

8301 - 99 Street NW

To allow for a medium density mixed use building



RECOMMENDATION AND JUSTIFICATION

Sustainable Development is in SUPPORT of this application because it:

- continues to place appropriately scaled density along an arterial road as directed by the Strathcona Area Redevelopment Plan;
- ensures an increase in height and density is accompanied by architectural regulations that ensure compatibility with the surrounding neighbourhood; and
- retains neighbourhood scale commercial uses at the ground level that contribute to the livability of the community.

THE APPLICATION

- 1. BYLAW 18077 proposes to amend the Strathcona Area Redevelopment Plan to clarify the requirement for buildings higher than 3 storeys to have the upper storeys stepped back to ensure compatibility and a sensitive transition to the street. Currently, the plan does not specifically state a limit on height, it suggests that compatibility may be achieved by "reducing the height of apartments to 3 storeys...or requiring that the 4th storey be set back from the street". The amendment is to clarify that not only the 4th storey is to be stepped back, but also all storeys above that (if any are proposed by future applications).
- 2. BYLAW 18078 to amend the Zoning Bylaw from (DC2.479) Site Specific Development Control Provision to a new (DC2) Site Specific Development Control Provision.

The proposed DC2 Provision has the following key characteristics:

- Maximum Height of 23.0 metres (approximately 6 storeys)
- Maximum Floor Area Ratio of 3.0
- Up to 22 residential dwellings
- Up to 340 m² of commercial space
- A "sunset clause" of 10 years

The existing DC2 Provision was approved in 1998 and only allows for the existence of a two storey building that has since been demolished. There are no regulations related to Setbacks, Height or Floor Area Ratio, only a regulation that "No additions to the existing building are allowed". As such, the existing and proposed DC2 Provisions are not easily compared.

SITE AND SURROUNDING AREA

This vacant site is along the 99th Street corridor which is primarily developed as a mixture of 4 storey residential buildings and small scale commercial uses. While the existing zoning is a unique DC2 that is difficult to compare with other zones, the recently demolished building contained similar uses and was of a similar scale as that which could be developed within the (CNC) Neighbourhood Convenience Commercial Zone.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	(DC2.479) Site Specific Development	Vacant lot
	Control Provision	
CONTEXT		
North	(US) Urban Services Zone	Religious Assembly
East	(RA8) Medium Rise Apartment Zone	Stacked Row Housing
South	(RA8) Medium Rise Apartment Zone	Apartment Housing
West	(RA8) Medium Rise Apartment Zone	Religious Assembly



VIEW OF SITE LOOKING NORTH



VIEW OF SITE LOOKING EAST

PLANNING ANALYSIS

PLAN DIRECTION AND LAND USE COMPATIBILITY

The 99th Street corridor bisects the neighbourhood of Strathcona and is a busy arterial road. The Strathcona Area Redevelopment Plan encourages additional apartment housing development along this corridor as long as it is "compatible with the existing scale of development and will reflect the interesting qualities and character of the streetscape that is currently present in the community". The plan works in conjunction with the predominant residential zoning along the corridor which is the (RA8) Medium Rise Apartment Zone. This zone would normally allow for buildings up to 23.0 m (6 storeys) but also includes the application of the Medium Density Residential Overlay. This overlay is designed to ensure medium density development in established areas of the City is compatible, in mass and scale, with existing lower forms while maintaining the pedestrian-friendly character and streetscape of these established areas. The overlay adds some basic design regulations and reduces the maximum height to 14.5 m (4 storeys) for flat roofed buildings.

The existing zoning and overly have been appropriate and effective tools to ensure that development within a standard zone, where there is more flexibility and the ability of a Development Officer to grant variances, is compatible. The plan has been well implemented in recent years with four new developments having been built along this corridor since 2005 under these regulations, with some variances, with the most recent just completing construction.

However, it is also possible to achieve the same level of compatibility with a 6 storey building when implemented through a (DC2) Site Specific Development Control Provision where there are detailed design regulations and a very limited ability for a Development Officer to grant variances.

The proposed DC2 Provision, in addition to containing architectural elevations of the proposed building which must be generally conformed to, includes detailed requirements for a variety of setbacks, stepbacks, façade articulation, materials and a high quality ground level interface with the street that are not required by the RA8 zone or overlay.



