

Charter Bylaw 18822

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw Amendment  
No. 2789

WHEREAS Lot 9, Block 5, Plan 9824093; located at 9720 - 102 Avenue NW, Downtown, Edmonton, Alberta, is specified on the Zoning Map as (CCA) Core Commercial Arts Zone; 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 Lot 9, Block 5, Plan 9824093; located at 9720 - 102 Avenue NW, Downtown, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (CCA) Core Commercial Arts 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	29th	day of	April	, A. D. 2019;
READ a second time this	29th	day of	April	, A. D. 2019;
READ a third time this	29th	day of	April	, A. D. 2019;
SIGNED and PASSED this	29th	day of	April	, A. D. 2019.

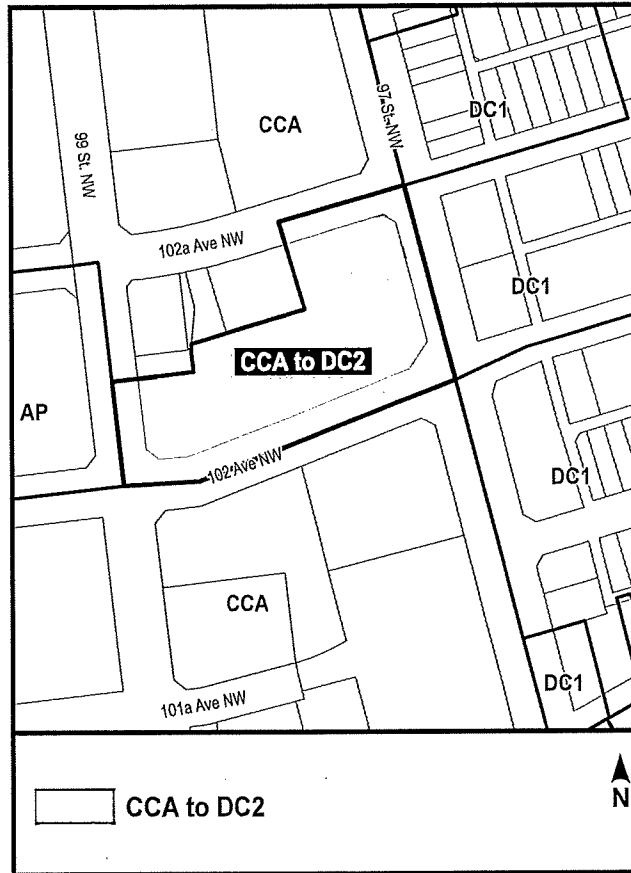
THE CITY OF EDMONTON

  
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MAYOR

  
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CITY CLERK



CHARTER BYLAW 18822



**SCHEDULE “B”**

**(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**

**1 General Purpose**

To create a mixed-use building with architectural design and streetscaping that will strengthen the city centre area with space that integrates immersive arts and entertainment experiences, education and outreach, limited residential uses and a district energy system to service buildings in the downtown core.

**2 Area of Application**

This Provision shall apply to Lot 9, Block 5, Plan 9824093, a 1.02 ha site bounded by 102A Avenue on the north, 97 Street on the east, 102 Avenue on the south and 99 Street on the west, as shown in Schedule “A” of this Bylaw, adopting this provision.

**3 Uses**

1. Apartment Housing
2. Bars and Neighbourhood Pubs
3. Business Support Services
4. Cannabis Retail Sales
5. Child Care Services
6. Commercial Schools
7. Community Recreation Services
8. Convenience Retail Stores
9. Creation and Production Establishments
10. Exhibition and Convention Facilities
11. General Retail Stores
12. Government Services
13. Group Home
14. Health Services
15. Indoor Participant Recreation Services
16. Limited Group Home
17. Lodging Houses
18. Media Studios

19. Major Amusement Establishments
20. Minor Amusement Establishments
21. Major Alcohol Sales
22. Minor Alcohol Sales
23. Major Impact Utility Services
24. Minor Impact Utility Services
25. Natural Science Exhibits
26. Non-accessory Parking
27. Personal Service Shops
28. Professional, Financial and Office Support Services
29. Public Education Services
30. Private Education Services
31. Private Clubs
32. Public Libraries and Cultural Exhibits
33. Religious Assembly
34. Residential Sales Centre
35. Restaurants
36. Specialty Food Services
37. Spectator Entertainment Establishments
38. Urban Gardens
39. Major Digital Signs
40. Minor Digital Off-premises Signs
41. Minor Digital On-premises Signs
42. Minor Digital On-premises Off Premises Signs
43. Fascia Off-premises Signs
44. Fascia On-Premises Signs
45. Projecting Off-premises Signs
46. Projecting On-premises Signs
47. Temporary On-premises Signs

