

**ATTACHMENT 2  
BYLAW 17658  
BYLAW 17659  
FILE: LDA15-0459  
OLIVER**

**DESCRIPTION:** AMENDMENT TO THE OLIVER AREA REDEVELOPMENT PLAN

ZONING BYLAW AMENDMENT from (DC1) Direct Development Control Provision to (DC2) Site Specific Development; OLIVER

**LOCATION:** Located north of Jasper Avenue NW and east of 114 Street NW

**LEGAL DESCRIPTION:** Lots 115-118, Block 13, Plan NB

**APPLICANT:** Stantec Planning  
10160 – 112 Street NW  
Edmonton, AB, T5K 2L6

**OWNER:** 1844763 Alberta LTD.  
9258 – 34 Avenue NW  
Edmonton, AB, T6E 5P2

**ACCEPTANCE OF APPLICATION:** September 28, 2015

**EXISTING DEVELOPMENT:** Vacant

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**SUSTAINABLE DEVELOPMENT'S RECOMMENDATION:** That Bylaw 17658 to amend the Oliver Area Redevelopment Plan (ARP) be REFUSED.

That Bylaw 17659 to amend the Zoning Bylaw from (DC1) Direct Development Control Zone to (DC2) Site Specific Development Control Provision be REFUSED.

## **DISCUSSION**

### **1. The Application**

This application contains two components.

The first component, Bylaw 17658, proposes to amend the Oliver Area Redevelopment Plan (ARP) to allow a high rise mixed-use development north of Jasper Avenue NW and east of 114 Street NW, within Oliver ARP Sub Area 4. An update to Map 10 Sub Area 4 – Zoning is required to reflect the proposed rezoning application. No policy changes to the ARP are proposed.

The second component, Bylaw 17659, proposes to rezone the subject site from (DC1) Direct Development Control Provision to (DC2) Site Specific Development Control Provision to facilitate the development of a 160 m tall mixed-use tower (approximately 45 storeys). Commercial/retail uses would be located at the street level, residential uses would be located within the tower portion, and the opportunity is provided for above grade parking within the podium base. A maximum of 273 dwelling units and a maximum tower floor plate of 650 m<sup>2</sup> is proposed. The proposal will provide contributions, including but not limited to:

- A minimum of \$150,000 to be directed towards the design and construction of a glass art wall on the south and west façade, to screen the above grade parkade;
- A monetary contribution in the amount \$200,000 to the Oliver Community League for offsite public park enhancements; and
- An opportunity for the City of Edmonton to purchase 5% of the dwelling units at 85% of the list price for the affordable housing program, without the option to provide cash-in-lieu.

Although Sustainable Development supports the development of a high rise mixed-use tower at this location, it is strongly recommended that public contribution elements which are appropriate to the scale of the project be provided and that the DC2 Provision be further refined to ensure a pedestrian oriented development and a sensitive infill that is in character with the residential nature of the area. It is noted that a number of standard regulations applicable to high rise mixed-use development and other requirements recommended in this report have been requested but not incorporated to address the issues identified.

Overall, this application when compared to the existing zone, requests a development that is over four times the height, twice the Floor Area Ratio, twice the density, allows for an 8% reduction in Transit Oriented Development minimum parking requirements and has above grade parking without active frontage. Together, all these factors contribute to a development that is far in excess of comparable projects in terms of providing substantive benefits to the City and the surrounding community.

## **2. Site and Surrounding Area**

The subject site is located at the northeast corner of Jasper Avenue NW and 114 Street NW within the Oliver neighbourhood. The vacant site is 0.29 ha in size and is currently zoned Oliver ARP DC1 (Area 8). Lands along Jasper Avenue, between 112 Street NW and 118 Street NW are developed with surface parking lots and commercial buildings ranging from one storey to three storeys. The areas to the north and south are predominately developed with mid to high rise apartment buildings.

Land to the north, across the rear alley, is zoned (RA9) High Rise Apartment Zone, and contained the Leamington Mansion before it burned down in October 2015. North of this site is a three storey apartment building zoned (RA9) High Rise Apartment Zone.

Land to the northeast, across the rear alley, is developed with a 17 storey high rise apartment building zoned (RA9) High Rise Apartment Zone.

Land to the east, abutting the site, is developed with a one storey retail strip mall within the Oliver ARP DC1 (Area 8) Zone.

Land to the south, across Jasper Avenue NW, is developed with the St. Joseph Basillica Church and a restaurant, and is zoned (US) Urban Services and Oliver ARP DC1 (Area 8) respectively.

Land to the west, across 114 Street NW, is developed with a vacant one storey commercial building, and is zoned Oliver ARP DC1 (Area 8). The 16 storey Hudson House apartment building is north of the vacant commercial building, to the northwest of the subject site.



*View of site from Jasper Avenue looking northwest*

## **ANALYSIS**

### **3. Compliance with Approved Plans and Land Use Compatibility**

#### Edmonton Municipal Development Plan - The Way We Grow

This application is in accordance with The Way We Grow policies including:

- Encourage a minimum of 25 percent of city-wide housing unit growth to locate in the Downtown and mature neighbourhoods and around LRT stations and transit centres where infrastructure capacity supports redevelopment (3.1.1.2);
- Support neighbourhood revitalization, redevelopment and residential infill that contributes to the liveability and adaptability of established neighbourhoods (4.2.1.1);
- Optimize the use of existing infrastructure in established neighbourhoods (4.2.1.6);
- Encourage new buildings adjacent to pedestrian streets to support pedestrian activity by providing visual interest, transparent storefront displays, pedestrian amenities and connections to interior spaces (5.6.1.1); and

This application is not in accordance with the Way We Grow policies including:

- Encourage new development to locate and organize vehicle parking, vehicle access, service areas and utilities to minimize their impact on the property and surrounding properties (5.6.1.2).

*The Administration has encouraged parking be provided underground or be screened with active uses along Jasper Avenue and 114 Street. However, the DC2 proposes to develop above grade parking that utilizes an illuminated coloured glass art wall for floors 2-4 within the podium façade that may provide active frontage of interest, but not with active uses. It is further noted that the DC2 does not require loading, storage and garbage collection area to be located within the building.*

- Require development to fit with the existing and planned neighbourhood context, to respect the scale, form, massing, style and materials of the neighbourhoods and to incorporate other design elements that create a transition between the new development and the existing neighbourhood (5.2.1.1)

*The DC2 proposes a height four times of what is currently allowed and 34% higher than the tallest building (The Pearl at 119 m in height) within the Oliver ARP and is significantly taller than the existing development in the surrounding area.*

- Consider the need for family oriented housing and the infrastructure necessary to support families with children in the preparation of land use plans in established neighbourhoods (4.2.1.10);

*While the Administration encouraged the provision of family oriented housing it is not incorporated into the DC2. Family oriented housing is not a requirement in the proposed DC2 Provision.*

#### Oliver Area Redevelopment Plan

An analysis of the proposed DC2 Provision indicates that it is supportive of the following goals and policies of the ARP:

- To develop the area as the major high density residential core of the City, supporting both of the City's major employment centres, the Downtown and University area (Section 2.0);
- Reinforce the role of Jasper Avenue as a commercial area with an increasing focus as a pedestrian oriented shopping and services commercial area linking 124 Street and Downtown Edmonton (Section 2.0);
- Intensification of residential uses and commercial uses are encouraged and new development is expected to build on the existing character of Oliver;
- Lands immediately adjacent to Jasper Avenue shall be developed for a broad range of general retail, service commercial and business support services, oriented to both local and regional shoppers (Sub Area 4 Land Use Policy 8.5.1.2);
- Design of any redevelopment along Jasper Avenue should include provisions for outdoor seating and assembly, should provide strong visual interest at ground floor levels, and should orient parking and loading to the rear of the building, to be accessed from the rear lane. Development should have articulated facades to heighten visual interest, and avoid long monolithic facades. Intensive use of display windows and doors is encouraged and blank walls are discouraged. Design measures must be included to reduce negative impacts such as noise, light, odours and negative visual elements on the residential area north of the lane. The development of non-accessory parking fronting directly on Jasper Avenue is discouraged. (Sub Area 4 Land Use Policy 8.5.1.3).

