

Charter Bylaw 18803

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2777

WHEREAS Lot 35A, Block 166, Plan 8320109 and Lots 6-14, Block 166, Plan I23A; located at 8603 - 112 Street NW and 11120, 11122, 11124 and 11132 - 86 Avenue NW, Garneau, Edmonton, Alberta are specified on the Zoning Map as (RA9) High Rise Apartment Zone and (CO) Commercial Office 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 35A, Block 166, Plan 8320109 and Lots 6-14, Block 166, Plan I23A; located at 8603 - 112 Street NW and 11120, 11122, 11124 and 11132 - 86 Avenue NW, Garneau, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (RA9) High Rise Apartment Zone and (CO) Commercial Office 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 15<sup>th</sup> day of April , A.D. 2019;

READ a second time this 15<sup>th</sup> day of April , A.D. 2019;

READ a third time this 3<sup>rd</sup> day of July , A.D. 2019;

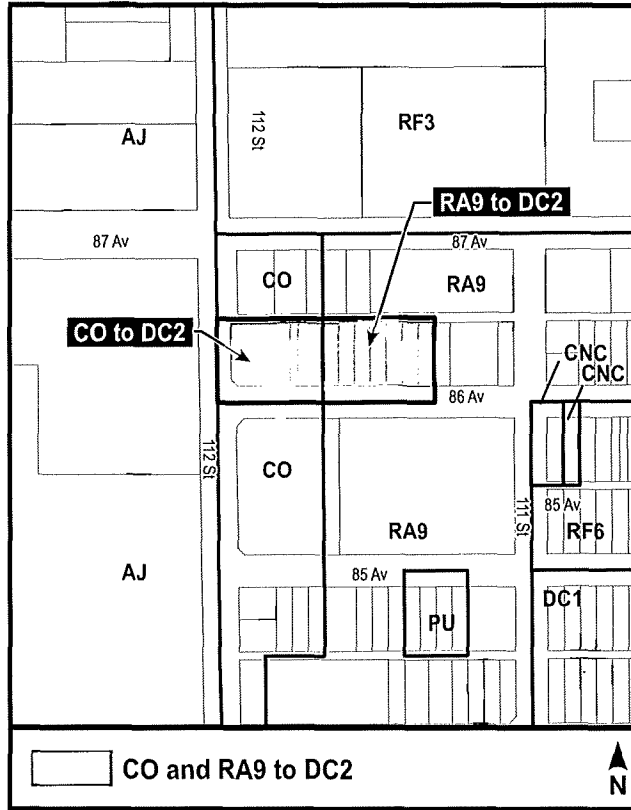
SIGNED and PASSED this 3<sup>rd</sup> day of July , A.D. 2019;

THE CITY OF EDMONTON

  
MAYOR

  
CITY CLERK

CHARTER BYLAW 18803



**(DC2) Site Specific Development Control Provision****1. General Purpose**

To accommodate two high rise residential towers that contain active residential and complementary non-residential uses in the podium that create a high quality pedestrian experience along 86 Avenue NW and 112 Street NW.

**2. Area of Application**

This provision shall apply to Lot 35A, Block 166, Plan 8320109; and Lots 6-14, Block 166, Plan I23A, as shown in Schedule "A" of the Charter Bylaw adopting this Provision, Garneau.

**3. Uses**

- a. Apartment Hotels
- b. Apartment Housing
- c. Bars and Neighbourhood Pubs
- d. Breweries, Wineries and Distilleries
- e. Business Support Services
- f. Cannabis Retail Sales
- g. Child Care Services
- h. Commercial Schools
- i. Convenience Retail Stores
- j. Convenience Vehicle Rentals
- k. Creation and Production Establishments
- l. General Retail Stores
- m. Group Home
- n. Health Services
- o. Hotels
- p. Indoor Participant Recreation Services
- q. Limited Group Home
- r. Live Work Unit
- s. Media Studios
- t. Minor Alcohol Sales
- u. Minor Amusement Establishments
- v. Minor Home-Based Business
- w. Non-accessory Parking
- x. Personal Service Shops
- y. Private Clubs

- z. Private Education Services
- aa. Professional, Financial and Office Support Services
- bb. Residential Sales Centre
- cc. Restaurants
- dd. Secondhand Stores
- ee. Specialty Food Service
- ff. Urban Gardens
- gg. Fascia On-premises Signs
- hh. Minor Digital On-premises Signs
- ii. Minor Digital On-premises Off-Premise Signs
- jj. Projecting On-premises Signs

