

Bylaw 15323

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1108

WHEREAS Lots 14 to 18, Block 19, Plan 3549AE, located at 11949, 11955, 11959, & 11961 – 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 14 to 18, Block 19, Plan 3549AE, located at 11949, 11955, 11959, & 11961 – Jasper Avenue NW, Oliver, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto 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 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.

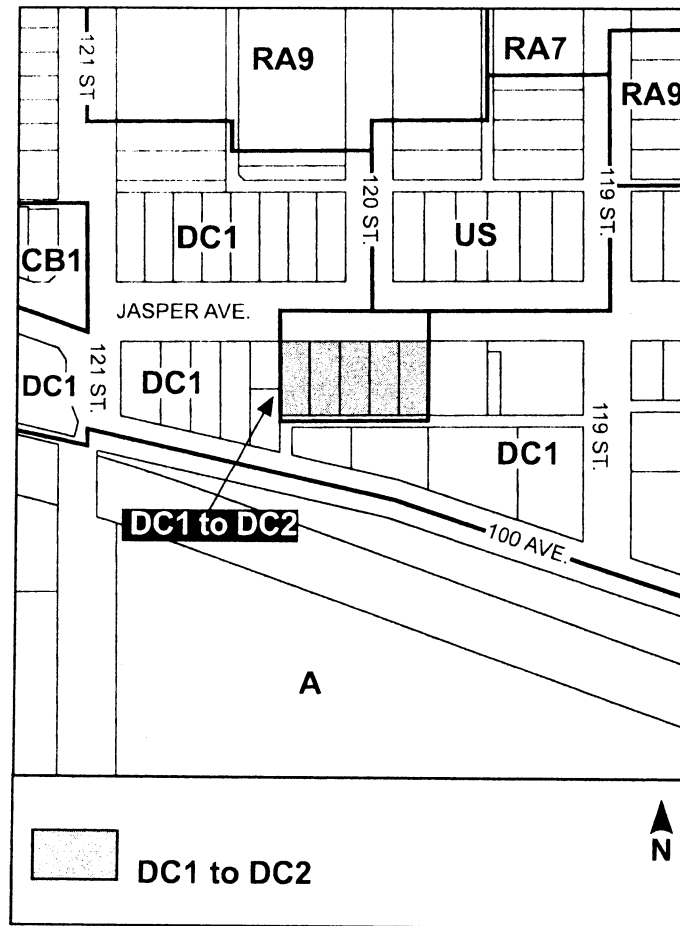
READ a first time this	26th	day of	October	, A. D. 2009;
READ a second time this	26th	day of	October	, A. D. 2009;
READ a third time this	26th	day of	October	, A. D. 2009;
SIGNED and PASSED this	26th	day of	October	, A. D. 2009.

THE CITY OF EDMONTON


MAYOR

ALC 
CITY CLERK

BYLAW 15323



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

To accommodate a 35 storey mixed use, high rise, high density development with commercial uses on the main and second floor of a three storey podium that provides for an active and inviting pedestrian oriented streetscape fronting onto Jasper Avenue and a publicly accessible garden linking Jasper Avenue and the Victoria Trail Promenade, with site specific design controls to reduce the mass, sun shadow and view impacts of the tower on adjacent developments.

2. Area of Application

This Provision shall apply to Lots 14-18, Block 19, Plan 3549AE; located at 11949, 11955, 11959, and 11961, Jasper Avenue, in the neighbourhood of Oliver, as shown on Schedule "A" of the Bylaw adopting this DC2 Provision.

3. Uses

- a. Apartment Housing
- b. Business Support Services
- c. Child Care Services
- d. Commercial Schools
- e. Convenience Retail Stores
- f. Health Services
- g. Minor Home Based Business
- h. Minor Alcohol Sales
- i. Minor Amusement Establishments
- j. Personal Service Shops
- k. Professional, Financial and Office Support Services, excluding telephone answering and loan offices or any accessory drive through operation, and not exceeding a gross floor area of 190 m²
- l. Projecting On-premise Signs
- m. Residential Sales Centre for the sale of onsite condominium units and leasing of commercial premises
- n. Restaurants, 200 occupants or less and 240 m² of public space
- o. Specialty Food Services, not exceeding 190 m² of public space
- p. Fascia On-premises Signs
- q. 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 generally in accordance with the following regulations and the attached appendices, to the satisfaction the Development Officer.
- b. The maximum Floor Area Ratio (FAR) shall be 6.0.
- c. The maximum height of the Podium Base shall not exceed 3 storeys nor 12.0 m.
- d. The maximum number of Dwelling units shall be 174.
- e. The maximum Height shall not exceed 35 storeys nor 108.0 m in accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project West Elevation; and Appendix V Project East Elevation. Enclosed Mechanical Systems shall not be included in the calculation of Height of the development.
- f. Building Setbacks shall be as follows, as shown in Appendix Ia, Illustrative Site Plan and Podium Base Setbacks :
 - i. Minimum 7.5 m on the south (fronting onto the Alley);
 - ii. Minimum 20.0 m on the west;
 - iii. 0.0 m on the north (fronting onto Jasper Avenue), other than building variations to provide wall articulation and entrances; and
 - iv. 0.0 m on the east.
- g. Tower Setbacks shall be as follows, as shown in Appendix Ib: Illustrative Plan - Tower Setbacks:
 - i. Minimum 7.5 m on the south;
 - ii. Minimum 25.0 m on the west;
 - iii. Minimum 6.0 m on the north;
 - iv. Minimum 10.0 m on the east.
- h. Balconies may project 2.0 m into the minimum Setbacks of the Tower.
- i. A Minimum Amenity Area of 7.5 m² per Dwelling shall be provided and achieved through the use of balconies, gardens/patios on the top of the podium base, rooftops, grade level display gardens, terraces, and communal amenity spaces.
- j. A minimum of 200 m² Communal Indoor Amenity Area shall be provided within the building for use by residents. Communal Indoor Amenity Area shall include, but not be limited to change room facilities, fitness room, residential meeting room, and roof deck landscaping.
- k. Landscaping on the top of the podium level shall be provided to improve rooftop aesthetics and additional amenity area totalling a minimum of 375 m².

