

Charter Bylaw 18798

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 2774

WHEREAS a portion of Lot 45A, Block 18, Plan 8520386 and Lot 372, Block 19, Plan 0623115 located at 10326 - 118 Street NW and 10231 - 120 Street NW, Oliver, Edmonton, Alberta, are specified on the Zoning Map as (AP) Public Parks Zone and (US) Urban Services Zone; and

WHEREAS an application was made to rezone the above described properties to (DC2) Site Specific Development Control Provision and (AP) Public Parks Zone;

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 a portion of Lot 45A, Block 18, Plan 8520386 and Lot 372, Block 19, Plan 0623115 located at 10326 - 118 Street NW and 10231 - 120 Street NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (AP) Public Parks Zone and (US) Urban Services Zone to (DC2) Site Specific Development Control Provision and (AP) Public Parks Zone.
2. The uses and regulations of the aforementioned DC2 Provision are annexed hereto as Schedule "B".

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

READ a first time this	day of	, A. D. 2019;
READ a second time this	day of	, A. D. 2019;
READ a third time this	day of	, A. D. 2019;
SIGNED and PASSED this	day of	, A. D. 2019.

THE CITY OF EDMONTON

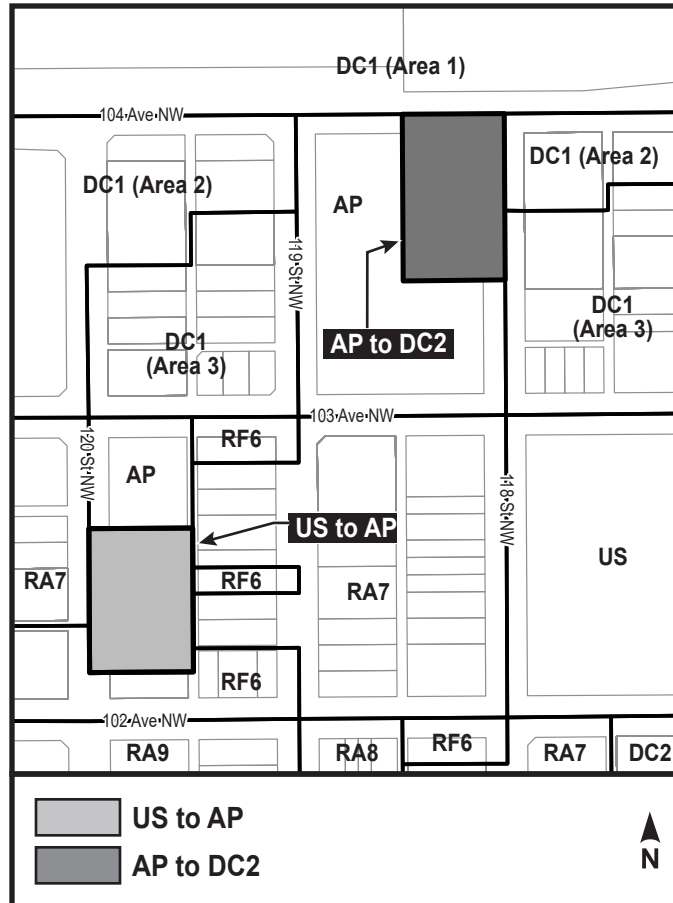
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MAYOR

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CITY CLERK

## CHARTER BYLAW 18798



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

To facilitate the development of a residential tower on a mixed use podium with commercial uses fronting 104 Avenue NW and residential units fronting 118 Street NW.

**2. Area of Application**

This Provision shall apply to a portion of Lot 45A, Block 18, Plan 8520386 south of 104 Avenue NW and west of 118 Street NW, as shown on Schedule A attached to the Bylaw adopting this Provision, Oliver.

**3. Uses**

- a. Apartment Hotels
- b. Apartment Housing
- c. Bars and Neighbourhood Pubs
- d. Breweries Wineries and Distilleries
- e. Business Support Services
- f. Child Care Services
- g. Commercial Schools
- h. Convenience Retail Stores
- i. Creation and Production Establishments
- j. General Retail Stores
- k. Government Services
- l. Health Services
- m. Indoor Participant Recreation Services
- n. Live Work Unit
- o. Media Studios
- p. Minor Alcohol Sales
- q. Minor Amusement Establishments
- r. Minor Home Based Business
- s. Major Home Based Business