It is important to note that while the Oliver ARP, adopted in 1998, establishes land use and urban design policies with regards to transforming Jasper Avenue into a high quality pedestrian oriented commercial street. Other than the Heights established within the current zoning, the limitations of Airport Overlay before the closure of the City Centre Airport, there is no specific direction regarding height within the ARP.

Although the proposed tower meets all applicable policies of the ARP, it is considered out of scale with the existing developments in the surrounding area.

Residential Infill Guidelines (RIG)

A detailed analysis of the DC2 regulations to the Residential Infill Guidelines for High Rise Apartment reveals that the proposed development is located at a site suitable for high rise development and the application meets the majority of the guidelines.

While the proposed DC2 Provision is relatively more attentive to design details of the streetscape at the ground level fronting onto Jasper Avenue and 114 Street, the proposed development does not provide the same level of sensitivity above the ground floor. It is established in the RIG Section G2- Parking that, “above ground parking structures should be fully screened with residential, commercial or community uses to provide for active frontages.” The proposed DC2 Provision will allow for the development of an above grade parking screened with an illuminated glass art wall without active frontage to 114 Street or Jasper Avenue.

Although the proposed Development does not meet the recommended site size of 3 to 5 ha or the recommended height for this location, it is recognized that the RIG as a City-wide document, are general guidelines and needs to be applied flexibly to specific sites. Given that the subject site is located within the inner city area where development, blocks and road patterns are long established, requiring infill site to meet the recommended size is not a suitable approach.

A more thorough analysis of the review against RIG is attached to the back of this report as Attachment 2b.

Land Use Compatibility, Built Form, Transitions and Shadowing

*Podium*

As mentioned earlier in this report, while finer urban and architectural design regulations are incorporated into the DC2 to ensure the development is attractive and pedestrian oriented at the street level, above grade parking in the 2<sup>nd</sup> to 4<sup>th</sup> floors of the podium without active frontage is proposed in the DC2.

The subject site is located on Jasper Avenue, an arterial road and a Transit Avenue, and is the gateway to Downtown from the west. It is a priority of the City of Edmonton, with a streetscape plan underway, to transform Jasper Avenue into a high quality, attractive, and comfortable space for pedestrians, cyclist, automobile and transit. Hence, above grade parking must be properly designed to mitigate any negative impact to the Jasper Avenue Streetscape.

Public art or other high quality screening devices could be utilized to conceal the parking and improve visual interest. An illuminated coloured glass art wall on top of the parkade walls where fronting onto 114 Street and Jasper is proposed to screen the parkade. This screening mechanism is also intended to double as the art contribution of this development.

The coloured glass art wall will provide colour and light throughout all seasons, enliven Jasper Avenue and 114 Street. The glass art wall will wrap around the southeast corner to provide greater visual interest along the east facade (firewall). A minimum \$150,000 shall be directed towards both the design and construction of the glass art wall.

It is recognized the proposed glass art wall has potential to have a profound engagement with the built environment in the area. However, the necessary requirements are not in place to ensure this and there are uncertainties such as:

- Level and type of light to ensure the illumination does not negatively affect the enjoyment of the adjacent residential properties;
- Time and duration of illumination;
- Conservation and maintenance;
- Fabrication and installation;
- Selection of artist and his/her involvement to achieve a proper integration with the architecture;
- The issue of the black band above the first storey as per the conceptual appendices II to V.

Although, location, general medium and the general concept have been established, the actual art design must be established prior to the issuance of the Development Permit.

It is important to note that the design of this art wall has not been reviewed by the Edmonton Design Committee (EDC) nor does the DC2 require the engagement of a professional artist as part of the design team in development of the public art as recommended by the EDC letter dated February 28, 2016. The proposed illuminated coloured glass art wall was added to the proposed DC2 Provision after the advance notification and Public Open House/Meeting. Hence, adjacent property owners also have not had a chance to provide their comment on the proposed illuminated glass art wall.

To create a human scale street wall, it is recommended that the height of the podium of this development be minimum 3 storeys with a maximum of 5 storeys. While the proposed DC2 established a maximum height of 18 m for the podium, a minimum podium height is not provided.

#### *Front Façade at Grade*

The proposed DC2 requires front façade of the building be designed to break the appearance of the façade and consistently sized with other buildings on the shopping street. The maximum separation distance between architectural elements to ensure an appropriate break and rhythm to the street is not established in the proposed DC2 Provision.

#### *Built Form*

The proposed development has elements that are compatible with the existing and planned developments in the area in terms of uses, built form, and the podium mass. However, while the proposed tower is a slim tower with a maximum floor plate of 650 sq. m., the

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overall height of the development, 160 m including the roof mechanical unit, is 4.3 times higher than what is currently allowed on the site and the area along Jasper Avenue between 112 Street NW and 121 Street NW (9 blocks). It is 3.5 times higher than the maximum height allowed for the area to the north which is predominately zoned (RA9) High Rise Apartment Zone, which has a maximum height of 45 m.

The proposed height is significantly higher than the adjacent and other towers within the Oliver neighbourhood.



*Massing model of proposed development looking northeast*





*Massing model of proposed development looking southeast*

Below is the Zoning Comparison chart to provide an overview of the existing and proposed Zoning. The Pearl Tower DC2, which is within the same sub area of the Oliver ARP with construction fully completed, is also included in the table to provide context.

	<b>DC1 (Area 8)</b>	<b>Emerald Tower</b>	<b>The Pearl</b>
	Existing Zone	Proposed DC2	Tallest in Oliver
<b>Area</b>	Oliver Sub Area 4	Oliver Sub Area 4	Oliver Area 4
<b>Site Area</b>	n/a	0.29 ha	0.29 ha
<b>Zoning</b>	n/a	DC2 (proposed)	DC2 825
<b>Max FAR</b>	6.0	12.4	6.5
<b>Max Height</b>	36.6	160 meters	119 meters
<b>Storeys</b>	Approx. 12	Approx. 45	36
<b>Max Podium Height</b>	Podium not required	18 m	12 m
<b>Max Floor Plate</b>	Not specified	650 sq m	670 - 440 sq m
<b>Max # of dwellings</b>	130 (0.29 ha site)	273	160
<b>Density</b>	450 units/ha	941 units/ha	551.7 units/ha
<b>Building Setback</b>	0 m from Jasper 7.5 m from rear p/l	0 m from all direction	0 m from Jasper
<b>Tower Step back</b>	Not applicable as podium/tower design is not required	10 m on the north 30 m on the east 6 m on the south 3 m on the west	Varied
<b>Uses</b>	Mixed-use allowed if Commercial uses provided at grade	Mixed-use Commercial uses at grade	Mixed-use 3 levels of comm. uses
<b>Parkade</b>	Not specified	1 level underground 3 levels above grade	All underground

*Uses*

The DC2 specifies maximum occupants or maximum public space allowed indoor for Bar and Neighbourhood Pub, Restaurant and Specialty Food Services uses, but the number of occupants and the area of exterior patio/deck space is not regulated in the proposed DC2. The overall number of occupants and public space is typically regulated, however the additional exterior patio/deck is seasonal and is not an issue. The opportunity of outdoor patios will enhance the street activity.

