

Bylaw 17659

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2235

WHEREAS Lots 115 to 118, Block 13, Plan NB, located at 11350 Jasper Avenue NW, Oliver, Edmonton, Alberta, are specified on the Zoning Map as (DC1) Direct Development Control Provision; and

WHEREAS an application was made to rezone the above described property to (DC2) Site Specific Development Control Provision;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lots 115 to 118, Block 13, Plan NB, located at 11350 Jasper Avenue NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (DC1) Direct Development Control Provision to (DC2) Site Specific Development Control Provision.
2. The uses and regulations of the aforementioned DC2 Provision are attached as Schedule "B".

3. The sketch plan attached as Schedule "A" and the uses and regulations of the DC2 Provision shown on Schedule "B" attached are hereby incorporated into the Zoning Bylaw, being Part IV to Bylaw 12800, The Edmonton Zoning Bylaw.

READ a first time this	27th	day of	June	, A. D. 2016;
READ a second time this	27th	day of	June	, A. D. 2016;
READ a third time this	27th	day of	June	, A. D. 2016;
SIGNED and PASSED this	28th	day of	June	, A. D. 2016.

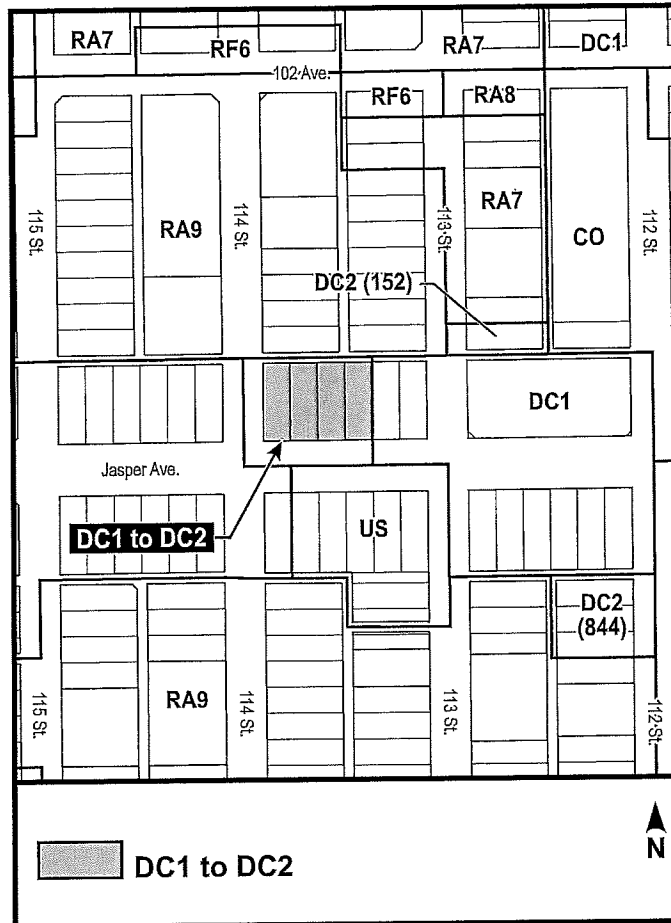
THE CITY OF EDMONTON

MAYOR

CITY CLERK

Acting

BYLAW 17659



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

To accommodate a mixed use, high rise, high density development which includes a residential tower located above a podium base that will accommodate a potential mix of residential, commercial and/or office, and amenity spaces that provide for an active and inviting pedestrian oriented streetscape fronting onto Jasper Avenue and 114 Street with site specific design controls to reduce the mass, sun shadow and view impacts of the tower.

2. Area of Application

This provision shall apply to a 0.29 hectare site, Lots 115-118, Block 13, Plan B, as shown in Schedule "A" of this Bylaw adopting this DC2 Provision.

3. Uses

- a. Apartment Housing
- b. Bars and Neighbourhood Pubs
- c. Business Support Services
- d. Child Care Services
- e. Commercial Schools
- f. Convenience Retail Stores
- g. Creation and Production Establishments
- h. General Retail Stores
- i. Government Services
- j. Health Services
- k. Indoor Participant Recreation Services
- l. Live Work Units
- m. Media Studios
- n. Minor Alcohol Sales
- o. Minor Home Based Business
- p. Major Alcohol Sales
- q. Personal Service Shops
- r. Private Clubs
- s. Private Education Services
- t. Professional, Financial and Office Support Services
- u. Residential Sales Centre

- v. Restaurants
- w. Secondhand Stores
- x. Specialty Food Services
- y. Fascia On-premises Signs
- z. Minor Digital On-premises Signs
- aa. Projecting On-premises Signs
- bb. Temporary Signs, limited to project advertising and residential sale purposes only, and excluding trailer mounted signs and/or signs with changeable copy

4. Development Regulations

4.1 General

- a. The development shall be in general accordance with the attached conceptual appendices I – VII to the satisfaction of the Development Officer.
- b. Only 1 Bar and Neighbourhood Pub Use shall be permitted within the development. The Bar and Neighbourhood Pub Use shall be limited to a maximum of 250 occupants and 300 m² of Public Space, excluding exterior patio/deck space.
- c. Each Restaurant Use shall be limited to a maximum of 250 occupants and 300 m² of Public Space, excluding exterior patio/deck space.
- d. Each Specialty Food Service Use shall be limited to a maximum of 250 occupants and 300 m² of Public Space, excluding exterior patio/deck space.
- e. Personal Services Shops Use shall not include Body Rub Centres.
- f. Residential Sale Centre Uses shall be limited to the marketing of on-site condo or rental units.
- g. The maximum Floor Area Ratio (FAR) shall be 12.4.
- h. The maximum number of Dwelling units shall be 273.
- i. Notwithstanding Section 52.1 of the Zoning Bylaw, the maximum Building Height, including the roof mechanical unit, shall not exceed 160 m.
- j. Building Setbacks shall be a minimum of 0 m on all sides of the building.
- k. Notwithstanding Section 46 of the Zoning Bylaw, a minimum Amenity Area of 7.5 m² per Dwelling shall be provided and can be private and/or communal. This may be achieved through the use of balconies, terraces/patios on top of the Podium base and rooftop terraces/patios, and indoor communal amenity spaces such as communal lounges and fitness areas.
- l. Notwithstanding Section 46.3 of the Zoning Bylaw, platform structures in the form of balconies with a minimum depth of 1.5 m may be used to satisfy required Amenity Area.