- t. Personal Service Shops
- u. Private Clubs
- v. Private Education Services
- w. Professional, Financial and Office Support Services
- x. Public Libraries and Cultural Exhibits
- y. Residential Sales Centre
- z. Restaurants
- aa. Secondhand Stores
- bb. Specialty Food Services
- cc. Veterinary Services
- dd. Fascia On-premises Signs
- ee. Projecting On-premises Signs

#### **4. General**

- a. Development shall be in general conformance with Appendices I – V to the satisfaction of the Development Officer .
- b. The maximum Floor Area Ratio shall be 7.0.
- c. The maximum number of Dwellings shall be 280.
- d. The maximum Height shall be 80 m.
- e. The maximum podium Height shall be 9.0 m.
- f. Building setbacks shall be as follows:
  - i. a minimum 1.5 m from the north Lot line;
  - ii. a minimum 3.0 m from the east Lot line;
  - iii. a minimum 3.0 m from the south Lot line.
  - iv. a minimum 5.5 m from the west Lot line except that a minimum 1.5 m Setback shall be permitted from the west Lot line for a maximum linear distance of 30.0 m.
- g. The minimum building setbacks shall be as follows:
  - i. for the north and east Façade, 4.0 m at a maximum height of 9.0 m;
  - ii. for the south Façade, 5.5 m at a maximum height of 9.0 m and a 43.0 m at a maximum height of 34.0 m; and
  - iii. for the west Façade, 5.5 m at a maximum height of 9.0 m for a minimum linear distance of 24.0 m.
- h. The maximum Tower floor plate above 34.0 m in Height shall be 750 m<sup>2</sup>.

- i. A minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided.
- j. Balconies with a minimum depth of 1.5 m may be used in calculating the required Amenity Area.
- k. A minimum of 400 m<sup>2</sup> of communal indoor and/or outdoor Amenity Area shall be provided on the rooftop within the south Stepbacks which may include, but not be limited to a seating area, communal cooking facilities or lounge space. This communal Amenity Area shall incorporate design features such as fencing, planters, seating, lighting, screening and properly screen mechanical equipment that is designed to limit overlook, to the satisfaction of the Development Officer.
- l. Notwithstanding Subsection 44 of the Zoning Bylaw, architectural features above the ground Storey, such as balconies, patios and roof projections may project into required Setbacks to a maximum of 1.6 metres provided a minimum Setback of 1.4 m is maintained between the Lot line and these projections.

## 5. Parking, Access, Loading and Storage

- a. Notwithstanding parking regulations of the Zoning Bylaw, Residential and Residential-Related Uses shall provide Off-street Vehicular Parking spaces as follows:

	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
Bachelor Suite or Bed Sitting Room	0.2	0.5
1 Bedroom Dwelling or Residential Related Unit	0.4	1.0
2 or more Bedroom Dwelling or Residential Related Unit	0.8	1.25
Visitor Parking	1 per 15 Dwellings	1 per 7 Dwellings

- b. A minimum of four spaces for Off-street Vehicular Parking shall be required for Non-residential Uses
- c. Bicycle Parking spaces for Residential Uses shall be provided in a safe, secure, indoor location at a minimum rate of 50% of the number of Dwellings.
- d. All vehicular parking shall be provided in below or above Grade Parking Garages.
- e. The portions of the underground parking structure shall not be subject to required Setbacks and can extend to all Lot lines provided there is sufficient soil depth maintained to support any required Landscaping above.
- f. The maximum Height of the underground parking structure or associated retaining

walls shall be 0.6 m.

- g. Above Grade Parking Garages that are part of the building podium shall be screened in a way that does not disrupt the continuity of the Street Wall, and shall not exceed 9.0 m in Height. Screens may include, but are not limited to, public art and street fronting Uses.
- h. One Off-street Loading space shall be provided in general accordance with Appendix I.
- i. Access to parking structures, waste collection, and loading spaces shall be from 118 Street NW with a maximum width of 15.0 m in general conformance to Appendix 1.
- j. Vehicular and servicing access shall be designed to minimize the visual impact through screening, orientation, and variation of materials to the satisfaction of the Development Officer.
- k. No parking, loading, storage, waste collection, outdoor service or display area shall be permitted within required Setbacks.
- l. Loading, storage and trash collection areas shall be located within the building. Trash collection areas shall be designed to the satisfaction of the Development Officer in consultation with Waste Management and Transportation Services.