FRONT ELEVATION OF PROPOSED BUILDING

When implemented through a detailed DC2 Provision, this 6 storey building meets the intent of in the Strathcona Area Redevelopment plan since the proposed building contains a stepback above the 3rd storey that applies to the 4th, 5th and 6th stories. Due to the width of 99 Street and its function as a high transit serviced arterial, it is an appropriate location for more dense forms of development such as this. The building design, including the re-integration of ground level commercial activity, will help ensure that the building will be compatible with the existing scale of development and contribute to the pedestrian-friendly character of the streetscape and area.

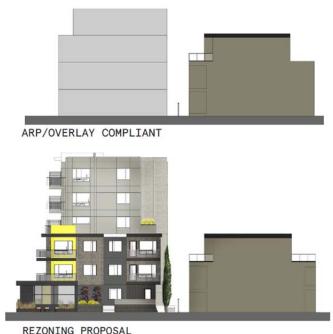
The table below compares some key regulations between the (RA8) Medium Rise Apartment Zone, Medium Density Residential Overlay and proposed (DC2) Site Specific Development Control Provision that would apply to a 6 storey building at this site.

REGULATION	RA8	OVERLAY	PROPOSED DC2
Height	23.0 m	14.5 m / 16.0 m	23.0 m
Floor Area Ratio	2.5	2.5	3.0
Density	18 Dwellings	18 Dwellings	26 Dwellings
Front Setback	6.0 m	5.0 m	3.0 m
Side Setbacks	4.5 m / 4.5 m	1.5 m / 4.5 m	2.5 m / 3.5 m
Rear Setback	7.5 m	7.5 m	6.5 m
Stepbacks	NONE	2.0 m above 3 rd storey	2.0 m above 3 rd storey

BUILT FORM TRANSITION

The site is relatively narrow and is abutting a site to the east which contains a 10 metre tall Stacked Row Housing building with 10 units that has main entrances and amenity areas facing the interior shared lot line. As such, it is important for this transition to be well analysed and as sensitive as possible. The proposed DC2 Provision contains the following requirements to address this issue:

- A 2.5 m setback, except for the exterior or the building's stairwell;
- A 2.0 m stepback at a height of 10.6 metres to move the upper storeys of the proposed building further away from the existing building and decrease the perception of massing;
- Enhanced landscaping requirements, including at least 9 trees within the east setback to increase privacy and provide adequate screening between the two buildings;
- Sensitive placement of windows, doors, balconies and Amenity Areas to reduce their impact on the existing buildings including the requirement for clerestory windows, privacy screens, heightened balcony railings, louvers, frosted glass or glass block where concerns of privacy may exist.



COMPARISON OF TRANSITION BETWEEN PROPOSED AND EXISTING BUILDINGS

RESIDENTIAL INFILL GUIDELINES

This application meets the majority of guidelines for Mid Rise Apartments relative to parking, built form, site design and streetscape. It does not meet the majority of guidelines relative to location. A detailed review of the application relative to the Residential Infill Guidelines is found in Appendix 1 to this report.

EDMONTON DESIGN COMMITTEE

On April 4, 2017, this application was reviewed by the Edmonton Design Committee. The committee provided a recommendation of support with the following conditions:

- Reduce sixth level floor-plate by stepping back on all four sides to provide a more amenable solution to the issue of height. This would reduce the massing at the top of the building thereby minimizing the impact of the sixth floor with respect to the neighbouring context.
- Create a more attractive east facade through increased articulation and/or material variation.
- Identify the extent of commercial development on the main floor in the DC text.
- Append and refer to the final project drawings in the DC document.

The applicant did not reduce the floor pate of the 6th storey but relocated the balcony projections to provide greater break-up of the upper façade and reduce the massing impact. The east façade was revised to include greater material variation and articulation, commercial space was defined and the final site plan and elevations are appended to the proposed DC2 Provision.

PUBLIC AMENITY CONTRIBUTIONS

The contributions proposed by this DC2 Provision are:

- a Developer Sponsored Affordable Housing contribution is being provided in accordance with City Policy C582; and
- while the development does not specifically contain a commitment to Family Oriented Dwellings as defined in the Zoning Bylaw, the DC2 Provision requires at least 10 dwellings to have two bedrooms or more with at least 2 having 3 bedrooms.

