

Bylaw 15130, as amended

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1049

WHEREAS Lots 103 & 104, Block 4, Plan NB and Parcel A & B, Plan 2222HW, located north of 97 Avenue NW and west of 104 Street NW, Downtown, Edmonton, Alberta, are specified on the Zoning Map as (HDR) High Density Residential 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 Lots 103 & 104, Block 4, Plan NB and Parcel A & B, Plan 2222HW, located north of 97 Avenue NW and west of 104 Street NW, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (HDR) High Density Residential 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.

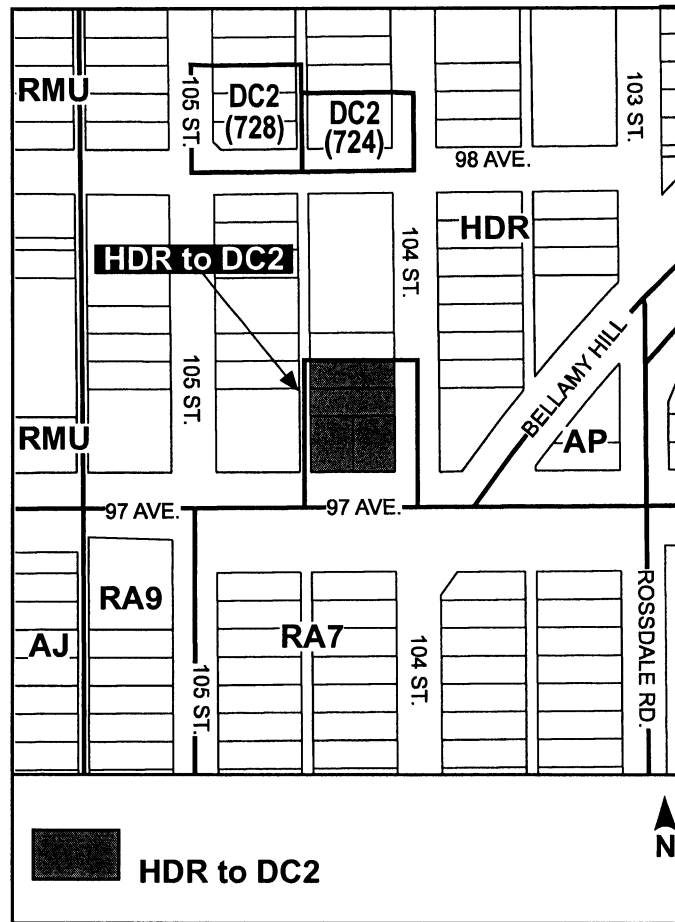
READ a first time this	23rd	day of	March	, A. D. 2009;
READ a second time this	23rd	day of	March	, A. D. 2009;
READ a third time this	23rd	day of	March	, A. D. 2009;
SIGNED and PASSED this	23rd	day of	March	, A. D. 2009.

THE CITY OF EDMONTON


MAYOR


CITY CLERK

BYLAW 15130



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

To accommodate the development of a 26 Storey high-rise apartment building with limited convenience commercial and office uses on the main floor, and family oriented town housing units along 104 Street, with site specific development controls designed to reduce the mass, sun shadow and view impacts of the tower on adjacent developments and create an active and inviting pedestrian oriented streetscape compatible with the surrounding residential high-rise developments at the south edge of McKay Avenue.

2. Area of Application

This DC2 Provision shall apply to Lots 103 & 104, Block 4, Plan NB and Parcels A & B, Plan 2222HW; located on the northwest corner of 104 Street NW and 97 Avenue NW, Downtown Neighbourhood, as shown on Appendix I of this Provision.

3. Uses

- a. Apartment Housing
- b. Convenience Retail Stores, not exceeding a gross floor area of 190 m²
- c. Personal Service Shops, not exceeding a gross floor area of 190 m²
- d. Professional, Financial and Office Support Services, excluding telephone answering and loan offices or any accessory drive through operation, and not exceeding a gross floor area of 190 m²
- e. Residential Sales Centre for the sale of onsite condominium units and leasing of commercial premises
- f. Specialty Food Services, not exceeding a gross floor area of 190 m²
- g. Fascia On-premises Signs
- h. Projecting On-premises Signs
- i. Temporary Signs, limited to project advertising and residential sale purposes only, and excluding trailer mounted signs and/or signs with changeable copy

4. Development Regulations**4.1 General**

- a. The site layout and building locations shall be in accordance with Appendices I, Site Plan; Appendix II, Project North Elevation; Appendix III, Project South

Elevation; Appendix IV, Project East Elevation; Appendix V, Project West Elevation; Appendix VI, Landscape Concept Plan; and Appendices VII through XVII of this DC2 Provision.

- b. The maximum Floor Area Ratio (FAR) shall be 8.0 as follows:
 - i. the Tower maximum FAR shall be 6.27.
 - ii. the Podium maximum FAR shall be 1.73.
- c. The maximum Height shall not exceed 26 storeys nor 82.0 m in accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project East Elevation; and Appendix V Project West Elevation.
- d. The maximum height of the podium, including the parapet shall not exceed 4 storeys nor 14.0 m.
- e. The maximum number of dwelling units shall not exceed 173.
- f. The ground floor units shall be on average 1.2 m above grade, taking into consideration that the site is sloping and that the ground floors will be stepped.
- g. The development shall provide minimum Yards, as indicated in Appendix I, Site Plan, as follows:
 - i. 1.0 m on the south (fronting onto 97th Avenue), except that the development shall maintain a minimum clearance of 3.0 m from the trolley lines to meet the Electrical Code;
 - ii. 0.0 on the west (fronting onto the Lane);
 - iii. 1.0 m on the north, for a maximum of 20% of wall length, to 4.0 m for an average of 2.33 m to provide for building wall articulation; and
 - iv. 0.45 m on the east (fronting onto 104th Street), for a maximum of 20% of wall length, to 2.3 m for 80% of wall length.
- h. A Minimum Private Outdoor Amenity Area of 7.5 m² per Dwelling shall be provided.
- i. Amenity Space shall be provided on floors one (Main Floor – P3) through four of the building and shall include, but not be limited to, change room facilities, fitness room, residential meeting room, and roof deck landscape, in accordance with Appendices X, XI, XII, and XIII.
- j. A Crime Prevention through Environmental Design 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).

4.2 Parking and Loading

- a. Vehicle parking shall be provided in accordance with Section 54 of the Zoning Bylaw;

- b. A maximum 217 vehicular parking stalls shall be permitted, located within a parking structure in accordance with Appendices VII – XI (P1 – P5).
- c. Vehicular access and egress shall be provided by the adjacent Lane west of the development in accordance with Appendix X, 2nd Floor (P2), and Appendix XI – 3rd Floor (P1), to the satisfaction of the Development Officer and the Transportation Department.
- d. Vehicular ramps to access the underground parking shall be at grade at the property line and shall not exceed a slope of 8% for a distance of 4.5 m inside the property line to the satisfaction of the Transportation Department.
- e. Adequate sight lines shall be maintained for vehicles entering and exiting the parkade entrances into and from the Lane. Mirrors and/or a warning device may be required at the entrances. Sight line information shall be provided with the development permit application in accordance with Appendix X, 2nd Floor (P2), and Appendix XI – 3rd Floor (P1).
- f. Parking uses fronting onto the lane shall provide an enhanced façade utilizing architectural treatments to reduce the scale of this façade in accordance with Appendix V, Project West Elevation.
- g. Interior and exterior bicycle parking on the site shall be provided in accordance with Section 54.3 of the Zoning Bylaw.
- h. Loading, storage and garbage collection areas shall be concealed from view from adjacent sites and public roadways in accordance with the provisions of Section 55 of the Edmonton Zoning Bylaw. The garbage collection area shall be designed to the satisfaction of Asset Management & Public Works and the Transportation Department.

4.3 Development Regulations for Family-oriented Dwellings

- a. Ground Floor dwellings fronting 104 Street shall be developed as Family-Oriented Dwellings, as defined in the Zoning Bylaw 12800.

4.4 Development Regulations for Commercial Uses

- a. Commercial Uses shall be limited to the Uses listed in Section 3 of this DC2 provision.
- b. A Commercial area shall be located on the ground floor fronting onto 97th Avenue as shown on Appendix IX, Main Floor (P3). This area may be used as amenity space provided that the principal access is maintained off 97th Avenue.
- c. The maximum combined building area for Commercial and office Uses shall not exceed 190 m².
- d. Parking shall not be required for Commercial Uses.

- e. Residential Uses and Commercial Uses shall have separate entrances at grade into the Development.

4.5 Landscaping

- a. A detailed Landscape Plan for the entire Site, including all existing and proposed utilities within the road right-of-way must be submitted by a registered landscape architect for review and approval by the Planning Department, Asset Management & Public Works and the Transportation Department, in general accordance with Appendix VI, Landscape Concept Plan, prior to the approval of any Development Permit.
- b. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings, boulevard trees to be installed along 97th Avenue and 104th Street abutting the site, to the satisfaction of the Development Officer, Asset Management and Public Works and the Transportation Department.
- c. The developer shall enter into a Servicing Agreement for off-site landscape and streetscape improvements necessary as a result of the development, including sidewalk improvements, boulevard tree plantings, and ornamental street lighting to the satisfaction of the Development Officer.
- d. Landscaping on the Site shall provide plant materials that provide colour throughout the year to enhance the appearance of the development during cold weather months.
- e. Landscaping on the top of the podium level and ground floor Dwelling units shall be generally in accordance with Appendix VI, Landscape Concept Plan to improve rooftop aesthetics and provide additional amenity space.

4.6 Signage

- a. Sign types permitted by this provision may be allowed in accordance with Schedule 59B and in accordance with the General Provisions of Section 59 of the Zoning Bylaw. Notwithstanding Schedule 59B, Temporary Signs shall be limited to project advertising and residential sale purposes only. A comprehensive sign plan may, at the discretion of the Development Officer, be required.