**4. Development Regulations for Uses**

- a. Non-Residential and Non-Residential-Related Uses shall:
  - i. only be developed in conjunction with Residential or Residential-Related Uses and shall not be in any freestanding structure;
  - ii. only be developed within the bottom 16.0 m of a building;
  - iii. have their ground level principal entrance to the Use within 56.0 m of the western Lot line; and
  - iv. have pedestrian entrances that are separate from Residential Uses.
- b. Residential Sales Centres shall be limited to the marketing of the on-Site Dwellings.
- c. Each Restaurants or Bars and Neighbourhood Pubs Use shall be limited to 240.0 m<sup>2</sup> of Public Space.
- d. Non-Accessory Parking and Convenience Vehicle Rentals shall only be permitted if the owner can demonstrate through a Parking Impact Assessment, that the current parking utilization on Site is less than provided. Any surplus may then be approved for use as Non-Accessory Parking or Convenience Vehicle Rentals.
- e. Signs associated with Residential or Residential-Related Uses shall comply with the regulations found in Schedule 59B of the Zoning Bylaw and Signs associated

with Non-Residential and Non-Residential-Related Uses shall comply with the regulations found in Schedule 59E of the Zoning Bylaw.

- f. Minor Digital On-premises Signs and Minor Digital On-premises Off-Premise Signs are only permitted facing 112 Street NW.
- g. A Comprehensive Sign Design Plan and Schedule shall be prepared for the development and submitted with a Development Permit application for new building construction to the satisfaction of the Development Officer.

**5. Development Regulations For Site Layout and Built Form**

- a. Development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.
- b. Building Height:
  - i. The maximum Height of the east Tower shall be 108.0 m.
  - ii. The maximum Height of the west Tower shall be 82.5 m.
  - iii. The Height of the Tower podium, including the parapet, shall not exceed 16.0 m.
- c. The maximum Floor Area Ratio shall be 9.0.
- d. The maximum number of Dwellings shall be 456.
- e. Notwithstanding the definition of a Household in the Zoning Bylaw, Dwellings within this Provision can accommodate up to four unrelated persons living together.
- f. Floor Plate:
  - i. The maximum Floor Plate of the east Tower shall be 820.0 m<sup>2</sup>.
  - ii. The maximum Floor Plate of the west Tower shall be 920.0 m<sup>2</sup>.

- g. The minimum Setbacks for the building at ground level shall be:
  - i. 1.0 m from the north Lot line;
  - ii. 4.0 m from the west Lot line;
  - iii. 2.0 m from the south Lot line except that a minimum of 10% of the south Façade shall have a Setback of at least 7.0 m from the south Lot line to provide enhanced outdoor space; and
  - iv. 7.5 m from the east Lot line.
- h. The portions of the Parking Garage below ground level shall not be subject to required Setbacks and can extend to all Lot lines provided there is sufficient soil capacity to support the required Landscaping. This can be achieved by the use of planters and other acceptable green roof technologies.
- i. The minimum Tower Setbacks from the Lot lines shall be as follows:
  - i. West Tower:
    - A. 6.0 m from the north Lot line; except that a minimum of 75% of the north Façade of the Tower shall be set back a minimum of 7.0 m
    - B. 15.0 m from the west Lot line; except that a minimum of 55% of the west Façade of the Tower shall be set back a minimum of 16.0 m
    - C. 6.0 m from the South Lot line; except that a minimum of 75% of the south Façade of the Tower shall be set back a minimum of 6.5 m
  - ii. East Tower
    - A. 6.0 m from the north Lot Line;
    - B. 7.5 m from the east Lot line; and

C. 5.0 m from the South Lot line.

- j. The minimum distance between the west Tower and the east Tower shall be 30.0 m.

**6. Development Regulations for Parking, Loading, Storage and Access**

- a. A minimum of 241 off-street accessory vehicular parking spaces shall be provided for all Uses, except for Non-Accessory Parking. Of this total:
  - i. a minimum of 65 vehicular parking spaces shall be publicly accessible for visitors and Non-Residential Uses; and
  - ii. a minimum of 5 vehicular parking spaces shall be provided to accommodate vehicles from a car share program and be publicly accessible to supplement residential parking. Should this program be proven not to be implementable, the spaces may be used for residential parking.
- b. All vehicular parking spaces shall be provided in an underground Parking Garage.
- c. Vehicular access and egress to the underground Parking Garage shall be provided from the north-south privately owned Lane or the east-west Lane.
- d. The Height of the retaining walls bordering the access to the underground Parking Garage shall be determined by a sight line study to ensure safety for vehicles and pedestrians to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation).
- e. Prior to the issuance of a Development Permit for the construction of a principal building, the owner(s) shall demonstrate, to the satisfaction of the Development Officer, that they have provided the opportunity to register an access easement on the title of the Site in favour of one or both of Lots 1-5, Block 166, Plan I23A, or Lots 26-34, Block 166, Plan I23A, to allow for their access of the north-south privately owned lane connecting 86 Avenue NW and the rear east-west Lane. In the event that an adjacent owner(s) does pursue this opportunity:

- i. the easement shall include a requirement that the Site owner(s) are responsible for maintenance and liability of north-south privately owned Lane; and
  - ii. The City of Edmonton shall be a party to the easement, and the easement must stipulate that the Site owner(s) shall not discharge the easement without the express written consent of the City of Edmonton.
- f. The north-south privately owned Lane connecting 86 Avenue NW with the rear east-west Lane shall be developed using decorative hard surfacing elements, and have a drive aisle width between 5.0 m and 6.0 m with a minimum 1.5 m wide Walkway.
- g. The 1.0 m Setback from the north Lot line shall be Hardsurfaced and incorporated with the east-west Lane.
- h. Bicycle Parking shall be provided in accordance with regulations for Bicycle Facilities in the Zoning Bylaw, and the following:
- i. a minimum of 17 bicycle parking spaces shall be short term spaces;
  - ii. a minimum of 274 bicycle parking spaces shall be long term spaces 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(s) which facilitates easy and efficient transportation of bicycles; and
  - iii. 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).
- i. Storage and waste collection areas shall be screened from view from adjacent Sites or located within the building. 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).

- j. A minimum of two (2) Off-street Loading spaces shall be provided for the Site.

**7. Development Regulations for Landscaping and Lighting**

- a. Notwithstanding Landscaping Regulations of the Zoning Bylaw, Landscaping shall be completed in general conformance with Appendix 3 and shall include on-site and off-site improvements.
- b. The area within the Setback abutting 112 Street NW and 86 Avenue NW, excluding the area adjacent to the Dwellings fronting onto 86 Avenue NW, shall be landscaped with hard surfacing and integrated with the pedestrian oriented public realm to create Public Amenity Space.
- c. The required Landscape Plan submitted with a Development Permit application for new building construction shall be, prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects (AALA).
- d. Landscaping shall use plant materials that provide colour throughout the year to enhance appearance during the winter months.
- e. As part of a Development Permit application for new building construction, a detailed exterior lighting plan shall be provided that demonstrates that decorative and security lighting is designed and finished to a high quality and will be provided to ensure a well-lit environment for pedestrians, and to accentuate architectural elements and public art.

**8. Development Regulations for Building Design and Features**

- a. The Towers shall be finished with high quality and durable materials such as, but not limited to, metal, acrylic stucco and glass. The use of vinyl and masonry stucco is prohibited.
- b. The east Tower shall provide articulation and visual interest through variation of placement, location and physical breaks of balconies.
- c. The west Tower shall provide articulation and visual interest through variation of the location of different exterior building materials and colours.

- d. The exterior architectural expression of each Tower shall be complementary to, but distinct from each other by using alternate Façade forms, fenestration patterns, material ratios and finishing.
- e. The architectural treatment of the podium Facades containing Non-Residential and Non-Residential Related Uses shall strengthen the pedestrian-oriented experience by incorporating:
  - i. façades designed to break the appearance into 15.0 m sections or less using a combination of recesses, projections, change in building materials, colours, and/or a physical breaks in building mass.
  - ii. a minimum of 70% clear, non-reflective glazing on the exterior of the ground floor to promote pedestrian interaction and safety. Proportion of glazing is calculated as a percent of linear meters at 1.5 m above finished Grade;
  - iii. a maximum of 10% of the first Storey glazing covered by Signs. The remainder of the glazing shall remain free from obstruction; and
  - iv. weather protection in the form of a canopy, awning arcade or other architectural element to provide a comfortable environment for pedestrians and may project into required Setbacks.
- f. The podium rooftops to the west of the west Tower and between the two Towers shall provide enhancements to improve rooftop aesthetics to the satisfaction of the Development Officer. Enhancements shall include features such as, but are not limited to, decorative hardscaping, patios, gardens, green roofs or additional Amenity Area.
- g. Buildings may project a maximum of 2.0 m into the Setbacks, above 4.0 m in Height.
- h. All ground oriented Dwellings that face 86 Avenue NW shall provide an individual and private access to ground level that is clearly visible and lends a sense of occupancy to the public roadway using features such as, but not limited to porches, staircases and stoops.

- i. All ground oriented Dwellings that face 86 Avenue NW shall provide a semi-private outdoor Amenity Area in front of each exterior entry that shall be provided in a manner that establishes a transition area between the public roadway, using landscape features such as decorative fencing, change in Grade, shrub beds or rock gardens.
- j. All mechanical and electrical equipment, including surface level venting systems, and transformers, 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.