- l. The maximum floor plate areas; including enclosed balconies, mechanical and electrical areas, storage, and stairs shall be as follows:
 - i. Maximum 1250m² for storeys 1 through 3;
 - ii. Maximum 670m² for storeys 4 through 13;
 - iii. Maximum 580m² for storeys 14 through 21;
 - iv. Maximum 520m² for storeys 22 through 31;
 - v. Maximum 440m² for storeys 32 and 33;
 - vi. Maximum 300m² for storeys 34 and 35.
- m. Building design plans shall be submitted with the development permit application And shall include details of overall site layout, exterior building treatment and colour scheme, street level perimeter and podium rooftop landscaping, parking layout, and signage plans, all to the satisfaction of the Development Officer, in consultation with the Transportation Department and Asset Management and Public Works Department.
- n. 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).

4.2. Parking and Loading

- a. The Development shall provide parking in accordance with Schedule 1 of Section 54.2 of the Zoning Bylaw with the variance of five stalls to the satisfaction of the Development Officer.
- b. All resident parking shall be provided underground.
- c. Vehicular access and egress shall be provided off the alley abutting the development in accordance with Appendix Ia, Illustrative Site Plan: Podium Base Setbacks.
- d. 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 Transportation Department.
- e. Adequate sight lines shall be maintained for vehicles entering and exiting the parkade, to the satisfaction of the Development Officer and the Transportation Department. Mirrors and/or a warning device may be required at the entrances by the Development Officer and Transportation Department. Sight line information shall be provided with the development permit application in accordance with Appendix Ia: Illustrative Site Plan: Podium Base Setbacks.
- f. Interior and exterior bicycle parking on the site shall be developed in accordance with Section 54.3 of the Zoning Bylaw.

- g. Loading, storage and garbage collection areas shall be concealed from view from adjacent sites and public roadways in accordance with the provisions of Section 55 of the Edmonton Zoning Bylaw. The garbage collection area shall be designed to the satisfaction of Asset Management & Public Works and the Transportation Department.

4.3. Landscaping

- a. Landscaping for the Site shall be generally in accordance with Appendix 1c: Illustrative Landscape Plan.
- b. A detailed Landscape Plan for the Site, including all existing and proposed utilities within the road right-of-way must be submitted by a registered Landscape Architect for review and approval by the Development Officer, in consultation with Planning & Development, Asset Management & Public Works and the Transportation Departments prior to the approval of any Development Permit.
- c. The Landscape Plan shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings, detailed and other landscaping elements as applicable.
- 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 detailed Landscape Plan shall include two minimum 2.0m wide walkways through the site to the satisfaction of the Development Officer in consultation with the Transportation Department.

4.4. Signage

- a. Sign types permitted by this provision may be allowed in accordance with Schedule 59B and in accordance with the General Provisions of Section 59 of the Zoning Bylaw. Notwithstanding Schedule 59B, Temporary Signs shall be limited to project advertising and residential sale purposes only.

4.5. Development Regulations for Commercial Uses

- a. The maximum floor area for Commercial Uses shall not exceed 1000 m².
- b. Commercial Uses shall have separate access at grade from Residential Uses.
- c. Commercial Uses shall not be developed on or above the third storey of the building and shall be located as shown on Appendix 1a, Illustrative Site Plan: Podium Base Setbacks.
- d. Convenience Retail Stores, Minor Alcohol Sales, and Specialty Food Services shall be limited to the first floor of development.

4.6. Affordable Housing

- a. Prior to the issuance of any 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 5% of the proposed number of residential units at 85% of the list price or to provide the equivalent value as cash in lieu to the City, or as prescribed in any future City of Edmonton's Affordable Housing Policy initiatives.

4.7. Other Regulations

- a. The Development shall incorporate design features to minimize adverse microclimatic effects such as wind tunnelling, snow drifting, rain sheeting, shadowing, and loss of sunlight, both on and off-site, consistent with recommendations of appropriate studies to the satisfaction of the Development Officer.
- b. A detailed 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 for the tower to the satisfaction of the Development Officer.
- c. Should the wind conditions identified in the Wind Impact Statement be confirmed in the Wind Impact Study, the recommendations in the Wind Impact Study shall be implemented to the satisfaction of the Development Officer.
- d. Prior to the issuance of a Development Permit, a geotechnical report prepared by a Qualified Professional Engineer must be submitted and approved to the satisfaction of the Development Officer, in consultation with the City's Geotechnical Engineer, Transportation Department. In addition to the provision of site and development-specific geotechnical recommendations for design and construction, such report must also provide recommendations to minimize and mitigate geotechnical risks to the development and surrounding properties and infrastructure.
- e. Prior to the issuance of a Development Permit, the Owner shall enter into an Encroachment Agreement for any portion of the development that is to be located on public land to the satisfaction of the Development Officer, in consultation with the Transportation Department.

5. Urban Design Regulations

5.1. Architecture and Site Planning

- a. The exterior of the building shall be finished with high quality materials in general accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project West Elevation; and Appendix V, Project East Elevation and shall be finished with some or all of the following materials to the satisfaction of the Development Officer:
 - i. The podium exterior shall be finished with clear storefront glazing, masonry, stone, pre-finished metal and/or painted metal;
 - ii. The tower exterior shall be finished with glass curtain wall, cementitious envelope materials, pre-finished metal, and/or painted metal.

- b. The high-rise building shall clearly differentiate the residential entrances from the commercial entrances on Jasper Avenue through distinct architectural treatment in accordance with Appendix II, Project North Elevation and Appendix IV, Project West Elevation.
- c. 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 artwork and to highlight the development at night time, to the satisfaction of the Development Officer.
- d. Night-time light pollution shall be reduced by avoiding over-illumination of the development and use low cut-off exterior lighting fixtures which direct light downward, not upward and outward to ensure illumination does not extend beyond the boundaries of the development site.
- e. All mechanical equipment shall be screened from public view or be concealed by incorporating it within the roof envelope or by screening it in a way that is consistent with the character and finishing of the development in general accordance with Appendix II, Project North Elevation, Appendix III, Project South Elevation, Appendix IV, Project West Elevation, and Appendix V, Project East Elevation.

