

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 21, 2019**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-19-040

To demolish an existing commercial building and to construct an eleven (11) Storey mixed-use building (Convenience Retail Stores in basement and main floor; with Apartment Housing (2nd floor and above with 34 Dwellings) (The Wedge Building)

10344 - Jasper Avenue NW
Project No.: 276602461-002

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 276602461-002

APPLICATION TO: Demolish an existing commercial building and to construct an eleven (11) Storey mixed-use building (Convenience Retail Stores in basement and main floor; with Apartment Housing on the second floor and above with 34 Dwellings) (The Wedge Building)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 24, 2019

DATE OF APPEAL: February 21, 2019

NOTIFICATION PERIOD: January 31, 2019 through February 21, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10344 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 3 Lot 157

ZONE: (HA) Heritage Area Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Melcor REIT Limited Partnership, represented by its General Partner, Melcor REIT GP Inc. (owned in part by Melcor Developments Lt. and

referred to collectively as Melcor in his document) is the owner of the Birks Building (10354 – Jasper Avenue) which is located directly adjacent to the proposed redevelopment site. Furthermore, Melcor has vested interest in three additional parcels of land/buildings on 104 Street between Jasper Avenue and 102 Avenue. We have been involved in Edmonton development for over 95 years and are champions and supporters for developments that add value and inspiration to the city.

Background Brief

Melcor was first informed of the Wedge redevelopment project through Clark Builders who coordinated a meeting between Melcor, Oliver O'Connor (owner), Clark Builders (contractor), and Holo Blok (architectural consultant) on December 13, 2018. At that meeting, Holo Blok outlined the proposed development and informed Melcor that the project had gained the support of the Edmonton Design Committee and that the development permit decision was imminent. Several items were requested of Melcor as outlined below:

- An encroachment agreement on the Birks Building property was requested. It was discussed that the existing building was currently encroaching on Melcor's land anywhere from 0.25 metres to 0.54 metres (see attached Appendix A for the Lot Boundary Plan as provided by Holo Blok).
- A crane encroachment agreement was requested to swing a tower crane overtop the Birks Building.
- Two building envelope details were provided for the tie-in between the Wedge building and Birks Building. Melcor was asked which construction detail was preferred.
- The "Birks Diamond" (a three-dimensional diamond included as part of a ghost sign painted on the east face of the Birks Building) was suggested to be removed and possibly incorporated into a new mural to be painted on the side of The Wedge building.

No commitments were made at the initial meeting.

Upon further internal consultation as well as a meeting with one of Melcor's structural and building envelope engineering consultants, Melcor provided an emailed response to Holo Blok declining the participation in any easements/encroachments or providing the Birks Diamond to be used on The Wedge building. As well, further information was requested in regards to structural concerns and the protection of the Birks building during construction. (see attached Appendix B for a copy of Melcor's written response to Holo Blok).

No further follow-up was received on these items. The Development Permit Notice was received on February 8, 2019.

Appeal Items

The following identifies the issues that Melcor has with the proposed development and the approval provided by City administration:

1. Lack of Meaningful Neighbourhood Consultation

The proposed development lands within the Heritage Area Zone (HA) of the zoning bylaw. Generally speaking, any construction taking place within this zone is considered infill. Infill can be sensitive and many developers have learned that good consultation can be the key to success for a project. As an example, the Mature Neighbourhood Overlay has a built-in mechanism to ensure that proper consultation and feedback is solicited from neighbours before decisions are rendered on projects that require variances. As well, when writing a Direct Control zone, consultation is a must to understand and consider the impact to direct stakeholders.