**9. Public Improvements and Contributions**

- a. A minimum of 10 Dwellings shall be developed as Family Oriented Dwellings by having the following characteristics:
  - i. the Dwelling shall have 3 bedrooms;
  - ii. the lowest Storey of the Dwelling shall be the first Storey of the building;
  - iii. the Dwelling shall have individual and private access to ground level; and
  - iv. the Dwelling shall have direct access to outdoor Amenity Area intended for the private use of the Dwelling that shall be a minimum of 10 m<sup>2</sup> per Dwelling.
- b. As a condition of the 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:
  - i. 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 prior to the start of the construction and once again when construction is complete.

- ii. Improvements to the east-west Lane to the north of the Site to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and City Operations. Such improvements shall include, but are not limited to:
  - A. upgrading the Lane between 111 Street NW and 112 Street NW to a commercial alley standard, with a minimum distance of 45.0 m from 112 Street NW being paved with enhanced paving materials;
  - B. reconstruction of the Lane access to 112 Street NW to be forced right-out only, if deemed necessary; and
  - C. installation of signs and/or pavement markings to facilitate a change to the Lane between 112 Street NW and in the vicinity of the privately owned north-south lane on the east portion of the Site from two-way to one-way westbound, if deemed necessary.
- iii. If required by the Development Officer, installation or upgrading of a pedestrian signal at the intersection of 112 Street NW and 86 Avenue NW. The design of the pedestrian signal shall be determined by the Development Officer in consultation with Subdivision and Development Coordination (Transportation) and City Operations.
- iv. Improvements to the public realm along 112 Street NW directly abutting the Site. These improvements shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services. Such improvements shall include, but are not limited to:
  - A. the removal of existing boulevard trees along 112 Street NW and replacement with a minimum of 3 new trees within enhanced growing mediums;
  - B. continuous decorative surface treatment to extend the pedestrian realm;

- C. quality, durable street furnishings and materials; and
  - D. pedestrian-scaled lighting.
- v. Improvements to the public realm along 86 Avenue NW directly abutting the Site. These improvements shall be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services. Such improvements shall include, but are not limited to:
- A. the removal of existing boulevard trees along 86 Avenue NW and replacement with a minimum of 12 new trees within enhanced growing mediums;
  - B. widening of the concrete sidewalk;
  - C. continuous decorative surface treatment wrapping the corner from 112 Street NW;
  - D. quality, durable street furnishings and materials; and
  - E. pedestrian-scaled lighting.
- vi. Notwithstanding the above, improvements to 86 Avenue NW may be changed in consultation with Subdivision and Development Coordination (Transportation), City Operations and Integrated Infrastructure Services as a result of Building Great Neighbourhoods/Neighbourhood Renewal scheduled for Garneau in 2021/2022:
- A. If Development of this Site precedes the completion of the design phase for Neighbourhood Renewal, the exact design shall be determined through negotiations between the City and the owner/developer, with the owner/developer contributing the funds necessary to bring the improvements from the level planned with Neighbourhood Renewal to a similar standard as shown in Appendix 3.

- B. If Development of this Site does not occur until after the completion of Neighbourhood Renewal, improvements shall be in general conformance with Appendix 3 but shall not impact the improvements completed as part of Neighbourhood Renewal.