4.7 Improvements and Other Regulations

- a. Prior to issuance of a Development Permit, the owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development. The Agreement process includes an engineering drawing review and approval process as well as an irrevocable Letter of Credit to cover 100% of construction costs. Improvements to be addressed in the Agreement include, but are not limited to, the following:

- i. All accesses to the site not required for the development shall be removed to the satisfaction of the Transportation Department. The site must be inspected by the Transportation Department prior to the start of construction and once again when construction is complete;
- ii. The curb & gutter and the sidewalk along 97th Avenue and 104th Street directly abutting the site shall be restored, to the satisfaction of the Transportation Department;
- iii. To allow for two-way traffic, an existing power pole in the Lane that interferes with the southernmost parkade access shall be relocated to the satisfaction of the Transportation Department. A minimum 1.5 m clearance is required between the parkade access and the power pole;
- iv. Details of any structures, pavement treatment, street furniture and art to be located on road right-of-way must be included on the engineering drawings.
- v. Streetscape along 97th Avenue and 104th Street abutting the site shall provide a minimum 1.5 m sidewalk with curb ramps, boulevard trees as required, pedestrian lighting and paving treatment, in accordance with Appendix VI, or to the satisfaction of the Transportation Department.
- vi. The developer shall provide a proportionate financial contribution to the 97 Avenue improvements at such time as the detailed design plans for the improvements have been prepared and approved by the City of Edmonton
- vii. The existing bus stop at 97th Avenue shall be replaced with an architecturally compatible shelter integrated with the abutting façade of the development, to the satisfaction of the Transportation Department;
- viii. The owner is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Any costs associated with relocations and/or removals shall be at the expense of the owner.
- ix. The adjacent Lane west of the development has been recently reconstructed. The proportionate share of Lane reconstruction costs is required to be forwarded to Streets Engineering Branch of the Transportation Department.
- x. The costs for the removal of the existing hydrant on 104 Street adjacent to the Site and the installation of a hydrant meeting City standards for fire flow to the satisfaction of EPCOR shall be covered by the developer.

4.8 Urban Design Regulations

Architecture and Site Planning

- a. The exterior of the high-rise building shall be finished with high quality materials such as anodized aluminium, masonry veneer, concrete, stone, glass railing, double glazed storefront system, tile, spandrel glass curtain wall system, and Exterior Insulation and Finish Systems (EIFS) in accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project East Elevation; and Appendix V, Project West Elevation.
- b. The high-rise building shall front 97th Avenue and 104th Street and address these roadways by providing a signature feature to its main entrance in accordance with Appendix III, Project South Elevation and Appendix IV, Project East Elevation.
- c. Development on the site 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, in accordance with the recommendations provided in the Wind Impact Study Report.
- d. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and will be provided to ensure a well-lit environment for pedestrians and to accentuate artwork. Night-time light pollution shall be reduced by avoiding over-illumination of the building and use low cut-off exterior lighting fixtures which direct light downward, not upward and outward. The design shall meet or exceed the requirements of the Illuminating Engineering Society of North America (IESNA RP-33-99).
- e. All mechanical equipment shall be screened from public view or be concealed by incorporating it within the roof envelope or by screening it in a way that is consistent with the character and finishing of the development.

Massing and Building Articulation

- f. The massing of the building along 104th Street shall incorporate 3 storey Ground Floor Units that addresses and reinforces the residential character of the street in accordance with Appendix I, Site Plan.
- h. The building design shall provide for a podium base of 2 to 4 storeys maximum that integrates with the existing streetscape of the neighbourhood, in accordance with Appendix III, Project South Elevation and Appendix IV, East Project Elevation. The maximum floor plate for the podium shall be 2,520 m².
- i. The high-rise building shall incorporate well articulated facades, rooflines and architectural treatments that establish the building as signature feature on the site and distinctive landmark for the surrounding areas in accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project East Elevation; and Appendix V, Project West Elevation.

- i. The design of the building floor plate shall reflect a north-south orientation to reduce sun shadow and view impacts on surrounding properties.
- k. The floor plate of the high-rise building above the podium level shall decrease as the building height increases as follows:
 - i. Floors from 5 - 17 floors shall have a maximum floor plate of 850 m² in accordance with Appendix XIII, 5th to 17th Floor.
 - ii. Floors 18 and 19 shall have a maximum floor plate of 650 m² in accordance with Appendix XIV, 18th and 19th Floors.
 - iii. Floor 20 shall have a maximum floor plate of 630 m² in accordance with Appendix XV, 20th Floor.
 - iv. The floors 21, 22 and 23 shall have a maximum floor plate of 610 m² in accordance with Appendix XVI, 21st, 22nd, 23rd Floors.
 - v. Floors 24, 25 and 26 shall have a maximum floor plate of 500 m² in accordance with Appendix XVII, 24th to 26 Floor. These top 3 floors shall have a distinctive architectural expression, which is complementary, yet consistent with the overall architectural style of the building.
- l. The steps in the building footprint of the high-rise shall be more distinctive and articulated on the east and west side of the building to reduce the impact of the upper levels above the podium base portion of the building, to maintain view corridors, maximize solar penetration and reduce adverse microclimatic effects related to wind and shadowing, in accordance with Appendix IV, Project East Elevation and Appendix V, West Project Elevation.

Entrances

- m. Level changes from the sidewalk to entrances of the building shall be minimized.
- n. A minimum clearance of 3.0 m shall be required between the boulevard trees and the connector sidewalk out to 104th Street in accordance with Appendix VI, Landscape Concept Plan.
- o. The façade treatment of the main building entrance shall generally wrap around the development, as shown on the Appendix II, Project North Elevation, Appendix III, Project South Elevation, Appendix IV, Project East Elevation, and Appendix V, Project West Elevation, to provide a consistent profile facing public roadways.
- p. To encourage active and inviting streetscape along 104th Street, all ground level dwelling units shall provide separate, individual and direct access, and feature doorways, terraces and/or patios and windows at ground level that addresses and reinforces the residential character of the street in accordance with Appendix IV, Project East Elevation.
- q. The commercial unit shall have access directly to 97th Avenue with strong entrance features that emphasize its commercial identity.

4.9 Public Art

- a. Prior to the issuance of a Development Permit, the Development Officer shall ensure that a signed Agreement has been executed between the City and the Owner, requiring the owner to contribute \$ 150,000 to the City in trust for the commission of public art. The design, construction and the cost associated with the development of the seating area located in the southeast corner of the site as indicated in Appendix I, Site Plan and Appendix VI, Landscape Concept Plan shall be the responsibility of the Owner.
- b. The artwork shall be:
 - i. acquired through a juried art procurement process administered by the Edmonton Arts Council, and
 - ii. owned and maintained by the Condominium Association.

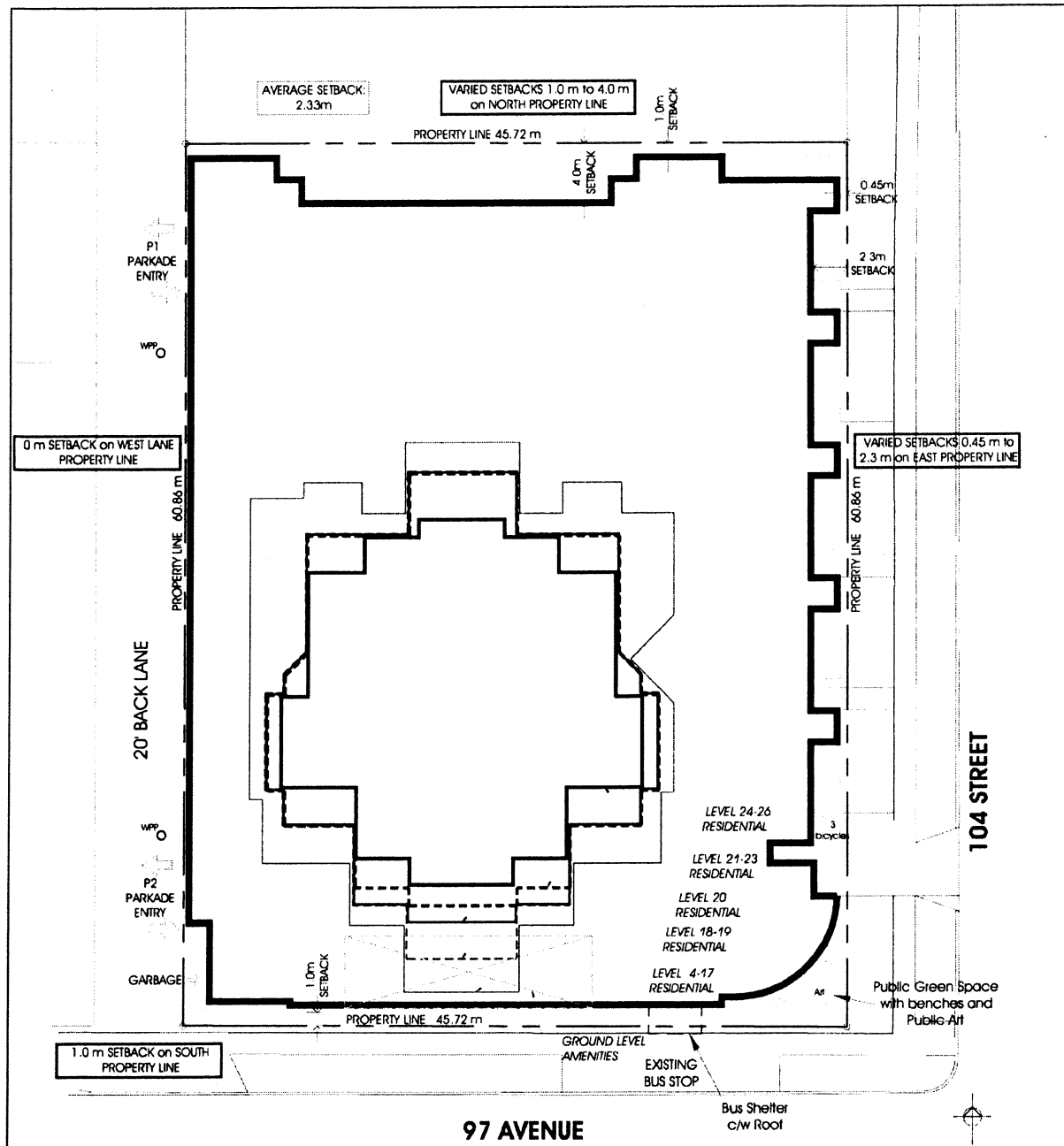
4.10 Green Sustainable Practices and Targets

- a. This project shall implement a minimum of Built Green MS&RT Gold as shown in the Built Green™ Multi-Storey & Residential Tower (MS & RT) Program developed by the Built Green™ Society of Canada.
- b. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer qualified in Green Sustainable Practices that demonstrates to the satisfaction of the Development Officer that the design and construction of the building meets the sustainability targets as defined in 4.10.a.

