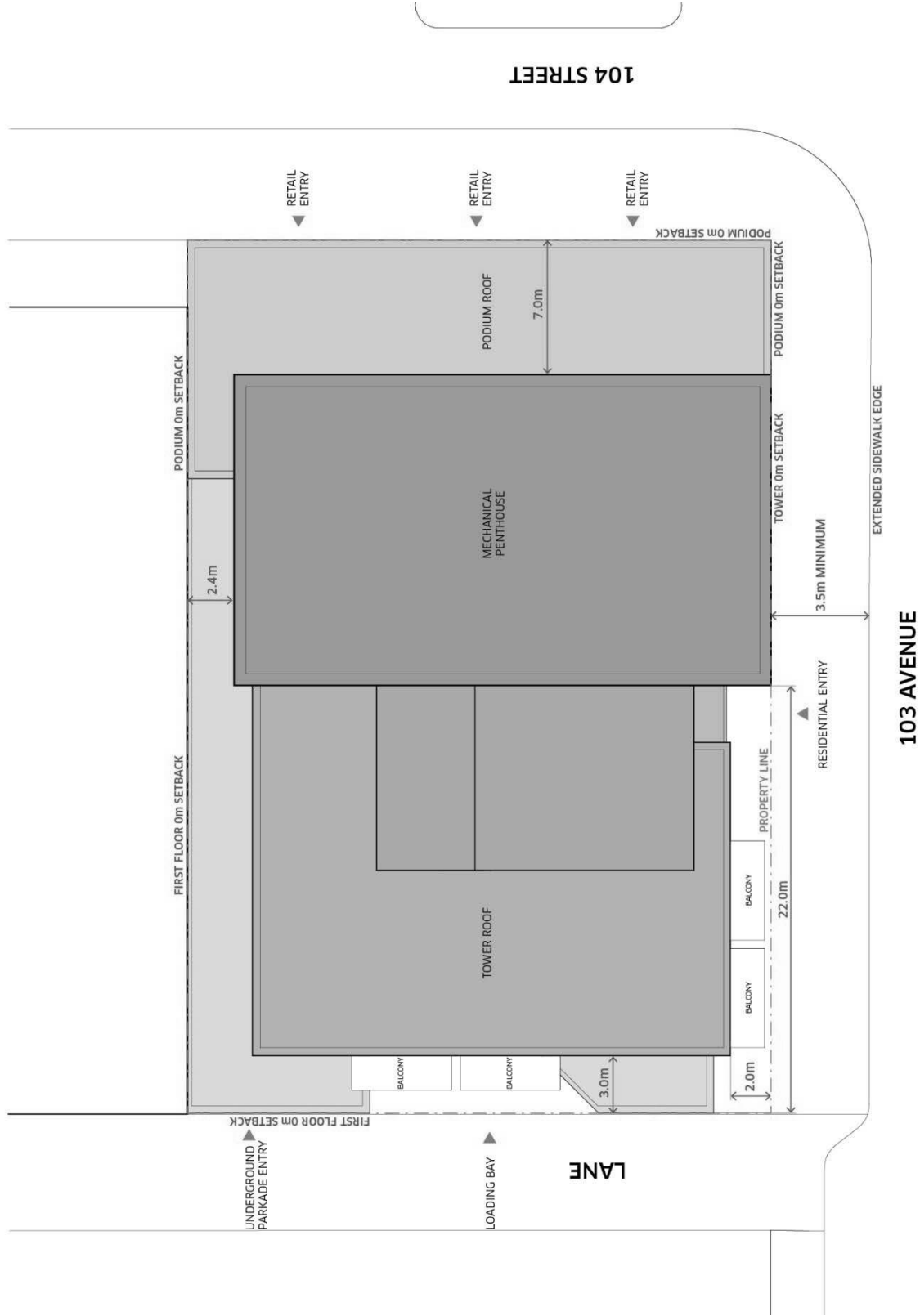
the Development Officer shall ensure a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of each Development Permit approval, the option to purchase up to 5% of the proposed number of Dwelling units (rounded to the nearest Dwelling unit) in each building with Dwelling units, at 85% of market value or the equivalent value as cash in lieu (at the discretion of the owner) to the City. The City may exercise its option to purchase only in respect of Dwelling units that are individually titled.
- b. 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 \$10,000 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, operation and future maintenance shall be the responsibility of the owner;
  - ii. artworks shall be created by a professional artist;
  - iii. artworks shall be in locations that are publicly viewable; and the public art

contribution shall be increased every five (5) years from the date of passage of the Bylaw adopting this Provision according to the annual rate of national inflation as determined by Statistics Canada.