*Landscaping*

Although the EDC presentation and Appendix I of the proposed DC2 show an elaborated garden design on the podium roof, the DC2 Provision does not require the space be development as an amenity space. The DC2 also does not require Landscaping Plans be prepared by a registered Landscape Architect.

*Signs*

The DC2 does not provide specific regulations, except for Minor Digital On-premises Signs, to ensure that signage is sensitive to the adjacent properties to the north and west.

*Tower Separation Space*

Tower setbacks of 30 m is provided on the east, 10 m is provided on the north to ensure the development potentials of the lands to the east and to the north, across the rear lane, are not prejudiced and adequate separation could be provide should redevelopment occur on the abutting and adjacent lots. Currently, there are no towers within a 30 m radius of the tower portion of the proposed development.

*Sun Shadow Impact*

A Sun Shadow Study was provided to Sustainable Development to illustrate the sun Shadow impact the proposed development has on the surrounding property. The following observations have been made:

- Kitchener Park will not be affected by the shadow resulting from the proposed development at any time during the Spring Equinox, Summer Solstice and Fall Equinox;
- Property to the north, across the rear lane, will be under shadow between 9:00 am to 3:00 pm during the Spring and Fall Equinoxes. The shadow impact to the property on the north is significant, however, it is recognized that the current zoning allows for a height of 36.6 m that would have similar sun shadow impact on the nearby adjacent properties. The sun shadow created by the additional height will have a limited impact as the sun shadow would pass quickly.
- During the Winter Solstice at 12:30, it is estimated that the shadow resulted from the proposed development will extend to approximately the north property line of Oliver Square;

- During the Winter Solstice, it is anticipated that shadow in the morning and in the evening during the winter months will be more extensive than the mid-day shadow shown in the picture below.



Spring Equinox March 21 at 9:30 am



Spring Equinox March 21 at 3:30 pm



Fall Equinox September 21 at 9:30 am



Fall Equinox September 21 at 3:30 pm



*Winter Solstice December 21 at 12:30 pm*

#### **4. Contributions**

The DC2 Provision proposes to provide the following Public Contributions:

1. Illuminated glass art wall as art contribution and screening mechanism of the above grade parking;
2. A minimum of \$150,000 towards the design and construction of the glass art wall;
3. Sustainable design practices consistent with the High Density Multi Unit Building (HD) Standards under the Built Green Canada Sustainability Program;
4. Sidewalk improvements along Jasper Avenue NW and 114 Street NW;
5. A monetary contribution in the amount of \$200,000 to the Oliver Community League for an offsite amenity; and
6. The option for City of Edmonton to purchase 5% of the dwelling units at 85% of the list price.

Given the significant increase in height, density, FAR and the request for an above grade parkade without active frontage, the public contribution proposed is weak when compared to nearby or other approved high density mixed-use projects. Attachment 2c – Public Contribution Comparison Chart provides a summary of public contributions provided, or to be provided by those projects.

## **5. Parking Loading and Vehicular Access**

Urban Transportation of Sustainable Development reviewed and supports the finding in the Traffic and Parking Impact Assessment submitted in support of the proposed Oliver ARP amendment and rezoning application. The report concludes that the existing roadway network can accommodate the peak hour traffic activity anticipated to be generated by the proposed development at acceptable levels of service. The report also recognizes that the proposed development is located within a high density mixed-use area with good access to transit. These aspects, combined with limited on-site parking supply, are expected to result in the higher use of alternative transportation modes and reduce the vehicular demand on the roadway network. Urban Transportation supports this application.

Accesses of the above grade parking and the underground parking of the proposed development will be from the abutting alley to the north of the site in accordance with the Oliver ARP and Residential Infill Guidelines.

The findings of the Traffic and Parking Impact Assessment Report provided is base on the assumption that the proposed development contains 1486.4 sq. m. (16,000 sq. ft.) of retail space, 1114.8 sq. m. (12,000 sq. ft.) of office spaces, and all dwellings are two bedroom units. The TOD minimum parking requirement (1.5 stall for each 2 bedroom units) for apartment housing and the standard parking requirment for General Retail and office use are used in the Parking Impact Assessment (PIA) to determine the parking requirement. Base on the parking rate proposed, a total of 387 vehicular parking stalls are required for the proposed development. The DC2 Provisions proposes a minimum of 313 (an 8% variance) vehicular parking spaces be provided for all uses. A Parking Impact Assessment is required at the Development Permit stage to determine the exact number of vehicular parking for each use when more information is available regarding unit types and use classes of the commercial units.

Given the site is located along a Transit Avenue, it is recommended that a maxium parking requirements shall apply and estalished in the proposed DC2 Provision to ensure a consistent approach as other Transit Oriented Developments.

The DC2 Provision proposes to provide 299 bicycle parking space on site, exceeding the the bicycle parking requirements in the Zoning Bylaw. A bicycle storage room is provided at the northeast corner of the proposed development at the ground level immediately north of the main entrance of the residential use.

A reduction to the on-site loading space requirement from 3 to 1 space is proposed. The variance is supported by Urban Transportation and Engineering.

**6. Edmonton Design Committee (EDC)**

The proposed DC2 was presented to Edmonton Design Committee on February 16, 2016, and received a recommendation of non-support with the advice that the following items require appropriate attention:

1. Public contribution elements which are appropriate to the scale of the project rezoning. This could include public art, streetscaping, monetary contributions to the community, and/or sustainability initiatives;
2. The engagement of a professional artist as part of the design team in development of the public art;
3. Specific tower top regulations that address the design as shown in the appendices;
4. The southeast podium façade should wrap the corner to provide greater visual interest along the blank wall; and
5. Appropriate design regulations that address the Winter City Guidelines. Provide additional detail regulation on winter city design above and beyond what has been previously noted in the DC2 text, such as material, colour and lighting.

Edmonton Design Committee also finds it unacceptable to have above grade parking to the front façade along Jasper Avenue and strongly recommends that the podium street façade shall be animated by incorporating residential and/or commercial units.

The applicant has since revised the DC2 to address concerns expressed by EDC, Planning Coordination, the Oliver Community League and the general public. Changes include:

- Increasing the monetary contribution to the community from \$50,000 to \$200,000;
- Incorporating regulations to require Tower Top floor plate(s) to be a minimum 10% smaller in size or use other techniques to create (physical or visual) articulation, visual interest and reduce massing effect; and
- Providing an illuminated glass art wall that fronts onto Jasper Avenue, 114 Street and wraps the southeast podium façade to provide greater visual interest along the to address the Winter City Guidelines;

Please note that EDC's comments listed above are based on a version of the DC2 that does not include the illuminated glass art wall. The applicant was advised to return to EDC for review. Instead, the applicant opted not to return to EDC and asked that the application be forwarded to Council for consideration.

It is noted that in the event the rezoning is approved by City Council, the proposed development is required to go back to EDC for final presentation prior to issuance of Development Permit.

## **7. Environmental Review**

A Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment were submitted and reviewed for this application. All potential environmental concerns or considerations have been adequately addressed and there is a regulation within the text of the DC2 Provision that will require additional review to take place if required by the Development Officer when considering a Development Permit application.

## **8. Civic Departments and Utility Agencies**

Drainage Planning and Engineering of Growth and Land Development supports the application and advises of the following requirements:

1. Sanitary servicing is required to the proposed zoning area through new services connections to the existing combined sewer. All unused existing sewer services must be abandoned upon redevelopment of the site;
2. Storm sewer servicing is required, at the owner's cost, by connecting to the existing storm sewer within 114 Street; and
3. Onsite stormwater management requirements which include a controlled outflow rate to the City's sewer system and storage provisions within the property to accommodate the excess runoff up to the most critical design rainfall event as described in the Storm and Sanitary Servicing Feasibility Study submitted by the applicant.