- m. A communal Amenity Area with a minimum of 400 square meters shall be developed on the podium roof top, as part of the minimum Amenity Area contribution as defined in Section 4.1.k. and if required for a Child Care Services use as outdoor space as per Provincial Regulations, to the satisfaction of the Development Officer.

4.2 Parking, Loading And Storage

- a. Notwithstanding Section 54.2, Schedule 1 of the Zoning Bylaw, the minimum number of off- street vehicular accessory parking spaces shall be provided at a ratio of 0.9 stalls per unit for residential uses. The maximum number of vehicular parking spaces for residential uses shall be determined by Section 54.2 Schedule 1(A). Non-Residential and Visitor off-street parking spaces shall be combined for a total of 67 parking spaces on the Site, this assumes 1.0 visitor parking spaces per 10 dwelling units All required off-street vehicular accessory parking spaces for the development shall be accommodated in the one level of underground parking and the above grade parkade structure. The allocation of parking spaces between land uses shall be provided in accordance with a Parking Impact Assessment, prepared by a qualified Professional Engineer, to the satisfaction of the Development Officer.
- b. The Development Officer may consider a variance to the Section 4.2.a, of this Provision, if a Parking Demand Study is submitted in conjunction with an application for Development Permit to rationalize any variance in parking requirements such as but not limited to: a reduction in the proposed FAR, number Dwelling Units, Building Height and/or any new City of Edmonton Bylaws or policies which reduce applicable parking requirements beyond current City of Edmonton requirements. The Development Officer may consider, in consultation with Urban Transportation, a vehicular parking reduction if a Parking Demand Study is submitted in conjunction with an application for a Development Permit justifying any reduction in vehicular parking requirements.
- c. Vehicular parking shall be provided in an underground and/or above grade parkade structure which is part of the Podium. Should any portion of the parkade be located within the Podium above grade it shall be enclosed and screened from view as conceptually shown in Appendices II, III, IV and V.
- d. Vehicular access and egress shall be provided from the alley abutting the Site as conceptually shown in Appendices I and II.
- e. Underground parkade setbacks from the property line shall be a minimum of 0 m.
- f. Notwithstanding Section 54.3, Schedule 2 of the Zoning Bylaw, a minimum of 299 bicycle parking spaces for Non-Residential Uses, Residential Uses and Residential-Related Uses shall be provided. 280 of these bicycle parking spaces shall be provided in a safe and secure location within the interior of the Podium on the ground floor or underground.
- g. The driveway ramp shall be at grade at the property line and must not exceed a slope of 6% for a distance of 4.5 m inside the property line to the satisfaction of the Urban Transportation.

- h. Retaining walls bordering the underground driveway/parkade ramp, must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit safely to the satisfaction of the Development Officer, in consultation with Urban Transportation.
- i. Notwithstanding Section 54 of the Zoning Bylaw, one (1) loading space shall be provided for the site. The loading space shall be a minimum of 3.0 m in width and 9.0 m in length.

4.3 Landscaping

- a. A detailed Landscape Plan for the Site and the podium roof top communal Amenity Area, for the use of residents and, if required, for a Child Care Services use as outdoor space as per Provincial regulations, including all existing and proposed utilities within the road right-of-way, must be prepared by a registered Landscape Architect and submitted for review and approval by the Development Officer, prior to the issuance of any Development Permit. Should a Child Care Services tenant come forward during construction of the building, after issuance of the Development Permit, the developer shall be permitted to resubmit/revise drawings to accommodate this use.
- b. The Landscape Plan shall include on-site and/or road right-of-way hardsurfacing landscaping, exterior lighting and other landscaping elements as applicable.
- c. The Landscape Plan shall include pavement materials, sizes and species of new plantings, details of any proposed rooftop landscaping and outdoor Amenity Area and other landscaping elements as applicable.

4.4 Signage

- a. Signs shall comply with the regulations found in Schedule 59F and in accordance with the General Provisions of Section 59 of the Zoning Bylaw.
- b. Notwithstanding Section 59F of the Zoning Bylaw, Signs located or extending above the podium shall be prohibited.
- c. Minor Digital on premises Signs located on the north and east podium facades shall be prohibited. These signs will be limited to above retail on the south and west façade.
- d. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 of the Zoning Bylaw shall be submitted with a Development Permit application for new building construction.

4.5 Other Regulations

- a. A Wind Impact Study shall be prepared by a qualified, registered Professional Engineer and shall be based on a computer model simulation analysis, prepared to professional standards. The Wind Impact Study shall be submitted with the Development Permit application to the satisfaction of the Development Officer.

- b. If required by the Development Officer, any Environmental Site Assessment studies and ESA environmental remediation work shall be undertaken and verified to the satisfaction of the Development Officer in consultation with the Alberta Environment and Parks, Alberta Health and the City of Edmonton Transportation Services prior to the release of drawings for Building Permit review, other than excavation or Sign permits. If required, the Development Officer shall impose any conditions necessary to ensure the area that is subject to the Development Permit application is suitable for the full range of Uses contemplated in the Development Permit application.
- c. Prior to the issuance of any Development Permit, except for the purpose of excavation only, a Crime Prevention Through Environmental Design (CPTED) Assessment shall be provided to the satisfaction of the Development Officer to ensure that the development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guidelines for a Safer City (City of Edmonton 1995).
- d. Notwithstanding the appendices and regulations pertaining to Height, FAR and Density within this Provision, in the event that the owner/developer does not obtain a Building Permit and commence construction under a valid Development Permit for the development within 10 years of the passage of this Bylaw, the Height, FAR, and Density shall be as follows:
 - i. The maximum building Height shall not exceed 45 m.
 - ii. The FAR shall not exceed 7.
 - iii. The maximum number of Dwellings shall be 200.

