

Charter Bylaw 19093

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2929

WHEREAS Lots 18 - 20, Block 19, Plan RN22; located at 10110 - 123 Street NW and 12312 - Jasper Avenue NW, Oliver, Edmonton, Alberta, are specified on the Zoning Map as (CB1) Low Intensity Business Zone and (CB3) Commercial Mixed Business Zone; and

WHEREAS an application was made to rezone the above described properties 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 18 - 20, Block 19, Plan RN22; located at 10110 - 123 Street NW and 12312 - Jasper Avenue NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan attached as Schedule "A", from (CB1) Low Intensity Business Zone and (CB3) Commercial Mixed Business Zone 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	9th	day of	December	, A. D. 2019;
READ a second time this	9th	day of	December	, A. D. 2019;
READ a third time this	9th	day of	December	, A. D. 2019;
SIGNED and PASSED this	9th	day of	December	, A. D. 2019.

THE CITY OF EDMONTON



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MAYOR

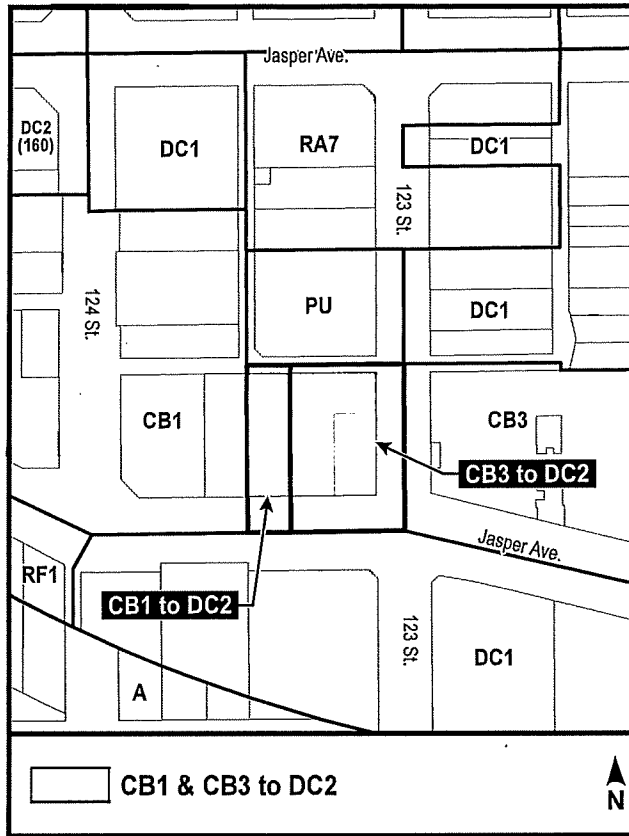


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CITY CLERK

A/

CHARTER BYLAW 19093



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

To accommodate the development of a mixed use building comprised of a podium and Tower with ground oriented Uses along Jasper Avenue NW and 123 Street NW that promote a walkable and vibrant public realm.

**2. Area of Application**

This provision shall apply to the lands legally described as Lots 18 - 20, Block 19, Plan RN22, located at 12312 - Jasper Avenue NW and 10110 - 123 Street NW, shown in Schedule "A" of the Charter Bylaw adopting this Provision, Oliver.

**3. Permitted Uses**

- a. Apartment Hotels
- b. Bars and Neighbourhood Pubs
- c. Breweries, Wineries and Distilleries
- d. Business Support Services
- e. Cannabis Retail Sales
- f. Child Care Services
- g. Commercial Schools
- h. Convenience Retail Stores
- i. Creation and Production Establishments
- j. General Retail Stores
- k. Group Home
- l. Government Services
- m. Health Services
- n. Hotels
- o. Household Repair Services
- p. Indoor Participant Recreation Services
- q. Limited Group Home
- r. Liquor Stores
- s. Live Work Unit
- t. Lodging Houses
- u. Major Home-Based Business

- v. Market
- w. Media Studios
- x. Minor Home-Based Business
- y. Multi-unit Housing
- z. Non-accessory Parking
- aa. Private Clubs
- bb. Personal Service Shops
- cc. Professional, Financial and Office Support Services
- dd. Private Education Services
- ee. Public Libraries and Cultural Exhibits
- ff. Residential Sales Centre
- gg. Restaurants
- hh. Secondhand Stores
- ii. Special Event
- jj. Specialty Food Services
- kk. Urban Gardens
- ll. Urban Indoor Farms
- mm. Veterinary Services
- nn. Fascia On-Premises Signs
- oo. Minor Digital On- Premises Signs
- pp. Projecting On-premises Signs
- qq. Temporary On-premises Signs

**4. Development Regulations for Uses**

- a. Non-Residential and Non-Residential-Related Uses shall:
  - i. only be developed in conjunction with Residential or Residential-Related Uses and shall not be in any freestanding structure;
  - ii. only be developed on or below the 3rd Storey.
  - iii. have a maximum total combined Floor Area of 750 m<sup>2</sup>.
- b. Each Restaurant, Bar and neighborhood Pubs and Specialty Food Services Use shall be limited to a maximum of 460 m<sup>2</sup> of Public Space, excluding exterior patio/deck/terrace space which can be to a maximum of 50% of the interior Public Space.