These requirements will be addressed at the servicing agreement stage.

EPCOR Water supports the application and advises the following:

- The existing water services entering the site are not of sufficient size to service the planned development, and must be abandoned back to the water main prior to any on-site excavation. The applicant must submit engineering and servicing plans detailing new service connection and abandonment as appropriate to EPCOR for review; and
- There is a deficiency in on-street hydrant spacing adjacent to the property. The owner must construct one on-street fire hydrant on Jasper Avenue.

No other Civic Department or utility agencies expressed concerns with regards to the proposed application.

## **9. Surrounding Property Owners' Concerns**

An advance notification was sent to the surrounding property owners and the Oliver Community League on October 26, 2016. In response to the advance notification, Sustainable Development received 6 responses from the public. One respondent supports the application, five expressed non-support. Comments included:

- Supportive of a mixed-use building that has both retail/business and residential space;

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- The increases to the proposed height of this development from 40 storeys (pre-application notification) to 154 metres/approximately 45 storeys (advance notification), and then to 160 metres;
- The proposed building is too tall, and is completely out of scale with any other buildings in the area. Slim tower(s) in the range of 20 stories are more in character with the area;
- The above grade parking will be hiding behind a dead façade along a major artery of the City. Other recently approved or constructed high rises are able to put all parking underground and be financially successful;
- The city has not addressed the infrastructure to handle the increased traffic that will result from the many recently approved high rises in the area;
- There are already vacant rentals and sales, both residential and commercial, in the Downtown and Oliver neighbourhood that have been empty for months or years. There is no need to have another 40+ storey building.

On March 3, 2016, Sustainable Development held a Public Open House/Meeting regarding this application. During the open house component of the event, attendees were able to view display boards with project information and ask questions of City Staff, the applicant and the architect. Feedback forms were available to provide comments. This meeting was attended by 42 members of the general public, with 11 people providing written comments in addition to the small group discussions. Comments collected from small group discussion facilitated by City staff and the comment sheets are summarized in Attachment 2d of this report, titled Public Open House/Meeting – What We Have Heard Report.

A written comment from the Oliver Community League was submitted to Sustainable Development on May 9, 2016. The letter states that “The OCL (Oliver Community League) wishes to make clear that it is not opposed to a tower development on the Site. However, the OCL opposes the Emerald Tower proposal in its current form. Nonetheless, the OCL is confident that if the Developer’s application is altered to provide more overall community benefits, that all stakeholders can achieve the twin goals of a profitable development that also improves downtown Edmonton.”

The Oliver Community League written response to the proposed development is attached to this report as Attachment 2e.



## **JUSTIFICATION**

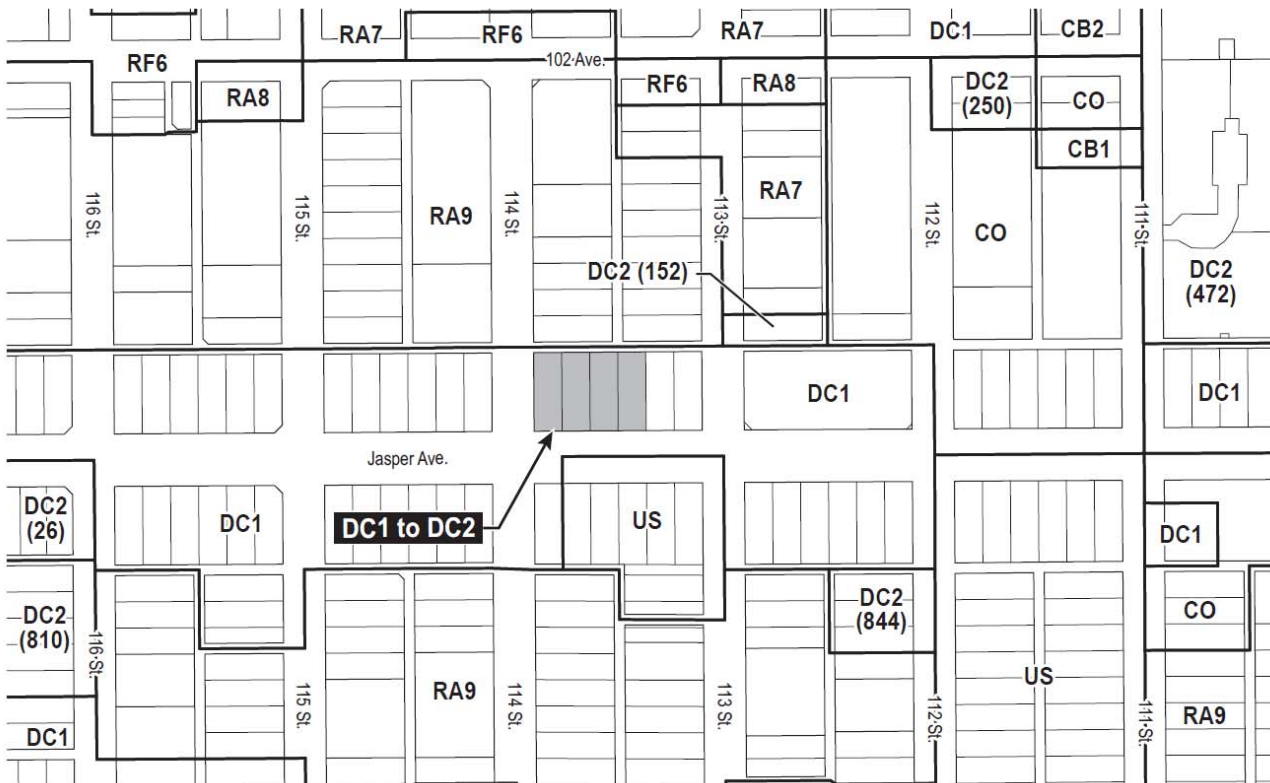
Sustainable Development recommends that Bylaw 17658 to amend the Oliver Area Redevelopment Plan be REFUSED and that Bylaw 17659 to amend the Zoning Bylaw from (DC1) Direct Development Control Provision to (DC2) Site Specific Development Control Provision be REFUSED on the basis that:

- the podium frontage on 2<sup>nd</sup> to 4<sup>th</sup> floor that face onto Jasper Avenue and 114 Street do not provide an active frontage;
- the DC2 Provision does not contain development regulations to ensure the illuminated podium façade is sensitive and in character to surrounding development in the area;
- the public contributions are inadequate for the size and scale proposed;
- the propose DC2 Provision is not supported by the Edmonton Design Committee and the Oliver Community League;
- and that the DC2 is not refined to an acceptable level.