Melcor understands that neighbourhood consultation is not a requirement of the HA Zone, however, we believe this to be a gap in the zone and process. The HA zone setback requirement states “buildings shall be built to the front and side property lines”. In this scenario, buildings will typically be built up directly next to existing structures. There are no current consultation requirements, clauses or conditions in place to ensure that the integrity of the neighbouring properties is maintained. Melcor’s concerns include:

- Additional snow loads on the roof the Birks Building
 - Will the additional height have an impact on current loads? Has this been qualified by an Engineer?
 - If there are impacts (i.e. greater snow drift created) who is responsible for ensuring that the current structure of the Birks Building (roof and foundations) are capable of carrying the additional loads?
- Undermining of existing foundations, wall assemblies or other
 - We are unclear on tie in details, elevation of new foundations, and construction procedures. Who is responsible to ensure that these details have minimal impact on neighbouring properties? If there are issues, who is responsible for dealing with it?
- Protection of existing properties during construction
 - There is no condition or agreement in regards to existing building protection.
- Disruption during construction
 - The Birks Building is currently fully leased out including main floor retail tenants. There has not been any discussion in regards to construction disruption, pedestrian disruption along Jasper Avenue, messaging to tenants, setting

expectations for timelines, mobilization, construction staging etc. this can have a significant impact on the success and health of current tenants, most of which are small businesses that can't afford disruptions in their operations.

- Loading

- The proposed building has potential for retail/restaurant space in the basement and main floor. Where will the loading for these tenants take place? Given that the building is only 25 feet wide, is it expected that the loading vehicles will encroach on space behind the neighbouring buildings? Will this block access to neighbouring buildings? There was a variance granted for the required loading stall, however one section of the issued permit noted that loading will take place in the alley, while another section noted loading provided along Jasper Avenue. This item needs clarification and addressing due to potential conflict with neighbouring access.

2. Property Encroachment Unresolved Issues

Melcor is very concerned that the encroachment of the existing building (and possibly the new Wedge building) was not addressed in the conditions of the development permit. A review of the DP drawings at the City revealed that it was not clear whether the intent of the new building was to encroach on Melcor's property, however, the existing condition is shown on the Lot Boundary Plan that was submitted as part of the application. This question should have been raised by the Approving Authority prior to the approval of the permit. Furthermore, a condition should have been inserted on the permit that if the intent is for the new building to encroach on neighbouring property, that an agreement must be in place before drawings are released for building permit review.

3. Historic Resource Protection

The Birks Building is on the Inventory of Historic Resources in Edmonton. It represents features that tell a story about Edmonton's past. The Birks ghost sign is one of many of the features that make this building a Historic Resource. It is not Melcor's desire to disrupt this sign, however we do understand that the building has not been designated as a Municipal Historic Resource and therefore is not protected from inappropriate alteration.

Because of the unresolved encroachment issue noted above, we are unsure as to whether this sign will need relocation. If it does, it is unclear who is responsible for the ghost sign and diamond relocation and ensuring the condition does not degrade further. A condition should be added to the development permit to ensure that if a signage relocation is required, an agreement shall be reached prior to the release of building permit drawings for review.

4. Architectural Intent of the Heritage Area Zoning Bylaw

It is Melcor's position that the proposed "Wedge" project does not meet the architectural intent of the Heritage Area Zone, specifically Section 910.7(5).

Please note that specific excerpts from Section 910.7(5) are contained on the file along with explanatory notes.

The following points outline the disconnect between the approved development and the zoning excerpts.

- The approving authority provided variances for all floor plate reductions and building setback regulations. With this decision, the square footage increase in the building is minimal while the negative impact to surrounding stakeholders is significant. The massing and showing are greatly increased and the pedestrian scale decreased.
- In section 910.7.5(d)(ii) it clearly states that any portion of the building Height greater than 5.0 metres shall be stepped back from the property line. Although the exterior façade of the building is stepped back, the balconies protrude into the required setback to the street face, creating an overwhelming wall effect at the front property line adjacent to Jasper Avenue. These balconies negate the result of any building face setback. The perceived massing of the building is not reduced and does not promote pedestrian scale of the street. From street level, the building will be perceived as an 11-storey vertical wall.
- The approved elevations of the new development do not display consistent material or design elements to create a unified building exterior within the first 5 storeys that face a public roadway. This is in direct conflict with the HA Zone.
- The architectural treatment of the new building up to the first 5 storeys does not adhere to the general alignment of the horizontal and vertical elements of the adjacent buildings along the same block face. This is in direct conflict with the HA Zone.
- Edmonton Design Committee provided support for the building elevations with little regard for the zoning requirements and the approving authority approved the application with no mention of variances to architectural treatment and consistency with surrounding exteriors. The general purpose of the HA zone clearly states that "new developments are pedestrian friendly and compatible in scale, function, built form and design continuity with the historical, architectural and urban village character of the area". The Heritage Area Zone covers only a few city blocks, limiting it specifically to the area that contains some of the city's most prominent Historic Resources. There are several examples of redevelopment done well in and around the HA zone (i.e. Icon Towers, former Sobey's building). Melcor's position is that the overall intent of the zone was overlooked. Not only does this set an undesirable precedent for future development with the HA zone, it degrades the work that