5. Urban Design Regulations

5.1 Development Regulations For Non-Residential Uses

- a. Commercial uses shall not be developed above the Podium and shall front onto Jasper Avenue and 114 Street. The maximum total floor area for Commercial Uses shall not exceed 1900 m².
- b. Child Care Services shall be limited to below the sixth storey and in accordance to Section 80 of the Zoning Bylaw.
- c. Residential uses shall have a main entrance at Grade that is separated from the commercial premises.
- d. Ground level Non-Residential Uses shall have separate and direct access to the street.

5.2 Building Form

- a. The Tower shall be comprised of three distinct vertical sections: the Podium, the Tower, and the Tower Top, as conceptually shown in Appendices II, III, IV and V. The distinct nature of the three vertical sections shall be differentiated through the architectural treatment of the facades.

- b. The Tower shall contribute to the 'signature' nature of the building and the City's skyline through treatment of the upper floors and roofs. The Tower shall provide articulation, visual interest and reduced massing effects by combination of sculpting of the building, variation of material, colour or other means and shall be to the satisfaction of the Development Officer.
- c. The podium shall have a minimum height of 12 m and a maximum height of 18 m.
- d. The Tower zone shall be differentiated from the Podium, but shall reinforce the design details, material, and architectural expression of the podium architecture.
- e. The maximum Floor Plate area of the Tower shall be 650 m².
- f. Minimum Tower Stepbacks from the Podium shall be as follows and be as conceptually shown in Appendix I. The Stepbacks shall be measured from the Tower façade to the podium façade:
 - i. 30.0 m from the east;
 - ii. 3.0 m from the west;
 - iii. 10.0 m from the north; and
 - iv. 6.0 m from the south.
- g. The Tower Top floor plate(s) of the top 2 storeys shall be a minimum of 10% smaller in size than the Tower floor plate, to the satisfaction of the Development Officer, through Stepbacks to create articulation, visual interest and reduced massing effects. Alternatively, the reduction of the Tower Top floor plate(s) of the top 2 storeys may be reduced or removed where the Tower Top is visually articulated through techniques such as architectural features, architectural lighting, variation of materials/colour or other means and shall be to the satisfaction of the Development Officer.
- h. Notwithstanding Section 44 of the Zoning Bylaw Balconies and roof projections shall be allowed to project a maximum of 2.7 m into the Tower Stepback area.
- i. To provide visual interest on the Tower facades, cantilevered projections with windows from 32 storey up to and including the 39 storey on each façade shall be allowed to project a maximum of 1.0 m into the Tower Stepback area to the satisfaction of the Development Officer.

5.3 Architectural Treatment

- a. The façade treatment of the Podium at the intersection of Jasper Avenue and 114 Street shall be visually appealing with use of good quality materials to the satisfaction of the Development Officer.
- b. The Podium façade treatment on Jasper Avenue shall wrap a minimum of 10.0 m around the southeast corner of the Podium, above the first storey, to provide greater visual interest on the east side of the Podium, in general accordance with Appendix V.

- c. Quality materials on the Tower may include materials such as, but not limited to, masonry, stone, metal, wood, acrylic stucco, and clear glass. The use of vinyl and masonry stucco as a finishing material shall not be permitted.
- d. The design of the portion of the parkade located within the Podium shall be enclosed within solid (a material not permeable to light) walls to ensure vehicles within the parkade structure are not visible. The parkade will be further screened from view through the instillation of an illuminated art glass wall which will provide improved visual interest and enliven the podium as conceptually shown in Appendices II, III, IV, V, VI and VII. In addition, the portion of the parkade located at street level adjacent to 114 Street and Jasper Avenue shall be screened with retail and commercial uses and the residential lobby as conceptually shown in Appendices III, IV and VI.
- e. Loading, storage and garbage collection areas shall be located within the building concealed from view from adjacent sites and public roadways.. Gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way. The garbage and recycling collection area shall be designed to the satisfaction of the Development Officer in consultation with Waste Management and Urban Transportation.
- f. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it with the building framework to the satisfaction of the Development Officer.

5.4 Building Relationship to the Street

- a. The development shall create a pedestrian-friendly environment on Jasper Avenue and 114 Street which will include such things as entrance features, hard landscaping, and other features that lend visual interest and human scale to the development along the street, as conceptually shown in Appendices III and IV and to the satisfaction of the Development Officer.
- b. The building will be designed and oriented to face and front Jasper Avenue and 114 Street and clearly differentiate the residential entrance, located on 114 Street, through distinct architectural treatment and address the street in a prominent manner.
- c. Weather protection in the form of a canopy, with a minimum depth of 1.5 m, or other architectural element shall be provided to create a comfortable pedestrian environment and moderate the impacts of weather particularly in the winter as required based on wind study information.
- d. A minimum of 70% of the linear frontage of the ground floor façade fronting onto a public roadway, other than a lane, shall consist of transparent glazing. This clear glazing allows for visual penetration into buildings and provides illumination of the pedestrian realm in the evening and during the winter months. Linear frontage shall be measured as the horizontal plane at 1.0 m above grade.
- e. The front facades of the building commercial uses shall be designed to break the appearance into 6 m to 12 m sections or modules consistently sized with other

buildings on the shopping street through a combination of recesses, projections, change in building materials, colors, and/or a physical breaks in building to the satisfaction of the Development Officer.

5.5 Lighting

- a. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a well-lit environment for pedestrians, to accentuate Tower elements, and to highlight the development at night time and winter months, to the satisfaction of the Development Officer.
- b. Night-time light pollution shall be reduced by avoiding over-illumination of the development and using low cut-off exterior light fixtures which direct light downwards, not upward and outward.