TECHNICAL REVIEW

All comments from affected City Departments and utility agencies have been addressed.

Phase I and Phase II Environmental Site Assessments were submitted and reviewed which determined that the site is acceptable for all intended uses.

EPCOR Water noted a deficiency in on-street fire flows adjacent to the property. Additional levels of on-site fire protection requirements will be addressed at the Development Permit stage.

PARKING AND TRAFFIC

All vehicular access is required to be from the abutting lane and the majority of vehicular parking is required to be below grade. Vehicular parking requirements are lower than what would normally be required by the Zoning Bylaw and bicycle parking requirements are higher. There are 20 underground vehicular parking spaces of which 17 are for residential uses and 3 are for commercial. There are 2 additional surface parking spaces which are "flex spaces" to be used for residential visitors, a car-share program or for the commercial uses depending on the exact nature of the uses proposed at the Development Permit stage.

A Parking Impact Assessment was completed to evaluate the proposed amount of parking. The site is 108 metres from 82 Avenue NW, a designated Transit Avenue, which is just beyond the 100 metre distance for the reduced Transit Oriented Development parking requirements. The Parking Impact Assessment determined that when factoring in the existing on street parking available, transit routes along 99 street and adjacent bike lane, the proposed amount of parking is sufficient for this development. For certain high demand potential uses, such as Child Care Services and Indoor Participant Recreation Services, the proposed DC2 Provision includes a clause to require additional parking assessments at the Development Permit stage.

A minimum of 15 bicycle parking spaces must be provided which must be located in secure enclosed areas within the building easily accessed by ramps or a route through the building which facilitates easy and efficient transportation of bicycles.

There are no concerns with regards to increased traffic with the addition of 22 units and ground level commercial space on the corner of an arterial road.

SUN SHADOW ANALYSIS

At 6 storeys, the proposed building will cast a shadow that will extend beyond the boundaries of the site year round. As such, a sun shadow study was provided and reviewed which shows that the main shadow impacts are generally limited to the properties to the east and west of the site, except in the winter months where the shadow impact is more extensive. Due to the slim east-west width of the building, the impacts to the north are limited and the shadow moves quickly.

While the existing zone does not have any height regulations, in comparison to the (RA8) Medium Rise Apartment Zone with the Medium Density Residential Overlay that comprises the majority of the 99 Street corridor, the increased height from 14.5 to 23 metres does not result in substantial increases in the shadow impacts. For example, on the September and March equinoxes, the shadow in the early evening would extend approximately 2 to 3 lots further east.

With regards to sun shadow impacts on the building immediately to the east, it is important to note that whether a building on the subject site is developed as 14.5 metres (RA8 with Overlay) or 23 metres of height (proposed DC2 Provision), the impact would be similar. Shadow studies show that the building would be in shadow for much of the year in the latter half of the day, in either scenario. The below excerpt from the shadow study shows a comparison of the difference between a building compliant with the RA8 Zone and Overlay and the proposed building in the DC2 Provision.

MARCH 21

3:00 pm Sign pm Sig

PUBLIC ENGAGEMENT

The table below summarizes all consultation steps taken and general topics that were discussed. More details on comments and concerns received are found in Appendix 2 to this report.

PRE-APPLICATION NOTICE September 22, 2016	Number of Recipients: 168	
	As reported by applicantNumber of responses: 5	
	 Number of responses without concerns: 0 Number of responses with concerns: 5 Common comments themes: 	
	Too much heightNot enough parking	
	 Lack of Commercial Uses Negative impacts on building to the east 	
	 General design and materials preferences 	
ADVANCE NOTICE	Number of recipients: 239	
December 9, 2016	 Number of responses in support: 1 	

	• Number of responses with concerns: 6
	Common comments themes:
	 Too much height (4 storeys is enough)
	 Not enough parking
	- Increase in traffic
	- Nature of commercial uses
	- Noise from vents and exhaust systems
	- Area Redevelopment Plan should be
	followed
PUBLIC MEETING	N. I. S. II. I. O.
February 23, 2017	 Number of feedback forms in support: 0
	 Number of feedback forms with concerns:
	8
	Common comments themes:
	- City and council process
	- Developer intent
	- Commercial space
	- Connections
	- Area Redevelopment Plan
	- Height and density
	- Traffic and parking
	- Utilities and infrastructure
	- Character/design

CONCLUSION

Sustainable Development recommends that City Council APPROVE this application.