4.11 Affordable Housing

- a. 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 the option to purchase 5% of the proposed number of residential units at 85% of the Market price; or the ability to acquire units on the basis of a future approved Council policy on Affordable Housing.

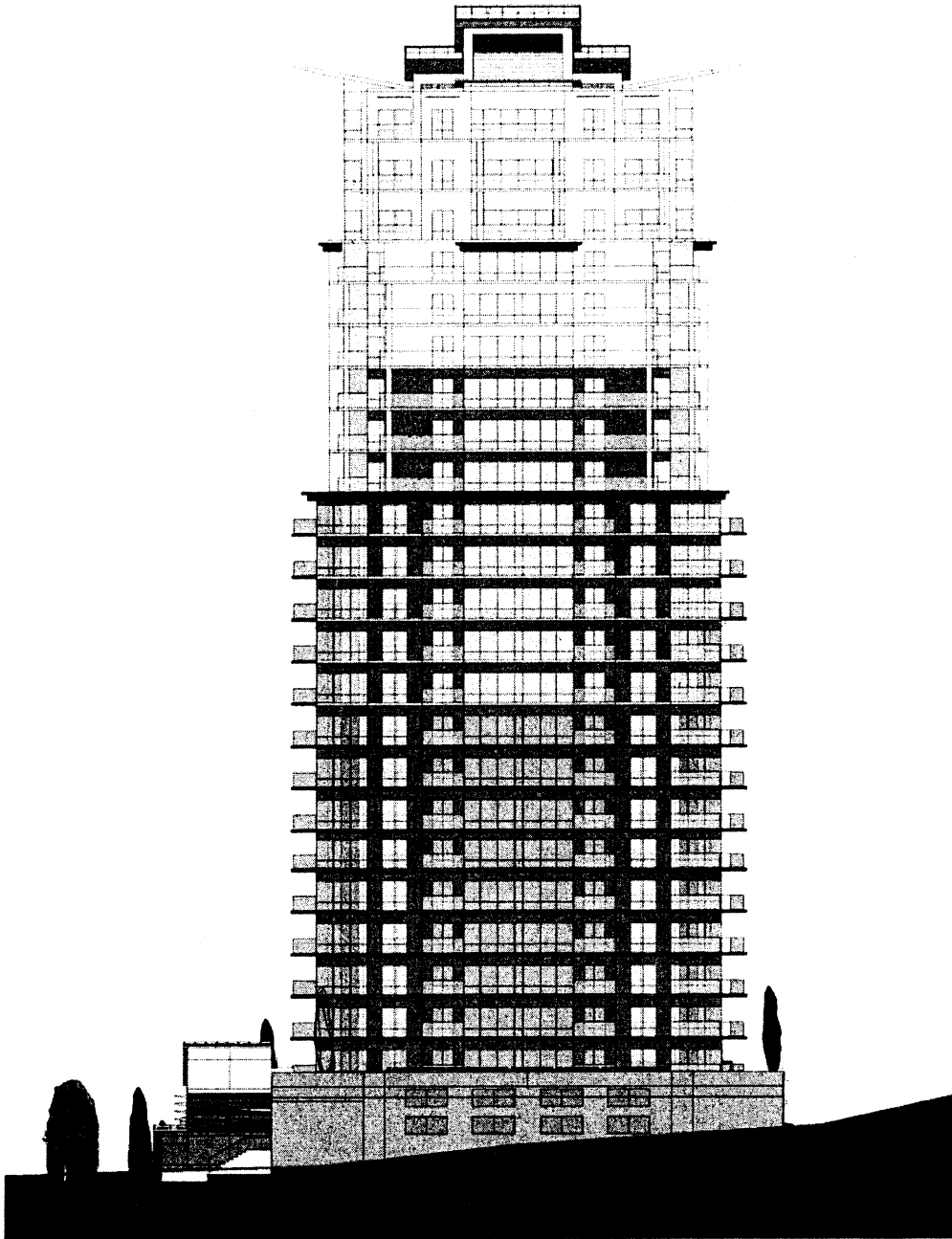
APPENDIX I – Site Plan



97 AVENUE

Site Plan

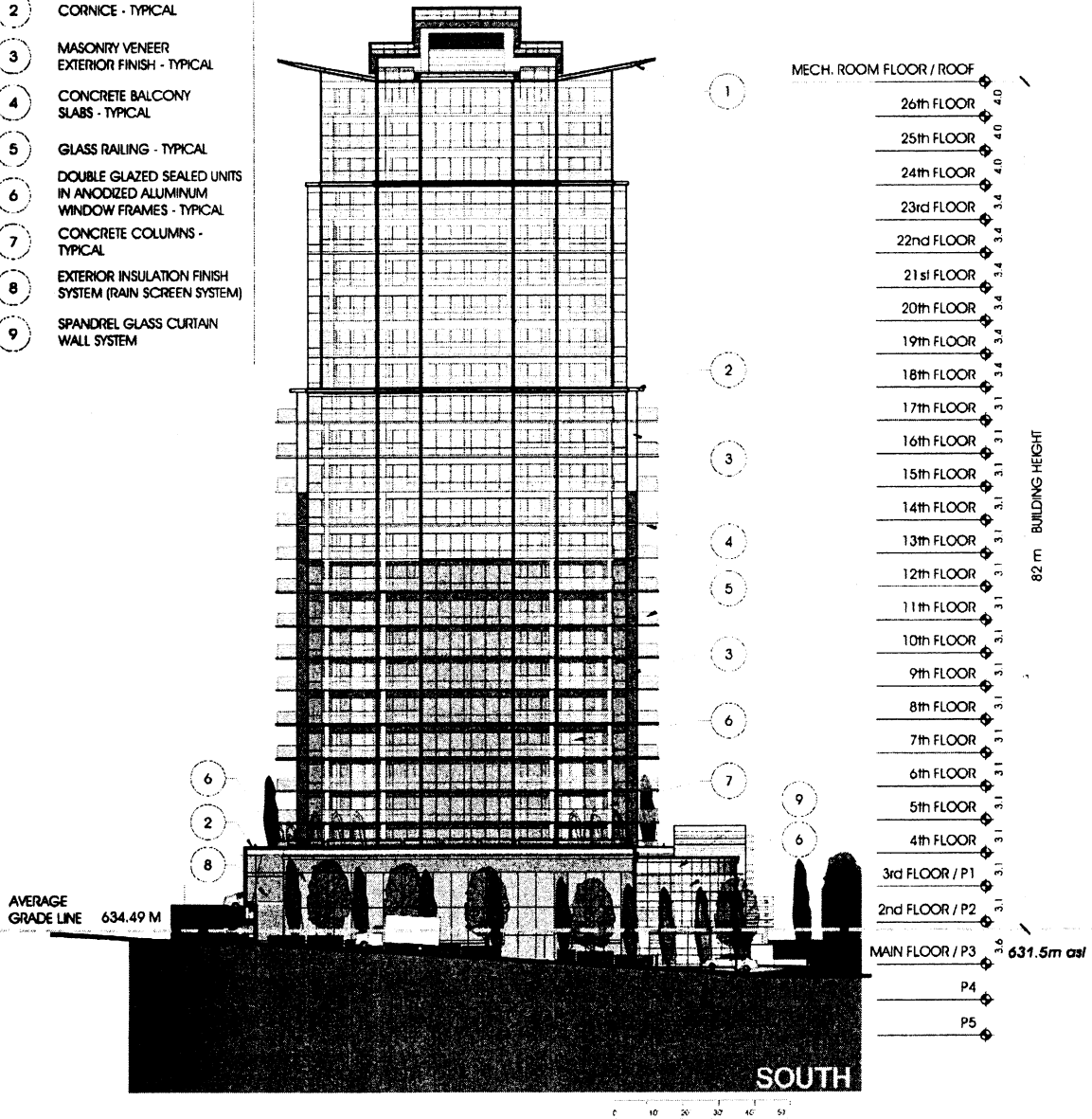
APPENDIX II – Project North Elevation



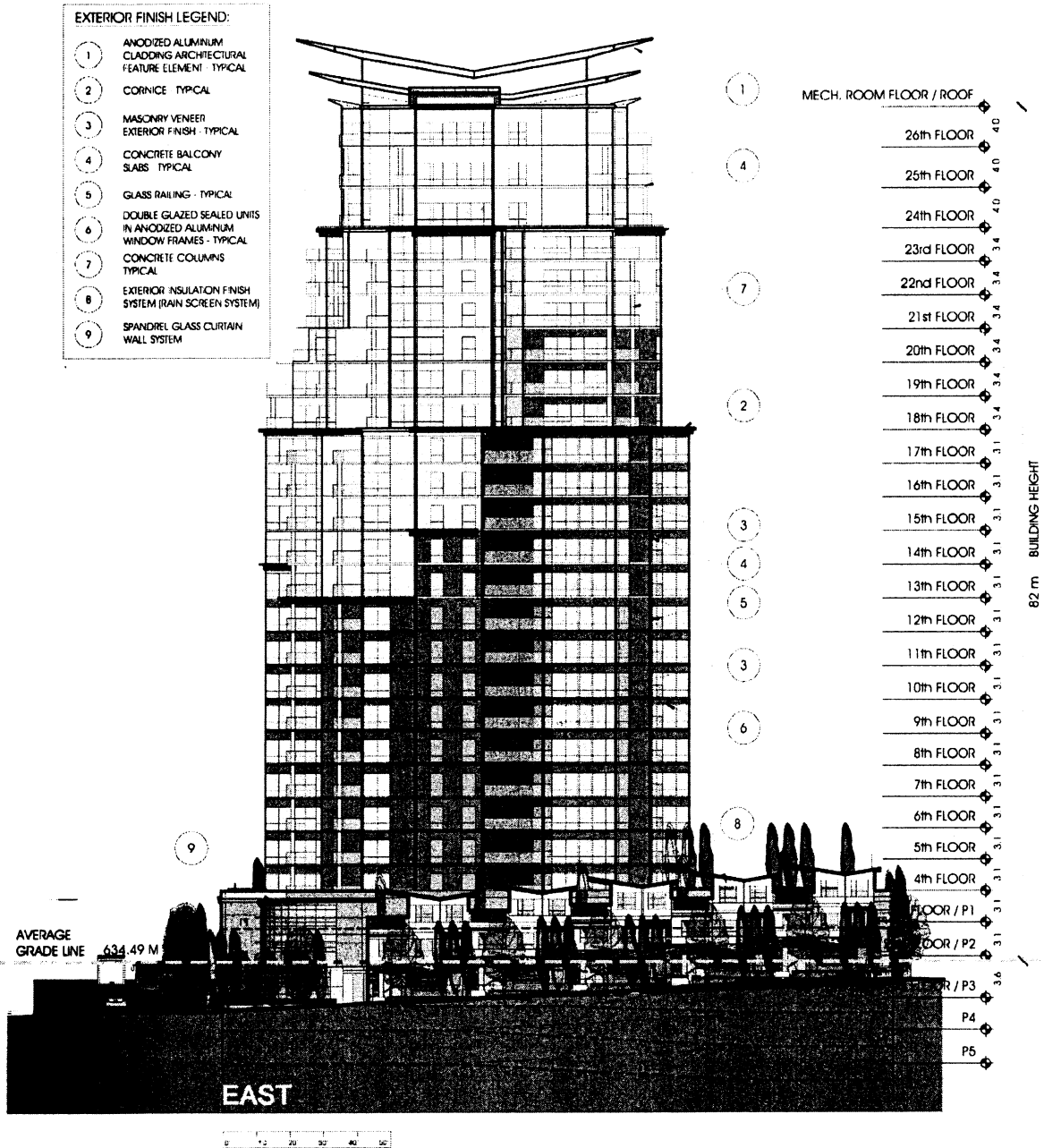