## 10. Other Regulations

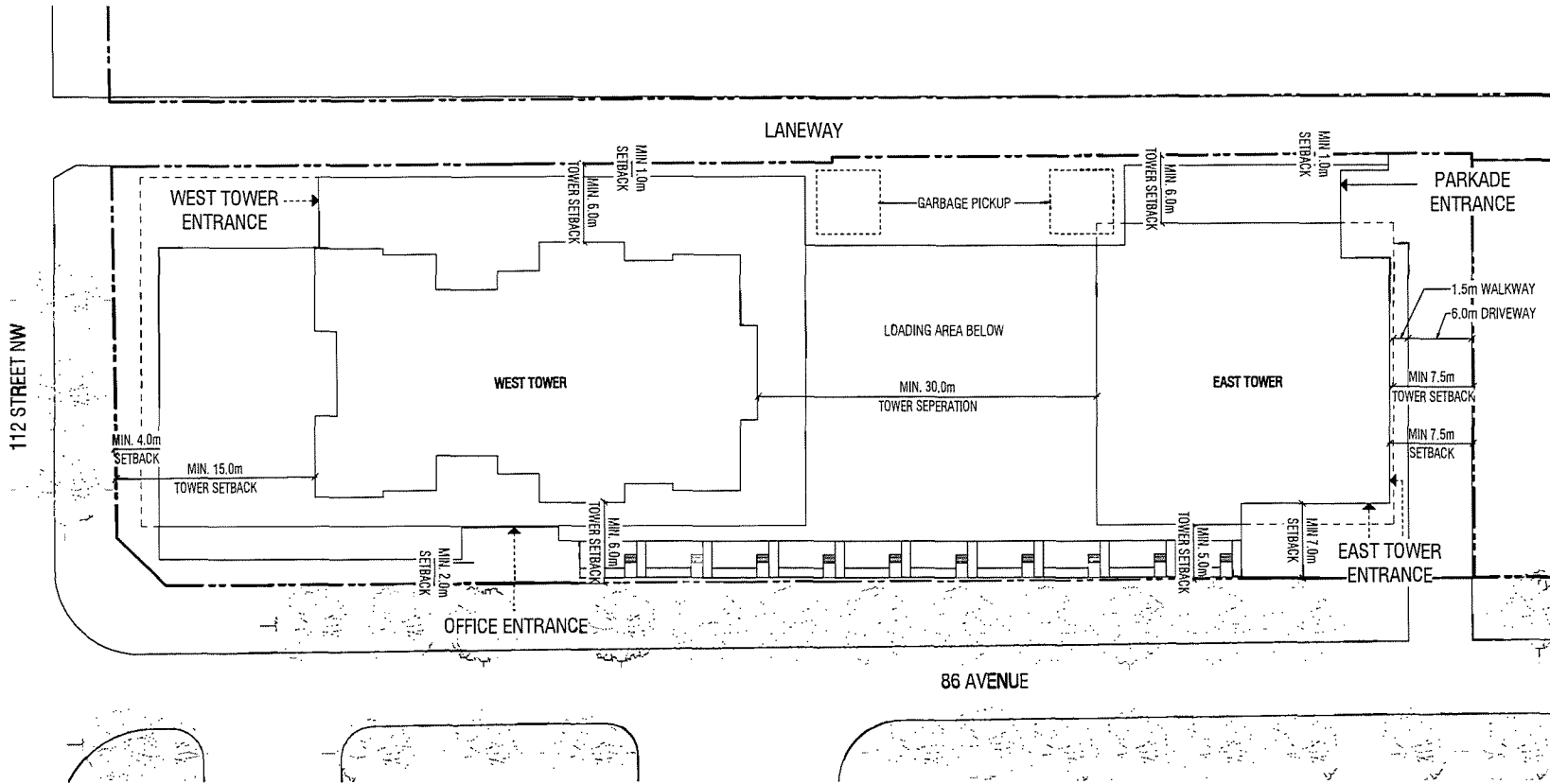
- a. Prior to the issuance of a development permit for:
- i. a building that contains 12 or more Dwelling units; or
  - ii. a building that contains less than 12 Dwelling units, but is part of a Site with 12 or more Dwelling units in total;

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 a Development Permit for any buildings greater than 20.0 m in Height, a Wind Impact Study shall be prepared and submitted. 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. Special attention in the Study shall be given to ensuring the ground level area near the entrance to the east tower and the privately owned north-south lane at the east of the site are properly protected from any adverse impacts.
- c. Prior to the issuance of a Development Permit for construction of a principal building, a Crime Prevention Through Environmental Design (CPTED) Assessment shall be submitted to ensure the development provides a safe urban environment in accordance with the Guidelines for a Safer City (City of Edmonton 1995). The development shall incorporate the recommendations of the

CPTED Assessment into the design, to the satisfaction of the Development Officer.