## **ATTACHMENTS**

- 2a Maps
- 2b Residential Infill Guidelines Review
- 2c Public Contribution Comparison Chart for High Rise Mixed-use Development with Direct Control Zones (Central Area)
- 2d Public Open House/Meeting - What We Have Heard Report
- 2e Oliver Community League Letter/Comments

Written by: Carman Yeung  
Approved by: Tim Ford  
Sustainable Development  
June 13, 2016



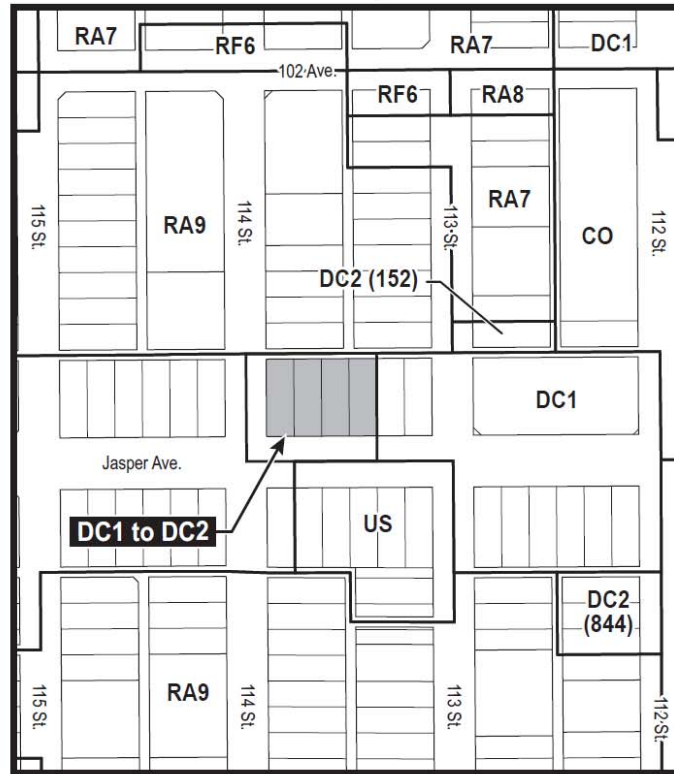
## SURROUNDING LAND USE ZONES



FILE: LDA15-0459  
DATE: June 13, 2016  
BYLAW 17659

**OLIVER, BYLAW 17659**

Location: 11350 Jasper Avenue NW



Proposed Rezoning from

**DC1 to DC2**

The purpose of proposed Bylaw 17659 is to change the Zoning Bylaw from (DC1) direct development control provision to (DC2) site specific development control provision, Lots 115 – 118, Block 13, Plan NB, as shown on the attached sketch. This zone provides the opportunity for a high rise mixed-use building up to 160 m high (approximately 45 storeys). The proposed building will provide retail and commercial uses at the street level, above grade parking within the podium base and residential uses within the tower portion. A maximum of 273 dwellings, a Floor Area Ratio of 12.4, and a maximum Floor Plate of 650 square meter is proposed. An associated Oliver Area Redevelopment Plan amendment, Bylaw 17658, is proceeding to Council concurrently with this bylaw. Sustainable Development does not support this proposed bylaw.

**PROPOSED REZONING**

FILE: LDA15-0459

DATE: June 13, 2016

## Residential Infill Guidelines Review

Residential Infill Guidelines	Proposed DC2 Provisions
<b>Location</b>	
High Rise Residential Buildings may be further defined through an Area Redevelopment Plan, Transit Oriented Development (TOD) Plan, or Site Vision and Context Plan	The purpose of the existing zone, which is part of the ARP and applies to the area along Jasper Avenue between 112 and 120 Streets NW, allows High Rise mixed use development
High Rise apartments should have direct access to an arterial or collector road or a road with the demonstrated capacity to accommodate the development without undue impact on adjacent areas	Subject site located on Jasper Ave, an arterial road The proposed development met all technical requirements of affected Civic Departments and utility agencies
<b>Parking</b>	
All parking should be accessed from the adjacent lane	Vehicular accesses to the underground and above grade parking are via the rear alley
Residential parking should be provided on site in either underground or above ground parking structures	Parking is contained within the proposed tower both underground and above ground
Above ground parking structures should be fully screened with residential, commercial, or community uses to provide for active frontages.	Not met
Any surface visitor parking areas provided for High Rise buildings should : <ul style="list-style-type: none"> <li>a. Be developed at the side or rear of the building</li> <li>b. Be separated from residential units by landscaped buffers;</li> <li>c. Be clustered into smaller parking lots and divided with landscaping (including trees); and</li> <li>d. Not impact the street or outdoor amenity areas;</li> </ul>	The proposed building will be built to all four property lines, should a visitor parking area be proposed at grade, it will be contained within the site and accessed via alley at the rear of the building with no impact to the public roads
The City should consider the relaxation of parking requirements for High Rise buildings	A parking impact assessment has been provided to justify the reduction in parking and has been approved by Transportation Planning and Engineering
<b>Built Form + Design</b>	
The maximum height of High Rise buildings on specific sites should be determined using the Large Site Infill Guidelines.	Given that the subject site is located within the inner city area where development, blocks and road patterns are long established, requiring infill site to meet the recommended size is not a suitable approach.
Storey above the 3 <sup>rd</sup> floor should be stepped back and aesthetically be of a secondary character to the main base form	No stepback is provided at the 4 <sup>th</sup> floor of the podium
High Rise residential towers should be designed : <ul style="list-style-type: none"> <li>a. As slender point towers with small floorplates to protect views and maximize access to sunlight for surrounding development;</li> <li>b. With significant shaping to break down the scale of the tower;</li> <li>c. With a distinctive expression of a base, middle, and top to better respond to the context of views to and from the tower; and</li> </ul> With floorplates generally no larger than 750 sq. m gross.	<ul style="list-style-type: none"> <li>a. Proposed tower floorplate is 650 sq. m.</li> <li>b. Addressed in Section 5.2 – Built Form. Tower is required to provide articulation, visual interest and visual interest through sculpting, variation of material, colour or other means.</li> <li>c. Address in Section 5.2.a</li> <li>d. Proposed tower floorplate is 650 sq. m.</li> </ul>
High Rise residential towers should be constructed on a podium base that creates a human scale street wall: <ul style="list-style-type: none"> <li>a. Typically, the podium should be minimum height of 3 storeys, with a maximum height of 4 storeys;</li> </ul>	<p>The proposed development is a tower on podium design.</p> <ul style="list-style-type: none"> <li>a. Proposed podium base is 4 storey high;</li> <li>b. No stepback is provided above the floor of the podium</li> </ul>