#### **4 Regulations for Uses**

1. Each Bars and Neighbourhood Pubs Use shall be limited to 240 m<sup>2</sup> of Public Space.
2. The following regulations shall apply to Major or Minor Impact Utility Services:
  - a. Any Development Permit for a Major or Minor Impact Utility Service shall be limited to a district energy system, including power generation for export to the local distribution system;
  - b. Where a Major or Minor Impact Utility Service is located above Grade, other than exterior mechanical stacks, the design shall be integrated with the adjoining building and be articulated through changes in material, including windows; and
  - c. The stacks associated with the Major or Minor Impact Utility Service shall be masked/animated through methods such as, but not limited to, architectural screening, public art, colour and lighting.
3. Notwithstanding Section 80 of the Zoning Bylaw, a Child Care Service Use shall be permitted on a Site with an approved Development Permit for a Major or Minor Impact Utility Service.
4. Residential and Residential-Related Uses shall:
  - a. only be permitted above the ground floor and shall not be developed in a stand-alone building; and
  - b. be limited to a maximum of 20 Dwellings or Sleeping Units.
5. Signs shall comply with the General Provisions of Section 59 and Schedule 59F of the Zoning Bylaw except that:
  - a. Major Digital Signs, Minor Digital Off-premises Signs, Minor Digital On-premises Signs and Minor Digital On-premises Off -Premises Signs shall comply with the regulations for Discretionary Signs in Schedule 59F and be prohibited when the Copy of the Sign faces 99 Street NW; and
  - b. Temporary On-premises Signs shall not include trailer mounted signs or signs with changeable copy.

**5 Development Regulations**

1. Development within this Provision shall be in general conformance with the attached appendices to the satisfaction of the Development Officer.
2. The maximum Floor Area Ratio shall be 8.0.
3. The maximum Height shall be 60.0 m, except that:
  - a. exhaust stacks required for any Major or Minor Impact Utility Service shall not be considered for the purpose of calculating Height.
4. Setbacks are not required, but if provided, shall be used to accommodate features such as entrance areas, sidewalk cafes, patios or plazas that enhance the public realm.

**6 Development Regulations for Building Design and Features**

1. New building Facades shall be strongly articulated to add variety, rhythm, and a human scaled dimension along 102 Avenue NW and 97 Street NW at ground level.
2. A minimum of 50% of Facades of the ground level Storey shall be transparent and visually permeable.
3. Facades above the ground Storey without windows shall have architectural treatments such as, but not limited to, articulation, changes in material, colour and/or public art.
4. Blank walls shall not be permitted facing 97 Street NW. Elements such as, but not limited to, windows, changes in material, colour, architectural treatments, or public art should be incorporated into the design.
5. All ground level Uses that abut a public roadway, other than a Lane, shall provide an entrance facing the public roadway.
6. The change in elevation of the floor of the first Storey above ground level shall not exceed 0.3 m from ground level of the abutting public Walkway.
7. The building shall have a clearly visible entrance facing 97 Street NW.

8. Building materials shall be sustainable, durable, high quality and appropriate for the development within the context of the Commercial Cultural Core district to the satisfaction of the Development Officer.
9. All exposed building facades of the addition to the existing building shall have consistent and harmonious exterior finishing materials.
10. All mechanical and electrical equipment, including ground level venting systems and transformers, but excluding equipment associated with the district energy system such as stacks and heat rejection radiators that have special requirements to be exposed, shall be screened in a manner compatible with the architectural character of the building or be 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 Regulations for Parking, Loading, Storage and Access**

1. Vehicular access to the Site shall be provided from 102A Avenue NW.
2. Where vehicular parking is provided in an underground Parking Garage, access to the parking may be provided through the existing Century Place Parking Garage. Access shall be ensured through an easement registered on all affected titles, to the satisfaction of the Development Officer.
3. Where vehicular parking is provided at ground level, it:
  - a. shall be screened in a way that does not disrupt the character of the site by using features such as landscaping, fencing, public art, active uses, and/or architectural screening systems;
  - b. shall be screened from 102A Avenue NW by a screen with a minimum height of 1.0 m; and
  - c. shall be screened by active Uses to a depth of 10.0 m into the building along 97 Street NW and 102 Avenue NW, with the exception of the southeast and northeast corners of the building in order to allow for outdoor gathering space at the corners;
  - d. shall be designed to be adapted to a future non-parking Use;



