

**BYLAW 17373**  
**BYLAW 17374**  
**FILE: LDA14-0353**  
**OLIVER**

<b>DESCRIPTION:</b>	AMENDMENT TO THE OLIVER AREA REDEVELOPMENT PLAN  ZONING BYLAW AMENDMENT from (US) Urban Services Zone to (DC1) Direct Development Control Provision; OLIVER
<b>LOCATION:</b>	11020 – 99 Avenue NW & 9916 – 110 Street NW
<b>LEGAL DESCRIPTION:</b>	A portion of Lot 62, Block 10, Plan NB, Lot 63, Block 10, Plan NB and a portion of Lot 63A, Block 10, Plan 8020971
<b>APPLICANT:</b>	Donald Moffatt 6770 – 129 Avenue NW Edmonton, AB T5C 1V7
<b>OWNERS:</b>	1529771 Alberta Ltd. 9916 - 110 Street NW Edmonton, AB T5K 1J3  Alberta Social Housing Corporation C/O Saint Joachims Sr Citizen 11020 - 99 Avenue NW Edmonton, AB T5K 2M2
<b>ACCEPTANCE OF APPLICATION:</b>	August 6, 2014
<b>EXISTING DEVELOPMENT:</b>	Oblats Maison Provinciale building – A Designated Municipal and Provincial Historic Resource containing a Government Services Use.
<b>SUSTAINABLE DEVELOPMENT'S RECOMMENDATION:</b>	<hr/> <p>That Bylaw 17373 to amend the Oliver Area Redevelopment Plan be APPROVED.</p> <p>That Bylaw 17374 to amend the Zoning Bylaw from (US) Urban Services Zone to (DC1) Direct Development Control Provision be APPROVED.</p>

## **DISCUSSION**

### **1. The Application**

This report concerns two related Bylaws for the subject site located in the Oliver neighbourhood.

The first component, Bylaw 17373, proposes to amend the Oliver Area Redevelopment Plan (ARP) in order to update applicable maps and add a new DC1 Provision (Area 13). The ARP Amendment does not change policy direction of the ARP.

The second component, Bylaw 17374, proposes to amend the Zoning Bylaw from (US) Urban Services Zone to (DC1) Direct Development Control Provision. The proposed DC1 Provision is intended to accommodate a limited range of uses and development regulations that will ensure the continued operation and preservation of the Oblats Maison Provinciale building, a Designated Municipal and Provincial Historic Resource.

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

The 0.1 hectare site is located north of 99 Avenue NW and west of 110 Street NW in the Oliver neighbourhood. The site is zoned (US) Urban Services Zone and currently contains the Oblats Maison Provinciale building with a Government Services Use within.

Immediately abutting the site within the same (US) Urban Services Zone, to the north, is a Religious Assembly Use in the form of the St. Joachim Catholic Church. Across 110 Street NW, to the east, and immediately abutting the site, to the south, is an RA9 zone containing several high rise residential towers. Across the rear lane, to the west, is a non-accessory parking lot within the (US) Urban Services Zone.



*Figure 1: View of site looking west from 110 Street NW*



*Figure 2: View of site looking east from rear of site*

## **ANALYSIS**

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

#### City of Edmonton Municipal Development Plan – The Way We Grow

This application is in accordance with The Way We Grow policies that support development in mature neighbourhoods near the River Valley, including:

- integrating heritage conservation into the broader context of planning and decision making;
- supporting conservation and adaptive reuse of historic resources through creative design solutions and incentives;
- supporting policies and actions outlined in the Historic Resources Management Plan; and
- optimizing the use of existing infrastructure in established neighbourhoods.

#### Oliver Area Redevelopment Plan (ARP)

One of the objectives of the Oliver ARP is to support the existing character of the area, and provide policies which will enhance this character and increase its appeal as a pedestrian oriented neighbourhood. This application further protects an important historic resource that helps define the character of the neighbourhood and includes Development Regulations addressing the importance of the building. The continued viability and use of the building will help support the desired diversity and walkable nature of the community.

### **2. Environmental Review**

An Environmental Site Assessment was not required for this application.

### **3. Edmonton Design Committee (EDC)**

This application was not required to be reviewed by the Edmonton Design Committee.

### **4. Heritage**

The Oblats Maison Provinciale building became a designated Provincial Historic Resource on October 19, 2001. It became a Municipal Historic Resource through City Council passing Bylaw 13774 on August 31, 2004.

The building is an L-shaped three and a half storey brick building with a cupola built in 1935. The building is significant for its association with the Les Peres Oblats de Marie Immaculée Territoires de Nord Ouest, the first Catholic missionaries in the Canadian West. There are several protected character defining elements both on the exterior and interior of the building including the original Flemish bond brick façades, the octagonal cupola with metal cross, and the vestibule lobby area including wood doors, trims and terrazzo flooring.

Sustainable Development's Heritage Management Unit reviewed this application and was supportive of the uses and development regulations related to the heritage characteristics of the building being added to the Provision.

## **5. Lot Line Encroachment**

A portion of the existing building crosses the current lot line between Lot 63, Block 10, Plan NB (north lot with majority of building on it) and Lot 63A, Block 10, Plan 8020971 to the south. According to recent survey, the encroachment into the south lot is approximately 0.1 m for the building façade and 0.6 m when including the eaves. This lot line is both a legal and title lot line with each title having different ownership. In order for this rezoning to capture all portions of the historic building a small portion of the south lot is proposed to be rezoned along with the north lot which contains the majority of the building.