5.2. Massing and Building Articulation

- a. The massing of the building along Jasper Avenue shall incorporate ground floor Commercial Uses that address and reinforce the commercial character of the street in general accordance with Appendix II: Project North Elevation.
- b. The podium shall incorporate continuous weather protection in the form of a 2.0m wide canopy or any other architectural element on the north and west façade, wherever active commercial and/or residential frontages exist to create a comfortable environment for pedestrians. Refer to Appendix Ia – Illustrative Site Plan: Podium Base Setbacks, Appendix II: Project North Elevation and Appendix IV: Project West Elevation.
- c. The building design shall provide for a three-storey podium maximum that integrates with the existing streetscape of the neighbourhood in general accordance with to Appendix II: Project North Elevation and Appendix III: Project South Elevation.
- d. The high-rise building shall incorporate well articulated façades, rooflines and architectural treatments that establish the building as signature feature on the site and distinctive landmark for the surrounding areas in accordance with Appendix II, Project North Elevation; Appendix III, Project South Elevation; Appendix IV, Project West Elevation; and Appendix V, Project East Elevation.
- e. The floor plate shall be as per the Appendix II, Project North Elevation, Appendix III, Project South Elevation, Appendix IV, Project West Elevation, and Appendix V, Project East Elevation.
- f. The step-backs of the Tower shall be generally in general accordance with Appendix II, Project North Elevation, Appendix III, Project South Elevation, Appendix IV, Project West Elevation, and Appendix V, Project East Elevation.

- g. The Podium Base shall be differentiated from the Tower by distinct architectural treatment in general accordance with Appendix II, Project North Elevation, Appendix III, Project South Elevation, Appendix IV, Project West Elevation, and Appendix V, Project East Elevation.
- h. The step-backs in the mid and upper portion of the tower shall be designed to reduce the impact of the upper levels above the podium base portion of the building, to maintain view corridors, maximize solar penetration, and reduce adverse microclimatic effects related to wind and shadowing in general accordance with Appendix IV, Project West Elevation and Appendix V, East Project Elevation.

5.3. Entrances

- a. Main building entrances for any Use shall be designed for universal accessibility as per the Barrier Free Design Guide published by the Safety Codes Council (Alberta) 1999, as amended.
- b. Level changes from the sidewalk to entrances of the building shall be minimized.

5.4. Commercial Frontage

- a. Active commercial frontages shall be developed in accordance with the following regulations and Appendix Ia – Illustrative Site Plan: Podium Base Setbacks, Project Appendix II: Project North Elevation and Appendix III: Project South Elevation, to the satisfaction of the Development Officer:
 - i. Building entrances and windows shall be oriented to front onto public roadway;
 - ii. The placement and type of windows shall allow viewing into the building to promote a positive pedestrian-oriented shopping street.
 - iii. At least 70% of ground floor commercial façades shall have clear glazing on the exterior; and
 - iv. The ground floor commercial premises shall consist of individual shops of not more than 10.0 m frontage.

5.5. Green Sustainable Practices and Targets

- a. The design and implementation of this development shall apply techniques to reduce consumption of water, energy, and materials consistent with best practices in sustainable design. Green sustainable targets shall include Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, and Indoor Environmental Quality. The minimum design targets shall be as listed on Appendix VI, Sustainable Strategies and Targets.

- b. Supplementary green sustainable targets based on the Green Building Rating System LEEDTM, Canada NC 1.0, 2004, as amended, shall be required and implemented to ensure the development meets the score of a Silver standard on said rating system. The Owner may select which supplementary green sustainable targets will be implemented, and may indicate additional targets in excess of the Silver standard score to provide for flexibility at the implementation stage. The Owner shall submit a report with all chosen supplementary green sustainable targets along with the application for the development permit.
- c. Demonstration of compliance at the development permit application shall be provided with letters from an accredited professional to the satisfaction of the Development Officer. Acceptable letter formats shall include the LEEDTM letter templates included in the Green Building Rating System LEEDTM, Canada NC 1.0, 2004, as amended, or any other format acceptable to the Canadian Green Building Council LEEDTM.

6. Improvements and Public Amenities

6.1. Off-site Improvements to serve the Development

- a. Prior to the issuance of any development permit, the owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development. The Agreement shall include an engineering drawing review and approval process. Improvements to be addressed in the Agreement include but are not limited to the following:
 - i. Removal of all existing accesses as necessary to the site, with the restoration of the curb and gutter and sidewalk to the satisfaction of the Transportation Department and Asset Management and Public Works Department;
 - ii. Utilities within road right-of-way that must be considered during construction. The owner/applicant shall be responsible for the re-location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant;
 - iii. The parkade access shall be developed in general accordance with Appendix Ia Illustrative Site Plan: Podium Setbacks, to the satisfaction of the Development Officer in consultation with the Transportation Department;
 - iv. Repair of any damage to the abutting roadways and sidewalks resulting from construction of the development, to the satisfaction of the Transportation Department. The site shall be inspected by the Transportation Department prior to the start of construction and once again when construction is complete; and
 - v. The Owner shall be responsible for cost of the construction of one on-street fire hydrant along Jasper Avenue, to the satisfaction of the Development Officer.
 - vi. The Owner shall be responsible for the cost of future improvements to the 119 Street/Jasper Avenue intersection to facilitate traffic movements into the Sub-

area, if deemed required by the Transportation Department.