5.6 Sustainability Practices and Targets

- a. The building shall implement sustainable design practices that reduce the consumption of water, energy and materials consistent with the HD (High Density Multi Unit Building) Standards under the Built Green Canada Sustainability Program. Upon submission of a Development Permit application, the applicant shall submit a detail report, endorsed by a registered professional engineer or architect, indicating how the Sustainable Practices and Targets of the HD Built Green Standard will be achieved. Upon completion of the building, the Owner shall provide a report by a professional Architect or Engineer that demonstrates, to the satisfaction of the Development Officer, that the design and construction of the building achieved the targets.

6. Improvements and Amenities

6.1 Off-site to Serve the Development

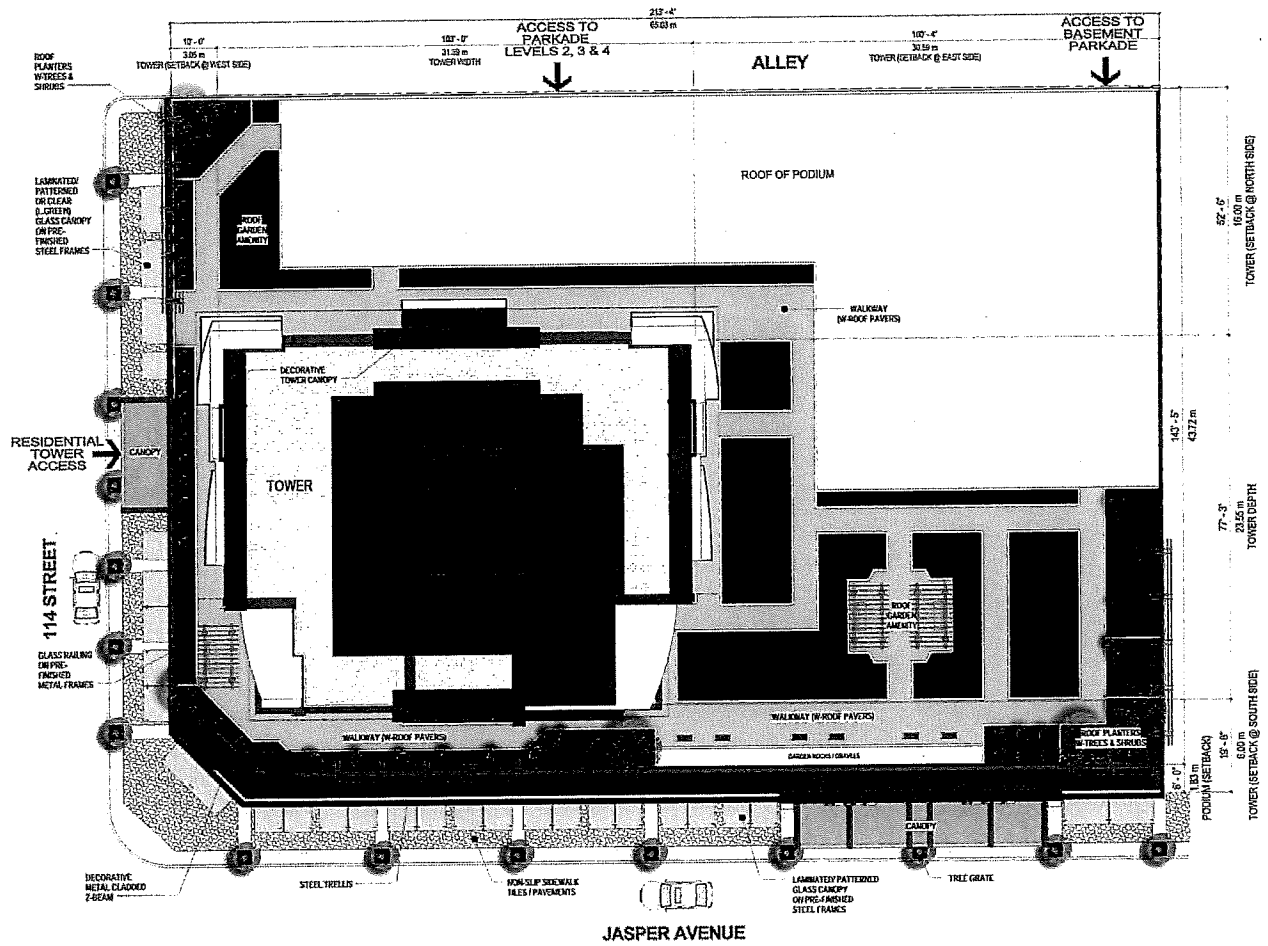
- a. As a condition of a Development Permit, the Owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development, such improvements to be constructed at the owner's cost. The agreement process includes an engineering drawing review and approval process that will address the extent of off-site improvements including access, servicing and related street improvements required as a result of the development. Improvements to be addressed in the Agreement include, but not be limited to:
 - i. Removal of the existing accesses to Jasper Avenue and 114 Street, including construction of sidewalk, curb, and gutter.
- b. As a condition of the Development Permit the Owner shall provide off Site improvement to the public realm along 114 Street NW and Jasper Avenue NW directly abutting the site and be in general conformance with Appendix I. Such improvements shall include but not limited to tree grate, pedestrian lighting, and paving treatment to the satisfaction of the Development Officer in consultation with Urban Transportation. At the discretion of the Development Officer in consultation with Integrated Infrastructure Services, should an approved concept plan for Imagine Jasper Avenue be available at the time that off-site improvement

construction adjacent to Jasper Avenue is undertaken these improvements shall be consistent with the concept plan or to an interim state to the satisfaction of the Development Officer and Integrated Infrastructure.