APPENDICES

- 1
- Residential Infill Guidelines Analysis "What We Heard" Public Engagement Report Application Summary 2
- 3

RESIDENTIAL INFILL GUIDELINES ANALYSIS

This application was reviewed for conformance to the recommendations for Mid Rise Apartments due to the proposed DC2 dealing with a lower mid rise form and being adjacent to a residential neighbourhoods that may be impacted by such issues shadowing, traffic and parking and loss of views. A breakdown of the DC2 Provision is provided indicating if a particular guideline is met or not.

LOCATION AND DISTRIBUTION

Guideline	DC2
Mid Rise Apartment buildings should locate in the City's key activity centres, including the central area of the city, including downtown, the Station Lands and Downtown North Edge; Areas adjacent to LRT	No
Stations or at existing regional or community level shopping centre sites.	
Subject to the development being able to achieve the applicable Large Infill Site Guidelines, Mid Rise Apartment buildings may be located on Large Residential Infill Sites, which are defined generally as sites over one hectare in size; on other sites where the specific context of the site warrants consideration of Mid Rise buildings such as on sites that have direct access to an arterial or collector road, and are isolated from small scale residential development by other land uses such as existing medium/large scale residential development, commercial development, a large park site or natural area.	No
Mid Rise Apartment sites should have direct access to an arterial or collector road, or a road with the demonstrated capacity to accommodate the development without undue impact on adjacent areas.	Yes

BUILT FORM AND DESIGN

Guideline	DC2
The maximum height of Mid Rise Apartment buildings should be determined using the Large Infill Site Guidelines.	No
To minimize visual impact on and maximize integration with the existing neighbourhood, Mid Rise Apartments should incorporate fundamental design elements, proportions, and character found within the neighbourhood and be constructed with durable, quality materials similar or complimentary to those found within the neighbourhood.	Yes
The building mass should be arranged to minimize shadowing and optimize access to sunlight on adjacent properties as set out in the Large Infill Site Guidelines.	No
A sun/shadow analysis should be prepared, including analyses of shade impacts for the spring and fall Equinoxes and the winter Solstice.	Yes

The privacy of adjacent dwellings should be maintained by minimizing overlook through setbacks and articulation of the building and careful placement of windows, doors, patios and balconies.	
Building facades should be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to create visual interest. The building façade should be punctuated at a maximum of eight metres along the building frontage with an indentation no less than two metres wide and two metres deep and at the primary street entrance to the building with an indentation of no less than two metres wide and two metres deep.	
The maximum building length of Mid Rise Apartments should be no more than 48 metres, permitting views through the site and limiting building mass along the block face.	
All units should have access to common, outdoor, ground level amenity space.	
The building should front onto a street.	
Retail/commercial uses should be developed on the ground floor of buildings which font onto a commercial/shopping street or provide for retail uses in the context of a comprehensively planned development.	

SITE DESIGN AND STREETSCAPE

Guideline	DC2
The site should be landscaped in accordance with an approved Landscape Plan which provides for a high standard of landscaping on the site.	Yes
The Landscape Plan should include an assessment of mature trees on site; provide for the retention of mature trees to the greatest extent possible; incorporate the design and planting of public sidewalk and boulevard areas adjacent to the site and illustrate the landscaping of yards and common outdoor amenity areas.	Yes
The site design should, in concert with the design of the building assist in optimizing access to sunlight on adjacent properties and on common outdoor amenity areas and maintain the privacy of adjacent homes through the use of fencing, screening and landscaping.	Partial
Common outdoor amenity space should be provided on site for residents which accommodates the recreational and social needs of residents, including families with children where family units are proposed and is located where there is surveillance, sunlight and weather protection.	No
The streetscape design, including building features and landscape treatment along street frontages should integrate the new development into the existing neighbourhood by providing entry transitions (e.g. use of steps, fences, gates, hedges, low walls) and semi-private outdoor spaces that create a comfortable relationship between the public realm of the street and the private space of the dwelling	Yes

units; providing individual, private front entries and landscaped yards for ground floor units; providing a prominent front entrance to the building; using articulated building frontages, creating recessed balconies and roofline features and by maintaining the existing development pattern along the street, including setbacks, treed boulevards and no vehicular access from the street.