6.2. Off-site Improvements as Public Amenities

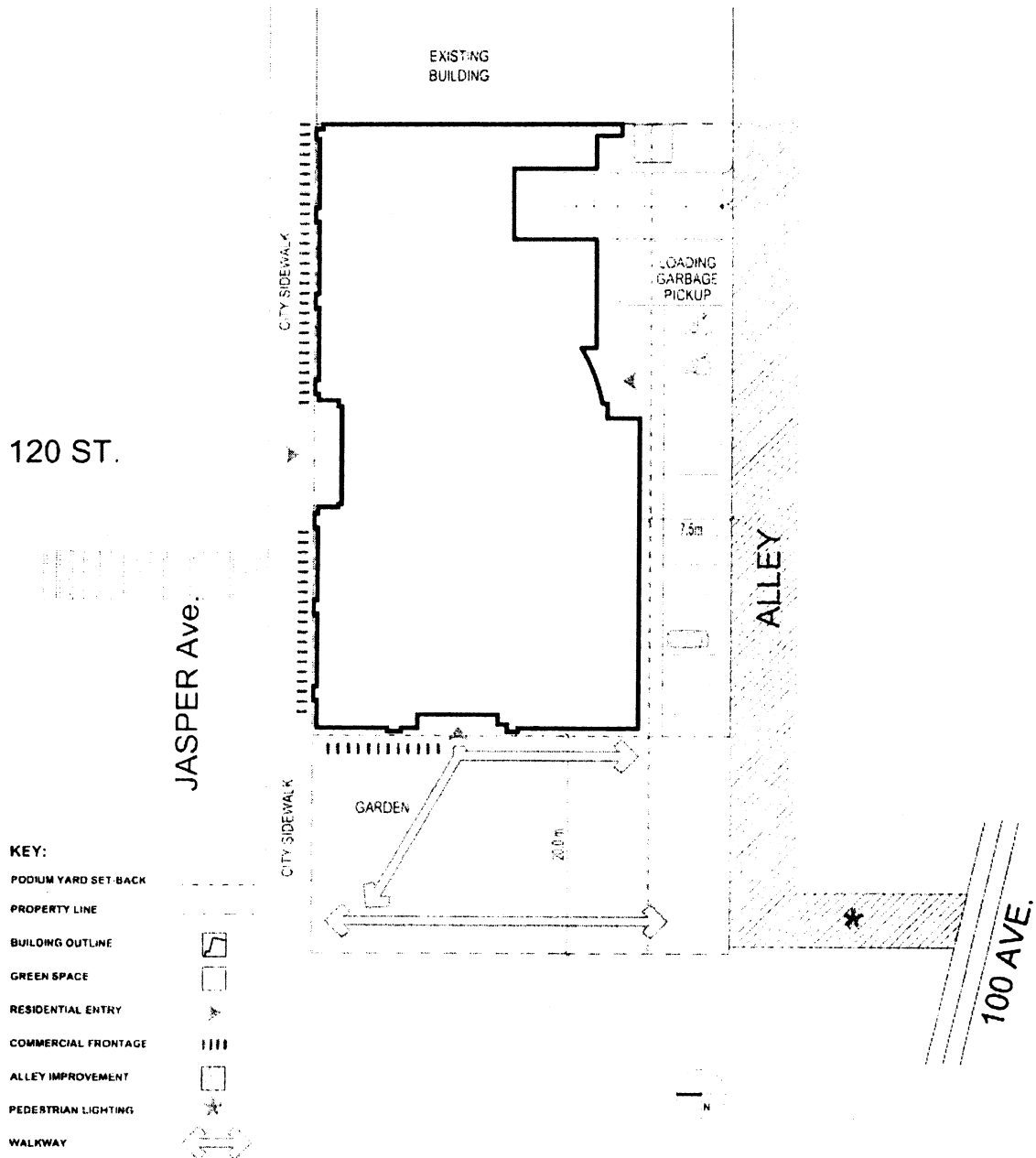
- a. Prior to the issuance of any development permit, the owner shall enter into an Agreement with the City of Edmonton for off-site improvements necessary to serve the development. The Agreement shall include an engineering drawing review and approval process. Improvements to be addressed in the Agreement shall be to the satisfaction of the Transportation and Asset Management and Public Works Departments and shall include, but are not limited to, the following:
 - i. Upgrading of the alley directly abutting the site as well as its north-south section between the site and 100 Avenue Northwest to a commercial standard;
 - ii. The provision of paving materials along the north-south section of the alley between the site and 100 Avenue Northwest in general accordance with Appendix 1c, Illustrative Landscaping Plan; and
 - iii. The provision of pedestrian lighting along the alley in the north-south section between the site and 100 Avenue Northwest, in general accordance with Appendix 1c, Illustrative Landscaping Plan.

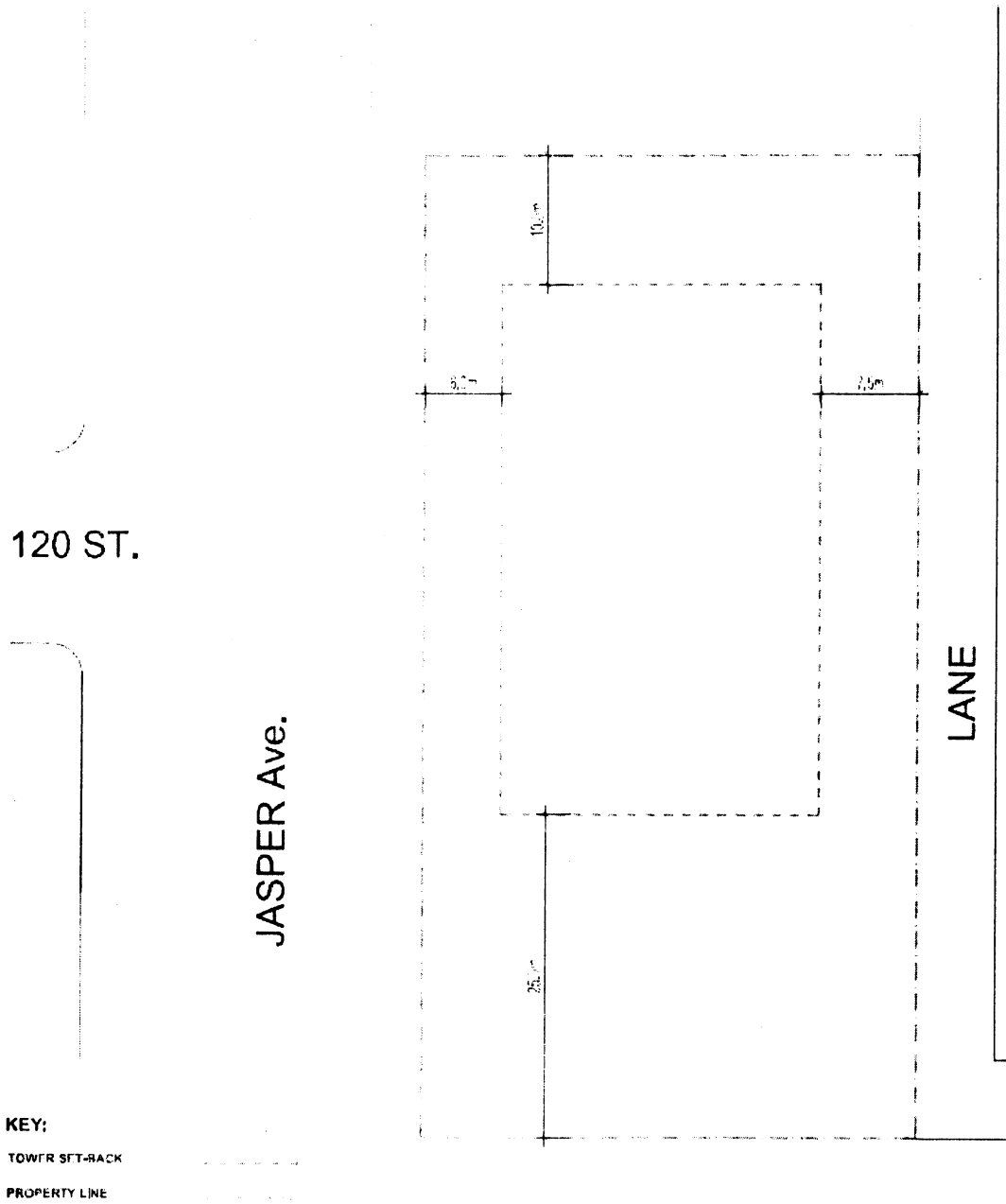
6.3. On-site Improvements as Public Amenities