- c. Breweries, Wineries and Distilleries shall only be allowed if developed in combination with a Restaurant or Bar and Neighbourhood Pub.
- d. Non-accessory Parking shall only be located in an underground Parking Garage and only be permitted if the owner can demonstrate through a Parking Impact Assessment or Parking Justification to the satisfaction of the Development Officer in consultation with Parking Services, that the current parking on Site is underutilized. Any surplus may then be approved for Use as Non-Accessory Parking.
- e. Residential Sales Centres shall be limited to the marketing of the on-Site condominium or rental Dwellings.
- f. Signs shall comply with the regulations found in Schedule 59F of the Zoning Bylaw.
- g. A Comprehensive Sign Design Plan shall be prepared for the development and submitted with the Development Permit application for construction of the principal building to the satisfaction of the Development Officer.
- h. Temporary On-premises Signs shall be limited to project advertising associated with an on-Site Residential Sales Centre and shall not include trailer mounted or signs with changeable copy.
- i. Urban Indoor Farms shall only be located in a converted underground Parking Garage and only be permitted if the owner can demonstrate, through a Parking Impact Assessment or Parking Justification to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), that the current parking utilization on Site is less than provided. Any surplus may then be approved for Use as Urban Indoor Farms.

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

- a. Development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.

- b. The maximum Height shall be 99.0 m
- c. The maximum Height of the podium shall be 10.0 m
- d. The maximum Floor Plate of the Tower shall be 800 m<sup>2</sup>.
- e. The maximum Floor Area Ratio shall be 11.0.
- f. The maximum number of Dwellings shall be 305.
- g. Minimum Setbacks for the building shall be:
  - i. From the north Lot line – 0.0 m;
  - ii. From the south Lot line – 1.0 m, except that at a minimum 17 m of the most easterly portion of the south Façade shall have a Setback of at least 2.8 m from the south Lot line to provide an enhanced building entrance and outdoor space;
  - iii. From the east Lot line – 2.0 m; and
  - iv. From the west Lot line – 0.0 m;
- h. The minimum Tower Setbacks shall be as follows:
  - i. From the north Lot line – 12.0 m;
  - ii. From the south Lot line – 3.0 m; except that at least 35% of the Facade shall be set back a minimum of 4.0 m and at least 25% shall be set back a minimum of 4.7 m
  - iii. From the east Lot line – 6.0 m
  - iv. From the west Lot line – 13.0 m
- i. Notwithstanding Sections 5.g and 5.h of this Provision, the canopy feature above the second Storey and the architectural wall feature separating the Residential Uses from the southerly portion of the building, as identified on Appendix 2, may project into the required Setbacks to the Lot line.
- j. The portions of the Parking Garage below ground level shall not be subject to required Setbacks and can extend to all Lot lines provided there is sufficient soil capacity to support the required Landscaping. Any tie-backs to the below ground Parking Garage that extend into road right-of-way shall be a minimum of 6 m below Grade at the corresponding Lot line.

- k. Any Public Space associated with a Non-Residential use or Non-Residential-Related Use located on the podium rooftop shall be adequately screened to mitigate impacts to Dwellings within the Tower using features such as, but not limited to, screening, landscaping, and downward direction of all exterior lighting.
- l. Common Amenity Areas above the third Storey shall be used for residential purposes only.
- m. Platform Structures in the form of balconies with a minimum depth of 1.2 m may be used to satisfy required Amenity Area and may project into Setbacks.

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

- a. All vehicular parking shall be provided in the underground Parking Garage, except that a maximum of 5 surface parking spaces located at the rear of the building accessed from the Lane shall be permitted for Non-Residential and Non-Residential-Related Uses.
- b. Vehicular access to the underground Parking Garage shall be provided from the rear Lane.
- c. The minimum number of Off-street Vehicular Accessory Parking spaces shall be 186.
- d. Visitor parking shall be provided at a minimum rate of 1 space per 15 Dwellings.
- e. Up to 40% of the required Off-street Vehicular Accessory Parking spaces may be of a length shorter than the requirements prescribed in the Zoning Bylaw to a minimum of 4.6 m, and shall be clearly signed as small car spaces, located underground, easily located and convenient to use.
- f. Up to 36 Vehicular Accessory Parking spaces may be provided as Tandem Parking.