<ul style="list-style-type: none"> <li>b. Storey above the 3<sup>rd</sup> floor should be stepped back and aesthetically be of a secondary character to the main base form;</li> <li>c. The podium façade should be divided into segments and articulated to support a walkable environment and reduce the building mass; and</li> <li>d. The mass of the tower should be stepped back above the base podium by at least 3 metres.</li> </ul>	<ul style="list-style-type: none"> <li>c. Section 5.4.f requires front façade at the street level to be designed to provide strong visual interest and avoid long monolithic facades.</li> <li>d. Minimum tower stepback is as follow: <ul style="list-style-type: none"> <li>• 10 m from north podium façade</li> <li>• 30 m from east podium façade</li> <li>• 6 m from south podium façade</li> </ul> </li> </ul> <p>3 m from west podium facade</p>
A sun/shadow analysis should be prepared, including analyses of shade impacts for the spring and fall Equinoxes and the winter Soltice.	A sun/shadow analysis is provided in support of the rezoning application and will be required at the Development Permit stage.
The building should front a street.	The proposed building fronts onto Jasper Avenue and 114 Street.
All ground level units with street frontage should have an individual entrance that fronts onto the street and private outdoor amenity space; all other units should be accessed through an entrance hall fronting onto a street.	Addressed through Section 5.1. d and e.
<p>Retail/commercial uses should be developed on the ground floor of buildings which:</p> <ul style="list-style-type: none"> <li>a. Front onto a commercial/shopping street; or</li> <li>b. Provide for retails uses in the context of a comprehensive planned development</li> </ul>	This portion of Jasper Avenue is identified as a commercial/shopping street in the Oliver ARP. Retail/commercial units are proposed on the ground floor of the proposed building.
<p>High Rise residential towers should be separated from each other by:</p> <ul style="list-style-type: none"> <li>a. a minimum of 30 metres if they are offset on the site such that one tower does not directly face the other; or,</li> <li>b. a minimum of 35 metres if they face directly on to each other.</li> </ul>	There are no residential towers located within 30 metres of the tower portion of the proposed development.
The width of a High Rise residential tower should not exceed 36 metres.	All four tower faces of the proposed building are under 36 metres in width
<b>Site Design and Streetscape</b>	
Upgrading of the adjacent public sidewalks and boulevard area may be a requirement of development approval if warranted by the existing conditions.	Sec 6.1.a.i and 6.1.b requires construction of sidewalk and off-site improvements to the public realm along Jasper Avenue and 114 Street.
<p>The site design should, in concert with the design of the building;</p> <ul style="list-style-type: none"> <li>a. Contribute to optimizing sunlight on adjacent properties and no common outdoor amenity areas; and</li> <li>b. Maintain the privacy of adjacent homes through the use of fencing, screening, and landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>a. A slim tower design is proposed to ensure shadow impact is minimized. According to the Sun/shadow study submitted, Kitchener Park will not be affected by the shadow during the Spring and Fall Equinoxes and the Summer Solstice.</li> <li>b. No residential building is within 35 m of the proposed tower.</li> </ul>
<p>Common, outdoor amenity space should be provided on site:</p> <ul style="list-style-type: none"> <li>a. to accommodate the recreational and social needs of residents, including families with children when family units are proposed; and</li> <li>b. At a location where there is surveillance, sunlight and weather protection.</li> </ul>	<ul style="list-style-type: none"> <li>a. A roof top garden is being proposed to provide common outdoor amenity space for the residents.</li> <li>b. Design details of the roof top garden will be addressed a the Development Permit stage.</li> </ul>

## ATTACHMENT 2c

**Public Contribution Comparison Chart for High Rise Mixed-use Development with Direct Control Zones (Central Area)**

	<b>The Pearl</b>	<b>The Hendrix</b>	<b>The MacLaren</b>	<b>Mezzo*</b>	<b>The Emerald</b>
<b>Approval (REZ)</b>	2013	2014	2015	2016	2016
<b>Built form</b>					
<b>Height</b>	119 m (↑ 82.4 m)	100 m (↑ 86 m)	85 m (↑ 73 m)	55 m (↑ 40.5 m)	160 m (↑ 123.4 m)
<b>FAR</b>	6.5 (↑ 0.5)	6.7 (↑ 5.2)	9.5 (↑ 7.5)	8.0 (↑ 4.5)	12.4 (↑ 6.4)
<b>Dwellings</b>	160 (↑ 30)	260 (↑ 226)	240 (n/a)	209 (n/a)	273 (↑ 143)
<b>Parking</b>	Underground	Underground	Underground	Underground	Underground and above grade
<b>Housing</b>					
<b>Family Oriented Housing</b>	Not required	Min. of 4 three bedroom units	Not required	Not required	Not required
<b>Affordable Housing</b>	Opportunity for the City to purchase 5% of the unit at 85% of market value with the option to provide Cash-in-lieu	Not required	Not required	Owner to sign an agreement with an affordable housing organization to provide 10% of the units as affordable housing	Opportunity for the City to purchase 5% of the unit at 85% of market value Without the option to provide Cash-in-lieu
<b>Contributions</b>					
<b>Heritage Conservation</b>	Not applicable	Preservation of the John T. Ross Residence	Dismantling and reassembly of 3 façades of the Buena Vista Building	Not required	Not Applicable
<b>Quasi-public Amenity Space</b>	Publicly accessible garden with 24/7 access from Jasper Ave to 100 Ave connecting to Victoria Promenade	Publicly accessible quasi-public park with seating and landscaping (min. 120 sq. m)	Publicly accessible quasi-public park with seating and landscaping (min. 80 sq. m)	None	None proposed. A monetary contribution in the amount of \$200,000 will be provided for an off-site amenity for public park enhancements
<b>Art Contribution</b>	\$6.95/sq m of Gross Floor Area with a maximum of \$131,000 selected by a juried art procurement process administered by Edmonton Art Council	A minimum value of \$175,000. Edmonton Art Council shall oversee the Public Art Program	Restoration of the historic Ghost Sign on the south façade of the Buena Vista building	\$6.95/sq m of Gross Floor Area with a maximum of \$105,000 selected through an art procurement process administered by the owner	A minimum of \$150,000 shall be directed towards the design and construction of the illuminated glass art wall that screens the above grade parking which double as the art contribution
<b>Sustainability Target</b>	LEED Silver	LEED Silver	Elaborated list tailored to the development	LEED Silver	Build Green Canada (High Density Multi Unit Bldg)
<b>Public Realm Improvement</b>	Future improvements to 119 St. and Jasper Ave. intersection	Upgrade rear lane to commercial standard	1.5 m building setback from 124 St. to provide a comfortable	Upgrade lane to commercial standard and improvement to 81 Ave. including planting blvd trees and enhanced paving material	Improvement to 114 St. and Jasper Ave. including tree grate, pedestrian lighting, and paving treatment

\* Given that the Mezzo project contributions are referenced in the Oliver Community League letter, it has been included in the comparison chart to provide a comprehensive view of the contributions provided.

↑ This arrow represents the increase from the original zone.



## WHAT WE HEARD REPORT

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**PROJECT:** Proposed Plan Amendment and rezoning from DC1 to DC2 to allow mixed use tower at 11350 Jasper Avenue NW

**EVENT TYPE:** Open house with presentations and small group discussion

**DATE:** Thursday March 3, 2016

**NUMBER OF ATTENDEES:** 42

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### ABOUT THIS REPORT

The information in this report is split into two parts: feedback from notes taken during the small group table discussions, and comments written by attendees on feedback forms. This report is shared with all attendees who provided their email address during the event on March 3rd. This summary will also be shared with the applicant and the Ward Councillor. If/when the proposed plan amendment and rezoning advances to Public Hearing these comments will be summarized in the Report to Council.

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### SMALL GROUP TABLE DISCUSSIONS

The City of Edmonton file planner, Carman Yeung, and a representative from the applicant, Simon O'Byrne, presented the project details. After the presentations, attendees discussed the opportunities and constraints of the proposed rezoning in small groups. Following these conversations a facilitator asked each table to share with the group the key points of their discussion. Below is a summary of those conversations organized around the main themes that emerged.

What opportunities does this project present?

- Mixed use is a positive attribute of the project and having commercial services available is good for the neighbourhood
- Community contributions provided with the development could be a benefit
- Having more people living along Jasper will support re-development of the Jasper streetscape and add to the vitality and life of the neighbourhood
- Great to see bike parking provided

What challenges does this project present?

1. Size:

- The building stands out in the neighbourhood, it may set a precedent for even taller buildings that are out of character with surrounding development
- There are negative sun-shadow impacts and it blocks views for surrounding buildings
- The Residential Infill Guidelines should be respected

## 2. Parking

- May lose residential parking spots in the neighbourhood
- Visitor parking is an issue
- Parking should not be at/above grade - there will not be eyes on the street

## 3. Construction

- The building should have some kind of green certification and be built sustainably
- There may be issues with traffic and access with this type of development
- Concern that the construction will take a long time and negatively impact surrounding developments
- Is there sewer and water capacity for this development?
- How will the construction tie in with the streetscape/road improvements to Jasper Avenue?