- a. A publicly accessible Garden shall be developed on west side of the site as a welcoming and secure outdoor amenity area for both residents and the public, in general conformance with Appendix 1a – Illustrative Site Plan: Podium Base Setback, Appendix 1c – Illustrative Landscape Plan and to provide for:
 - i. A 24 hour pedestrian access from Jasper Avenue to 100 Avenue connecting to the Victoria Promenade; and;
 - ii. outdoor seating for the ground floor commercial uses fronting the Garden.
- b. The Owner shall register a Public Access Easement to ensure that public access to the Garden on the west of the site will remain available. Easements shall make the private property owner(s) responsible for maintenance and liability, to the satisfaction of the Development Officer.
- c. Prior to the issuance of any development permit, the Owner shall contribute $6.95 \text{ \$/m}^2$ ($0.65 \text{ \$/ft}^2$) to the City in trust for the commission of public art up to a total of \$122,000.00. The artwork shall be incorporated into the Garden located at the west side of the site, as shown on Appendix 1a, Illustrative Site Plan: Podium Base Setbacks. The artwork will be acquired through a juried art procurement process administered by the Edmonton Arts Council. The artwork will be owned and maintained by the Condominium Association. Public art may also be incorporated into the landscape architecture consistent with the Landscaping Plan in Section 4.3 of this provision, to the satisfaction of the Development Officer.

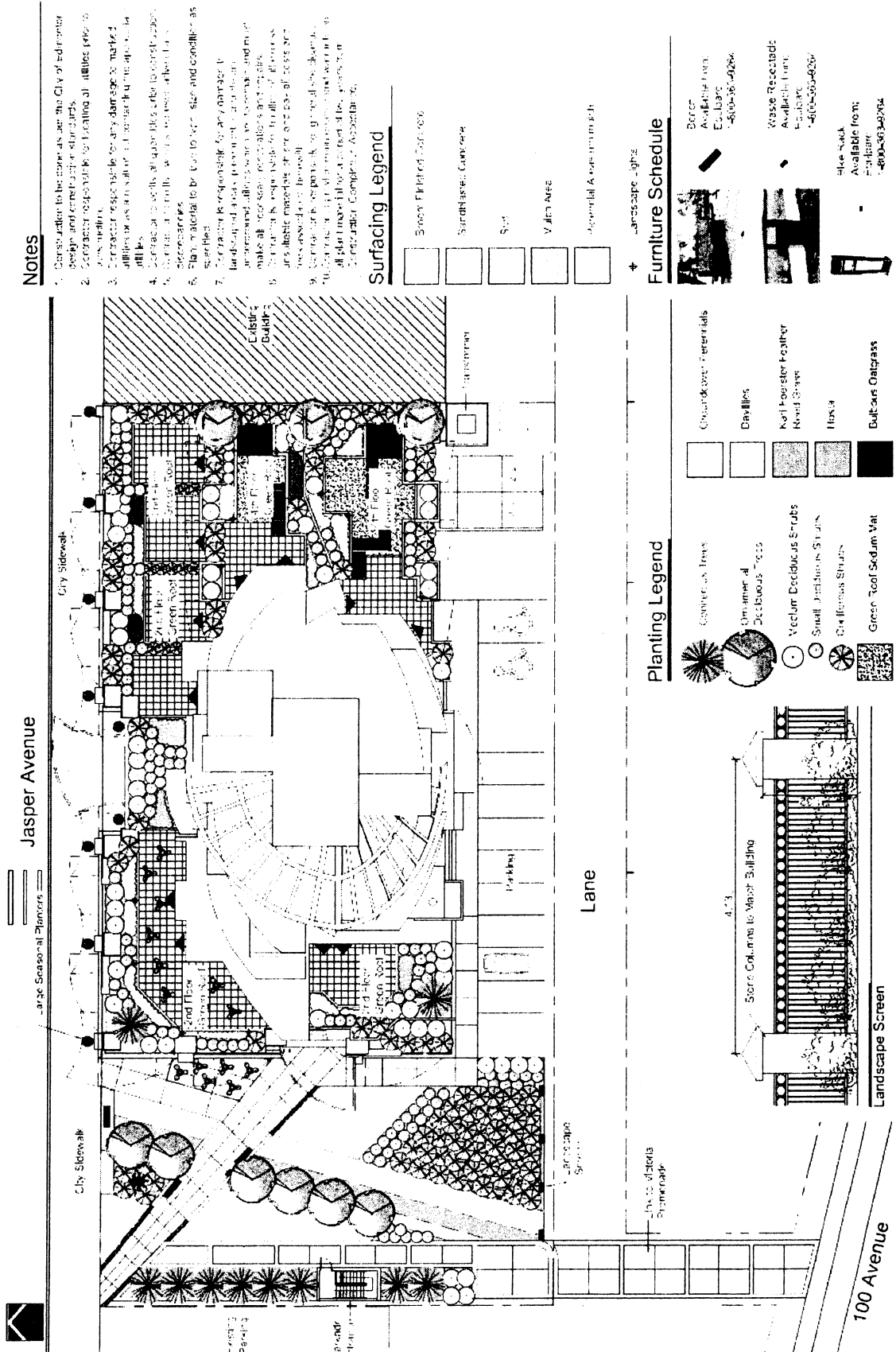
ILLUSTRATIVE SITE PLAN: PODIUM BASE SETBACKS

APPENDIX 1a



APPENDIX Ib – Illustrative Plan: Tower Setbacks

APPENDIX 1c – Illustrative Landscape Plan



Notes

1. Construction to be done as per the City of Edmonton design and construction standards.
2. Contractor responsible for locating all utilities prior to construction.
3. Contractor responsible for any damage to marked utilities or existing structures during construction.
4. Contractor to install all required drainage and irrigation systems.
5. All plant material to be installed in accordance with the specifications of the City of Edmonton.
6. All plant material to be installed in accordance with the specifications of the City of Edmonton.
7. Contractor responsible for any damage to existing structures or utilities during construction.
8. Contractor responsible for any damage to existing structures or utilities during construction.
9. Contractor responsible for any damage to existing structures or utilities during construction.
10. Contractor responsible for any damage to existing structures or utilities during construction.