APPENDIX III – Project South Elevation

EXTERIOR FINISH LEGEND:

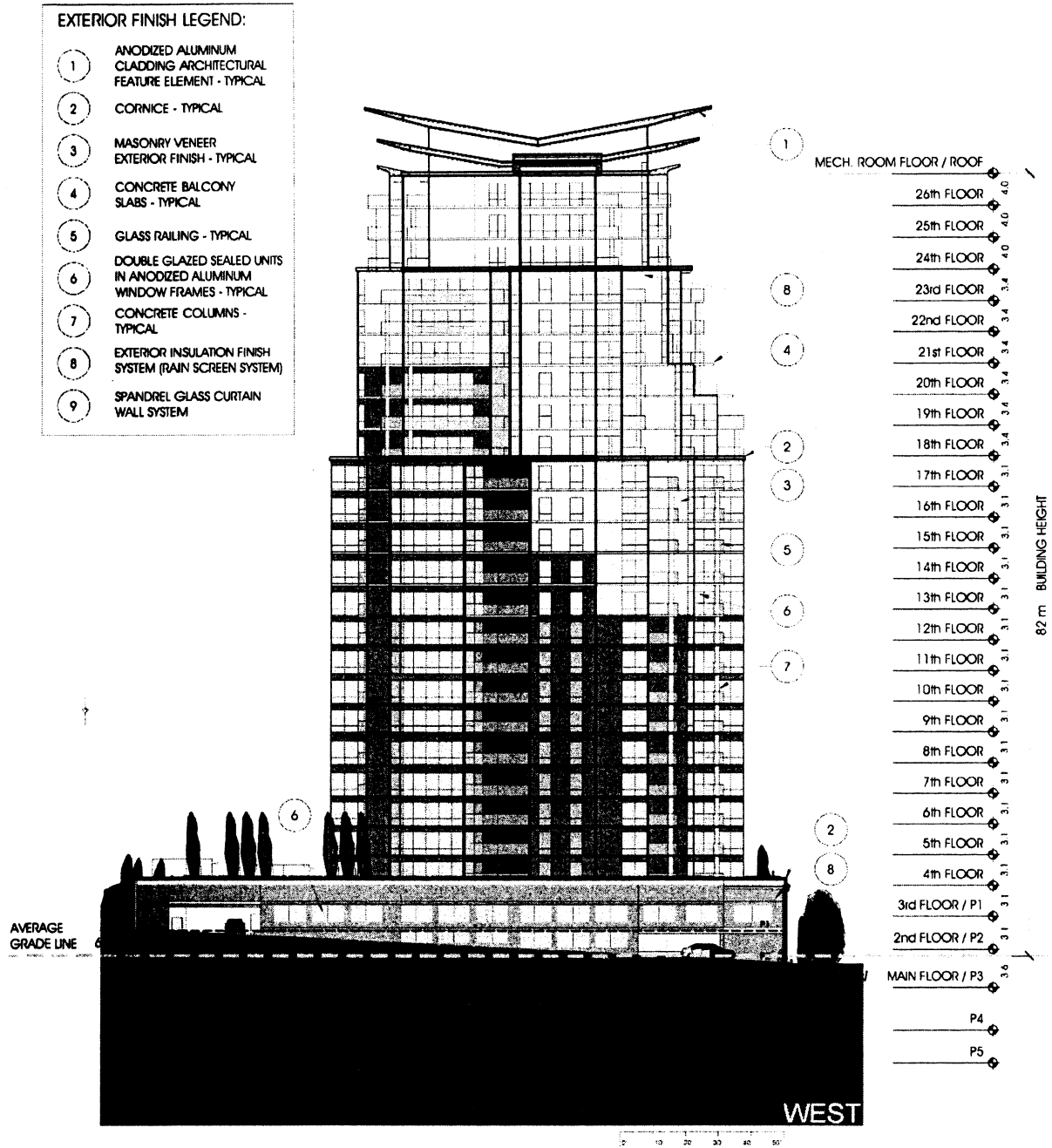
- 1 ANODIZED ALUMINUM
CLADDING ARCHITECTURAL
FEATURE ELEMENT - TYPICAL
- 2 CORNICE - TYPICAL
- 3 MASONRY VENEER
EXTERIOR FINISH - TYPICAL
- 4 CONCRETE BALCONY
SLABS - TYPICAL
- 5 GLASS RAILING - TYPICAL
- 6 DOUBLE GLAZED SEALED UNITS
IN ANODIZED ALUMINUM
WINDOW FRAMES - TYPICAL
- 7 CONCRETE COLUMNS -
TYPICAL
- 8 EXTERIOR INSULATION FINISH
SYSTEM (RAIN SCREEN SYSTEM)
- 9 SPANDREL GLASS CURTAIN
WALL SYSTEM