## 4. Type of Housing

- Not sure that there is actually a market for this many new units
- Would like to see housing be family friendly
- Concern that units will not be affordable

## 5. Community Contributions

- Any contributions should be used to directly benefit of the Oliver neighbourhood
- The community contributions being provided do not seem sufficient for the increase in density and height that the applicant is asking for with the DC2 Zone

## 6. Commercial

- Concerned about sufficient parking for the commercial
- Would like to see local shops rather than chain stores - concern about what types of businesses will open

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## OPEN HOUSE

During the open house component of the event, attendees were able to view display boards with project information and ask questions of City Staff, the applicant and the architect. Feedback forms were available to provide comments. We received 11 forms with written comments. They are summarized below by main theme.

### Location/Density

- Proposed development is significantly larger than any other developments in the area and is out of proportion with the neighbourhood
- It has not been demonstrated that this development is meeting a demand



- The massing of the tower should be reduced and there should be more setbacks between the base and the top
- The Sun-Shadow study indicates significant negative impacts on adjacent properties
- It is a good floorplate size
- It is a good amount of density and height for the location
- This development is an asset for Jasper Avenue
- Downtown is the right location for towers and the more people living downtown the better it will be for supporting the community

#### Streetscape and Building Design

- Would prefer wider sidewalks and a larger setback from the street
- It is important that the ground floor interact well with the street and the facade should be broken up with recesses and projections
- A 0 m setback is appropriate for the urban context, but it may cause problems for the rear lane
- Transparent glazing is very important along Jasper Avenue and 114 Street and a canopy along these streets is encouraged
- Important to use natural building materials (stone, brick, wood) more in character with the neighbourhood, rather than concrete, steel and glass
- Would like to see better articulation of the tower

#### Units

- 3 bedroom units should be limited because they are very expensive in Oliver and are cost prohibitive for families
- Encourage family friendly units

#### Commercial

- Like the small bay retail provided at grade as it provides more opportunity for unique businesses to serve the area
- Concerned about the commercial use classes that will be allowed. Do not want to see all healthcare offices, banks or government offices because those businesses will only be open for limited hours during the day and will not contribute to a vibrant street life.
- Do not want to see bars included. Interested in more retail uses.
- Commercial units should allow for local businesses

#### Parking and Traffic

- Parking above grade is good as it will keep costs down
- Like the proposal to hide the parking within the podium at grade. Need to ensure high quality concealment of the parking
- Concerned about above grade parking in this location
- Parking is already in issue in this area due to restaurants and people working downtown
- Will car sharing be part of the parking? Alternative transportation opportunities should be further considered in the development
- Happy to see a high number of bike parking spots provided, but want to ensure it is secure

- Concerned about increased traffic, particularly since City Council wants to widen sidewalks along Jasper Avenue

#### Community contributions

- Any public amenities provided should be directly applied to the Oliver community
- The City should ask for affordable housing units in exchange for the increased density
- Contributions seem minimal compared to the increase in density being asked for and contributions are too vague
- Why is there no public park or other community amenity being provided?
- Could daycare be provided in the building?
- It is good to see public art being provided

#### Construction

- Concerned about street closures during construction and cutting off pedestrian access
  - Foundations of older buildings have been negatively impacted in the past from development. Need to ensure adjacent structures are protected during construction
  - Concerned about how this development will coordinate with re-development of Jasper Avenue
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- 

If you have questions about this application please contact:

Carman Yeung, Planner

780-496-6213

carman.yeung@edmonton.ca



May 9, 2016

**RE: Regency Developments' (the "Developer") Application (#180002958-002) ("the Application") to amend Zoning Bylaw 12800 from DC1 to DC2 for Lots 115-118, Block 13, Plan B; 11350 Jasper Avenue NW (the "Site") to build the Emerald Tower.**

For the reasons below, the OCL opposes the Emerald Tower Application in its current form.

The Oliver Community League ("OCL") supports working with developers, designers, municipal officials and city council, its membership, and all Edmontonians to create positive downtown area developments. The OCL wishes to make clear that it is not opposed to a tower redevelopment on the Site. However, the OCL opposes the Emerald Tower proposal in its current form. Nonetheless, the OCL is confident that if the Developer's application is altered to provide more overall community benefits, that all stakeholders can achieve the twin goals of a profitable development that also improves downtown Edmonton.

The OCL met with an employee of Regency Developments' and its agent Stantec on August 10, 2015 and January 11, 2016 to discuss the Emerald Tower development application. Stantec has been cooperative in meeting with OCL and showed a willingness to answer all questions posed by the OCL Civics Committee.

**1. The OCL opposes the current Application based on the following:**

**A. A one-time \$200,000 "community" payment is insufficient when compared to the cost of an actual community amenity on the Site**

While OCL appreciates the Developer's one-time payment \$200,000 offer to the Oliver Community League, this is insufficient considering the scale and density of the Emerald and the Site itself. Oliver is Edmonton's most densely populated community. It also is exceptionally underserved for its population concerning amenity spaces such as parks and recreational facilities. The Tower proposes an additional 273 residential units (or 350+ people), which will add even more demand on scarce community amenity space. Importantly, the cost of the land on the Site to



set aside even a very small community amenity (as is required to rezone the property from DC1 to DC2) far exceeds \$200,000.

As a point of reference for the cost of public amenities, OCL's new playground equipment in Kitchener Park cost over \$300,000 to construct. OCL notes that irrespective of their location, new suburban development proposals in Edmonton containing 273 housing units would be required to commit much more than \$200,000 in public community amenities. Based on this, OCL proposes that the Developer provide the community amenity space as is required, and if this proves impossible, that the Developer provide a one-time payment as suggested in the total amount that the real-estate, improvement, and amenities would cost to provide on the Site. The OCL remains committed to discussing this issue with all stakeholders to provide a suitable solution for all.

### **B. 5% affordable housing**

The Emerald Tower proposal includes an offer to sell the City of Edmonton 5% of the total units at 85% of their market value. The community of Oliver and the City of Edmonton both have an acute shortage of affordable housing. Although 5% of units being offered to the City of Edmonton as affordable housing is better than no affordable housing, OCL suggests that 14% affordable housing would be a better target for two reasons: i) a very recent successful tower re-zoning application in a high-density community (The Mezzo) included 13.9% affordable housing, and ii) recent City of Edmonton council statements have suggested that a significant portion of affordable housing is necessary when considering rezoning applications that vary significantly from Area Redevelopment Plans.

The Mezzo Tower in densely populated Old-Strathcona received council approval on April 20, 2016. The approved rezoning application of that comparatively much lower tower (54m) includes 13.9% affordable housing (29 of a total of 209 units). OCL proposes that the Emerald Tower at 172 meters in height (3 times the height of the Mezzo Tower), include at least the same amount as the Mezzo tower to offset the Tower's significant additional height from the current zoning for the Site. As Mayor Iveson recently noted to the media, developers seeking more height must include expected amounts of affordable housing. Affordable housing in this tower on Jasper Avenue is close to public transit and commercial amenities for low or fixed income households. OCL therefore suggests that the 14% affordable housing from the Mezzo Tower is an achievable precedent to maintain for this development, and seeks that council conclude that 38 of the 273 units in the Emerald Tower be affordable housing units.

### **C. A lack of any crucially needed family-oriented housing,**

The proposal does not include any 3 (or more)-bedroom family housing units as defined by the City of Edmonton. Currently, the lack of family-oriented housing in Oliver means that many families are forced to leave the community as suitable family housing is in short supply. Again, this is contrary to the successful Mezzo

Tower application, which included several 3 bedroom family designed suites. Oliver also suffers a critical shortage of any type of family housing, and developments like the Emerald Tower are almost the sole means of building new housing stock in the community.