Surfacing Legend

	Snow Packed Pavement
	Sandstone Concrete
	Soil
	V. Area
	Asphalt Paving

Furniture Schedule

	Bench
	Waste Receptacle
	Sign
	Light

Planting Legend

	Coniferous Trees
	Deciduous Trees
	Shrubs
	Groundcover
	Daisies
	Karl Foerster Feather Reed Grass
	Huxia
	Bulbous Outgrass

100 Avenue







Lane

Jasper Avenue

PROJECT NORTH ELEVATION

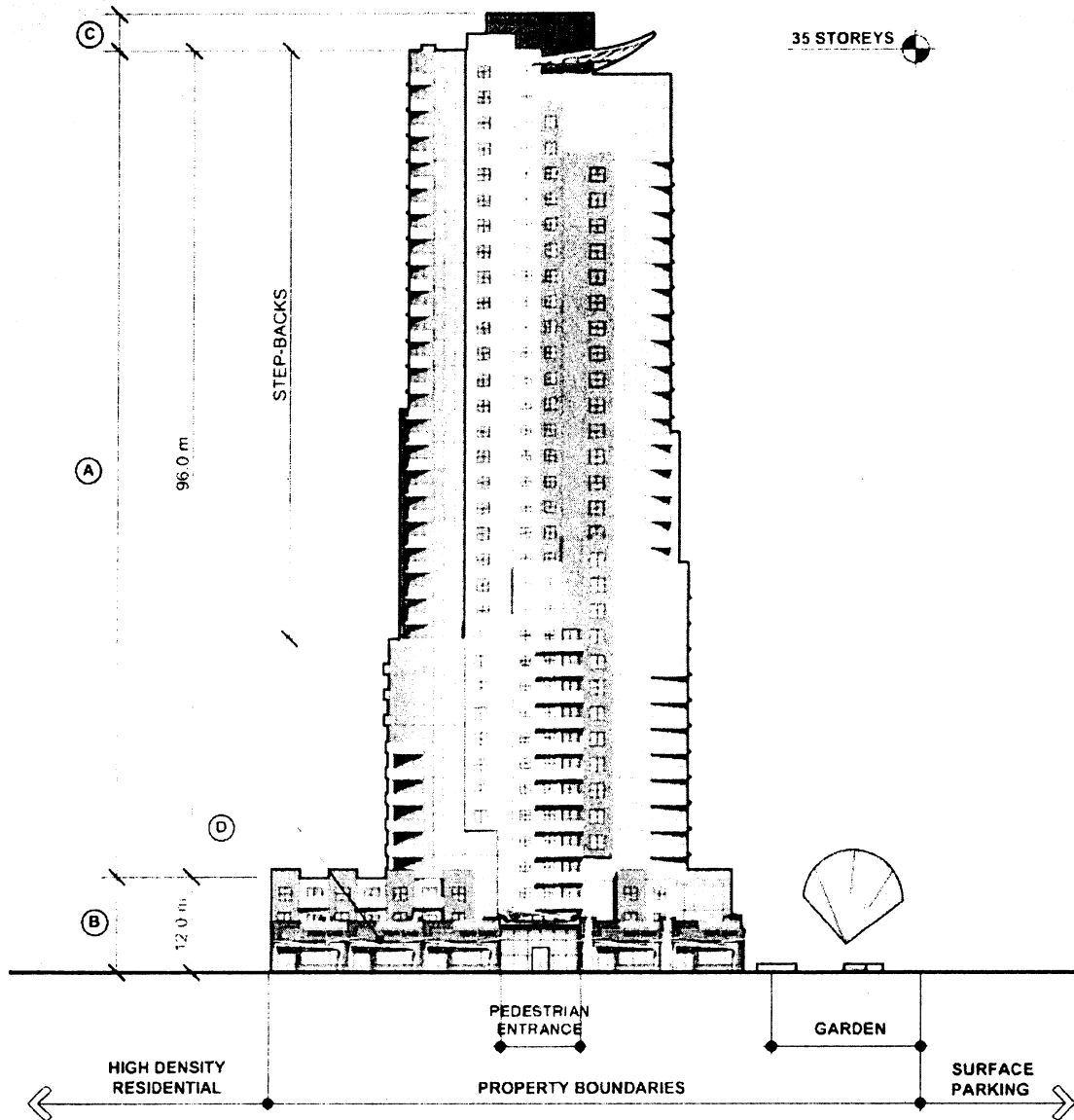
APPENDIX II

MATERIALS KEY

-  GLAZING
-  CURTAIN WALL
-  PRE-FINISHED METAL
-  CEMENTITIOUS MATERIAL 1
-  TOWER: CEMENTITIOUS MATERIAL 2
-  BASE: PRE-FINISHED METAL PANELS