others have put in to ensure the historical character is preserved. Modifications should be made to the design to suit and fit the regulations to ensure the integrity of the HA zone is maintained.

Summary

Melcor strong opposes this development as approved by City Administration. We support the principal of redevelopment, however, expect it to be done in a thoughtful and considerate manner. It is our ask of the Subdivision and Development Appeal Board to overturn the approved permit and enforce the regulations of the Heritage Area Zone. Furthermore, if there were to be future development permit applications, clear definitive conditions shall be added to address neighbourhood consultation, encroachment issues, and existing building protection.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 910.7(2)(b), **Apartment Housing** is a **Permitted Use** in the **(HA) Heritage Area Zone**.

Under section 7.2(1), **Apartment Housing** means:

development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 910.7(2)(i), **Convenience Retail Stores** is a **Permitted Use** in the **(HA) Heritage Area Zone**.

Under section 7.4(13), **Convenience Retail Stores** means:

development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275 m² in gross Floor Area. Typical Uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This Use does not include Cannabis Retail Sales.

Section 910.7 states that the **General Purpose** of the **(HA) Heritage Area Zone** is:

to establish a special heritage character Zone, in which the existing concentration of historical resources shall be preserved, rehabilitated and reused, and to ensure new developments are pedestrian friendly and compatible in scale, function, built form and design continuity with the historical, architectural and urban village character of the area.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area** is “to designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.”

Residential Floor Plate

Section 910.7(5)(b)(i)(A) states:

- b. Tower Floor Plate, Stepbacks, and Spacing
 - i. Building Setback, Tower spacing and sculpting shall be used to reduce building mass and augment views, light and privacy.
 - A. For buildings greater than 20 m in Height, the maximum residential Floor Plate shall not exceed 900 m², but in no case shall it exceed 80% of the podium Floor Plate, to the satisfaction of the Development Officer.

Under section 6.1, **Floor Plate** means “the total floor area of a Storey within a building or structure contained within the outside surface of the exterior walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.”

Development Officer’s Determination

- 1. The proposed residential Floor Plate above the 20m in Height exceeds 80% of the podium Floor Plate. (Reference Section 910.7.5(b)(i)(A))) [unedited]**

Tower Stepback

Section 910.7(5)(b)(i)(B) states:

- b. Tower Floor Plate, Stepbacks, and Spacing
 - i. Building Setback, Tower spacing and sculpting shall be used to reduce building mass and augment views, light and privacy.
 - ...
 - B. Tower Stepback from the Street Wall shall be a minimum of 4.5 m.

Under section 6.1, **Stepback** means “the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.”

Under section 6.1, **Tower** means “a high-rise building with special design constraints applying to life/safety measures, structural support, wind, sunlight, and skyline impacts.”

Development Officer’s Determination

2. The proposed Tower Stepback abutting Jasper Avenue is 3.24m, instead of 4.5m. (Reference Section 910.7.5(b)(i)(B)) [unedited]

Tower Floor Plate

Section 910.7(5)(c)(v) states:

- c. Roof Tops and Skyline Effects
- v. The Tower Floor Plate(s) of the top 4 floors shall be reduced a further 10% to 15 %, to the satisfaction of the Development Officer, through Stepbacks to create the articulation, visual interest, and reduced massing effects.

