

# Charter Bylaw 18421

## Text amendment to Zoning Bylaw 12800 - Update to the High Rise Apartment Zone and High Rise Residential Overlay

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### Purpose

To amend Zoning Bylaw 12800 in order to modernize the regulations for high rise apartments. The proposed changes improve design requirements, create additional use opportunities, clarify intent, and ensure that a modest high rise apartment is possible to be developed in the zone.

### Readings

Charter Bylaw 18421 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Charter Bylaw 18421 be considered for third reading."

### Advertising and Signing

This Charter Bylaw has been advertised in the Edmonton Journal on May 25, 2018, and June 2, 2018. The Charter Bylaw can be passed following third reading.

### Position of Administration

Administration supports this Charter Bylaw.

### Previous Council/Committee Action

At the January 30, 2018, Urban Planning Committee meeting, the following motion was passed:

1. That Administration prepare amendments to the High Rise Apartment Zone (RA9) generally in accordance with Attachment 3 - Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 of the January 30, 2018, Urban Form and Corporate Strategic Development report CR\_ 4958, and return to a future City Council Public Hearing, with the following modifications:
  - a) That Administration reduce the maximum allowable non-residential uses to 15% of total Floor Area,
  - b) Increase the maximum dwelling unit density to 225 du/nrh for sites less than 1,800 m<sup>2</sup>,

- c) Exempt Group Homes and Apartment Housing that meet the supportive housing regulations from the requirement for individual residential dwellings to have direct access at ground floor,
- d) Clarify the wording about high quality design on all sides of the building, and
- e) Review the protection of boulevard trees.

2. That Administration prepare amendments to the High Rise Residential Overlay to align the regulations in the Overlay with the changes to the High Rise Apartment Zone (RA9), while maintaining the current height limit in the Overlay, and return to a future City Council Public Hearing.

### **Report Summary**

Administration prepared a text amendment to Zoning Bylaw 12800 High Rise Apartment Zone (RA9), which proposes approximately 18 storey high rise development to occur on typical sites, and provides additional opportunities for non-residential uses. The proposed text amendment is included as Attachment 1 - Charter Bylaw 18421. The updated High Rise Apartment Zone (RA9) corrects internal misalignment of regulations (height, floor area ratio, setbacks and density) in the existing zone, and adds regulations to improve building design.

The update to the High Rise Apartment Zone (RA9) will accomplish the following:

- Enable a modest height (18 storey) apartment housing with opportunity for a limited mix of non-residential uses;
- Regulate urban form to ensure outcomes align with the modern city-building practices;
- Improve the overall built form at street level and above ground, and provide confidence in the quality of the outcome; and
- Adjust the development regulations, such as setbacks, height, density, and floor area ratio in the zone to ensure high rises can be developed.

### **Report**

#### **Urban Planning Committee Motion**

The Urban Planning Committee motion from January 30, 2018, required several changes to the draft Charter Bylaw presented. In response Administration made the following changes to the proposed Charter Bylaw:

- The proposed Charter Bylaw 18421 caps non-residential uses to 15 percent (down from 30 percent);
- Increases the maximum density for small sites from 125 to 225;

- Exempts supportive housing from requiring individual dwelling access for ground floor units;
- Exterior design regulations were changed from “the same materials on all sides of the building” to “a cohesive architectural language, which demonstrates attention to the design of all building faces” and includes a list of design and material choices identified that would satisfy this requirement.

Charter Bylaw 18421 does not speak to Boulevard Tree protection on City right of way as this is outside of the scope and jurisdiction of Zoning Bylaw 12800. However there are protection requirements for boulevard trees during the development process which address this concern.

The amendments to the High Rise Residential Overlay are limited in scope to remove clauses made redundant as a result of the proposed updates to the High Rise Apartment Zone (RA9). The changes represent an alignment of the Overlay with the proposed zoning and include consolidating the relevant sections of the other referenced overlays and removing redundant or obsolete design requirements. The height limit is unchanged at 23 metres. As a result of Community League concerns, the Overlay was expanded along 111 Street to limit commercial development, however the height restriction does not apply to the new area.

### **Background**

The areas of the City with the most High Rise Apartment Zone (RA9) sites are the Oliver, Garneau, Strathcona, Cromdale, Boyle Street, and Parkdale neighbourhoods. However, the High Rise Apartment Zone (RA9) is distributed around the city in urban, suburban and transit oriented locations. The distribution of these sites is shown in Attachment 4 - Map of High Rise Apartment Zone (RA9) Properties.

The zone is underused as a result of incompatible regulations that do not function to allow high rise development on most sites. Between January 2011 and December 2017 only eleven projects have been permitted and completed in the High Rise Apartment Zone (RA9); one in 2016, and one in 2017. An absence of urban design regulations also leads to uncertainty about the compatibility of development with its surroundings in established areas. Nearly all recent high rise apartments have been developed under Site Specific Direct Control provisions, which are costly and time consuming for both applicants and Administration.