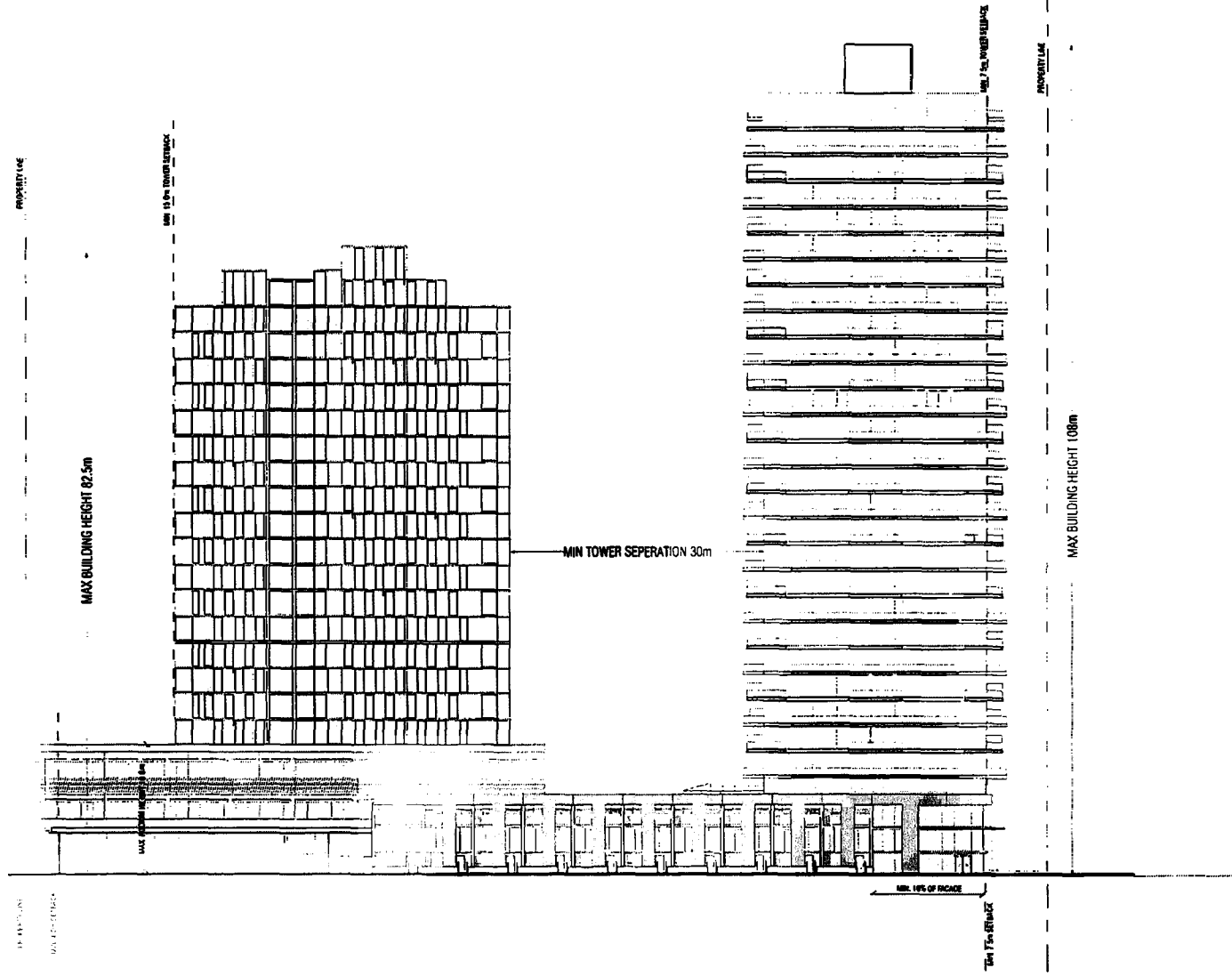
- d. Built form, public realm interfaces, streetscape elements and pedestrian connections shall consider the City of Edmonton's Winter Design Guidelines in their design and implementation. A report outlining how the development responds to these guidelines shall be submitted with each Development Permit for a principal building to the satisfaction of the Development Officer.