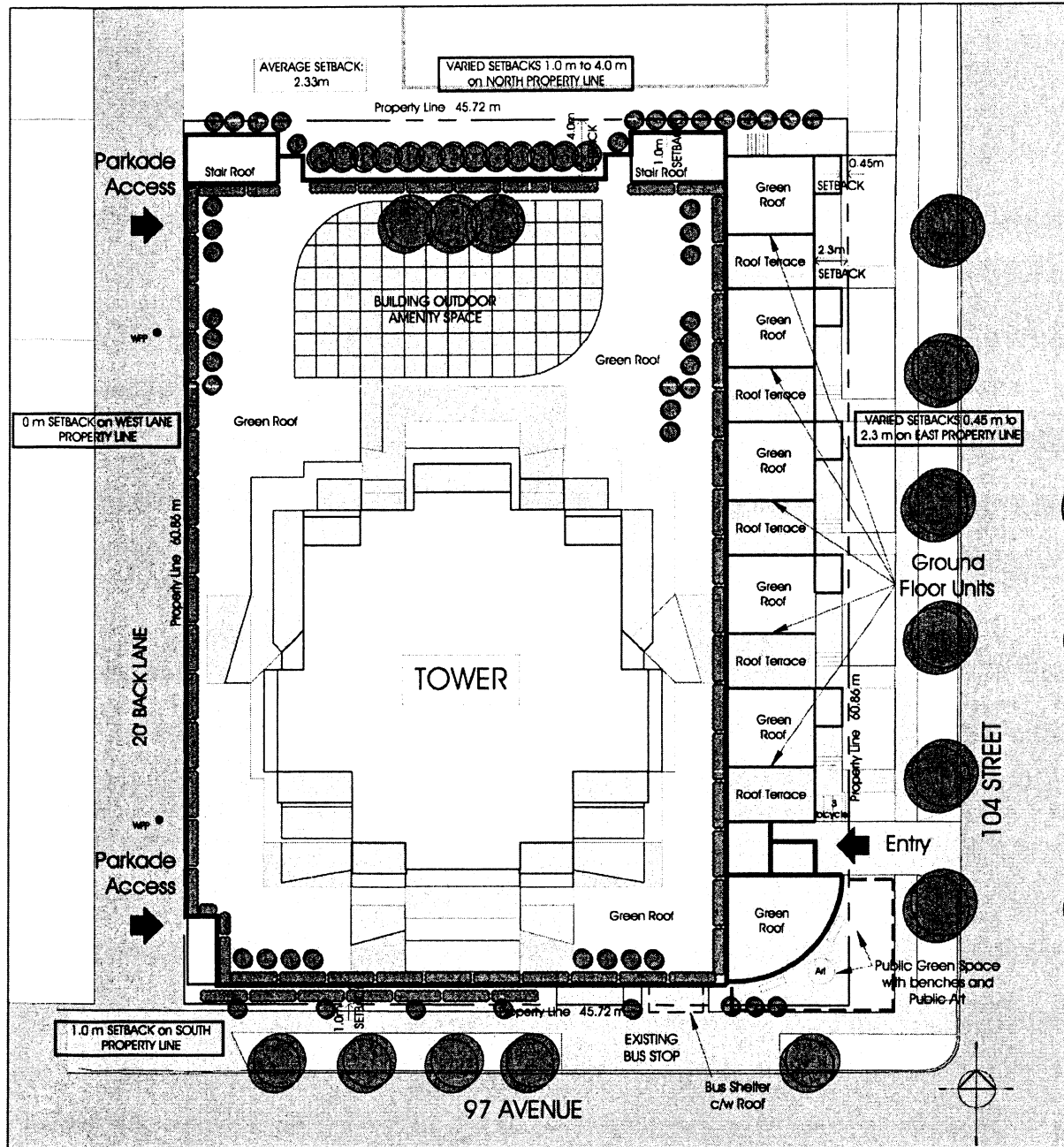
APPENDIX IV – Project East Elevation



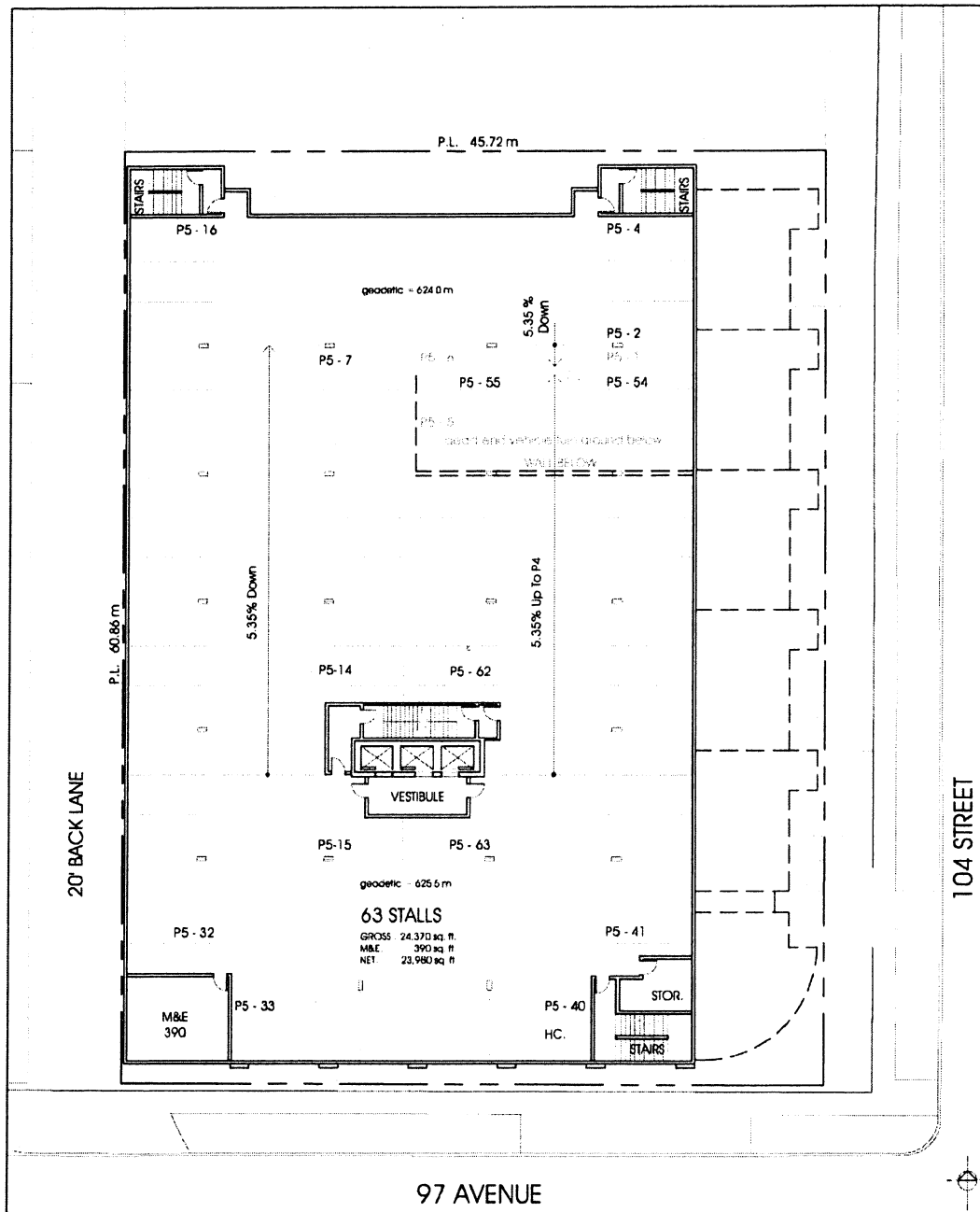
APPENDIX V – Project West Elevation



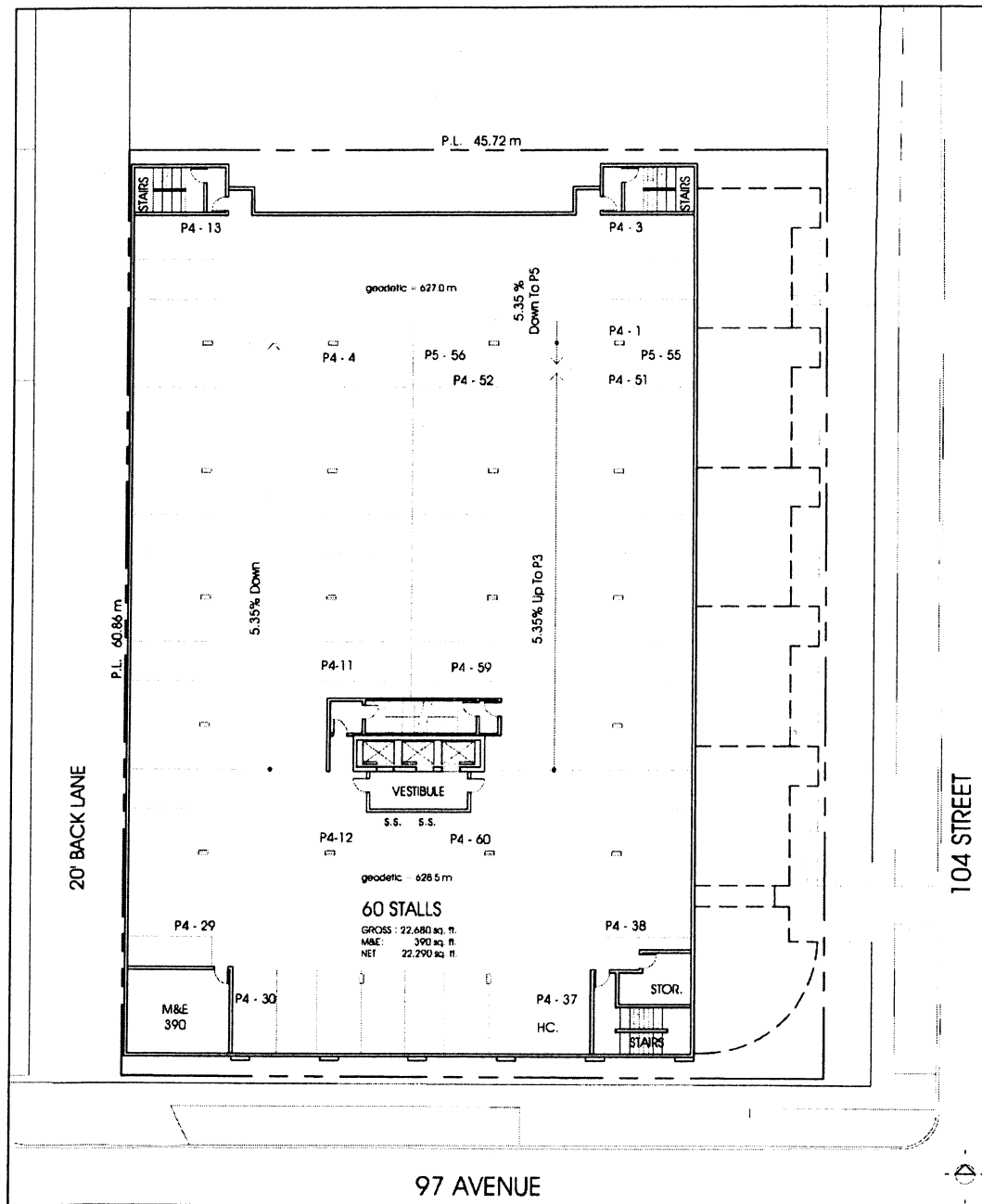
APPENDIX VI – Landscape Concept Plan



Site / Landscape Plan

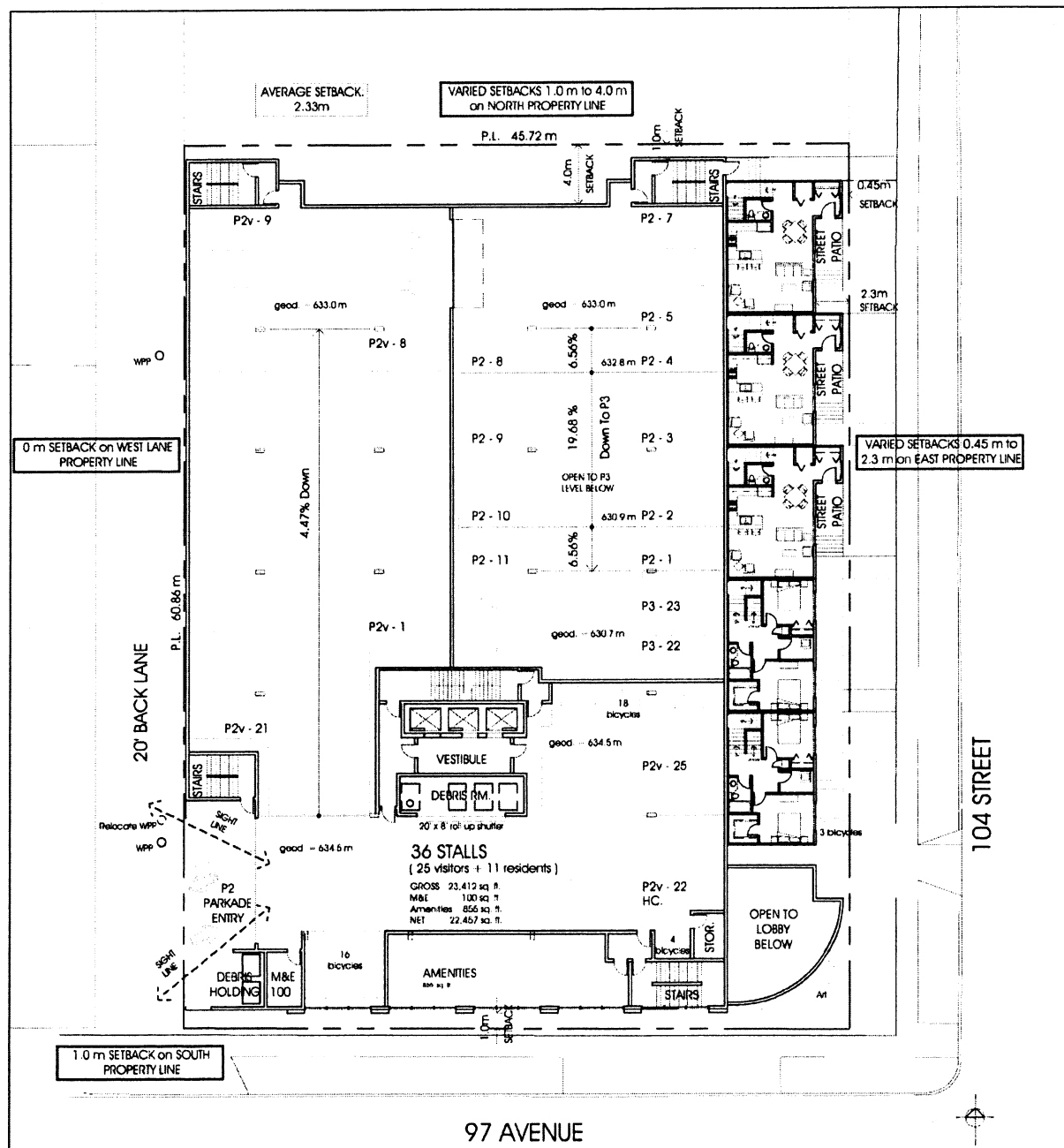
APPENDIX VII – Parkade Level (P5)**P5 / 2nd Level Below Grade**

APPENDIX VIII – Parkade Level (P4)