Administration started a review of the zone in 2014, however operational priorities shifted to implementing the Infill Roadmap and the project was put on hold until 2017.

Renewed engagement with industry and community stakeholders in the first quarter of 2017 explored stakeholder’s values and priorities regarding modest high rise development. Stakeholders identified several issues and challenges with the current High Rise Apartment Zone (RA9), which were summarized in the June 30, 2017, Urban Planning Committee report CR\_4624 - *RA9 High Rise Apartment Review*. The

proposed update incorporates these values and priorities; as well as the feedback received from multiple draft circulations and meetings.

Administration reviewed the approach to high rise development in Canada and found standard high rise apartment zones are used to routinely permit high rise development in the following cities: Calgary, Victoria, Vancouver, Winnipeg, Mississauga, Toronto, and Halifax.

### **Utilization of the High Rise Apartment Zone (RA9)**

A technical analysis of the current High Rise Apartment Zone (RA9) reveals there are 375 titled lots (504 parcels) with High Rise Apartment Zone (RA9). Of these parcels,

- 36.8 percent are built to their development potential (high rise development, either as condominium, rental, or seniors housing)
- 37.1 percent contain low density residential development (Single detached, Single detached with a suite, Duplex, and Fraternity Houses).
- 14.7 percent are walk-up apartments and other multi-unit development (row housing, carriage homes)
- 4.7 percent are non-residential uses such as offices, religious assembly, or funeral homes
- 6.4 percent are surface parking lots

These findings indicate that there remains ample redevelopment potential within existing High Rise Apartment Zone (RA9) zoned sites.

### **Updating the High Rise Apartment Zone (RA9)**

The updated zone has significant new content, including a revised list of permitted and discretionary uses, new development regulations to improve urban design, and new incentives to build larger family sized units.

The zone is drafted to support 18 storey residential apartment development, which works in urban, suburban, and transit oriented contexts. This scale of building is what will be commonly used in redevelopment scenarios in existing High Rise Apartment Zone (RA9) sites, and in future rezonings for master-planned transit oriented development. The updated regulations for the High Rise Apartment Zone (RA9) improve the opportunity to apply this zone to support development around transit centres and LRT stations, and revitalize core areas that are experiencing population decline and school closures.

The alternative to using a standard high rise apartment zone is doing all high rise apartment development as Site Specific Direct Control Provisions (DC2) rezoning, which is cumbersome due to the time required to complete the process. Site Specific Direct Control Provisions (DC2) are also very rigid and do not offer the opportunity to develop product that can change with the market. Buildings greater than 18 storeys

require close review that the Site Specific Direct Control Provisions (DC2) can offer to mitigate the potential impacts of high rise development. The Site Specific Direct Control Provisions (DC2) can also ensure a sensitive addition to the neighbourhood while enhancing livability because detailed elevations and exact building forms are established and available for public scrutiny via City Council Public Hearing process.

The recommended changes to the High Rise Apartment Zone (RA9) will reduce the reliance on Site Specific Development Control Provisions (DC2) for modest high rise apartments and reduce the time required to permit modest high rise apartments. Significantly tall high rise apartments (over 70 m) are currently approved through the Site Specific Direct Control Provisions (DC2) rezoning and this update is not intended to replace that process.

### General Purpose

Revising the general purpose of the zone creates opportunity to tailor it for urban neighbourhood lot consolidation and redevelopment; development along main street commercial areas, or major corridors; and within close proximity to transit stations.

### Uses

Several uses that are currently discretionary are proposed to be made permitted. The intent of the revised list of uses is to allow some commercial uses that are supportive of day to day needs of local residents and also compatible with the residential nature of the zone such as convenience stores, child care services, and specialty food services. The zone focuses on high rise building forms. All low density, ground oriented building forms are proposed to be removed from the list of uses with the exception of row housing and stacked row housing. They should be developed in conjunction with a Tower or a small site not suitable for a Tower.

### Development regulations

The existing High Rise Apartment Zone (RA9) does not have any design requirements or specifications for where uses should be located which can result in monolithic slab towers without any articulation or architectural detailing at grade. New regulations have been added to require:

- Tower separation and orientation to manage privacy and sunlight access.
- Maximum tower floorplate size above the third storey.
- Improve design and connectivity for large sites to improve livability.
- Activate street frontages.
- Canopies/awnings or other features as well as building articulation, to minimize wind impact at ground level.
- Create a cohesive architectural design on all sides of the building is required.
- Increase the density for sites smaller than 1800 m<sup>2</sup> from 125 du/ha to 250 du/ha, to be consistent with scenario modeling for the height, setbacks, and floor area ratio.