NOTES

- (A) : TOWER
- (B) : PODIUM BASE
- (C) : TOP-TOWER
- (D) : ARCHITECTURAL ELEMENT

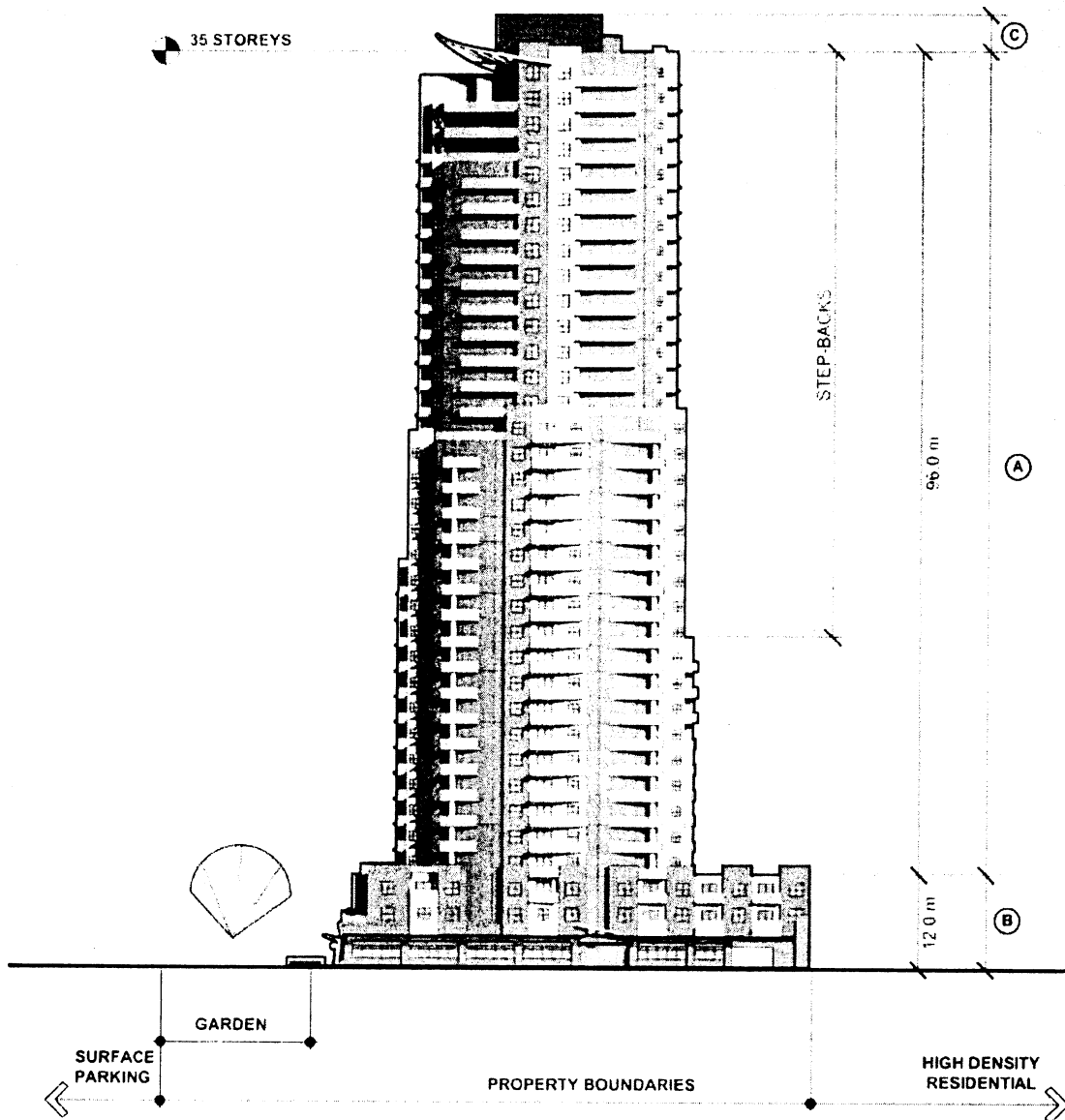


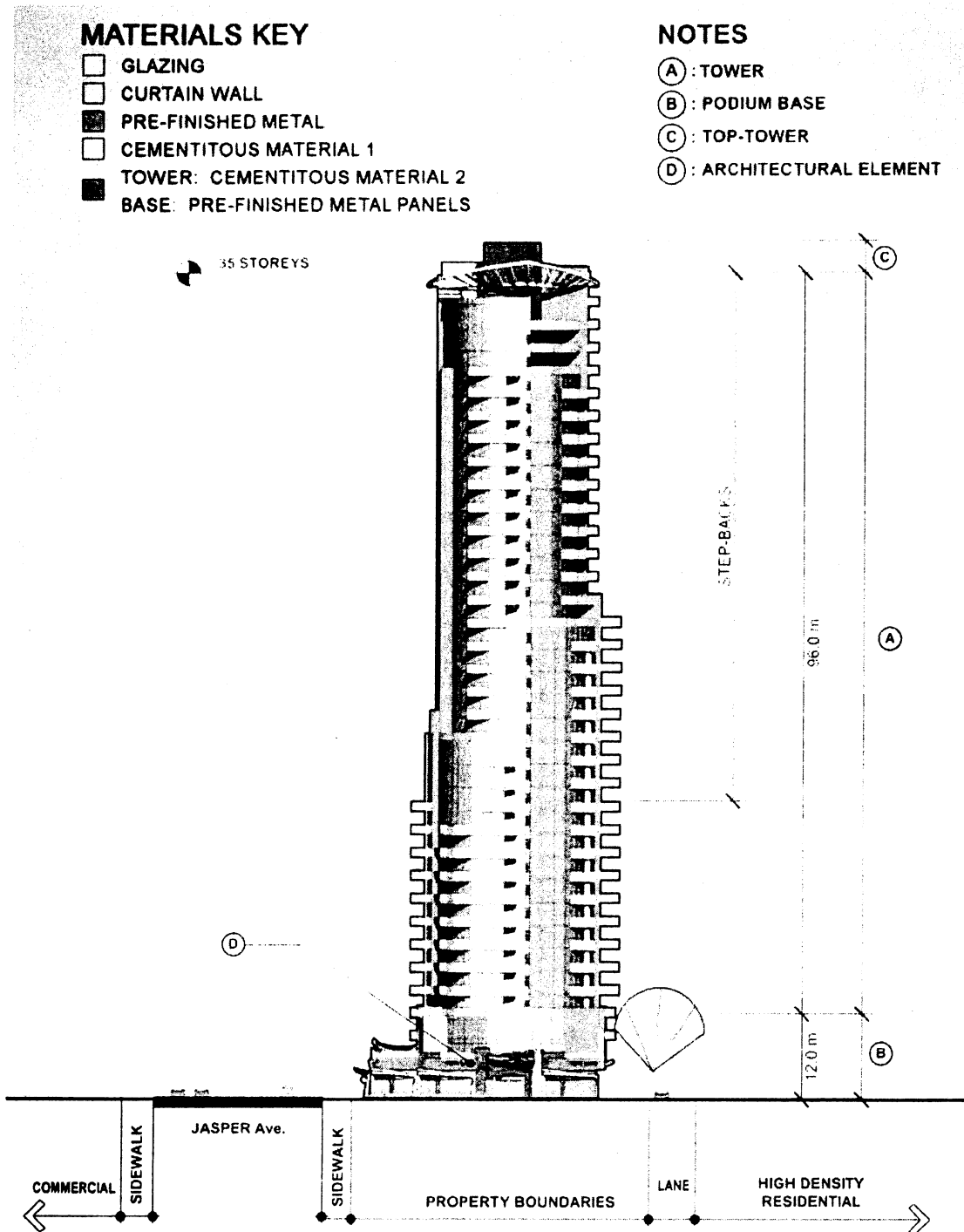
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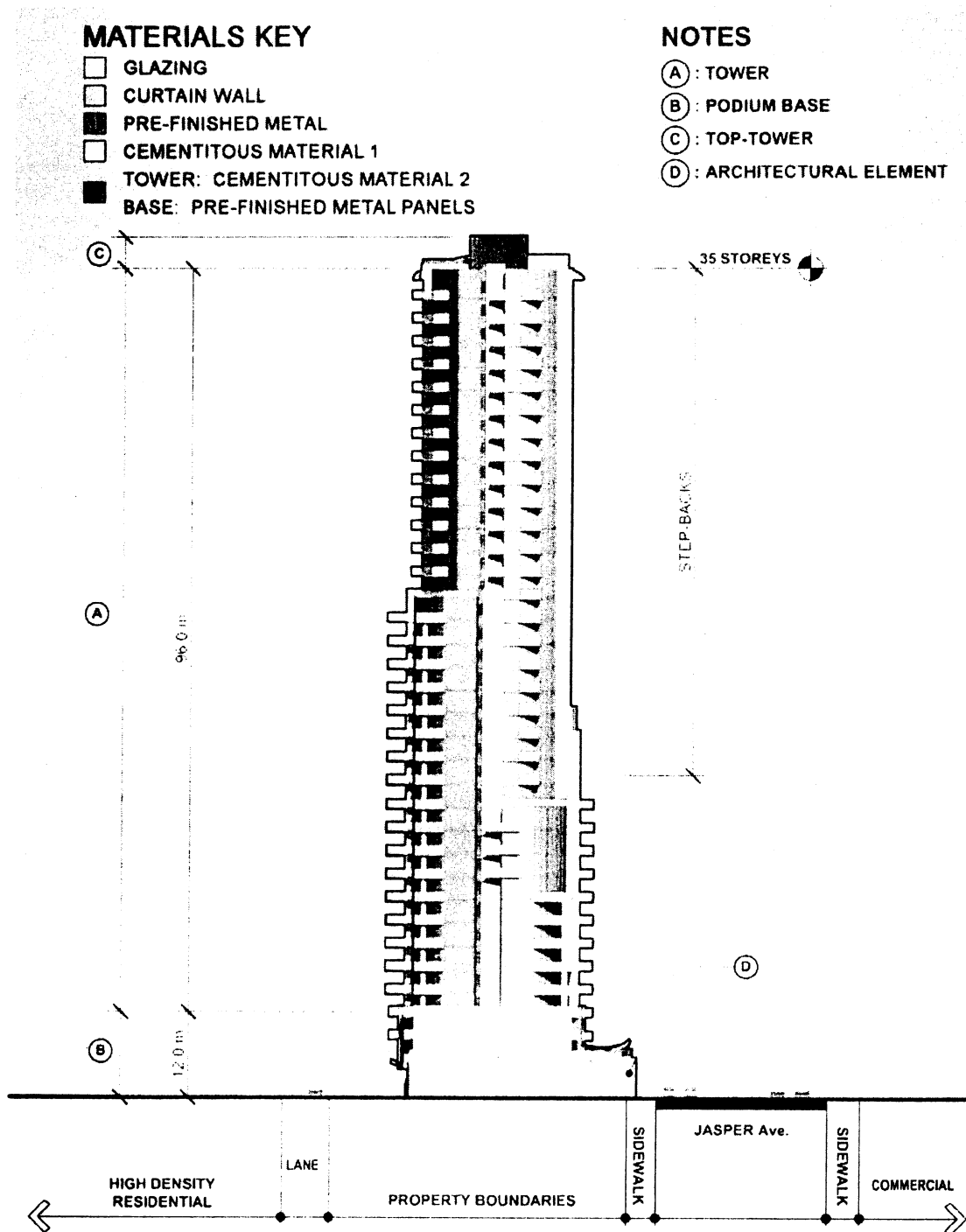
- ☐ GLAZING
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NOTES

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APPENDIX VI - Sustainable Strategies and Targets

Design Component	Sustainable Initiative	Specific Target
Sustainable Sites	Storm water Management	The development shall implement a storm water management plan that results in a 25% decrease in the rate and quantity of storm water runoff when compared to the existing site.
	Heat Island Effect	A minimum of 50% of the building roof area shall be covered with high emissivity roofing (emissivity of .9 or greater), vegetated roofing, or a combination thereof.
	Light Pollution Reduction	The development shall avoid light trespass from the building and site onto neighbouring properties, with the exception of adjacent public areas requiring lighting for reasons of security and shall meet or exceed the requirements of the Illuminating Engineering Society of North America (IESNA RP-33-99).
Water Efficiency	Water Efficient Landscaping	The design shall apply high-efficiency irrigation technology, captured rain water, and/or drought tolerant landscaping to reduce potable water consumption for irrigation by 50% over conventional means, factored over the course of a typical year.
	Innovative Wastewater Technologies	The design shall reduce the use of municipally provided potable water for building sewage conveyance by 20% as calculated per the Canadian Green Building Council LEED Reference Guide 2004 (not including irrigation).
	Water Use Reduction	The design shall employ strategies that in aggregate use 20% less potable water than water use baseline calculated for the building per the Canadian Green Building Council LEED Reference Guide 2004 (not including irrigation).
Energy and Atmosphere	Reduced Energy Consumption	The design shall reduce energy consumption by 24% over the comparable Canadian Model National Energy Code Building (1997).
	Lighting	Lighting in all residential common areas and commercial areas shall exceed the efficiency specified in the Model National Energy Code for Buildings by 10%. (1997).
Materials and Resources	Recycled Content	The design shall specify building materials such that 7.5% of the total value of materials used in the development consists of post-industrial and post-consumer recycled materials.
	Regional Materials	The design shall specify building materials such that 80% of all aggregates used in the development are extracted, processed and manufactured within 800 km of the development.
Indoor Environmental Quality	Low-Emitting Materials	The design shall specify paints with VOC emissions that do not exceed the VOC and chemical component limits of Green Seal's Standard SS-11 January 1997 requirements or acceptable alternate standard.