## **6. Landscaping**

- a. Notwithstanding Landscaping regulations of the Zoning bylaw, Landscaping for the Site shall be in general conformance with Appendix II.
- b. A detailed Landscape Plan, prepared by a registered 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. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings, and other detailed Landscaping elements. The Landscape Plan shall include design of the adjacent Street and public realm where applicable.
- c. Landscaping within the Setback adjacent to 104 Avenue NW shall be developed to provide an enhanced pedestrian experience and a public realm that seamlessly transitions from public to private property by:
  - i. continuing the public sidewalk paving materials, finish, and pattern to compliment the adjacent streetscape. Soft Landscaping may be required at the discretion of the Development Officer; and
  - ii. providing design measures to reduce the environmental impacts of higher levels of vehicular traffic on the pedestrian experience.
- d. Landscaping on the Site shall consider the use of plant materials that provide colour throughout the year to enhance the appearance of the development during cold weather months.

- e. The owner shall be responsible for the costs of installing and maintaining new boulevard trees to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation), along 118 Street NW from 104 Avenue NW to 103 Avenue NW for a minimum of two years after installation.
- f. Landscaping that extends over City-owned lands shall be developed in accordance with Traffic Bylaw 5590 and the City Design and Construction Standards.

## **7. Signage**

- f. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
- g. A Comprehensive Sign Design Plan in accordance with the provisions of Section 59.3 shall be required to the satisfaction of the Development Officer.

## **8. Development Regulations for Specific Uses**

- a. Breweries, Wineries and Distilleries shall be developed accessory to a Restaurant or a Bar and Neighbourhood Pub.
- b. Convenience Retail Stores, and Minor or Major Alcohol Sales shall be limited to the ground Storey of development.
- c. Personal Service Shops shall not include Body Rub Centres.
- d. Residential Sales Centres shall be limited to the marketing of the on-Site Dwellings.
- e. Each Bar and Neighbourhood Pub, Restaurant and Specialty Food Services Use shall be limited to 240 m<sup>2</sup> of Public Space.

## **9. Urban Design**

### **Street Interface**

- a. The building shall be designed to accommodate Commercial Uses that strengthen the pedestrian shopping experience by conforming with the following:
  - i. Commercial Uses shall only be permitted fronting onto 104 Avenue NW;
  - ii. the ground Storey shall have a minimum Height of 3.5 m;
  - iii. the geodetic elevation of the top of the floor on the level that is directly above Grade shall not exceed the geodetic elevation of the Abutting public sidewalk by more than 0.3 m; and
  - iv. a minimum of 70% of the linear building frontage of the ground Storey Commercial Facades shall be comprised of transparent, non-reflective, non-tinted, unobscured glazing, where fronting onto a Public Roadway, other than a Lane. Linear frontage shall be measured at 1.5 above the finished Grade of the adjacent boulevard.



## Massing and Building Articulation

- b. The building shall be divided into two distinct masses separated by a minimum distance of 5.5 m. The two masses shall be connected by transparently glazed corridor in general conformance with Appendix I. The corridor shall be designed for indoor common Amenity Area and shall incorporate design features such as seating areas, tables, and/or game area to encourage social interaction.
- c. The podium shall take the appearance of a two Storey row house oriented towards the east and south Lot lines with at Grade residential dwellings. At grade level Residential Dwellings shall be articulated as individual units with individual exterior entrances and have an Amenity Area in front of each at-Grade Dwelling provided in a manner that establishes a transition between the Amenity Area and the adjacent public roadway. This shall be achieved by using landscape features such as decorative fencing, change in grade, shrub beds or rock gardens and/or built elements such as private entrances features and verandas or porches. Sliding patio floors shall not serve as these entrances.
- d. The Tower top shall contribute to the ‘signature’ of the building and the City’s skyline through architectural treatment of the top two storeys and roof. The Tower shall provide articulation, visual interest and reduced massing effects by combination of sculpting of the building, variation of materials / colour, architectural features, or other means and shall be to the satisfaction of the Development Officer.

## Entrances and Corners

- e. To provide a visual continuation of the street wall, the architectural treatment on the 104 Avenue NW podium Façade shall wrap around to the west Façade, for a minimum of 15 m to the south.
- f. Residential entrances shall be designed separately from commercial entrances and address the street in a prominent manner.
- g. Commercial entrances shall address 104 Avenue in a prominent manner.
- h. The building shall be designed and oriented to face the north, south, and east property lines with entrances that are clearly visible.
- i. At Grade residential development shall provide separate, individual access at Grade and feature identifiable doorways, landscaped terraces, pedestrian lighting, and patios where appropriate. To ensure adequate privacy, the applicant shall provide screening to indicate separate individual access to each unit;
- j. The geodetic elevation of the top of the floor on the level that is directly above Grade, for the length of facades fronting east and south, shall be greater than the geodetic elevation of the Abutting sidewalk by an average of 0.60 m.