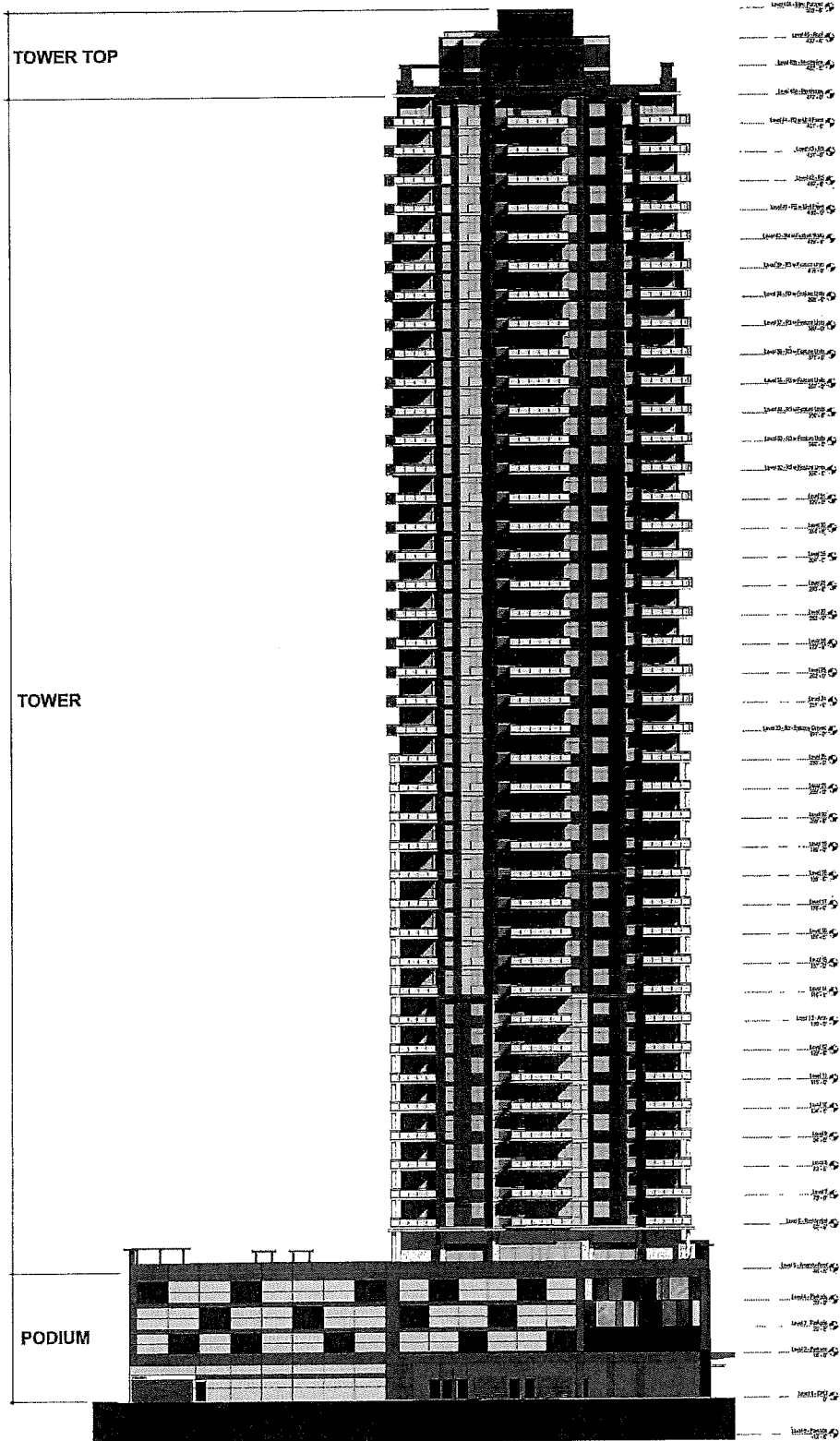
- c. The Podium, above the first storey, shall take the form of public art which is integrated as part of the building design. The public art will take the form of an illuminated colored glass art wall designed by a professional firm that includes some combination of an artist, architect, graphic designer and/or glass specialists. The art wall will provide colour and light throughout all seasons, similar in nature to the built form examples in Appendix VII. Through design techniques such as varied colours, patterns, or lighting, the glass art wall will create an interesting façade for the public realm and enliven Jasper Avenue and 114 Street, as conceptually shown in Appendices II, III, IV, VI and VII. The design of the portion of the parkade located within the Podium shall be enclosed within solid (a material not permeable to light) walls to ensure vehicles within the parkade structure are not visible. The colored glass art wall will be installed in front of this parkade wall. An illumination plan for the art wall, which will have the sole purpose of ensuring that the art wall illumination does not create a nuisance effect for surrounding neighbours, will be provided to the satisfaction of the Development Officer prior to the issuance of a development permit for new building construction.
 - i. A minimum of \$150,000 shall be directed towards the design and construction of the illuminated coloured glass art wall.
 - ii. Prior to the issuance of a Development Permit an art plan shall be submitted to the City of Edmonton for review and approval by the Development Officer.
 - iii. Upon completion of the building, the Owner shall demonstrate, to the satisfaction of the Development Officer, that the public art described in the public art plan submitted at the time of Development Permit application is located as specified.
 - iv. If a development application has not been made within five (5) years of the date of passage of this Bylaw, the Public Art contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.
- d. Prior to the issuance of the Development Permit, the developer shall enter into an agreement to contribute funds to the Oliver Community League for an offsite amenity for public park enhancements, with specific details to be determined at the Development Permit stage between the Owner and City Administration in consultation with the Oliver Community League. These funds will be submitted to the City of Edmonton and disbursed accordingly to the Oliver Community League. These funds shall be provided prior to the issuance of the Development Permit in the amount \$200,000.
- e. Prior to the issuance of any Development Permit, the Development Officer shall ensure that a signed agreement has been executed between the City of Edmonton

and the owner, requiring the owner to provide to the City of Edmonton, at the time of development permit approval, the option to purchase 5% of dwelling units at 85% of the list price.