Development Officer’s Determination

3. The proposed Tower Floor Plate of the top 4 floors is not reduced a further 10% to 15% from the rest of the Tower Floor Plate. (Reference Section 910.7.5(c)(v)) [unedited]

Parking Spaces

Section 54.2, Schedule 1(B), states the following with respect to Areas Within the Downtown Special Area:

Number of Required Parking Spaces by Zone	
Area of Application	HA
1. Studio	
Minimum Parking Requirement per unit	0
Maximum Parking Requirement per unit	0.5
2. 1 Bedroom Dwelling or Residential-Related Unit	
Minimum Parking Requirement per unit	0.4
Maximum Parking Requirement per unit	0.75
4. Visitor Parking	
Minimum Parking Requirement per unit	0

Maximum Parking Requirement per unit	10
5. Other Parking Regulations	<p>1. Where visitor parking is required, it must be readily available to an entrance of the building and be clearly identified as visitor parking.</p> <p>2. The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.</p> <p>3. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.</p> <p>4. Employee Parking for Live Work Units shall not be required.</p>

Section 54.2, Schedule 1(B)(8), states **Convenience Retail Stores** require no parking spaces.

Development Officer’s Determination

4. The site has 0 parking spaces, instead of 3. (Section 54.2 and Schedule 1(B)) [unedited]

Loading Spaces

Section 54.4, Schedule 3, states the following:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial	Less than <u>465 m²</u>	1

or Industrial Use Classes, excluding Professional, Financial and Office Support Services	<u>465 m2 to 2 300 m2</u> Each additional <u>2 300 m2</u> , or fraction thereof	2 1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to <u>2 800 m2</u> Each additional <u>2 800 m2</u> or fraction thereof	1 1 additional

Development Officer’s Determination

5. The site has 0 loading space, instead of 1. (Section 54.4 and Schedule 3) Note: Loading provided along Jasper Avenue. [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.




Project Number: **276602461-002**
 Application Date: JUL 24, 2018
 Printed: February 21, 2019 at 2:17 PM
 Page: 1 of 7

Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant	<p>Property Address(es) and Legal Description(s) 10344 - JASPER AVENUE NW Plan NB Blk 3 Lot 157</p> <p>Specific Address(es)</p> <p>Suite: 1001, 10344 - JASPER AVENUE NW Suite: 1002, 10344 - JASPER AVENUE NW Suite: 1003, 10344 - JASPER AVENUE NW Suite: 10342 - JASPER AVENUE NW Suite: 1101, 10344 - JASPER AVENUE NW Suite: 1102, 10344 - JASPER AVENUE NW Suite: 1103, 10344 - JASPER AVENUE NW Suite: 201, 10344 - JASPER AVENUE NW Suite: 202, 10344 - JASPER AVENUE NW Suite: 203, 10344 - JASPER AVENUE NW Suite: 204, 10344 - JASPER AVENUE NW Suite: 301, 10344 - JASPER AVENUE NW Suite: 302, 10344 - JASPER AVENUE NW Suite: 303, 10344 - JASPER AVENUE NW Suite: 304, 10344 - JASPER AVENUE NW Suite: 401, 10344 - JASPER AVENUE NW Suite: 402, 10344 - JASPER AVENUE NW Suite: 403, 10344 - JASPER AVENUE NW Suite: 404, 10344 - JASPER AVENUE NW Suite: 501, 10344 - JASPER AVENUE NW Suite: 502, 10344 - JASPER AVENUE NW Suite: 503, 10344 - JASPER AVENUE NW Suite: 504, 10344 - JASPER AVENUE NW Suite: 601, 10344 - JASPER AVENUE NW Suite: 602, 10344 - JASPER AVENUE NW Suite: 603, 10344 - JASPER AVENUE NW Suite: 701, 10344 - JASPER AVENUE NW Suite: 702, 10344 - JASPER AVENUE NW Suite: 703, 10344 - JASPER AVENUE NW Suite: 801, 10344 - JASPER AVENUE NW Suite: 802, 10344 - JASPER AVENUE NW Suite: 803, 10344 - JASPER AVENUE NW Suite: 901, 10344 - JASPER AVENUE NW</p>
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	<p>Project Number: 276602461-002 Application Date: JUL 24, 2018 Printed: February 21, 2019 at 2:17 PM Page: 2 of 7</p>		
Major Development Permit			
	<p>Specific Address(es)</p> <p>Suite: 902, 10344 - JASPER AVENUE NW Suite: 903, 10344 - JASPER AVENUE NW Suite: B1, 10344 - JASPER AVENUE NW Suite: B2, 10344 - JASPER AVENUE NW Entryway: 10342 - JASPER AVENUE NW Entryway: 10344 - JASPER AVENUE NW Building: 10344 - JASPER AVENUE NW</p>		
<p>Scope of Permit</p> <p>To demolish an existing commercial building and to construct an eleven (11) Storey mixed-use building (Convenience Retail Stores in basement and main floor; with Apartment Housing (2nd floor and above with 34 Dwellings). (The Wedge Building)</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 3342.07 New Sewer Service Required: Y Site Area (sq. m.): 349.04 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 3342.07 New Sewer Service Required: Y Site Area (sq. m.): 349.04	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown
Class of Permit: Class B Gross Floor Area (sq.m.): 3342.07 New Sewer Service Required: Y Site Area (sq. m.): 349.04	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Permit Decision</p> <p>Approved</p> <p>Issue Date: Jan 24, 2019 Development Authority: LEE, RACHEL</p>			