## Building Façade, Materials, and Exterior Finishing

- k. The lower portion of the Façades of the building, including the base and podium must be strongly articulated at regular increments to add variety, rhythm and a human scaled dimension along the street. This may include:
  - i. the provision of awnings, canopies, window openings, reveals, offsets, multiple entrances arcades, columns, pilasters, materials and colour or other architectural features; and
  - ii. the provision of quality materials, interesting design, fenestrations, inviting entrances and superior landscaping.
- l. All exposed building Facades shall have consistent and harmonious exterior finishing materials.
- m. Building materials must be durable, high quality and appropriate for the development within the context of the corridor.
- n. The building shall be designed to reflect 360 degree architecture with all exposed building Facades having consistent and harmonious exterior finishing materials.

## Roof Tops

- o. All mechanical equipment shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.

## Lighting

- p. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the development and will be provided to ensure a safe, well-lit environment for pedestrians, to ensure no negative impact on an adjacent property and to accentuate architectural elements, roof tops and public art.
- q. Detailed exterior lighting plans shall be required at the discretion of the Development Officer.

## 10. Other Regulations

- a. A Wind Impact Statement shall be submitted with each Development Permit application for a development having a Height greater than 20.0m. At the discretion of the Development Officer, a detailed Wind Impact Study may be required to be submitted and be based on a computer model simulation analysis. A Wind Impact Statement and Wind Impact Study shall be prepared by a qualified, registered Professional Engineer, to professional standards.

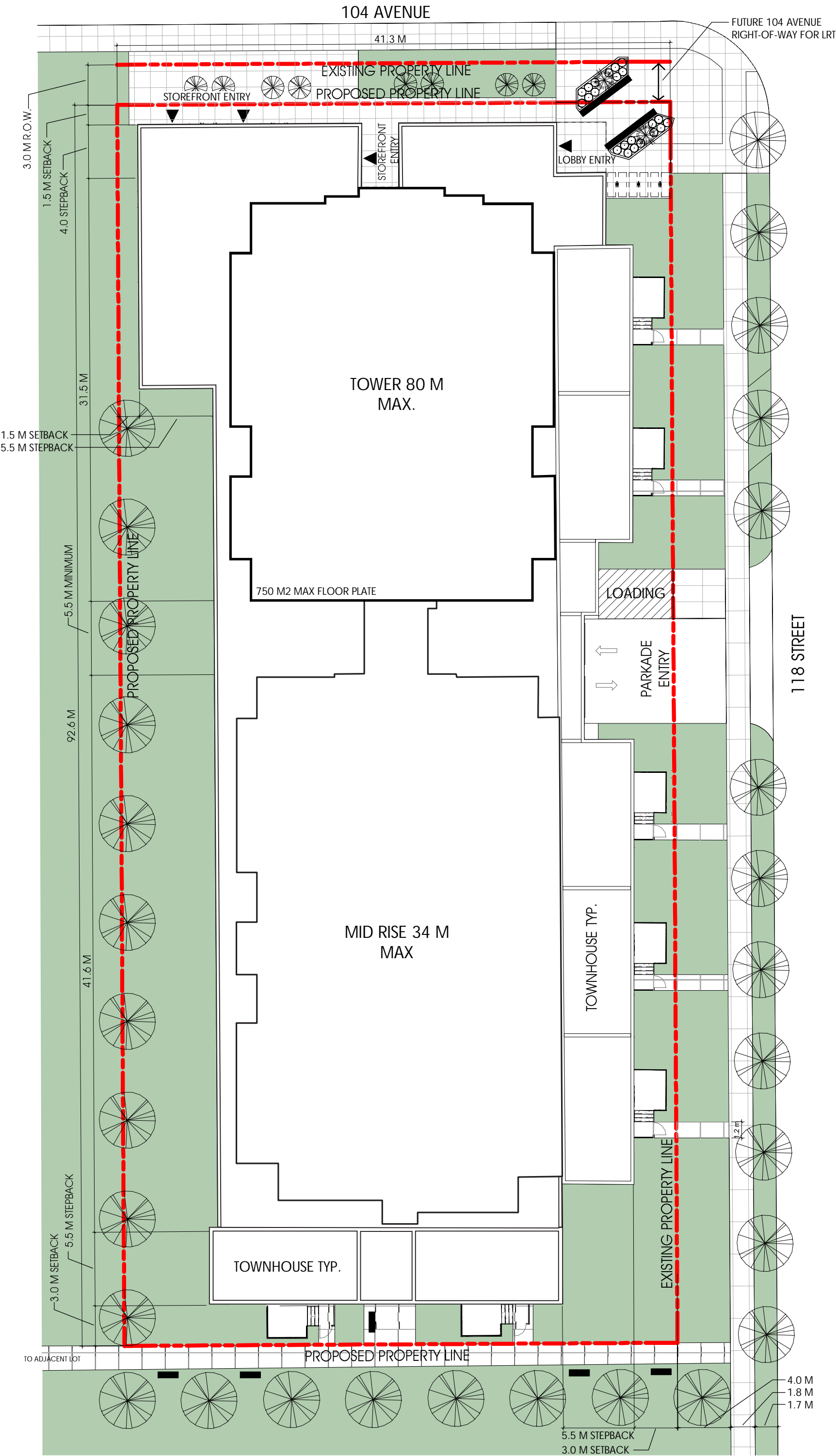
- b. The development shall incorporate design features to minimize adverse microclimatic effects such as wind tunneling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-Site, consistent with the recommendations of appropriate studies to the satisfaction of the Development Officer.
- c. Prior to the issuance of any Development Permit, a Crime Prevention through Environmental Design 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 Guide for a Safer City (City of Edmonton, 1995).