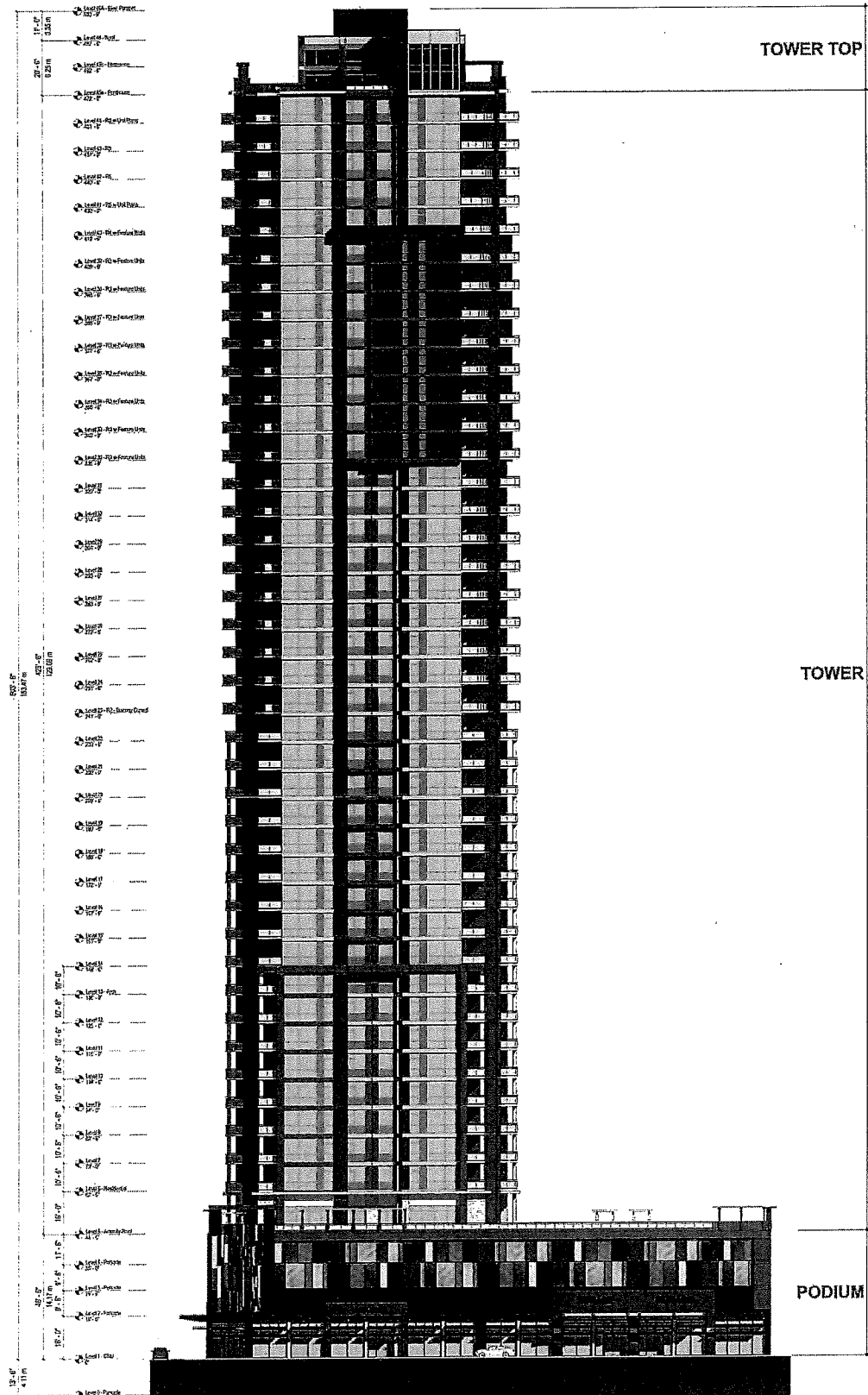
Appendix I – Conceptual Illustrative Site Plan