Project Number: **276602461-002**
 Application Date: JUL 24, 2018
 Printed: February 21, 2019 at 2:17 PM
 Page: 3 of 7

Major Development Permit

Subject to the Following Conditions

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant shall submit the following to the satisfaction of the Development Officer:

- a) The applicant or property owner shall pay a Lot Grading Fee of \$232.00.
- b) The applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$39542.00. All assessments are based upon information currently available to the City. The SSTC charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.
- c) The applicant or property owner shall pay a Development Permit Inspection Fee of \$510.00.
- d) Wind Impact Statement (Reference Section 14.2 of the Edmonton Zoning Bylaw 12800).
- e) Sun Shadow Impact Study (Reference as per Section 14.3 of the Edmonton Zoning Bylaw 12800).
- f) Comprehensive Sign Design Plan (Reference Section 910.4.5(a)(b) and 910.7.4(g) of the Edmonton Zoning Bylaw 12800).
NOTE: Signs require separate Development Applications.
- g) Exterior Lighting Plan (Reference Section 910.4.7 of the Edmonton Zoning Bylaw 12800). Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference: Section 51 of the Edmonton Zoning Bylaw 12800)
- h) The applicant shall submit a Crime Prevention Through Environmental Design (CPTED) report for the development to the satisfaction of the Development Officer. The report shall establish a safe physical environment and must meet the requirement of Section 54(7). The applicant is advised to the approved crime prevention design guidelines contained in the City document, "Design Guide for a Safer City".

2. The ground floor level portion of the facade abutting a Public Roadway, other than a lane, must be maintained and comprised of transparent, non-reflective, non-tinted, non-obscured glazing, in accordance to approved plans. (Reference: Section 910.4(8)(a) of the Edmonton Zoning Bylaw 12800)

3. Trash collection areas shall be located within the principle building to the satisfaction of the Development Officer in accordance with Sections 910.4(4)(a)(b).

4. Bicycle parking shall be provided in accordance to Sections 54.3 and to the satisfaction of the Development Officer.

5. Immediately upon demolition / alterations of the building, the site shall be cleared of all debris.

SUBDIVISION PLANNING CONDITIONS:

6. The owner/applicant must remove the existing basement structure located within the Jasper Avenue road right-of-way to the satisfaction of Subdivision and Development Coordination and LRT Operations, as shown on Enclosures I and II. This work is to include the reconstruction/restoration of the public sidewalk and any portions of the affected roadway structure within the Jasper Avenue road right-of-way above the existing basement. The restoration of the boulevard must be consistent with the existing streetscape (including brickwork) along Jasper Avenue. There must be no impact to the existing LRT line along Jasper Avenue with the removal of the basement structure and or proposed building construction. There are utilities within road right-of-way that must be considered during construction. Any costs associated with relocations and/or removals including damage to existing utilities shall be at the expense of the owner/applicant. Specific details relative to the basement removal and sidewalk reconstruction within road right-of-way will be reviewed at the Engineering Drawing stage and will require the submission of supplemental engineering design and building structure information.