## **11. Improvements and Amenity Contributions**

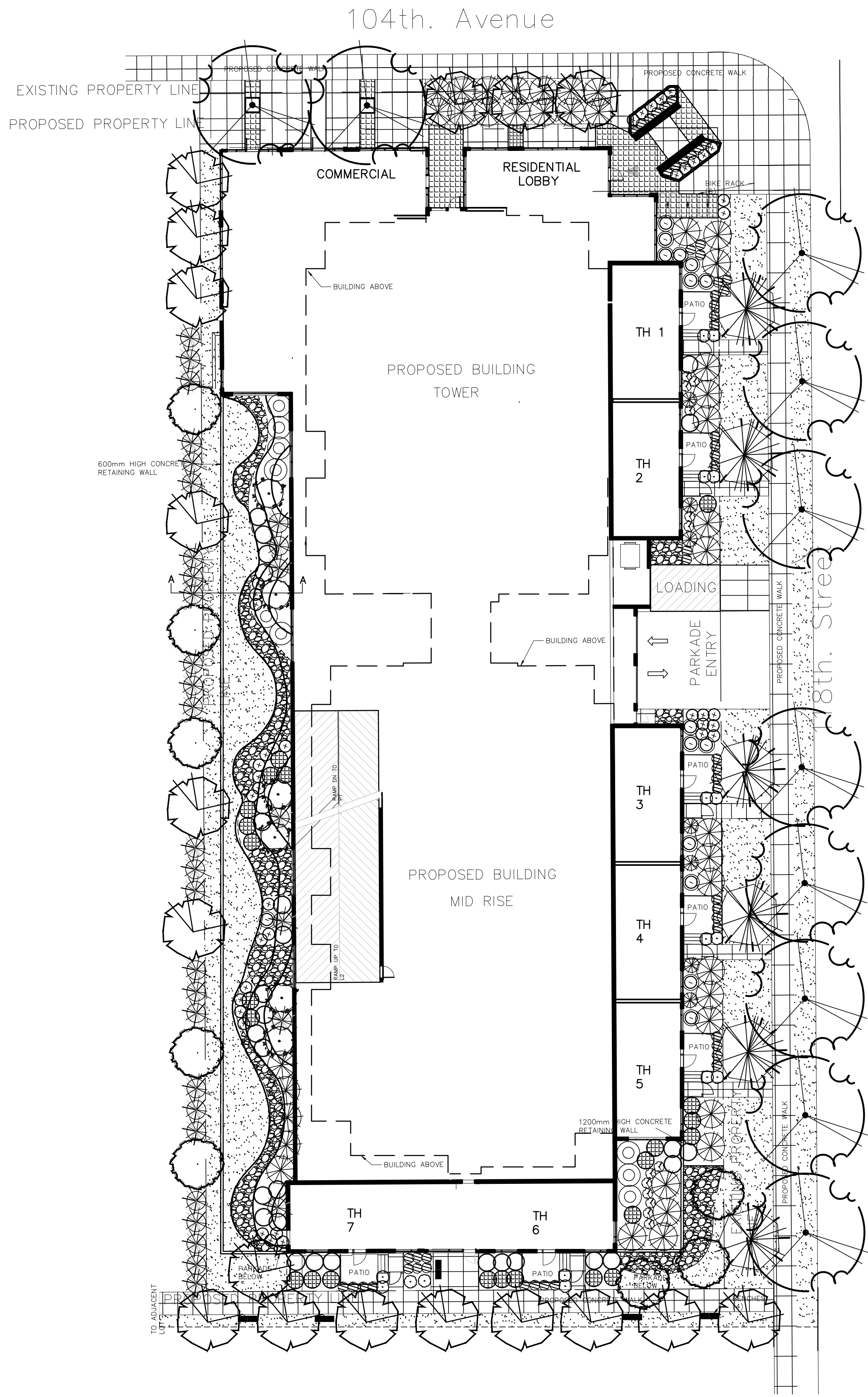
- a. Prior to the issuance of a Development Permit, the Development Officer shall ensure that a signed agreement has been executed between the City and the owner, requiring the owner to provide the City, at the time of development permit approval, the option to purchase five percent of the proposed number of residential dwelling units (rounded to the nearest unit) at 85 percent of market value or the equivalent value as cash in lieu to the City.
- b. A minimum 8 Dwellings shall be developed as Family Oriented Dwellings. Notwithstanding the definition of Family Oriented Dwelling, each unit shall:
  - i. be located no higher than the twelfth Storey of the building;
  - ii. have a minimum of three bedrooms; and
  - iii. be supported by a minimum of two of the following amenities:
    - i. access to at grade private outdoor Amenity Area of at least 15.0 m<sup>2</sup>;
    - ii. have dedicated and enhanced bulk storage located within the Dwelling, or on the same Storey as the Dwelling;
    - iii. dedicated and private bike storage for a minimum of three bicycles;
    - iv. a private outdoor Amenity Area of at least 10.0 m<sup>2</sup>; or
    - v. access to a communal Amenity Area specifically designed for children of at least 50.0 m<sup>2</sup>.
- c. The building shall be designed to meet the requirements of the Green Building Rating System LEEDTM, Canada NC, as amended, to achieve a minimum LEED Silver standard or equivalent. The owner is not required to seek LEED certification and may choose which supplementary green sustainable targets will be implemented, and, at their discretion, may indicate additional targets in excess of the Silver standard score to provide for flexibility of implementation. Upon submission of a Development Permit application, the applicant must submit a detailed report, endorsed by a registered professional engineer or architect, indicating how the LEED Silver points, or equivalent, will be achieved upon construction completion. This report must be approved by the Development Officer prior to the issuance of the Development Permit.