### Updating the High Rise Residential Overlay

The High Rise Residential Overlay applies to four sites in three areas of the city (Stadium, Belvedere and two sites in Garneau) as shown on the maps in Attachment 5 - *Map of High Rise Residential Overlay Properties*. The High Rise Residential Overlay does not align with current high level policy and efficient land use practices, however it does align with established Area Redevelopment Plans for each of the three areas where it applies.

In most sites under the Overlay, the properties have already been developed to the maximum potential as restricted by the Overlay with the exception of some sites in Parkdale-Cromdale and a very small number in Garneau that could be redeveloped for high rise apartments if properties are consolidated. There is only one site in Balwin that could be redeveloped with a high rise apartment.

The purpose of the update to the High Rise Residential Overlay only exists to ensure alignment between the new design regulations in the High Rise Apartment Zone (RA9) and the overlay. The High Rise Apartment Zone (RA9) as proposed contains design regulations that address the same aspect as design regulations in the Overlay making it redundant. The updated Overlay consolidates the references to the other overlays and sections of Zoning Bylaw 12800.

As a result of talks with the Garneau Community League the update proposes to expand the overlay in Garneau to connect two areas where the overlay already exists. Doing so will limit commercialization of the residential area across 111 Street. This expanded area doesn't expand all the restrictions imposed by the overlay such as height restrictions.

### Public Engagement

- February 23, 2017: half-day multi-stakeholder workshop
- March 8, 2017: roundtable discussion at Edmonton Federation of Community Leagues.
- March 14, 2017: Edmonton Insight Community survey about high rise apartments.
- March 22, 2017: Administration circulated a draft of the June 30, 2017 report to stakeholders.
- June 30, 2017, Administration presented the preliminary draft to Urban Planning Committee.
- October 24, 2017: Administration circulated the revised regulations for review and comment.
- November 14, 16, 23, 30 and December 7, 2017, information boards and surveys were available at each of the five Engage Edmonton events.
- December, 2017, Administration attended meetings with representatives of the Garneau Community League and Parkdale-Cromdale

- January 30, 2018, Administration presented the final draft to Urban Planning Committee, and recommended that the draft advance to Public Hearing.
- February, 2018 Administration met with several interested parties, including:
  - Meeting with representatives of the Infill Developers of Edmonton Association (IDEA) on February 20, 2018
  - Meeting with representatives of the Canadian Homebuilders Association - Edmonton Region (CHBA-ER) on February 22, 2018
  - Meeting with representatives of the Garneau Community League on February 27, 2018
- March 19, 2018, Administration circulated the proposed amendments for final four-week commenting period.
- May 7, and May 9, 2018 Administration met with Garneau Community League.

**Policy**

The proposed approach supports *The Way We Grow*, Edmonton's Municipal Development Plan policies:

- 4.4.1 Ensure neighbourhoods have a range of housing choice to meet the needs of all demographic and income groups and create more socially sustainable communities;
- 5.1.1 Embrace high quality urban design throughout Edmonton; and
- 5.3.2 Ensure that as development occurs around LRT stations and transit centres, high quality public spaces, streets and buildings emerge to support compact living and encourage transit ridership.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s): Edmonton is attractive and compact</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
To enable Class A (no variances) developments for modest high rise applications which use at least 80 percent of development rights in the zone, resulting in high rise development forms.	Variances requested/Class B development processed	Not measured at this level of detail.	Future years may include variances per zone.
Edmonton is attractive and compact	Citizen perception: Well-designed, attractive city	53% (2016)	55% (2018)
City achieves residential densification	New Residential Unit in Mature Areas (as % of new residential units city-wide)	24.5% (2016)*	25% **



Policies, regulations, and approvals foster development that meets the needs of today and tomorrow	Number of permits issued for high rise development in the RA9 zone since 2011.	11 (2011-2017 inclusive) 1 (2016)+ 1 (2017)++	Increase
	Number of applications for rezoning to RA9 zone.	504 Titled Parcels (2018)	<ul style="list-style-type: none"> <li>• DC2 for high rise development are only used for buildings taller than 18 storeys, or on sites smaller than 1800 m<sup>2</sup>.</li> </ul>
		<i>*Growth monitoring report (2017)</i> + 13 storey, 125 unit apartment, "Signature 3" Ambleside ++ 6 storey, 68 unit apartment, "CX" Grandin	<i>**The Way We Grow, MDP (2010) section 3.1.1.2</i>

**Attachments**

1. Charter Bylaw 18421
2. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 - High Rise Apartment Zone (RA9)
3. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 - High Rise Residential Overlay
4. Map of High Rise Apartment Zone (RA9) Properties
5. Map of High Rise Residential Overlay Properties
6. Summary of Feedback Received since January 30, 2018

**Others Reviewing this Report**

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- C. Campbell, Deputy City Manager, Communications and Engagement
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services