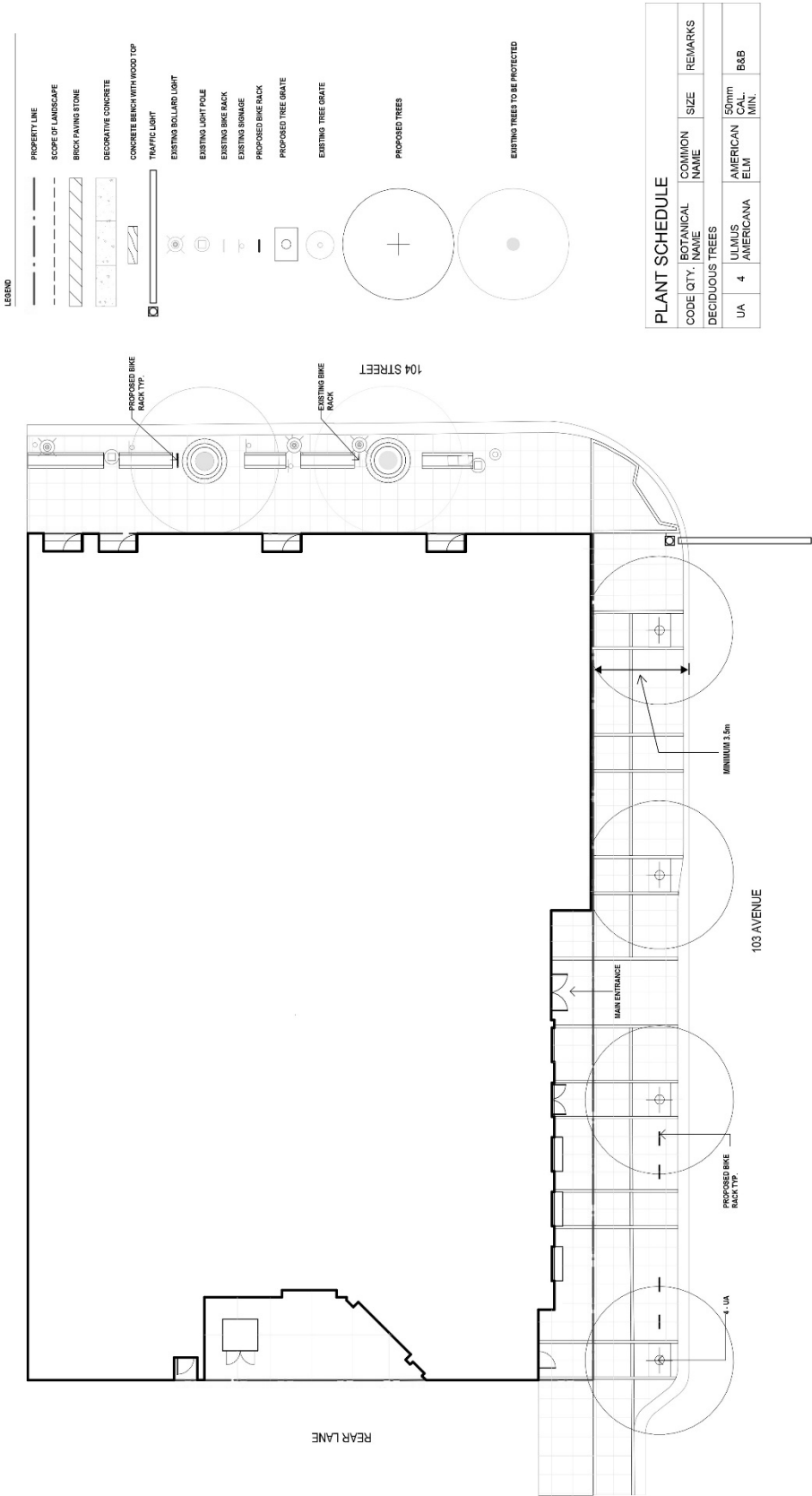
- c. A minimum of 2 Dwellings shall be designed to be suitable for families by meeting the following criteria:
  - i. dwellings shall be located in the lower nine Storeys of the building;
  - ii. have a minimum of 3 bedrooms; and
  - iii. be supported by a minimum of two of the following amenities:
    - A. dedicated and enhanced bulk storage located within the Dwelling or on the same Storey as the Dwelling;
    - B. dedicated family Bicycle Parking in addition to the required minimums provided in Section 6(e) within this Provision, which shall accommodate a minimum of three bicycles. This family Bicycle Parking may be located within the Dwelling, on the same Storey as the Dwelling, or within the Bicycle Parking facilities in the building;
    - C. access to common Amenity Area specifically designed for children with a minimum area of 50.0 m<sup>2</sup>.
- d. As a condition of a Development Permit for the principal building, the owner shall enter into a Servicing Agreement with the City of Edmonton for all 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:
  - i. repair of any damage resulting from construction of the development to the abutting roadways, sidewalks and/or boulevard, to the satisfaction of the Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision and Development Coordination (Transportation) prior to the start of construction and once again when construction is complete;
  - ii. replacement of any street furniture that is removed/damaged for construction and shall match the 104 Street streetscaping standard for style and frequency; and
  - iii. 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 and in alignment with the Streetscape Design Manual for Downtown and the Quarters Downtown. Improvements may include, but not limited to:
    - A. construct a widened sidewalk with a minimum width of 3.5 m from the property line to 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;