- e. for the portion under the district energy building, shall have a minimum clearance Height of 4.5 m from the ground level to the bottom of the Storey above; and
  - f. shall provide lighting to create a safe and well-lit environment.
- 3. Notwithstanding parking regulations in the Zoning Bylaw, no Accessory vehicular parking shall be required, except that passenger pick-up/drop-off spaces shall be provided for Child Care Services as per the Zoning Bylaw requirements within the Downtown Special Area.
- 4. Loading, Storage and waste collection areas shall be accessed from 102A Avenue NW and be screened from view from adjacent sites and public roadways. Waste collection areas shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation).
- 5. Bicycle Parking shall be provided in accordance with regulations for Bicycle Facilities in the Zoning Bylaw, and the following:
  - a. a minimum of 10 bicycle parking spaces shall be short term spaces;
  - b. a minimum of 30 spaces shall be long term spaces that are easily accessible to cyclists via access ramps, or a route through the building(s) which facilitates easy and efficient transportation of bicycles; and
  - c. Notwithstanding regulations for Bicycle Facilities in the Zoning Bylaw, vertical or stacked racks may be used to satisfy bicycle parking requirements if it can be demonstrated that they can be safely and efficiently used to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).

## **8 Development Regulations for Landscaping, Lighting and Amenity Areas**

- 1. Landscaping
  - a. Notwithstanding Landscaping regulations of the Zoning Bylaw, Landscaping shall consist of off Site improvements such as, but not limited to seating, waste receptacles, public art, and/or planters along, 102A Avenue NW and 97 Street NW to enhance the urban streetscape.

2. Lighting

- a. Enhanced lighting shall be provided to improve the pedestrian environment. Lighting may change hues or include dramatic lighting elements to create a dynamic environment.
- b. Architectural lighting shall be used to highlight or accentuate vertical, horizontal or other architectural elements of the building.

3. Amenity Area

- a. A minimum of 3% of the Floor Area for non-residential Uses, not including Floor Area for Major or Minor Impact Utility Service Uses, shall be dedicated for indoor or outdoor Amenity Area.
- b. A minimum of 300.0 m<sup>2</sup> of the Amenity Area shall be provided outdoors on the roof of the ground Storey in the southeast of the Site. This Amenity area shall be accessible to the public through the registration of a Public Access Easement in favour of the City of Edmonton which shall be a condition of the Development Permit.
- c. Required Amenity Area may be located at or above Grade or on rooftops.

**9 Other Regulations**

- 1. Prior to the issuance of a Development Permit for a principal building, 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, to the satisfaction of the Development Officer.
- 2. Prior to the issuance of a Development Permit for a principal building, a report outlining how the development responds to the intent of the City of Edmonton's Winter Design Guidelines shall be submitted for review. The built form, public realm interfaces, streetscape elements and pedestrian connections shall reflect these Guidelines to the satisfaction of the Development Officer.

3. Prior to the issuance of a Development Permit for a principal building, a Crime Prevention through Environmental Design (CPTED) Assessment shall be submitted and recommendations to ensure that the development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guidelines for a Safer City (City of Edmonton 1995) shall be incorporated into the Site and building design to the satisfaction of the Development Officer.
4. 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.
5. Prior to the issuance of a Development Permit for a Major or Minor Impact Utility Service, a risk assessment shall be submitted for review. The risk assessment shall address the risk, if any, of a district energy system located at this Site relative to existing and planned Uses of the Site as well as off-Site Uses within close proximity to the Site that differ from the Site Uses.

## **10 Off-Site Modifications**

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, 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:
  - 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, to the satisfaction of Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision and Development Coordination (Transportation) prior to the start of the construction and once again when construction is complete.

- b. removal of existing boulevard trees along 102A Avenue NW and 97 Street NW and replacement with a minimum of 4 new trees as generally shown in Appendix 1;
- c. construction of a bus drop off/lay-by area along the west side of 97 Street NW, between 102 Avenue NW and 102A Avenue NW ensuring a minimum of 3.0 m distance between the curb of the drop off/lay-by area and the building;
- d. reconstruction of the existing west access to 102A Avenue NW; and
- e. removal of the existing east access to 102A Avenue NW and restoration of the sidewalk and boulevard, including the planting of at least 1 new boulevard tree,
- f. any modifications required to physically separate the 102A Avenue NW bike lanes from vehicular traffic resulting from access changes along 102A Avenue NW, to the satisfaction of the Development Officer in consultation with Network Operations; and
- g. improvements to the public realm directly abutting the site along 102A Avenue NW and 97 Street NW, in general conformance with Appendix 1. Improvements may include, but not be limited to, provision of new curb, sidewalk, street lighting and street furniture. These improvements shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).