- g. Variances to the number of off-street vehicular accessory parking spaces may be considered by the Development Officer if the owner can demonstrate through a Parking Impact Assessment or Parking Justification, that the parking proposed is less or more than that required by this Provision and rationalizes any variance in parking requirements to the satisfaction of the Development Officer in consultation with Parking Management Services.
- h. Accessory vehicular parking for Non-Residential and Non-Residential-Related Uses may share parking spaces with residential visitor parking through an owner operated parking management program.
- i. Bicycle parking shall be provided in accordance with the regulations for Bicycle Parking Facilities in the Zoning Bylaw, to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), and the following:
  - i. Bicycle Parking Facilities shall be provided at a rate of 0.50 spaces per Dwelling, in a safe and secure location in the underground Parking Garage or in another secure location within the podium that are easily accessible to cyclists via access ramps, or a route through the building which facilitates easy and efficient transportation of bicycles;
  - ii. Vertical or stacked racks may be used to satisfy bicycle parking requirements if it can be demonstrated that they can be safely and efficiently used. The size of vertical bike parking stalls shall be a minimum of 0.60 m wide, 2.3 m high, and 1.1 m deep, with a minimum 1.5 m wide aisle;
  - iii. A minimum of 8 bicycle parking spaces shall be provided for short term uses along 123 Street NW and Jasper Avenue NW. Short term bicycle parking may be located more than 15.0 m from a building's principal entrance.
- j. Loading, storage and waste collection areas shall be concealed from public roadways with the waste collection areas located within the buildings. The waste collection area, and access to it, shall be designed to the satisfaction of the Development Officer in consultation with Waste Management Services and Subdivision and Development Coordination (Transportation).
- k. A minimum of one (1) off-street loading space shall be provided for the Site.

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

- a. Notwithstanding Landscaping Regulations of the Zoning Bylaw, Landscaping shall be provided in general accordance with Appendix 4 and shall include on-site and off-site improvements.
- b. A detailed Landscape Plan, prepared by a registered Alberta Association of Landscape Architects (AALA) landscape architect, for the Site, shall be submitted for review and approval by the Development Officer, prior to the issuance of any Development Permit, except for a permit for excavation or shoring.
- c. Building Setbacks at ground level in front of Non-Residential and/or Non-Residential-Related Uses and the main building entrance shall be landscaped with hard surfacing and integrated with the pedestrian oriented public realm of the Imagine Jasper Avenue concept, to the satisfaction of Subdivision and Development Coordination (Transportation) and Infrastructure Integrated Services (Transportation Planning and Design).
- d. Landscaping that extends onto or over City-owned lands shall be developed in accordance with Traffic Bylaw 5590 and the City Design and Construction Standards.
- e. Landscaping, both on-Site and off-Site, shall consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
- f. Prior to the issuance of a development permit, a detailed exterior lighting plan showing location and detail of outdoor lighting shall be provided that demonstrates that decorative and security lighting is designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a well-lit and safe environment for pedestrians, to accentuate artwork and building elements, and to highlight the development at night time and in winter months. The lighting plan should also mitigate negative impacts on adjacent properties.

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

- a. The building shall be comprised of a podium and Tower configuration.

- b. The Tower shall provide articulation and visual interest through the variation of material/color or other means to the satisfaction of the Development Officer.
- c. The podium rooftops of the development shall improve rooftop aesthetics to the satisfaction of the Development Officer. Improvements to aesthetics shall include screening of mechanical equipment, appropriate roof surface material, colour and texture variations or hard or soft Landscaping.
- d. All mechanical equipment, including ground level Parking Garage vents, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating it within the building. Ground level vents shall be oriented away from adjacent Sites or on-Site amenity or pedestrian circulation areas.
- e. Exterior building materials shall be durable, high quality and appropriate for the development within the context of the immediately surrounding neighbourhood, including, but not limited to: masonry, stone, brick, metal cladding/panelling and/or glazing. The use of vinyl and masonry stucco is prohibited.
- f. The architectural treatment of the podium Facades containing Non-Residential and Non-Residential-Related Uses shall strengthen the pedestrian-oriented experience along Jasper Avenue NW pursuant to the following:
  - i. building entrances, and windows shall be oriented to front a public roadway;
  - ii. the placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented street;
  - iii. Façades shall be designed to break the appearance into 7.0 m sections or less using a combination of recesses, projections, change in building materials, colours, and/or a physical breaks in building mass;
  - iv. a maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction;

- v. weather protection, where appropriate, in the form of canopies or other architectural elements shall be provided to create a comfortable environment for pedestrians; and
- vi. a minimum of 70% of the linear frontage shall consist of transparent glazing. Linear Frontage shall be measured as the horizontal plane at 1.5 m above Grade.
- g. Non-Residential and Non-Residential-Related Uses shall have pedestrian entrances that are separate from Residential Uses.
- h. All ground-oriented Dwellings that face 123 Street NW shall provide an individual external entrance at Grade oriented and clearly visible to be readable from and lend a sense of occupancy to the public roadway including the Lane using features such as, but not limited to porches, staircases and stoops.
- i. A semi-private outdoor Amenity Area in front of each ground-oriented Dwelling exterior entry shall be provided in a manner that establishes a transition area between the public roadway including the Lane, using landscape features such as decorative fencing, change in Grade, and/or built elements such as private entrance features and verandas or porches.