- d. As a condition of any Development Permit, and prior to the release of drawings for Building Permit review, the owner shall ensure that a signed contribution agreement has been executed between the City and the owner. The agreement shall require that funds be contributed to the Oliver Community League for an off-Site public amenity, with specific details to be determined by the Development Officer in consultation with the Oliver Community League. These funds shall 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 of \$55,000. If a development application has not been made within five years of the date of passage of this Bylaw, the funds for an off-Site amenity contribution shall be increased from that point forward according to the annual rate of national inflation as determined by Statistics Canada.
- e. Prior to the issuance of a Development Permit a public art plan shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer whereby the owner shall provide a minimum contribution of \$125,000 towards the acquisition of public art. Such agreement shall require that:
  - i. Prior to the issuance of a Development Permit, a public art plan shall be prepared and submitted to the City of Edmonton for review and approval by the Development Officer. The art will be acquired through an art procurement process administered by the owner/operator.
  - ii. The art shall be located on-Site and the exact location must be to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination.
  - 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 the Development Permit application is located as specified.
  - iv. If a development application has not been made within five 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.
- f. 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 shall include an engineering drawing review and approval process. Improvements to be addressed in the Agreement include, but are not limited to:
  - i. Construction of a 1.8 m sidewalk and 1.7 m boulevard on 118 Street NW between 104 Avenue NW and 103 Avenue NW;
  - ii. Deciduous trees spaced at 8.0 m shall be provided adjacent to 118 Street NW on the east and west sides of the sidewalk in accordance