Project Number: **276602461-002**
 Application Date: JUL 24, 2018
 Printed: February 21, 2019 at 2:17 PM
 Page: 4 of 7

Major Development Permit

7. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:

a) removal of the existing basement structure within Jasper Avenue road right-of-way including the reconstruction of the public sidewalk and restoration of the road and/or boulevard to match existing streetscape (including brickwork) to the satisfaction of Subdivision and Development Coordination.

The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Dan-Christian Yeung (780-496-4195) of the Development Servicing Agreements Unit.

- Engineering Drawings are required for the Agreement. The owner is also required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.
- The applicant must contact Loli Fernandez (780-944-7683) 72 hours prior to removal or construction within City road right-of-way.

8. Permanent objects including but not limited to building foundations, bike racks, concrete steps, and railings must NOT encroach into or over/under road right-of-way, as shown on Enclosure I. The proposed exterior doors at the entrance from Jasper Avenue must not swing out over onto the sidewalk.

Notwithstanding the above, the proposed canopy is encroaching over road right-of-way along Jasper Avenue. The owner/applicant must enter into an Encroachment Agreement with the City for the canopy, as shown on Enclosures I and III. The owner/applicant must email encroachmentagreements@edmonton.ca for information on the agreement.

9. This development is proposed to be constructed up to the property line. The owner/applicant must enter into an Encroachment Agreement with the City for any pilings, shoring & tie-backs to remain within road right-of-way. The owner/applicant must email encroachmentagreements@edmonton.ca for information on the agreement. The applicant is responsible to provide Development and Zoning Services with a plan identifying all existing utilities on road right-of-way within the affected area of the encroachment.

10. Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.

11. There may be other utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

12. Any Hoarding or Construction taking place on Road Right-of-Way (ROW) requires an OSCAM (On-Street Construction and Maintenance) Permit. OSCAM Permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the Start / Finish date of project;
- accommodation of pedestrian connectivity during all phases of construction for access to the adjacent roadways and intersections;
- accommodation of vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- confirmation of sidewalk and / or boulevard crossings for temporarily site access.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an O.S.C.A.M. online at:

https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx, and
<https://www.edmonton.ca/documents/ConstructionSafety.pdf>

13. Any alley or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner/applicant.



Project Number: **276602461-002**
 Application Date: JUL 24, 2018
 Printed: February 21, 2019 at 2:17 PM
 Page: 5 of 7

Major Development Permit

ADVISEMENT:

- i) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
- ii) The future Public Art (mural) installations on the designated walls on east and west elevation as per the approved drawings shall require a separate Development Permit.
- iii) The subject site is located between Birks Building and Looby Block which are both listed on the Inventory of Historic Resources. Any construction on the subject site should not cause any damage to these buildings as the result. For more information, please contact a Heritage Planner at 790-496-6123 or 780-496-5281. Additional information can also be found at https://www.edmonton.ca/city_government/edmonton_archives/historic-resources.aspx
- iv) The owner/applicant is advised to explore the opportunities to relocate/replicate the Birks diamond and wall sign on the north elevation of the Birks Building itself or on the west elevation of the proposed development to respect the heritage characteristics of the area. Please contact David Johnston, Heritage Planner at 780-496-5281 or email david.johnston@edmonton.ca for more information.
- v) The owner/applicant is advised that any future maintenance and rehabilitation is planned with the Jasper Avenue New Vision and may require the removal of the canopy at the property owner's expense. Damage caused to the canopy by City operations will not be covered by the City. The City may require the removal of the canopy if concerns are raised about the existing placement. Should you require any additional information, please call Sherron Hutchings at 780-496-6129 or e-mail sherron.hutchings@edmonton.ca.
- vi) There is existing street light infrastructure within or near to the proposed encroachment redevelopment. Any of the existing street light infrastructure that may require permanent or temporary relocation will be at the cost of the property owner. Current standards within the City of Edmonton Road and Walkway Lighting Manual are to be maintained. Contact Shawn Jacobs, Engineering Technologist II, Street Lighting Section at 496-3527 should any questions arise to initiate the street light work.
- vii) The owner/applicant is advised that any city rehabilitation and/or maintenance may require the removal of the canopy at the owner's expense. Damage caused to the canopy by City Operations will not be covered by the City. The City may require the removal of the canopy if concerns are raised about the existing placement.
- viii) The section of Jasper Avenue from 92 Street to 109 Street is slated for full redesign, which will include improvements to the streetscape of Jasper Avenue by creating a multi-purpose environment, under the Jasper Avenue New Vision project. The owner/applicant should contact Siddharth Masand at 780-442-1757 with the Jasper Avenue New Vision Revitalization group to coordinate the work.
- Construction of the streetscape project along Jasper Avenue between 96 Street and 100 Street has been prioritized by the City and is planned for 2019 – 2020, to coincide with the rehabilitation of the Edmonton Convention Centre (formerly Shaw Conference Centre). Construction timelines for improvements along Jasper Avenue adjacent to the development site and other areas (between 92 – 96 Street and 102 - 109 Street) have not yet been determined. The area between 100 Street and 102 Street was constructed in 2013. Please check the following website for more information on the project:
https://www.edmonton.ca/projects_plans/downtown/jasper-avenue-new-vision.
- ix) The applicant is proposing to have loading and unloading occur in the alley. According to Traffic Bylaw 5590 commercial vehicles, with hazard warning lights alight, and in the process of loading or unloading of goods, shall not be parked in an alley for more than 30 minutes in a manner that does not block or obstruct the movement of traffic.
- x) Subdivision Planning recognizes that the subject site has a parking deficiency of 3 parking stalls (provided 0 stalls; required 3 stalls). The proposed development is within the downtown core which is a major regional employment center with a vibrant mix of uses and will not necessarily generate additional vehicular traffic to the site. The downtown area is extremely well served by the LRT and transit with 15 minute service for much of the day including weekends which would create more opportunities for patrons to use public transit. In addition, bicycle facilities in the immediate area would encourage a greater amount of bike trips. On-street



Project Number: **276602461-002**
 Application Date: JUL 24, 2018
 Printed: February 21, 2019 at 2:17 PM
 Page: 6 of 7

Major Development Permit

parking is available in the downtown area which is managed by E-park and available for use.

- xi) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- xii) Signs require separate Development Applications. Any proposed signage, including Digital Signs must take into consideration any required traffic signalization and safety. Any digital media signs shall be included in the Comprehensive Sign Design Plan to the satisfaction of Subdivision Planning.
- xiii) A building permit is required for any construction or change in Use of a building. For a building permit, and prior to the plans examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre (780-442-5311) for further information.
- xiv) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- xv) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
- xvi) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

Variations

1. The proposed residential Floor Plate above the 20m in Height exceeds 80% of the podium Floor Plate. (Reference Section 910.7.5(b)(i)(A))
2. The proposed Tower Stepback abutting Jasper Avenue is 3.24m, instead of 4.5m. (Reference Section 910.7.5(b)(i)(B))
3. The proposed Tower Floor Plate of the top 4 floors is not reduced a further 10% to 15% from the rest of the Tower Floor Plate. (Reference Section 910.7.5(c)(v))
4. The site has 0 parking spaces, instead of 3. (Section 54.2 and Schedule 1(B))
5. The site has 0 loading space, instead of 1. (Section 54.4 and Schedule 3) Note: Loading provided along Jasper Avenue.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jan 31, 2019 **Ends:** Feb 21, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$1,847.00	\$1,847.00	05213366	Jul 26, 2018
Dev. Application Fee # of dwelling units	\$2,250.00	\$2,250.00	05213366	Jul 26, 2018
Development Permit Inspection Fee	\$510.00			
Sanitary Sewer Trunk Fund 2012+	\$39,542.00			
Lot Grading Fee	\$232.00			