## **9. Public Improvement and Contributions**

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

the Development Officer shall ensure a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of each development permit approval, the option to purchase up to 5% of the proposed number of Dwelling units (rounded to the nearest Dwelling unit) in each building with Dwelling units, at 85% of market value or the equivalent value as cash in lieu (at the discretion of the owner) to the City. The City may exercise its option to purchase only in respect of Dwelling units that are individually titled.

- b. A minimum of 84 m<sup>2</sup> of outdoor space shall be provided as Public Amenity Space on the southeast corner of the Site. This Public Amenity Space shall be accessible to the public through the registration of a 24 hour Public Access Easement in favour of the City of Edmonton which shall be a condition of the Development Permit. This Public Amenity Space shall be at ground level and designed with consideration for being visually and physically accessible to the public.
  
- c. Prior to the issuance of a Development Permit for the principal building, the owner shall enter into an agreement with the City of Edmonton whereby the owner shall provide a minimum total community amenity contribution fund of \$391,000 which amount shall be increased every 5 years from the date of passage of the Bylaw adopting this provision according to the annual rate of inflation as determined by Statistics Canada, towards following community amenity contributions, in any combination:
  - i. The owner entering into an Agreement with the City of Edmonton for a minimum of \$195,000 towards off-site improvements to support and enhance the development and surrounding streetscape. To support the verification of the \$195,000.00, an illustrative plan and cost estimate for the streetscape improvements from a professional landscape architect shall be submitted. The Agreement shall include an engineering drawing review and approval process. Improvements shall be constructed at the owner's cost, be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), Infrastructure Integrated Services (Transportation Planning and Design), and City Operations and shall include, but may not be limited to, the following:
    - A. Improvements to the public realm along Jasper Avenue NW and 123 Street NW, to the existing curblines, directly abutting the Site and in general conformance with the Imagine Jasper Avenue design. Improvements may include, but shall not be limited to, provision of a new curb and gutter, sidewalk, street lighting, traffic signal pole at the northwest corner of the 123 Street and Jasper Avenue intersection, furniture, street trees, and soft landscaping; and

- B. The remainder of 123 Street NW public realm, from the terminus of Imagine Jasper Avenue, to the east-west Lane, including, but not limited to, the removal of existing access, sidewalk, curb and gutter, relocation of signal cabinet, fire hydrant, and any utilities as required to facilitate pedestrian movement, and provision of a new curb and gutter, sidewalk, street lighting, furniture, street trees, and soft landscaping.
- ii. The owner entering into an Agreement with the City of Edmonton, prior to the issuance of a Development Permit for the principal building, for the acquisition of public art. The art will be acquired through an art procurement process administered by the owner(s). The following shall apply to these contributions:
  - A. Artworks shall be created by a professional artist;
  - B. Artworks shall be within private property, excluding the interior of the building, and shall be in a location(s) that is publicly viewable, to the satisfaction of the Development Officer;
  - C. All costs related to the procurement of the artworks, operation and future maintenance shall be the responsibility of the owner; and
- iii. The owner entering into an Agreement with the City of Edmonton for an off-Site public amenity such as, or any combination of, streetscape improvements, the creation of a community hall, community garden, and/or other amenity or other parks or open spaces within the boundaries of the Oliver neighbourhood. The funds shall be submitted to the City prior to the issuance of the Development Permit and be disbursed by the City according to a separate agreement between the City and the Oliver Community League. More specific agreement details shall be determined at the Development Permit stage between the owner and the City, in consultation with the Oliver Community League, Subdivision and Development Coordination (Transportation) and Transportation Planning and Design.
- d. Notwithstanding Section 9.c.i of this Provision, if Imagine Jasper Avenue streetscape improvements directly adjacent to the Site have been completed prior

to the release of drawings for Building Permit review or these improvements are deemed not appropriate to construct in advance of Imagine Jasper Avenue improvements adjacent to the Site as a result of grading issues or other technical challenges, to the satisfaction of the Development Officer in consultation with Transportation Planning and Design, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve or enhance the development, with such improvements to be constructed at the owner's cost. The Agreement process includes an engineering drawing review and approval process. Improvements to address in the Agreement include, but are not limited to:

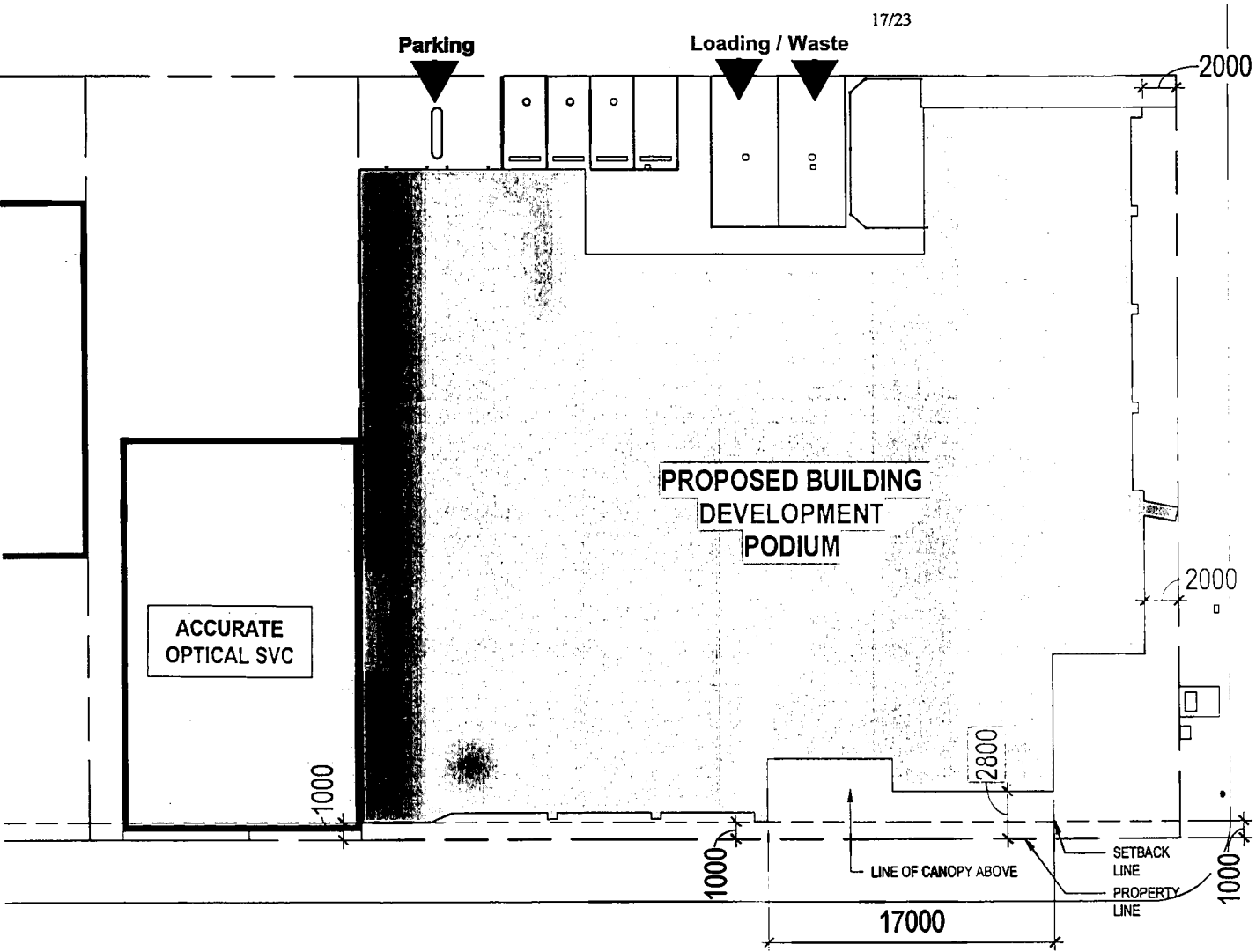
- i. Repair of any damage resulting from construction of the development to the Abutting roadways, sidewalks and/or boulevard, including Lanes not directly adjacent to the Site but which may be used for construction purposes, to the satisfaction of Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision and Development Coordination prior to the start of the construction and once again when construction is complete.
- e. As a condition of a Development Permit for construction of a principal building, the owner shall enter into an Agreement with the City of Edmonton for off-Site improvements necessary to serve the development, such improvements to be constructed at the owner's cost. The Agreement process includes an engineering drawing review and approval process, and be designed to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). Improvements to address in the Agreement include, but are not limited to:
- i. Reconstruction of the east-west Lane between 123 Street NW and the west property line of the site to a commercial alley standard including reconstructing the Lane crossing on 123 Street NW and removal and relocation of any utilities as required to facilitate access to parking and waste collection area, and
  - ii. Repair of any damage resulting from construction of the development to the Abutting roadways, sidewalks and/or boulevard, including Lanes not directly adjacent to the Site but which may be used for construction purposes, to the satisfaction of Subdivision and Development Coordination (Transportation). The Site must be inspected by Subdivision

and Development Coordination prior to the start of the construction and once again when construction is complete.

**10. Other Regulations**

- a. Sun Shadow and Wind Impact Study may be required at the discretion of the Development Officer for submission with a Development Permit application, for any building or portion of a building with a Height greater than 15.0 m. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-Site, consistent with the recommendations of the Sun Shadow Impact Study and Wind Impact Study.
- b. Prior to the issuance of any Development Permit, except for the purpose of demolition and excavation, 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).
- c. Notwithstanding the other Development Regulations of this Provision, the Appendices of this Provision and Section 720.3(2) of the Zoning Bylaw, in the event that the owner/developer does not obtain a Building Permit and commence construction of the principal building under a valid Development Permit within 10 years of the passage of the Bylaw adopting this Provision, development of the Site legally described as Lots 18 - 20, Block 19, Plan RN22 shall be in accordance with this Provision, except that:
  - i. The maximum Height shall be 45.0 m.
  - ii. The maximum Floor Area Ratio shall be 7.0;