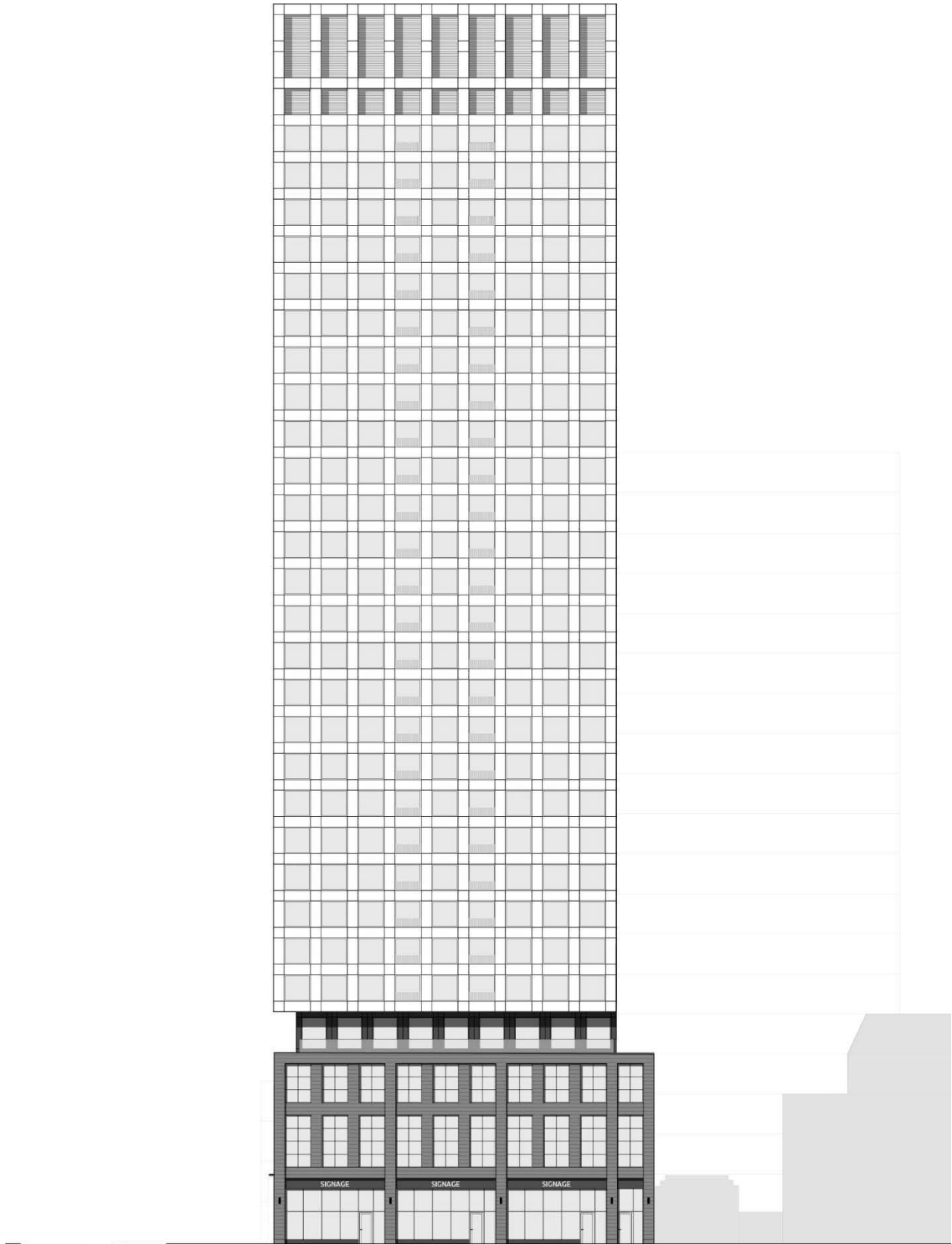
- B. Hardsurface the south Setback and integrate it with the public sidewalk;
- C. provide a minimum of 4 boulevard trees within enhanced growing mediums;
- D. removal of the existing vehicular access to the Site;
- E. quality, durable street furnishings and materials; and
- F. pedestrian scaled lighting.