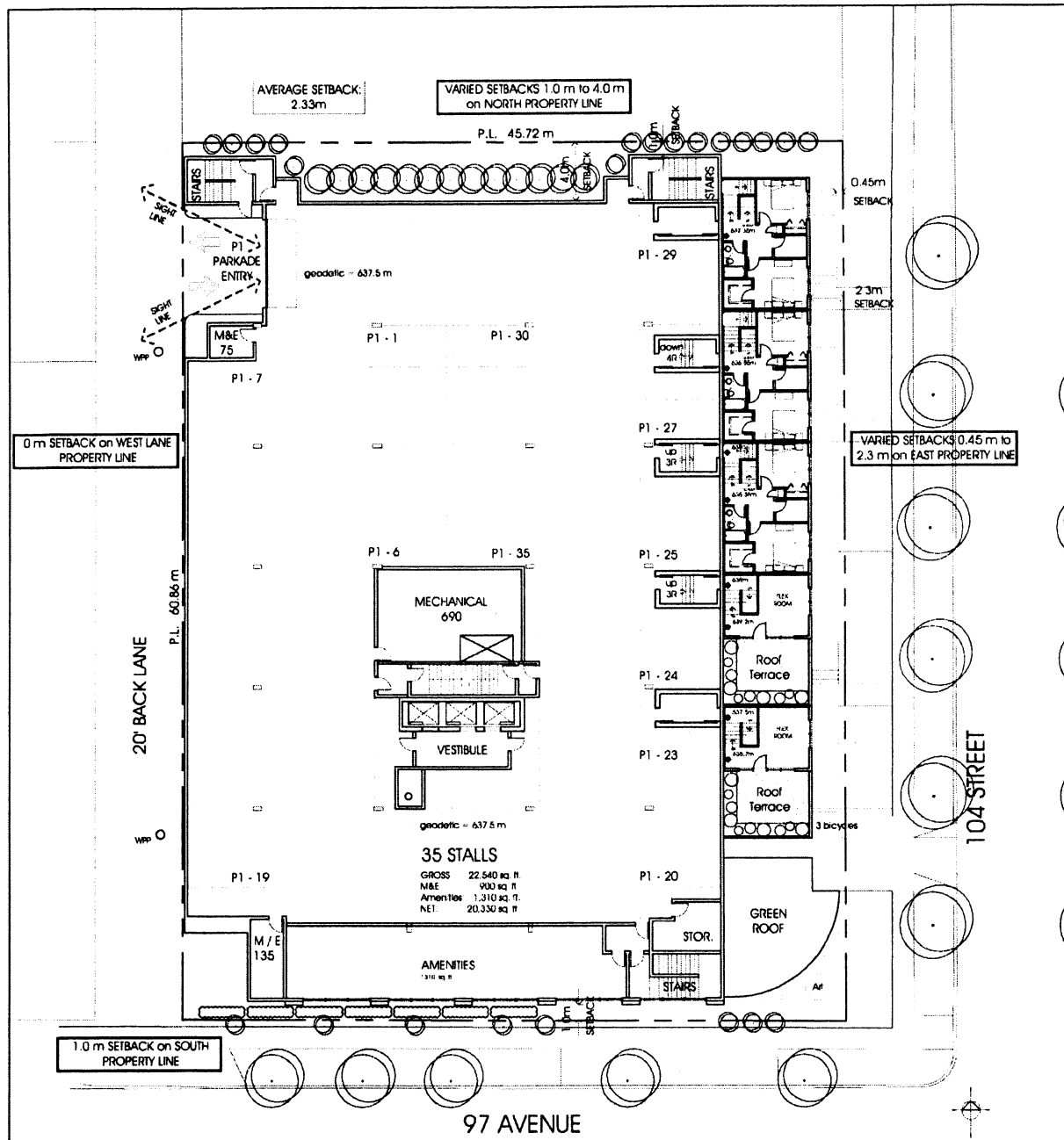


P4 / 1st Level Below Grade

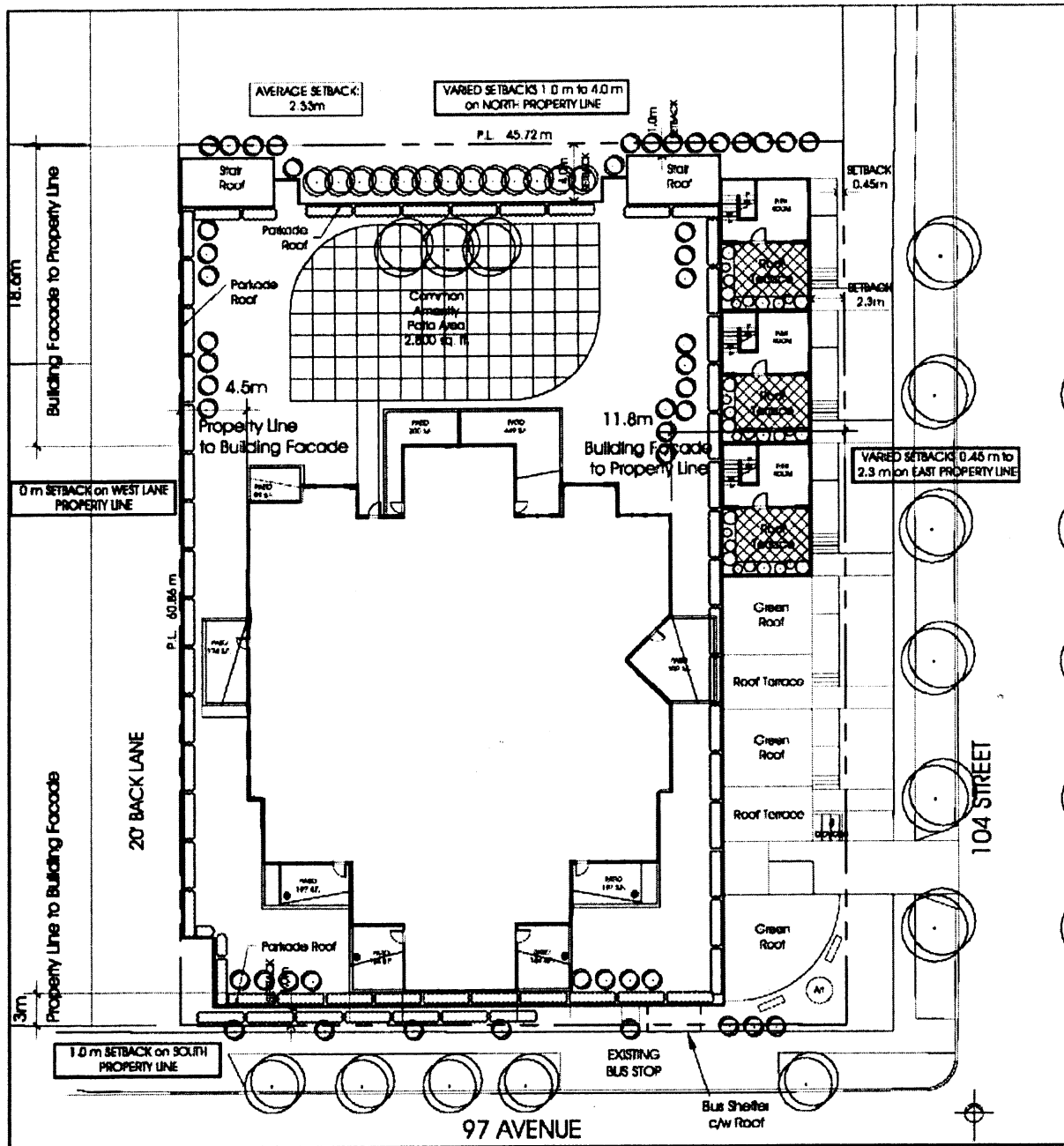




2nd Floor - P2

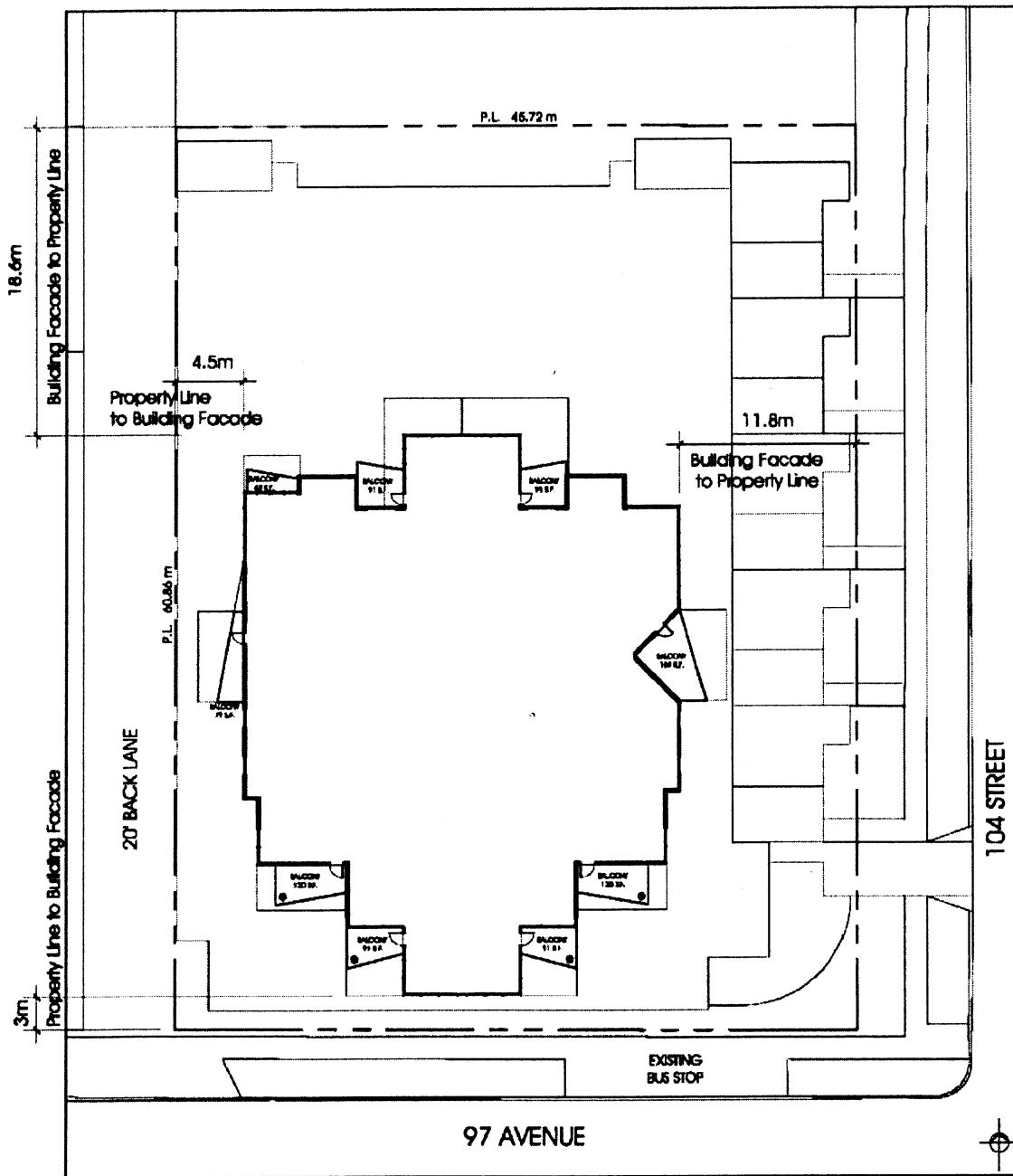
APPENDIX XI – 3rd Floor (P1)