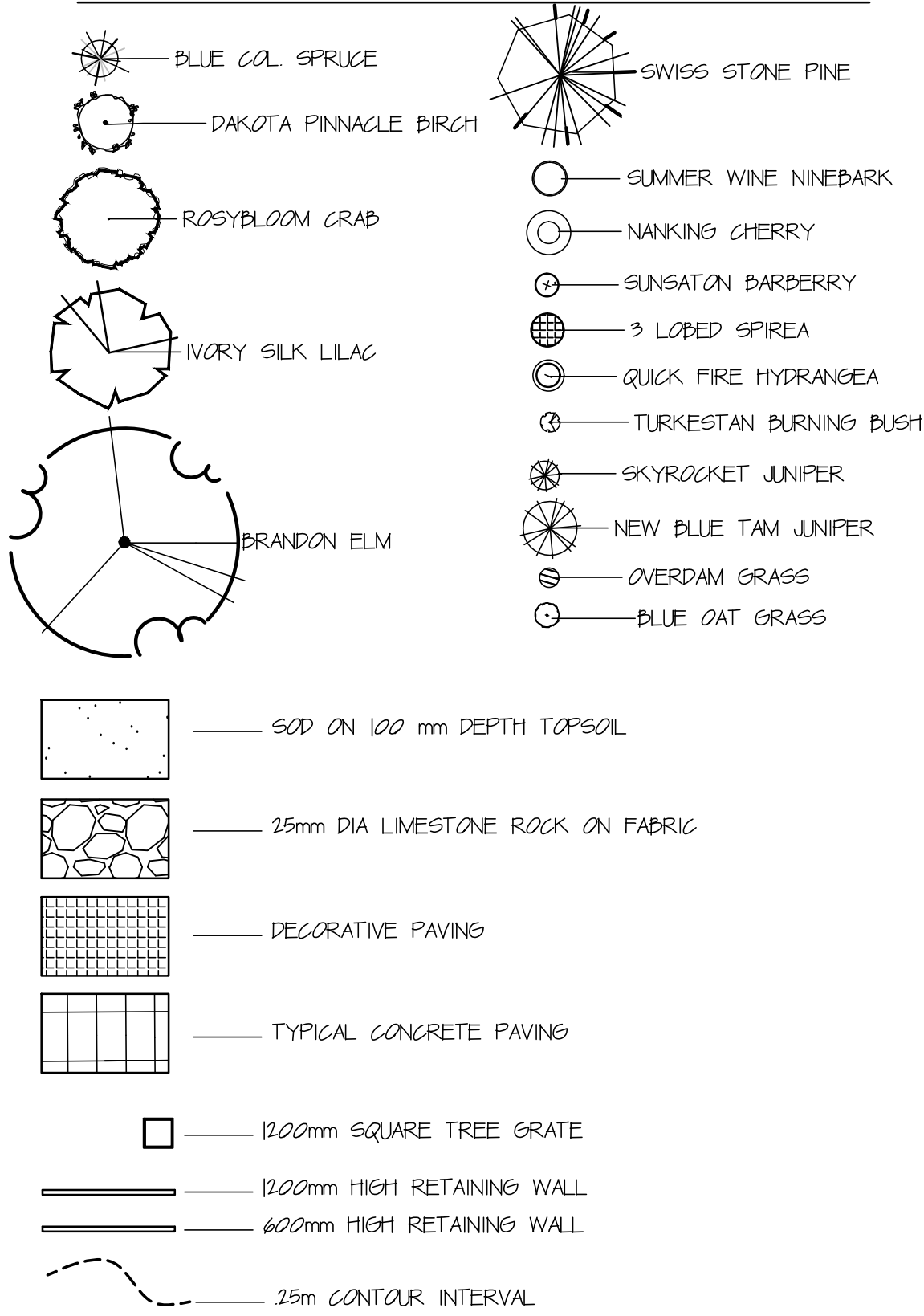
- with the appendices of this provision;
- iii. Construction of a 1.8 m sidewalk from 118 Street to Oliver Park parking lot south of the site as shown on Appendix I;
  - iv. The Owner shall plant a minimum of 55 deciduous and coniferous trees within the former St. John's School lands (Lot 9, Block 27, Plan 2611KS) or within Oliver Park at the discretion of the Development Officer in consultation with the Oliver Community League.
  - v. Construction of a fire hydrant on 118 Street to the satisfaction of the Development Officer in consultation with EPCOR Water.
- g. Prior to the issuance of a Development Permit for new building construction, the owner shall contribute \$200,000 to an off-Site Public Amenity including, but not limited to, improvements such as play structures, garden plots, and/or benches to any of, or any combination of, the redevelopment of the southwest portion of Oliver Park or the former St. John's School lands (Lot 9, Block 27, Plan 2611KS) to the satisfaction of the Development Officer in consultation with the Oliver Community League. 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 owner. 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.