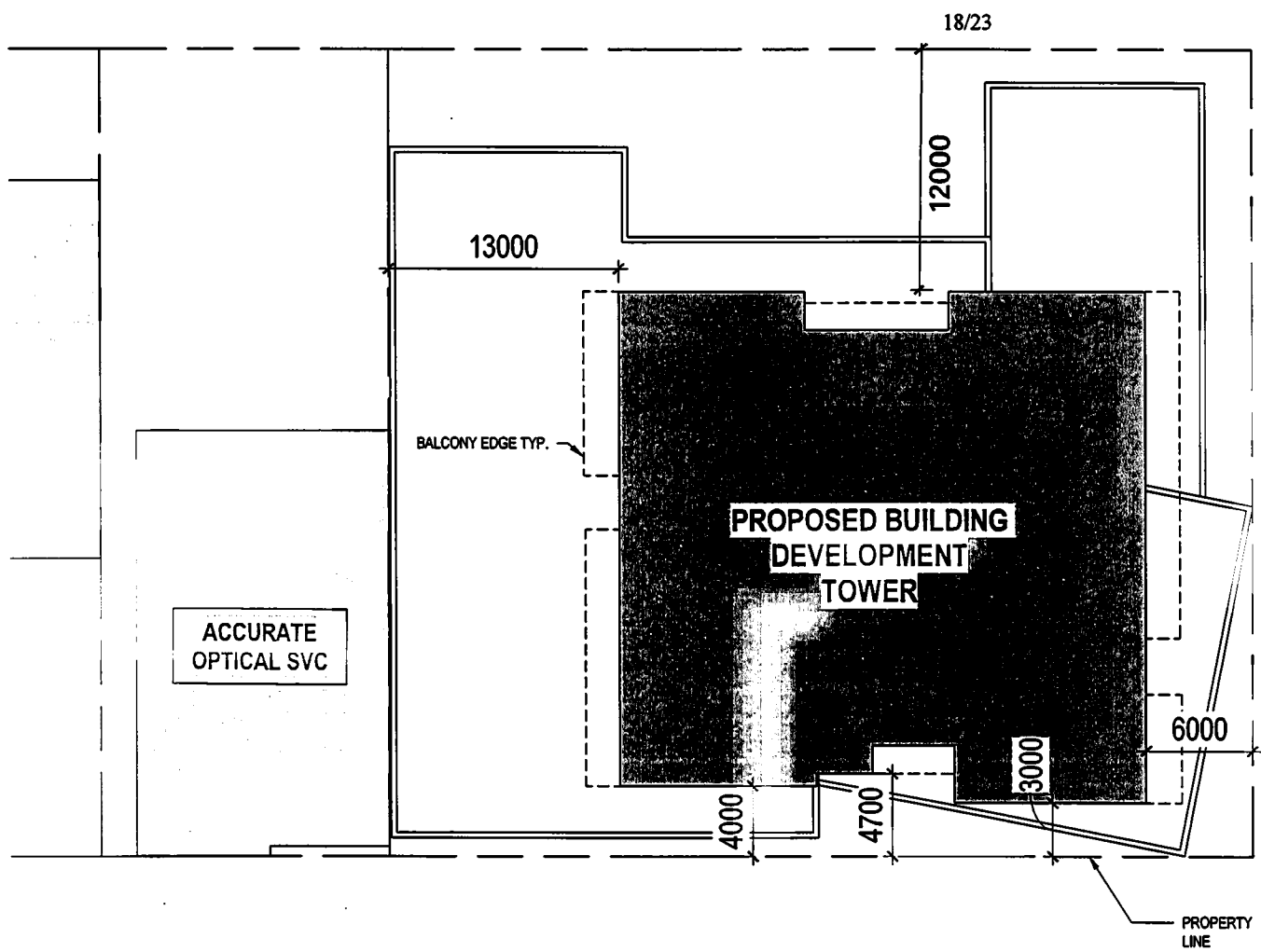
123 STREET

THE OLIVER RESIDENCES

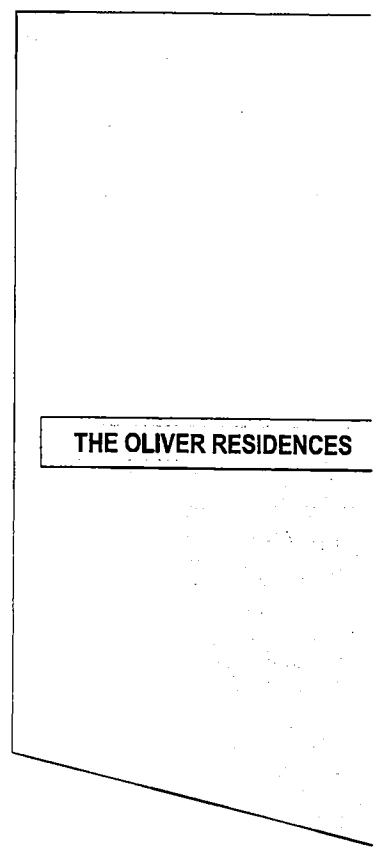


JASPER AVENUE

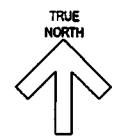
Appendix 1  
Site Plan  
Podium Setbacks