- e. Notwithstanding the other Development Regulations of this Provision and the Appendices of this Provision and Section 720.3 (2) of the Zoning Bylaw, in the event that the owner or developer does not obtain a Building Permit and commence construction of a principal building, under valid Development Permits, 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 73.0 m; and
  - ii. The maximum Floor Area Ratio shall be 5.2.



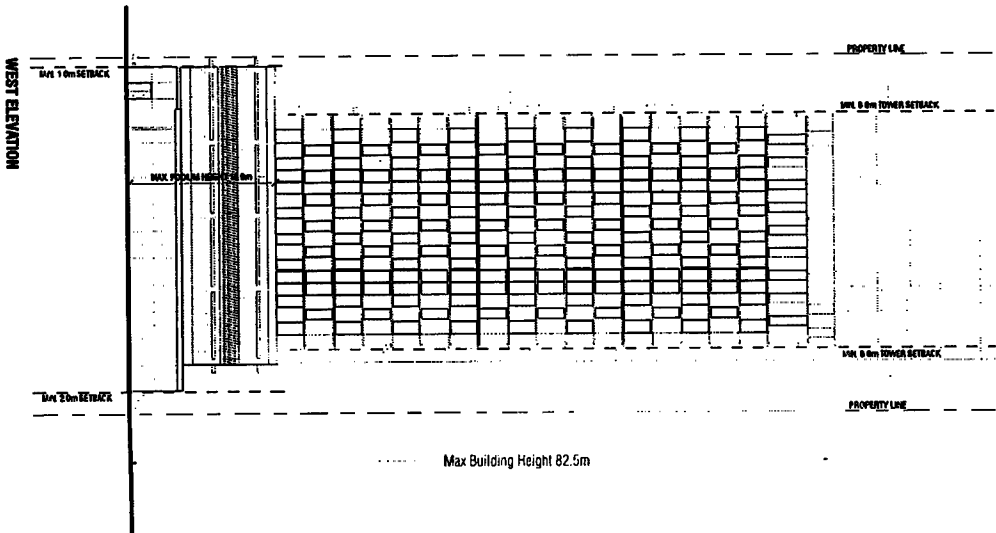
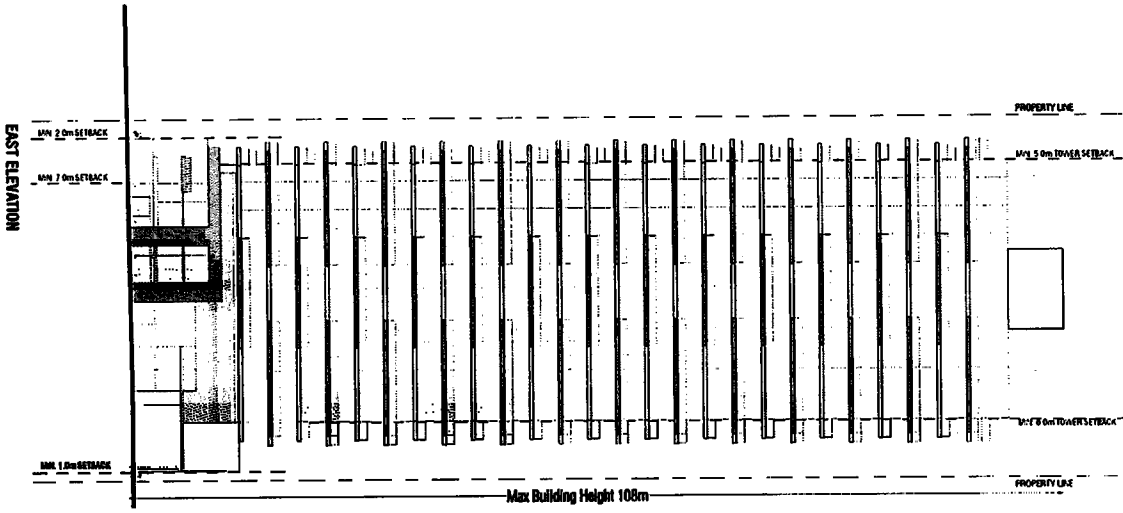
APPENDIX 1 - SITE PLAN