PARKING

Guideline	DC2
Sufficient onsite parking for all units should be provided as required by the Zoning Bylaw.	
All parking should be accessed from the adjacent lane.	
Resident parking should be provided underground or in above ground parking structures.	
Any surface visitor parking areas for Mid Rise Apartments should be developed at the side or rear of the building; be separated from residential units by landscaped buffers; be accessed from the lane; cluster parking spaces and divide the clusters with landscaping and not impact the street or outdoor amenity areas.	

WHAT WE HEARD REPORT

Mill Creek Condominiums (Vacant site formerly DV8 Pub) LDA16-0543

PROJECT ADDRESS: 8301 - 99 Street.

PROJECT DESCRIPTION:

- Amendment to the Strathcona Area Redevelopment Plan (ARP)
- Rezoning from (DC2.479) Site Specific Development Control Provision Zone to a new (DC2) Site Specific Development Control Provision to allow for the development of a 26 unit, 6 storey residential building (23 meters in height) with surface and underground parking.

EVENT TYPE: Open House

MEETING DATE: Thursday, February 23, 2017

NUMBER OF ATTENDEES: 26

ABOUT THIS REPORT

The information in this report summarizes feedback gathered during the February 23, 2017 Open House. This report is shared with all attendees who provided their email address during the event. This summary will also be shared with the applicant and the Ward Councillor. If/when the proposed rezoning application advances to Public Hearing, these comments will be summarized in a report to City Council prior to them making a decision.

MEETING FORMAT

The meeting format was a station-based open house where attendees were able to view display boards with project information and ask questions of City Staff, the applicant, and the architect. Participants were invited to share their feedback on a "graffiti wall" by offering general feedback as well as by answering three questions:

- What opportunities does this application provide?
- What challenges does this application provide?
- What does council need to know or understand about this application?

12 feedback forms were also received with written comments. The comments received are

summarized by main themes below followed by answers to questions raised in written feedback.

WHAT WE HEARD

City and Council Process:

- This is simply an exercise to fulfill the process and community concerns will not be truly considered.
- Council really doesn't "have the guts" to turn this down.
- Residential tenants are treated far more strictly when it come to such matters yet these kind of developers seem to be treated with much more leniency.

Developer:

- This is only an opportunity for the developer to get rich.
- Zoning rules should not be broken when a developer wants to make money.

Commercial Space:

- Good that there is no opportunity for any new pub, bar or gambling opportunities.
 Previous pub had lots of bad activities resulting from it.
- Want to see some limited commercial space such as small retail or coffee shops.
- Having some commercial space at ground level might partially justify 6 storeys instead of 4.

Connections

- Could lead to more transit on 99 street (especially during day) because of more people coming into area.
- Want to make 99 Street between Whyte Avenue and Saskatchewan Drive more pedestrian friendly - to combine more retail-residential buildings to add to making 99 Street more walkable.
- Please plant trees on 99 Street & make it more pedestrian friendly, pretty.
- 99 Street miserable to walk along at the moment.
- Concerned the development does not present walkability!

Area Redevelopment Plan:

- ARP not being followed if more height is allowed. Other developments along 99 Street have respected the ARP, this one should too.
- Developers should stick to the requirements/allowances of the existing plan!
 - o no variances!
 - o no amendments!
- Want to see a corridor plan like Plan Whyte. There should be a "Plan 99" process first.
- If this development is allowed it will set a precedent for more density along the corridor.

Height and Density:

- Building is too tall and sunlight to smaller homes will be limited.
- Nothing over 4 stories should be allowed as it is not a neighbourhood scale anymore.
- All the other condo developments on 99 Street Saskatchewan Drive corridor have developed as 4 storeys.
- Height will set a precedent for the street one the community opposes.
- Sight lines will dwarf all other buildings, churches, houses.
- Opportunity to improve the neighbourhood by adding more density.
- Density is disproportionate for this end of 83rd Avenue.
- Opportunity to redevelop site & renew residential a good choice.