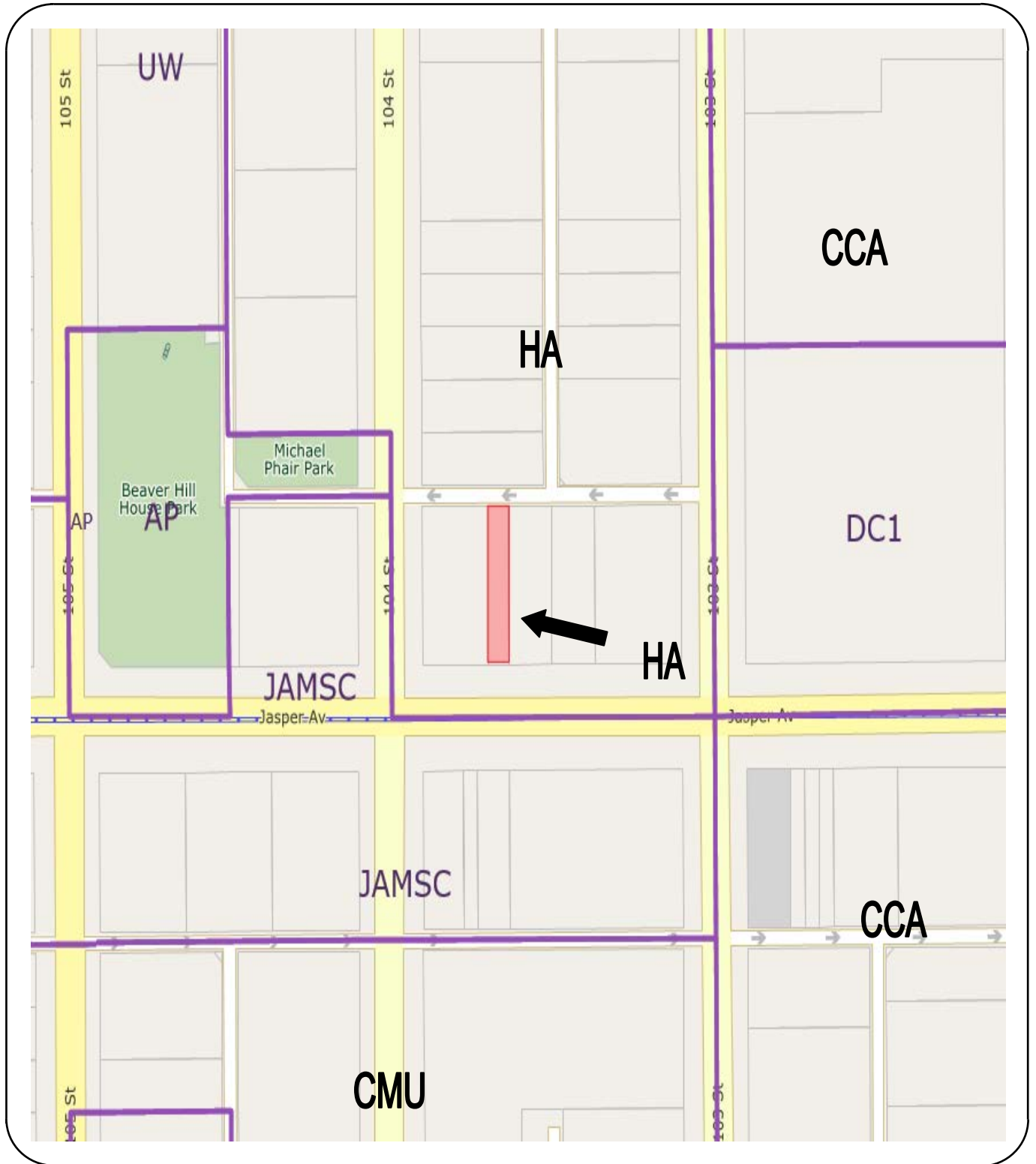


Project Number: **276602461-002**
Application Date: JUL 24, 2018
Printed: February 21, 2019 at 2:17 PM
Page: 7 of 7

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$44,381.00</u>	<u>\$4,097.00</u>		
(\$40,284.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-040