97 AVENUE
3rd Floor - P1

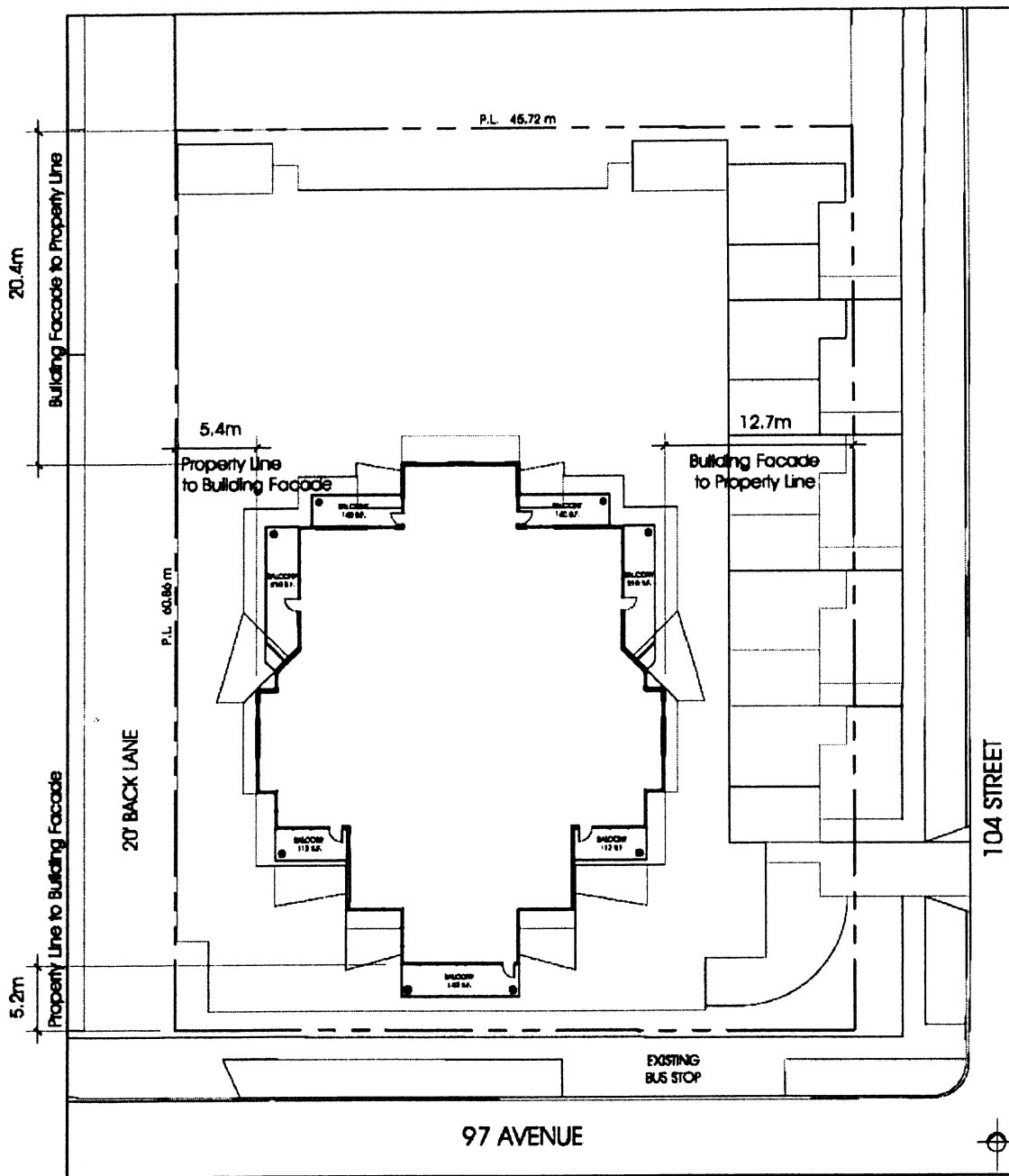
APPENDIX XII – 4th Floor

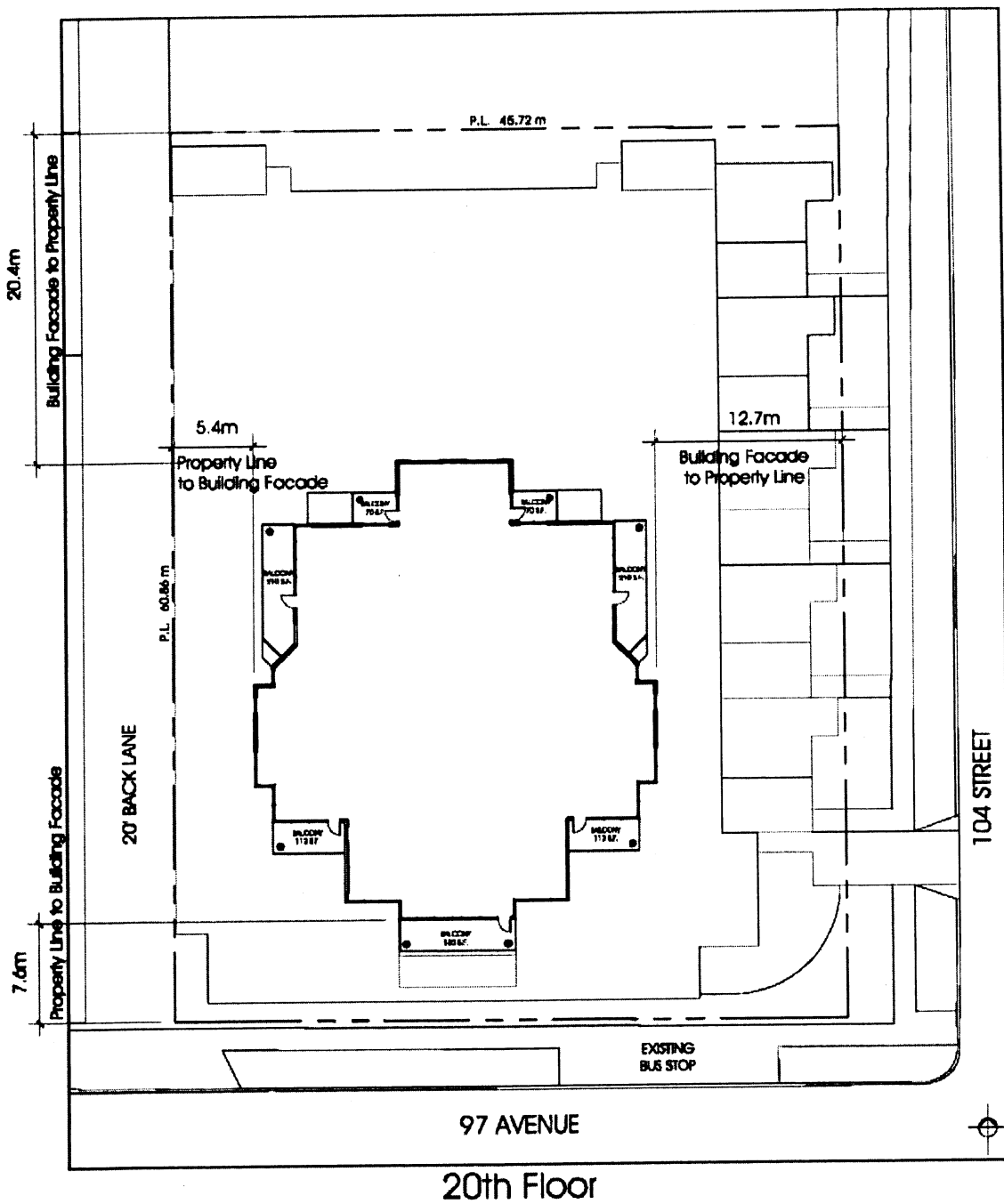
4th Floor

APPENDIX XIII – 5th to 17th Floor

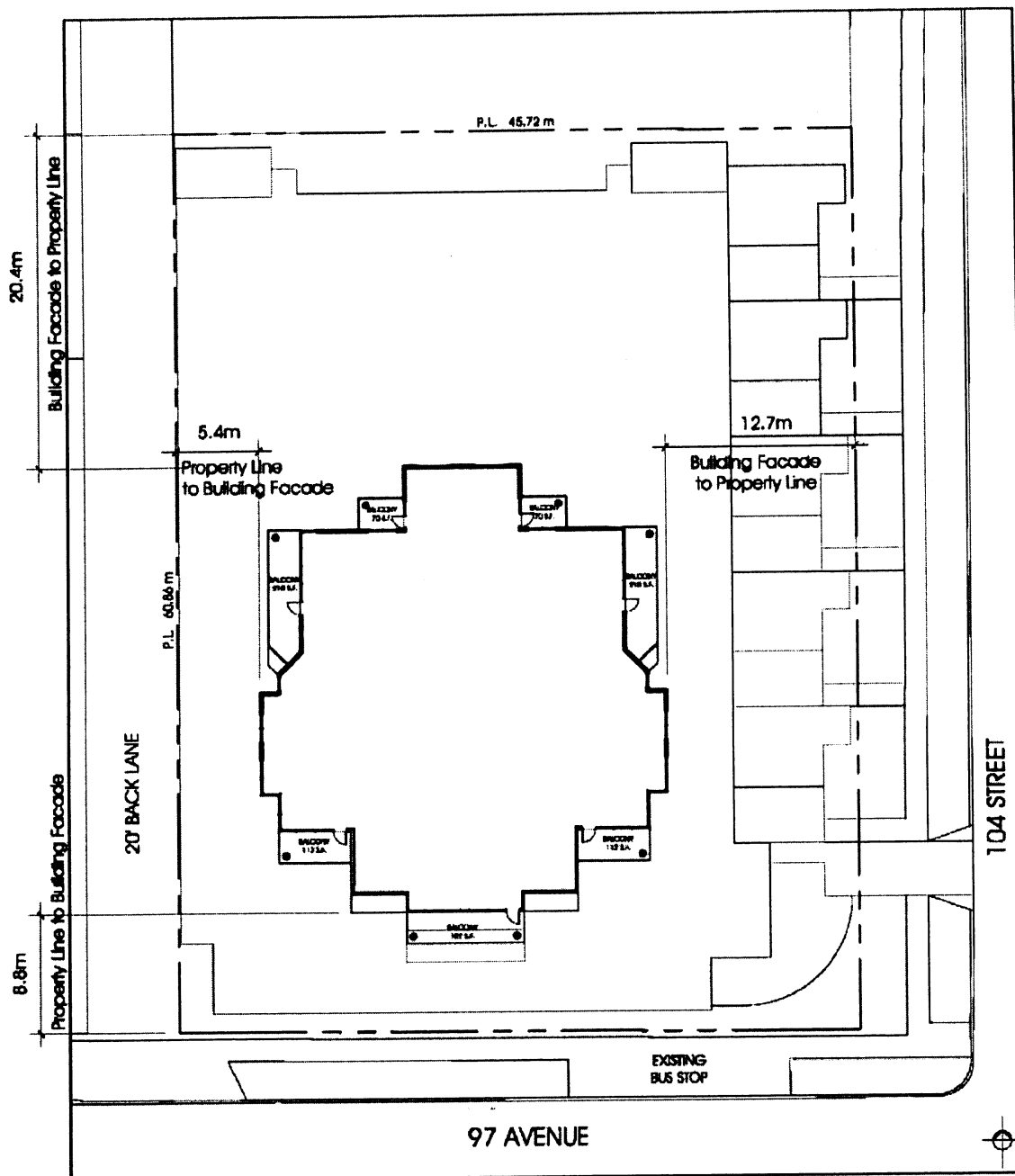


5th to 17th Floor