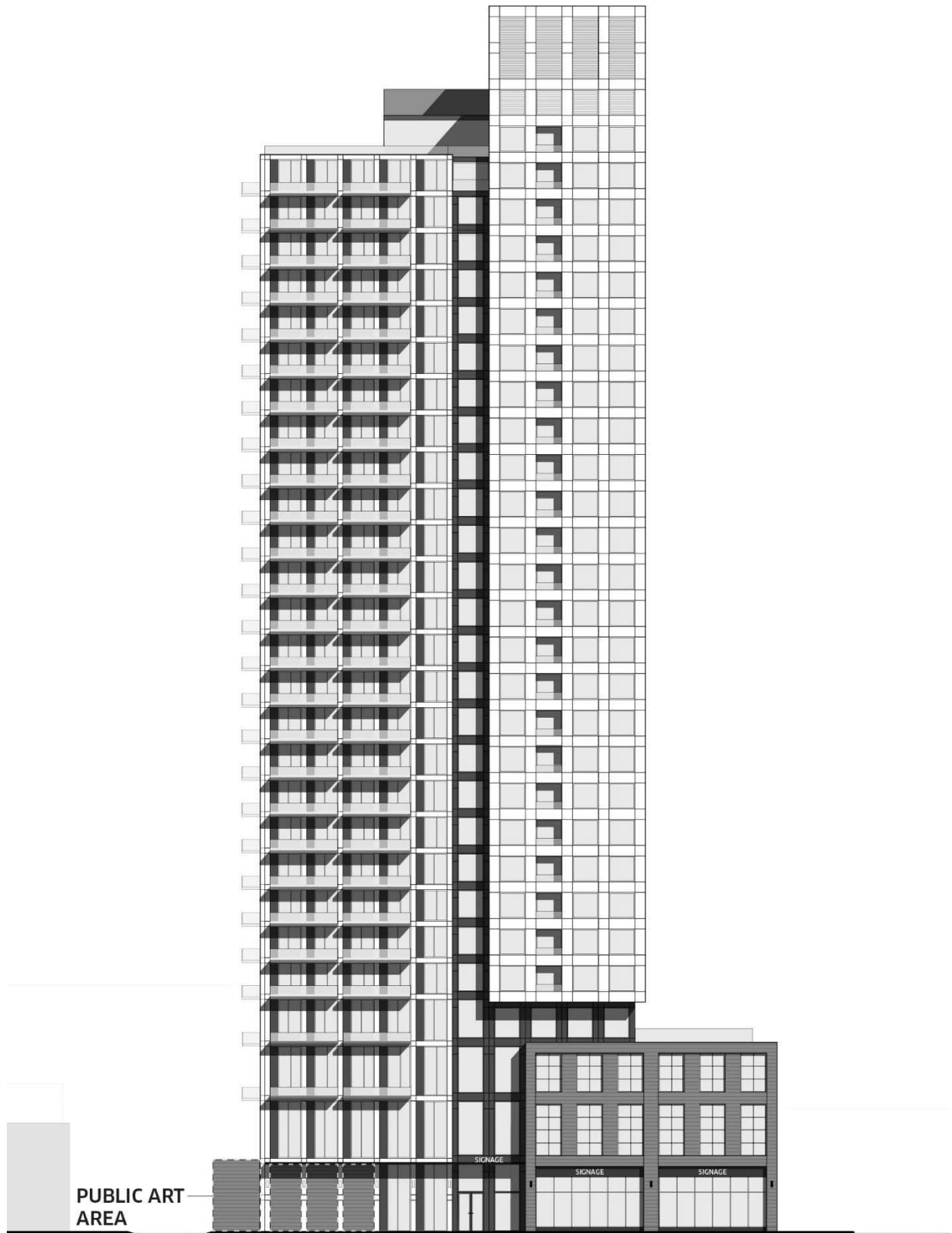
Appendix I: Site Plan



Appendix II: Landscape Plan

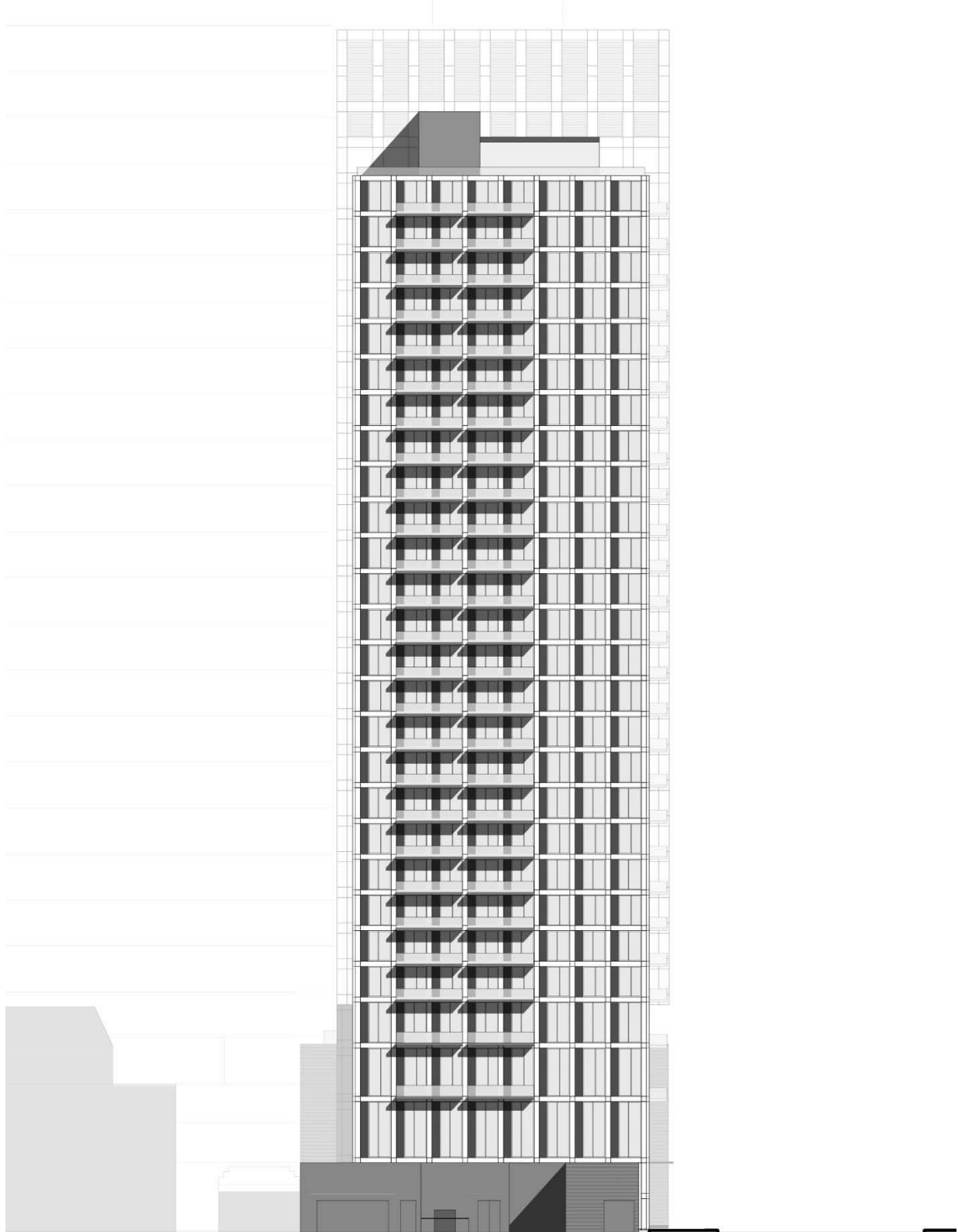


**Appendix III: East Elevation**

**Appendix IV: South Elevation**



**Appendix V: West Elevation**



**Appendix VI: North Elevation**