The south lot has a registered caveat on title in favour of the north lot containing the historic building granting permission for the projection of the Oblats Maison Provinciale building into the south lot. However, the applicant for this application is only acting with the permission of the owners of Lot 63, Block 10, Plan NB but not the owners of Lot 63A, Block 10, Plan 8020971.

The south lot (63A, Block 10, Plan 8020971) is owned by the Alberta Social Housing Corporation. Beginning in the summer of 2014, numerous attempts have been made by both Sustainable Development and the applicant to open discussions with the owner both through directly contacting the corporation and through the appropriate provincial government ministry. Unfortunately, all attempts at making contact have not led to responses.

In the absence of a response from the property owner to the south and in the interest of minimizing further delays in rezoning the site of this historic resource to DC1 (a requirement of the 2004 municipal designation), Sustainable Development, in consultation with the City's Law Branch, is in support of recommending Council approval of the rezoning of a 0.1 m wide strip of Lot 63A, Block 10, Plan 8020971 without that land owner's consent.

**6. Civic Departments and Utility Agencies**

EPCOR Water Services does not object to this application but advises that there is a deficiency in on-street fire protection adjacent to the property. Any redevelopment of the site or introduction of certain uses into the building may require upgrading to infrastructure to be dealt with at the Development Permit stage with the costs the responsibility of the owner/developer.

Comments from other Civic Departments and utility agencies have been addressed.

**7. Parking and Loading**

Transportation Services expressed no concern with the proposed parking and loading requirements of the DC1 Provision. The existing historic building limits the opportunity for a greater provision of parking and loading facilities on site. Furthermore, the site is well served by transit with an existing LRT station approximately 120 m from the site. The area is very walkable and a main bicycle route is approximately 100 m from the site.

**8. Surrounding Property Owners' Concerns**

On October 8, 2014, Sustainable Development sent an advanced notice to surrounding property owners as well as the President of the Oliver Community League. Two phone calls were received in response to this notification. Both individuals asked clarification questions and then indicated they are supportive of the retention of this important historic resource.

## **JUSTIFICATION**

Sustainable Development recommends that Bylaws 17373 and 17374 be APPROVED as the application:

- meets the intent of Council approved policies;
- meets the technical requirements of Civic Departments and utility agencies including the Historic Resources Management Plan; and
- will promote the use, viability and continued preservation of the Oblats Maison Provinciale building while ensuring that any future alterations are compatible with the architectural elements and historical significance of the structure.

## **ATTACHMENTS**

2a Maps

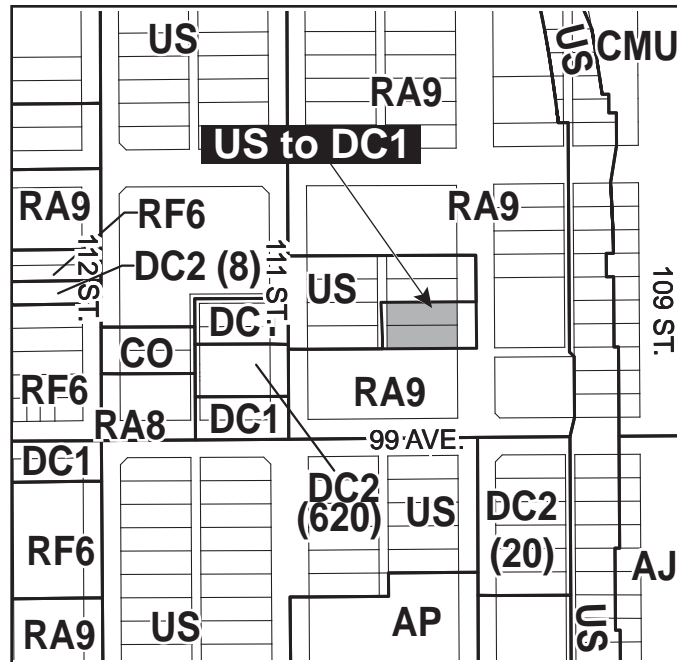
Written by: Andrew McLellan  
Approved by: Tim Ford  
Sustainable Development  
October 19, 2015

FILE: LDA14-0353  
DATE: September 21, 2015  
BYLAW 17374



**OLIVER, BYLAW 17374**

Located: 11020 – 99 Avenue NW & 9916 –  
110 Street NW



Proposed Rezoning from  
**US to DC1**

The purpose of proposed Bylaw 17374 is to change the Zoning Bylaw from (US) urban services zone to (DC1) direct development control provision; a portion of Lot 62, Block 10, Plan NB, Lot 63, Block 10, Plan NB and a portion of Lot 63A, Block 10, Plan 8020971, as shown on the attached sketch. The proposed DC1 Provision is intended to accommodate a limited range of uses and development regulations that will ensure the continued operation and preservation of the Oblats Maison Provinciale building. This proposed rezoning is accompanied by an associated proposed amendment to the Oliver Area Redevelopment Plan (Bylaw 17373). Sustainable Development supports this proposed bylaw.

**PROPOSED REZONING**

FILE: LDA14-0353

SUSTAINABLE DEVELOPMENT

DATE: October 19, 2015