LEGEND



EDMONTON ZONING BYLAW ANALYSIS

	AREA (sq. m)	CITY DESIGN STANDARD	TOTAL
NORTH PROPERTY LINE	182	1 TREE/35sq.m 1 SHRUB/15sq.m	5 12
SOUTH PROPERTY LINE	123	1 TREE/35sq.m 1 SHRUB/15sq.m	4 8
EAST PROPERTY LINE	365	1 TREE/35sq.m 1 SHRUB/15sq.m	10 24
WEST PROPERTY LINE	507	1 TREE/35sq.m 1 SHRUB/15sq.m	15 34

TOTAL REQUIREMENT TREES 34 SHRUBS 78

PROPOSED INTERIOR PLANTING

	DECIDUOUS TREES	CONIFEROUS TREES	SHRUBS
NORTH PROPERTY LINE	5	0	24
SOUTH PROPERTY LINE	3	0	19
EAST PROPERTY LINE	1	0	78
WEST PROPERTY LINE	6	7	52

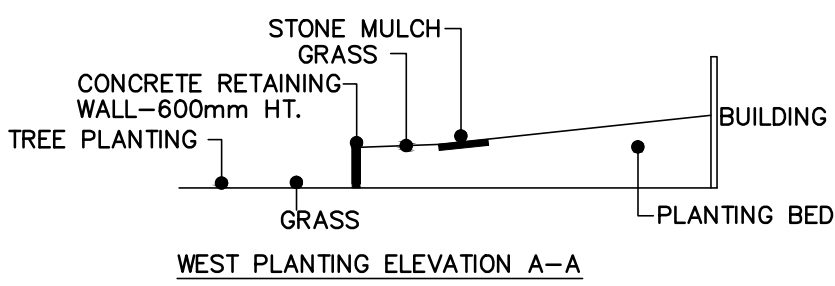
TOTAL DESIGNED INTERIOR TREES 22 SHRUBS 173

PROPOSED OUTSIDE PROPERTY LINE PLANTING

	DECIDUOUS TREES	CONIFEROUS TREES	SHRUBS
NORTH PROPERTY LINE	0	0	0
SOUTH PROPERTY LINE	8	0	0
EAST PROPERTY LINE	8	6	0
WEST PROPERTY LINE	11	26	0

TOTAL DESIGNED OUTSIDE TREES 59 SHRUBS 0

TOTAL DESIGNED OVERALL TREES 81 SHRUBS 173



PLANT LIST

QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
TREES				
2	DAKOTA PINNACLE BIRCH	BETULA PLATAPHYLA FARGO	75 mm CAL	B&B
3	DAKOTA PINNACLE BIRCH	BETULA PLATAPHYLA FARGO	50 mm CAL	B&B
3	ROSYBLOOM CRAB APPLE	MALUS BACATTA ROSYBLOOM	75 mm CAL	B&B
18	IVORY SILK LILAC	SYRINGA RETICULATA	50 mm CAL	B&B
10	BRANDON ELM	ULMUS AMERICANA BRANDON	75 mm CAL	B&B
26	BLUE COLUMNAR SPRUCE	PICEA PUNGENS FASTIGIATA	2500 mm HT.	B&B
6	SWISS STONE PINE	PINUS CEMBRA	2500 mm HT.	B&B
7	BLUE COLUMNAR SPRUCE	PICEA PUNGENS FASTIGIATA	3500 mm HT.	B&B
SHRUBS				
7	SKYROCKET JUNIPER	JUNIPERUS SCOPULORUM SKYROCKET	1800 mm HT.	B&B
39	NEW BLUE TAM JUNIPER	JUNIPERUS TAM NEW BLUE	600 mm DIA	POTTED
29	SUMMER WINE NINEBARK	PHYSOCARPUS OPUL. SEWARD	600 mm HT.	POTTED
14	QUICK FIRE HYDRANGEA	HYDRANGEA QUICK FIRE	450 mm HT	POTTED
22	THREE LOBED SPIREA	SPIRAEA ARGUTA	600 mm HT	POTTED
40	SUNSATON BARBERRY	BERBERIS THUN. SUNSATON	450 mm HT.	POTTED
13	TURKESTAN BURNING BUSH	EUCONYMUS NANUS TURKESTANICA	450 mm HT.	POTTED
9	NANKING CHERRY	PRUNUS TOMENTOSA	600 mm HT.	POTTED
PERENNIALS				
16	BLUE OAT GRASS	HELICTOTRICHON SEMPERVIRENS	2 YEAR	CONTAINER
52	OVERDAM GRASS	CALAMAGROTIS 'OVERDAM'	2 YEAR	CONTAINER

PLANT PHOTOS