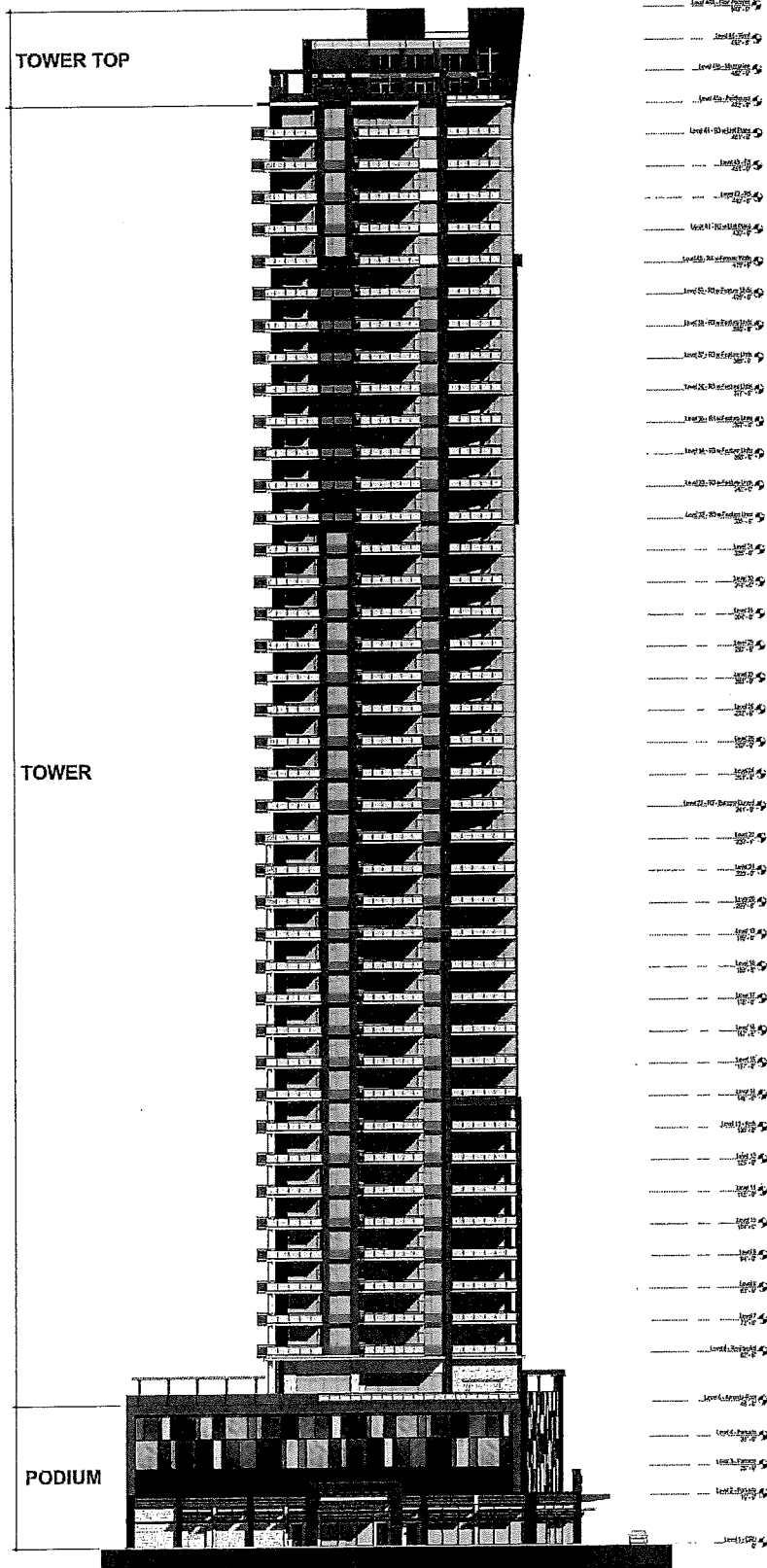
Appendix II – Conceptual Project North Elevation



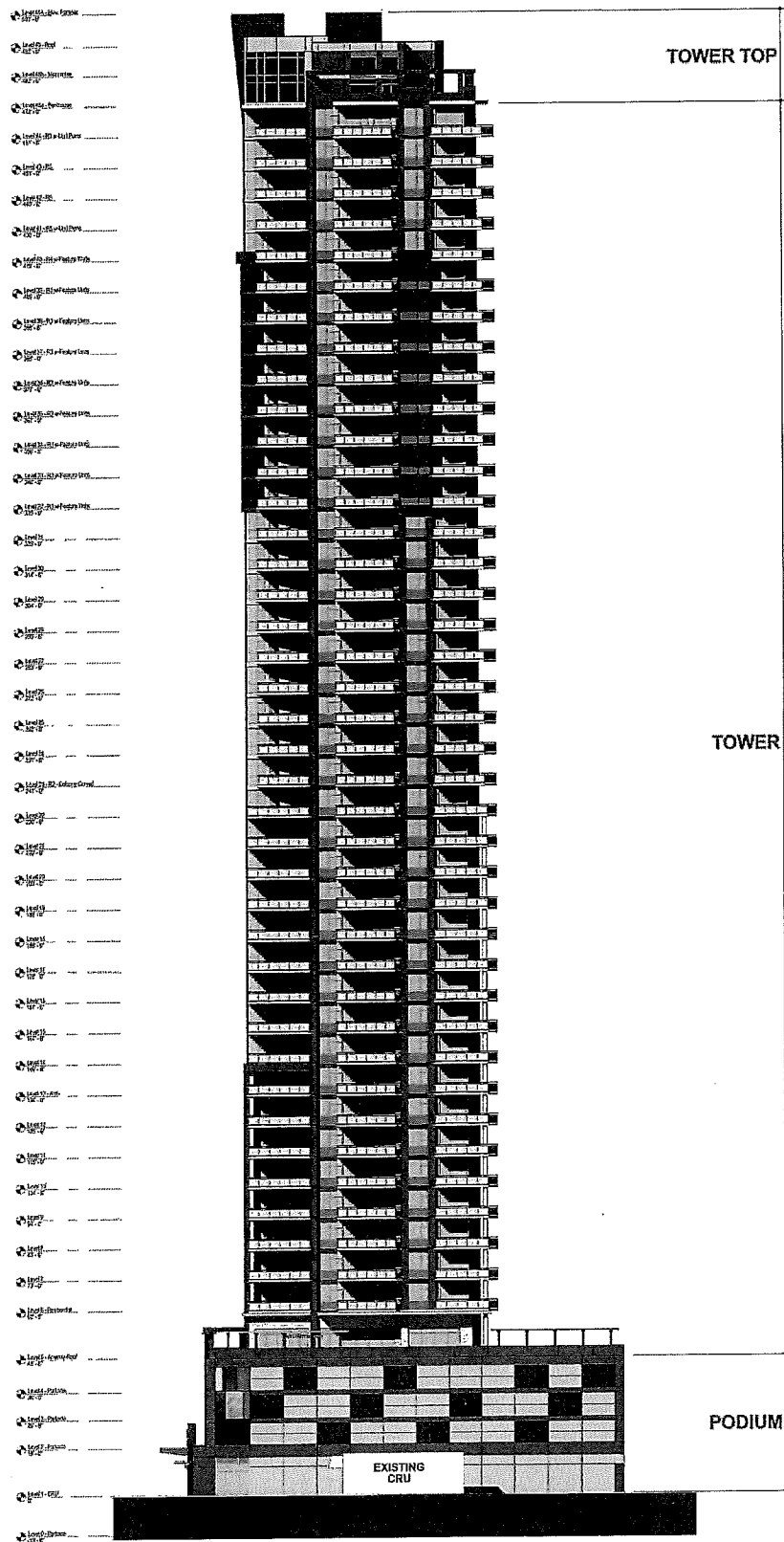
Appendix III – Conceptual Project South Elevation