APPENDIX XIV – 18th and 19th Floors18th & 19th Floors

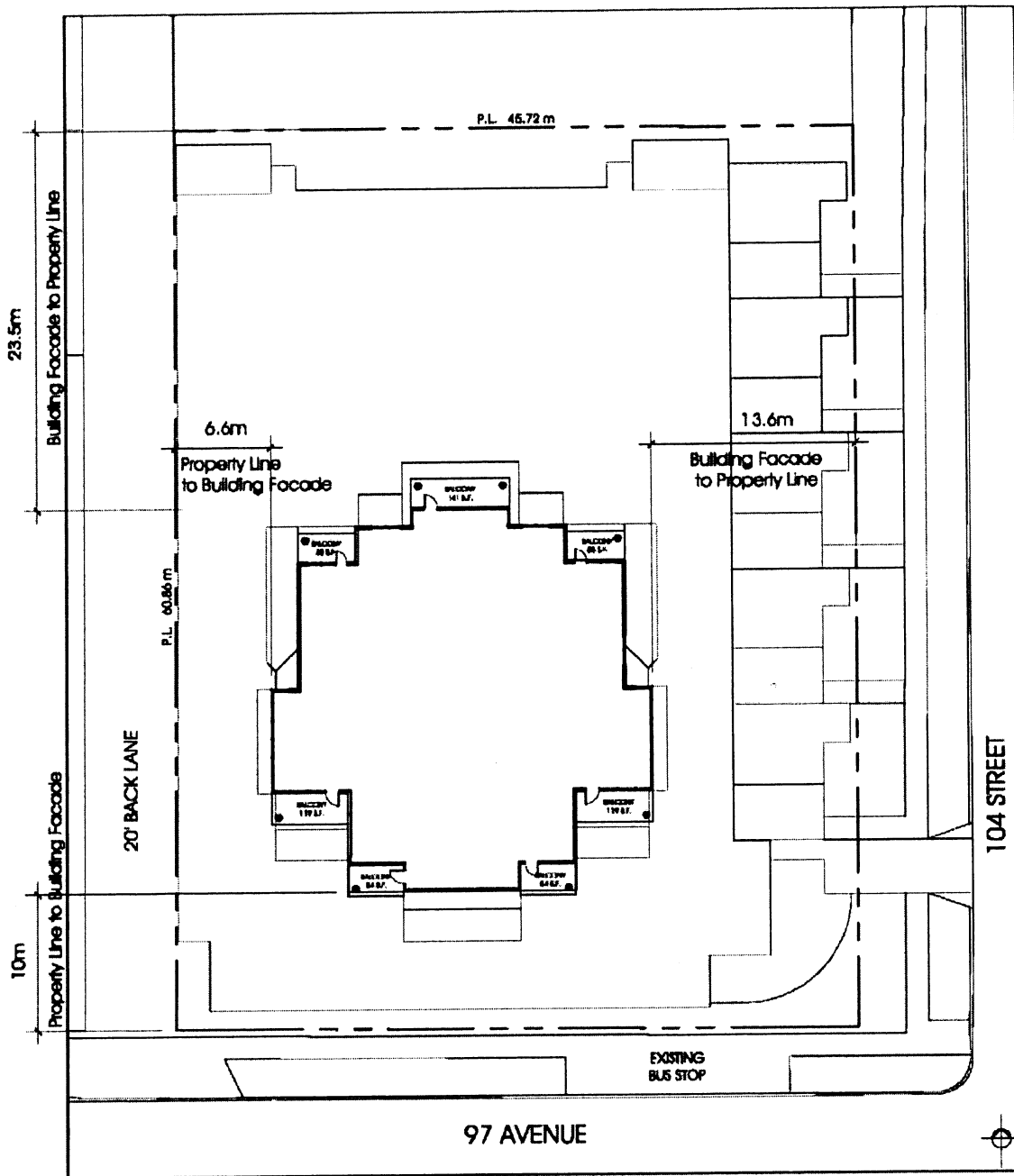
APPENDIX XV – 20th Floor

APPENDIX XVI – 21st, 22nd, 23rd Floors



21st, 22nd & 23rd Floors

APPENDIX XVII – 24th to 26th Floors



24th to 26th Floors