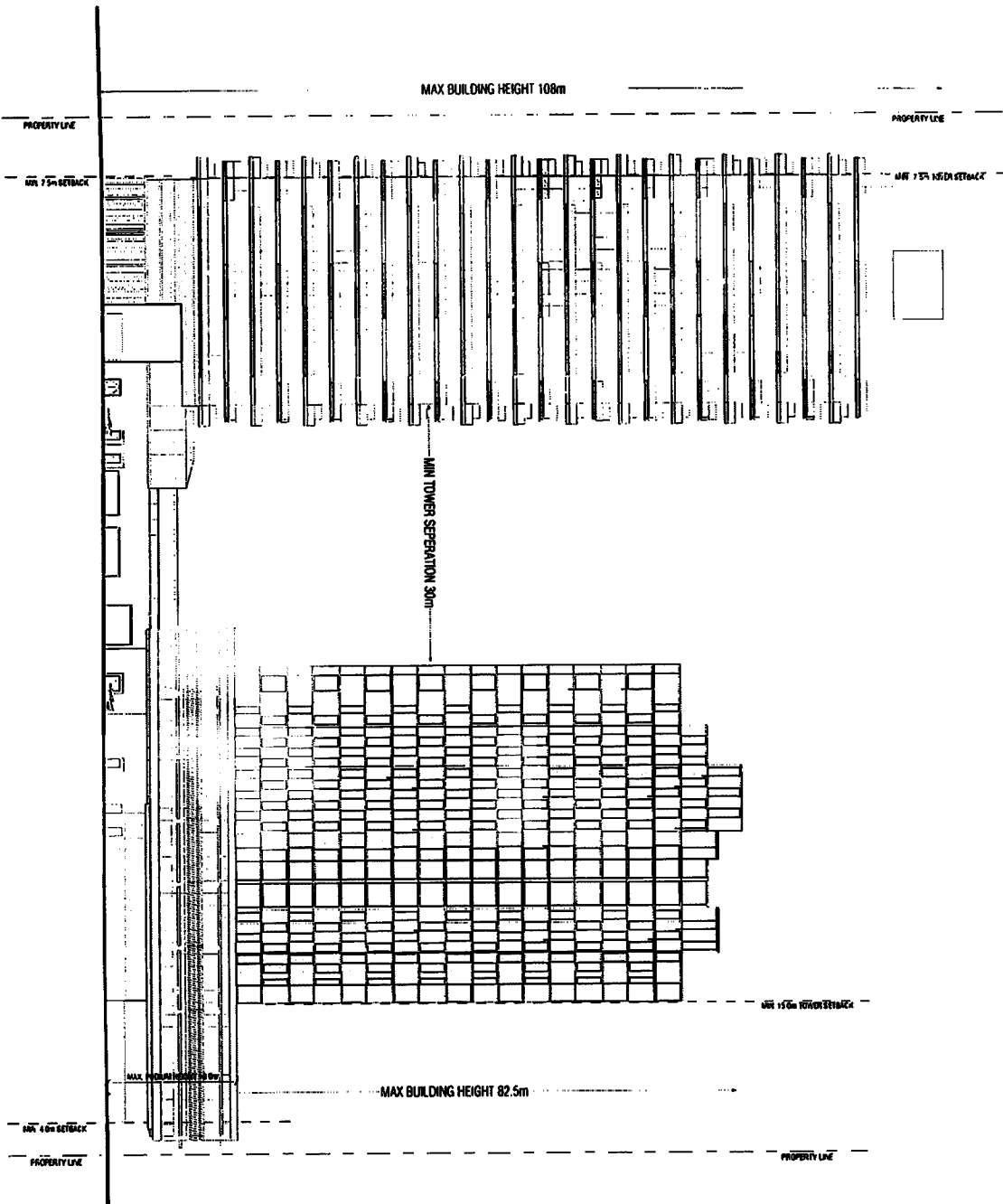
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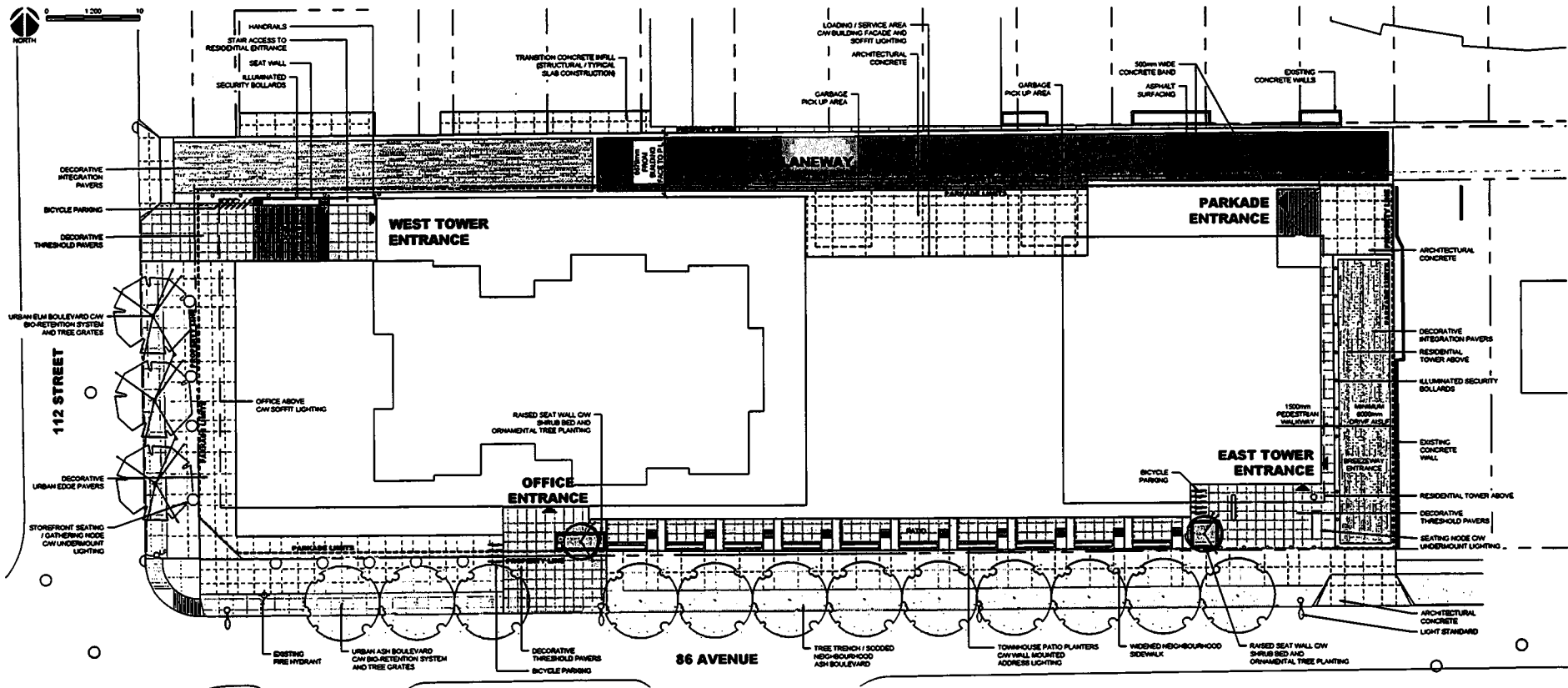
- PROPERTY LINE
- BUILDING EDGE
- - - BUILDING EDGE, PROJECTING
- - - -> PROPOSED ENTRANCE
- - - -> PROPOSED VEHICLE ACCESS



APPENDIX 2 - ELEVATIONS  
PAGE 2 OF 3







APPENDIX 3 - ILLUSTRATIVE LANDSCAPING PLAN

February 22, 2019