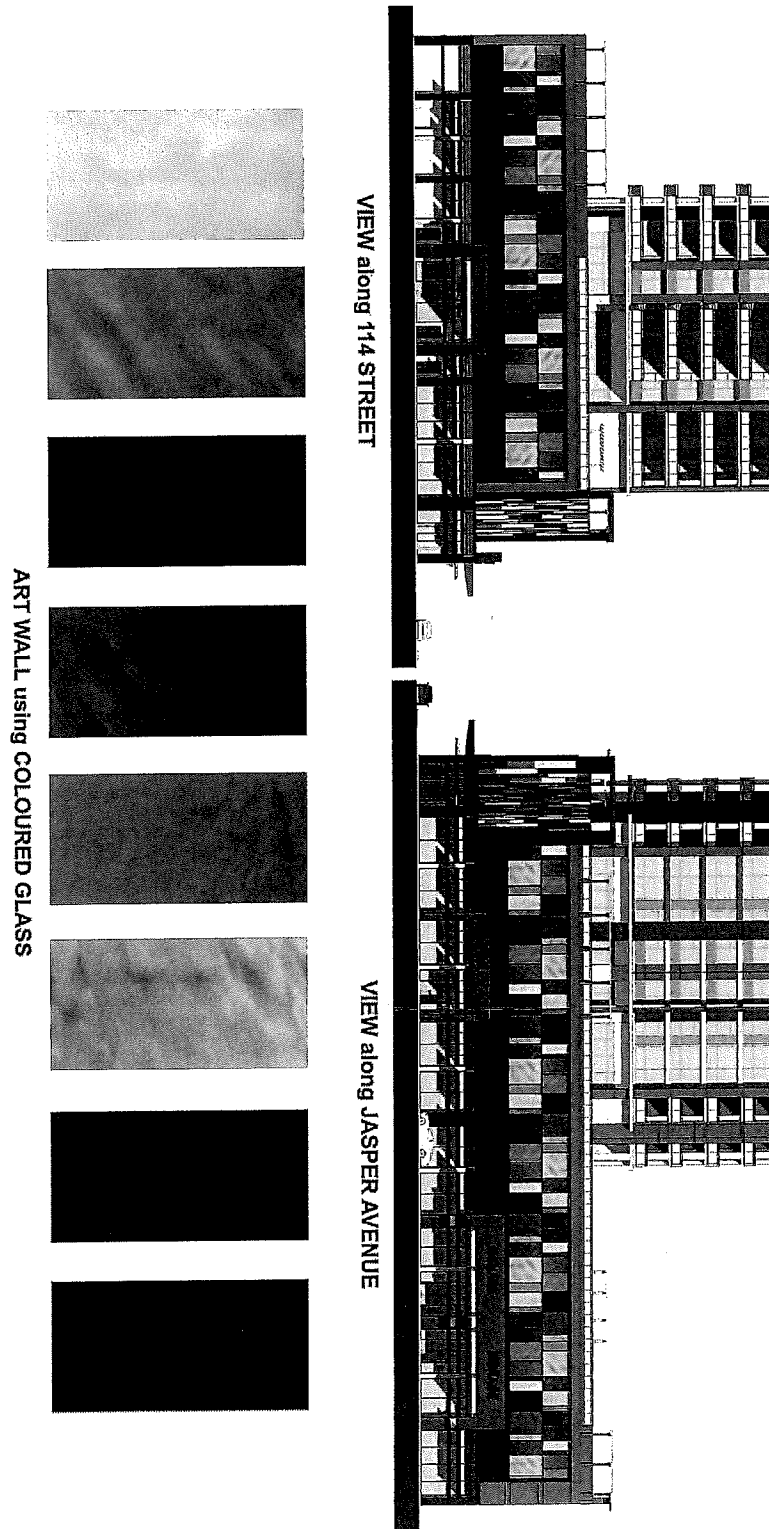
Appendix IV – Conceptual Project West Elevation



Appendix V – Conceptual Project East Elevation

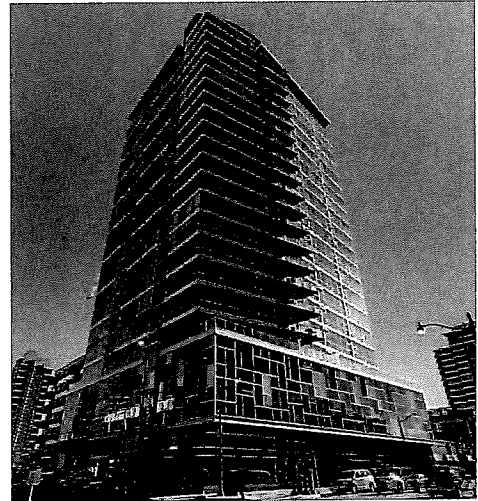


Appendix VI – Conceptual Podium Art Wall

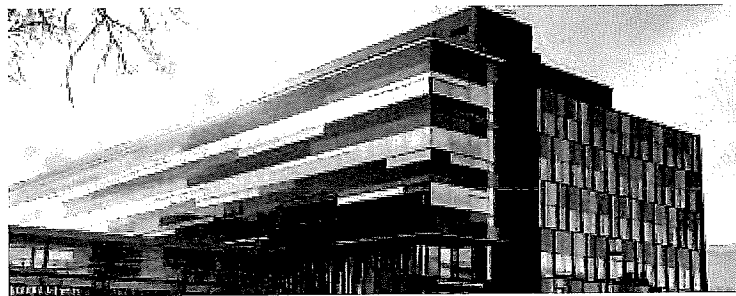


Appendix VII – Conceptual Glass Art Wall - Examples

Colours by Battistella. Calgary AB



University of Alberta, Edmonton Clinic Health
Academy, Edmonton AB



Montreal Convention Centre. Montreal QC