123 STREET

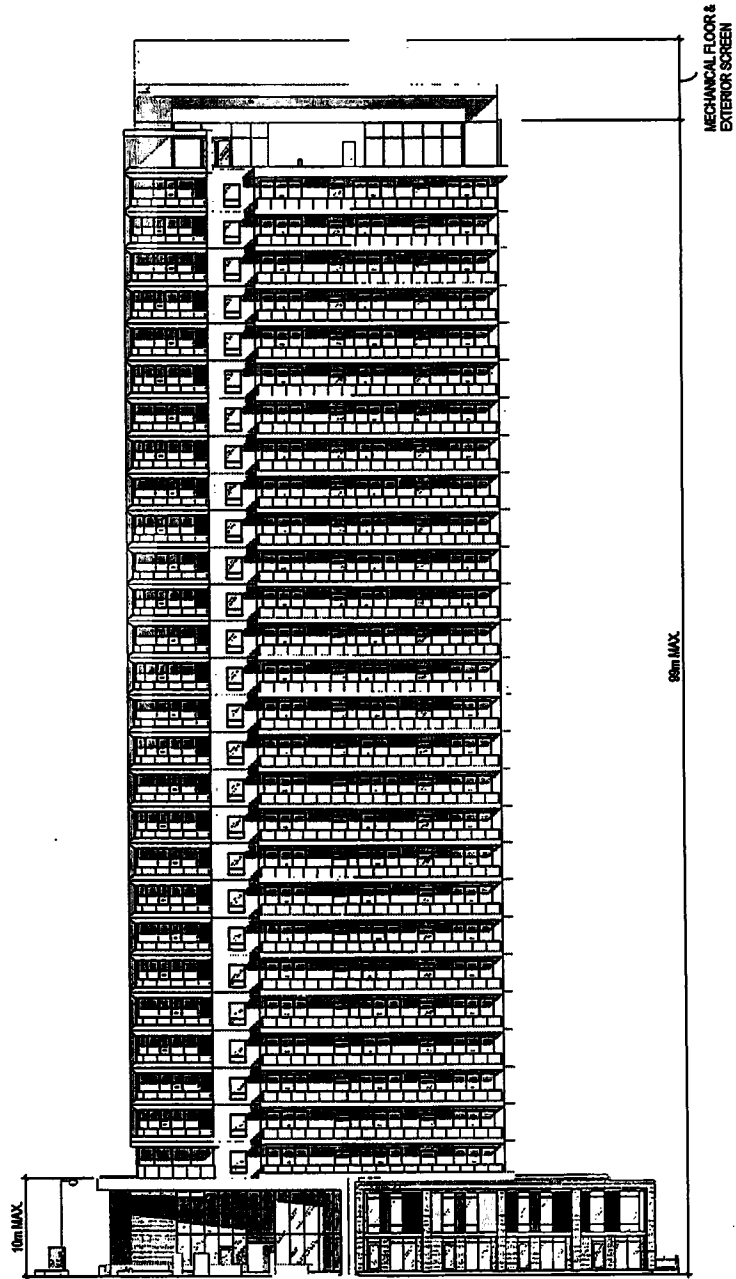


JASPER AVENUE

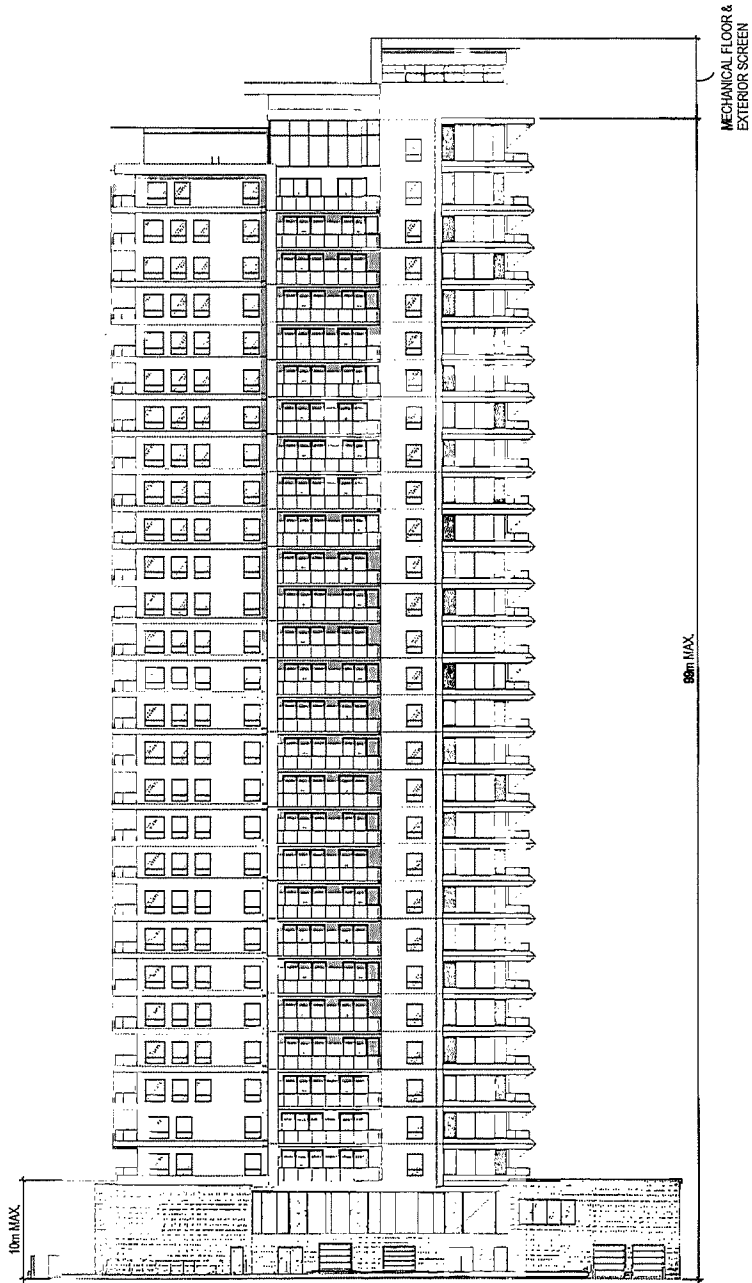


Appendix 2  
Site Plan  
Tower Setbacks

Appendix 3  
East Elevation