Discussions between the Developer and OCL's Civics' Committee established the Developer's position that altering the tower plans to include 3 bedroom units is simply too costly. OCL suggests instead that all 3 bedroom units be placed on top of the podium but not necessarily within the tower plans, thereby permitting 3 bedroom units would minimally alter the tower's plans. OCL also recognizes that requesting that the 3 bedroom units in addition to the affordable housing requests are an onerous requirement upon the developer. Therefore, OCL suggests following the Mezzo Tower precedent: the 3 bedroom family designed suites be included within the 38 units of affordable housing

**D. The Commercial Retail Units ("CRU") are too large for varied retail commercial business opportunities**

The CRUs in this proposal are too large to support a variety of smaller businesses in the Oliver community. OCL hopes new, independent small businesses will invest in the community. The present large CRUs often carry cost-prohibitive leases for entrepreneurs with limited capital. Unlike the Mezzo Tower's smaller retail bays for commercial street-level development, the current CRU design is not conducive to retail/commercial development on Jasper Avenue that is attractive for small businesses. The ARP s. 8.5.1(2) also requires street-level services be oriented toward local and regional shoppers. Jasper Avenue developments often include large CRU spaces. While these are perfect for professional services, these do not encourage high pedestrian foot traffic as do multiple smaller businesses with early morning or evening service hours. Furthermore, the Oliver ARP's s 8.4's urban design requirements seek outdoor patios, a non-existent feature for the professional services which presently exist in many large format CRUs on Jasper avenue.

**E. The Tower's height violates the provisions and spirit of the ARP**

The ARP Sub Area 4 and the ARP DC1 (Area 8/Map 21) both prohibit the height of the Emerald Tower. First, the ARP's s 8.5.1(2) specifically requires that residential uses for lands immediately adjacent to Jasper Avenue—particularly residential uses are discouraged. The ARP's s. 8.5.2(1) also states that the Site should be considered as a prime location for an urban park space. Additionally, at 154m the proposed Tower is 3 times (117.4m) over the maximum permitted ARP DC1 height of 36.6m. If the proposed podium is included, the entire building is 135.4m over current maximum permitted height. Moreover, the Tower's floor area ratio of 12.4 more than doubles the ARP DC1 maximum of 6.0. The OCL fully supports high-density tower development along Jasper Avenue's pedestrian and transit corridor, particularly when developments include viable street level commercial development. However, when an application breaches the Oliver ARP and DC1 restrictions to this extent without any clear community benefits except high-density

residential or additional commercial space, it sets a precedent that the OCL must oppose. The OCL is committed to discussing alternatives that permit high-density housing without the negative effects of the current proposal.

**F. The Tower's shadow impact is exceptionally disproportionate to the benefit of its higher density housing.**

The shadow impact of this 45 storey tower, on community residents North of the Site is significant and detrimental. The ARP s 8.5.1(2) requires that high rise development on this Site have minimized negative sun impacts on nearby development. The Emerald Tower's Winter (Dec. 21) shadow study shows shadows reaching 4 blocks north, up to and past 104<sup>th</sup> Ave. The Tower's shadow will block much needed sunlight on Oliver's Kitchener Park in the Winter. In Oliver, many residents rely upon public parks as their only green space with sunlight given the community's existing density of high rise development. The OCL proposes that all city parks in Oliver be kept as shadow free as possible. While OCL recognizes the Tower's impact on this park is felt most on Winter mornings, the Emerald proposal sets a tower height precedent on Jasper avenue that will affect all future developments on this major thoroughfare. This, and future developments like it, have the potential to create an unwanted canyon wall effect for Oliver residents living between Jasper and 104 avenues. The shadow study also shows that the proposed tower is contrary to current Edmonton Winter design guidelines as the Park will be shadowed during these months,

“Consider solar access in the placement of buildings and outdoor spaces. Building massing and siting should create minimum shade onto open spaces that are, or could be, used in the wintertime (*Winter City Design Guidelines: Transforming Edmonton Into a Great Winter City* pg. 22 2.1.2 B).”

OCL hopes council will recognize that bright sunshine in public parks—particularly in the Winter—is essential to the health and well-being for Oliver residents that have no backyard and rely upon the community's parks in that capacity. The OCL suggests that alternative, and perhaps a lower tower proposal, would greatly diminish the negative aspects of the shadow impact as proposed.

**G. The Tower's opaque podium parking is inappropriate for a Jasper avenue development**

The proposal's above ground parking on the Site does not follow ARP or current Jasper avenue development practices. The Edmonton Design Committee has already recognized this issue in its report. The ARP s. 8.5.1. (3) also discourages long monolithic facades or blank walls when viewed from a pedestrian standpoint. As proposed, pedestrians will view a parkade with coloured non-transparent windows offering no commercial development potential to assist pedestrian or transit streetscapes. In maintaining Crime Prevention Through Environmental Design principles, OCL fully supports active commercial/residential space above grade and more eyes on the street. Parked cars do not provide more eyes on the street.



However, OCL recognizes the difficulty in providing accessory parking for high-density development like the Emerald Tower. The OCL therefore proposes council permit an amendment to permit a large reduction in required and/or off-street parking requirements for the development, which it submits is preferable to the above grade parking currently suggested.

## **2. The OCL supports the following aspects of the current Application.**

### **A. Increased much-needed additional housing options**

The inclusion of an offer to sell 5% of the units to the City of Edmonton at 85% of the market price is an improvement from the previous version of this proposal which did not include this offer. This step is welcomed and the OCL encourages further dialogue about affordable housing options between the developer, OCL, the City of Edmonton, and organizations working in the affordable housing sector.

The OCL supports the addition of any more reasonably priced housing options for its community. Discussion with the Developer clarified that the price points for the Emerald Tower units are to be far lower than their recent Pearl Tower development. The OCL supports the Developer on this issue.

### **B. Close proximity to public transit**

The OCL also supports the Developers note that the Emerald Tower is directly adjacent to several bus routes, within walking distance of current LRT lines, and also within walking distance of the future west LRT expansion. Based on this, should the Developer be willing to provide the community benefits listed above, the OCL would be amenable to supporting the Developer in a proposal to reduce the number of required parking spaces for the Tower.

### **C. Interior design principles reflecting alternative modes of transportation**

The proposal includes what is becoming a necessity for Oliver area towers: secure bicycle parking on the main floor. This would provide condominium owners with incentives to use transit and active modes of transportation. It may also permit owners to forgo the automobile as their primary means of commuting.

### **D. A street oriented podium**

The OCL recognizes that some elements of the podium are positive. Particularly, the first floor allows for active spaces at street level and promotes walkability in the neighbourhood.

To conclude, while the Emerald Tower includes positive aspects, on balance the proposed Tower's lack of community benefits outweigh these. A purpose of OCL is to advocate for developments providing a net benefit to the community and the City. The OCL has supported a number of developments in the recent past that align with

Edmontonian's vision for a healthy, safe, inclusive, and active downtown. While OCL does not support the proposed re-zoning application in its current form, we believe that all the above issues can be addressed so that this development benefits both developer and the community of Oliver.

Thank-you for considering OCL's position on the Emerald Tower Application for re-zoning.

Should any clarification be required on any information contained in this letter, please contact Dustin Martin (OCL Civics Director) at [civics@olivercommunity.com](mailto:civics@olivercommunity.com).

Sincerely,

Dustin Martin

Director of the Oliver Community League Civics Committee

Cc:

Carman Yeung, Planner, City of Edmonton

Nancy MacDonald, Senior Principal, Stantec

Councillor Scott McKeen, City of Edmonton Ward 7

Mayor Don Iveson, City of Edmonton

Lisa Brown, President, Oliver Community League