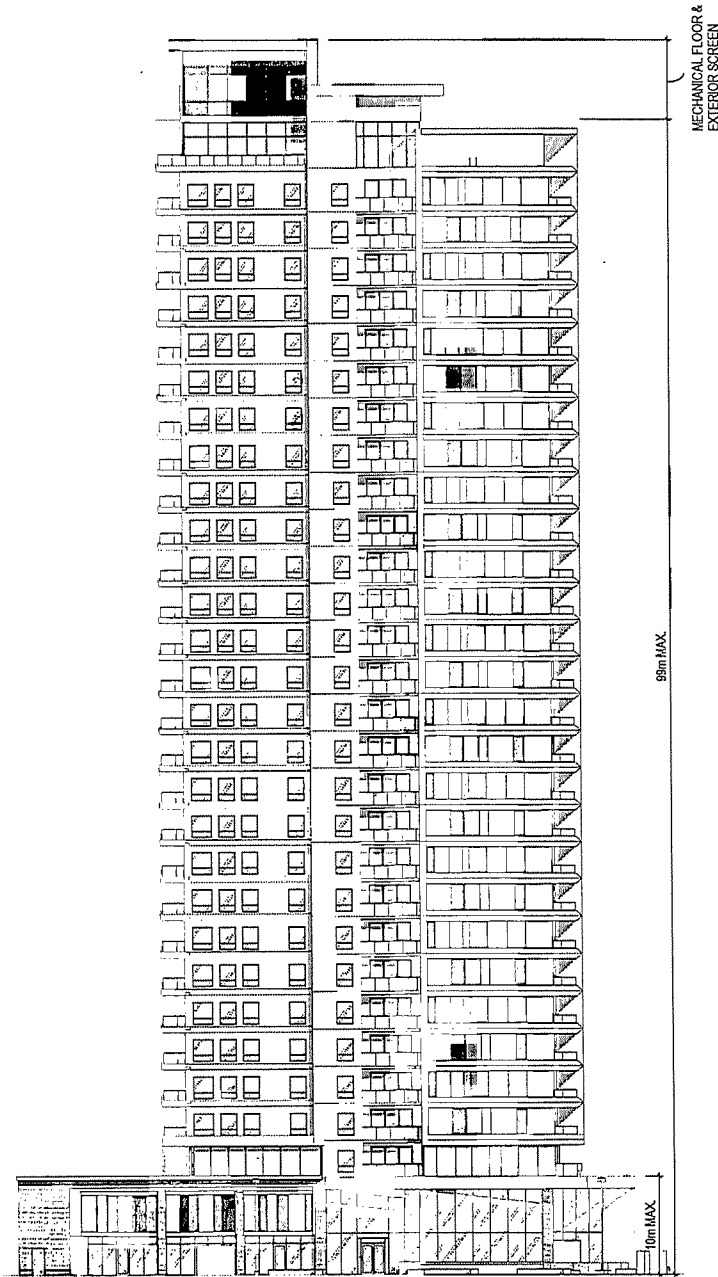


Appendix 3  
North Elevation



NORTH ELEVATION

Appendix 3  
South Elevation



SOUTH ELEVATION

Appendix 3  
West Elevation