Traffic:

- There will be more traffic, more noise from traffic, and traffic congestion.
- Already too much traffic on 99 Street.
- Concerned with traffic flow entering and exiting will tax an already unsatisfactory system when there are no timed lights.
- Concerned with traffic not realistic that it will be 1:1 car ownership.

Parking:

- Concerned that the 3 parking stalls for visitors for 26 units (some with 2 bedrooms) is not sufficient.
- All parking should be on-site, underground & 2 stall per unit.
- Concerned with parking as few families have one car, few people are using garages for cars, cars are parked on streets are not moved for street cleaning - City does not fine them even when no parking signs are up. Taxpayers are stuck paying for 2 tow fees every time a car is moved for street cleaning. This plan does not have enough parking; visitors also need parking.

Utilities/Infrastructure:

- Concerned about sewer/sewage.
- The building should not be allowed to project mechanical/HVAC noise onto the neighbours.
- Infrastructure impacts

Character/Design:

- Development is not in keeping with the character and culture of the area & should not be permitted.
- Concerned that this building won't add anything to the neighbourhood.
- Concerned that the design is not innovative.
- Concerned it ruins the "housing" aspect of neighbourhood.
- Nice design (outdoor look) on bottom 3 levels and then the rest going up is just an ugly box.

ANSWERS TO QUESTIONS

Why not a development with residential and retail?

• At the time of the Open House, the applicant was not considering any commercial space. They are currently considering revisions that may lead to commercial space at ground level in the development.

<u>Concerned about parking - parking is currently an issue; what's going to happen when this is</u> developed?

The City is currently analysing the amount of parking being proposed for this
development and evaluating it with respect to anticipated demand for parking taking
into consideration that other methods of transportation are available and well used in
this area.

Why have an ARP and then ignore it?

- Area Redevelopment Plans are approved by City Council and City Council can also amend them when they receive applications to do so.
- Anyone, such as a landowner or developer, has the right to propose an amendment for Council to consider.

<u>Concerned about infrastructure impacts - who picks up the tab for enhancements to support the increased use of water, sewer, utilities?</u>

• If there are requirements to upgrade infrastructure to ensure that City standards are met for the development and the area because of what is proposed, the full cost would be to the developer.

<u>Is this area being considered as a corridor for development? If not, why?</u>

- There is no specific development plan in place for the 99 Street corridor. The Strathcona Area Redevelopment Plan identifies most of it as the "Walk up Apartment" area.
- City Council would need to direct the City Administration to carry out a specific corridor study before that would take place.

Why 6 storeys? everything else is 4.

• The applicant has proposed 6 storeys in order to get a similar number of units as other 4 storey developments that have been completed along 99 Street recently but on a smaller site.

What is zoning for? To be broken for developers to make money?

- Zoning provides rules for land development but anyone has the right to apply for a change in zoning to change these rules.
- The City Administration will process such applications and provide a recommendation to Council based on a planning analysis.
- The amount of money a developer makes through a rezoning is never part of the planning rationale for any such recommendation.
- Only City Council can approve changes to zoning.

Will there be another open house when there is a more finalized plan?

- No, when there is a more finalized plan, the application will move forward to a Public Hearing and consideration by City Council.
- Notification of the date and time of the Public Hearing will be sent out and anyone can register to speak to Council prior to them making a decision.
- The final plan and the City's recommendation to Council will be available 2-3 weeks prior to the Public Hearing date.

If you have questions about this application please contact:

Andrew McLellan, Planner 780-496-2939 andrew.mclellan@edmonton.ca

APPLICATION SUMMARY

INFORMATION

Application Type:	Plan Amendment, Rezoning
Bylaw(s):	18077, 18078
Location:	Northwest corner of 99 Street NW and 83 Avenue NW
Address(es):	8301 – 99 Street NW
Legal Description(s):	Lots 1-2, Block 75, Plan 18
Site Area:	807 m ²
Neighbourhood:	Strathcona
Ward - Councillor:	8 – Ben Henderson
Notified Community Organization(s):	Central Area Council of Community Area Council, Strathcona
	Centre Community League, Old Strathcona Business
	Revitalization Zone
Applicant:	Dialog

PLANNING FRAMEWORK

Current Zone(s) and Overlay(s):	(DC2.479) Site Specific Development Control Provision
Proposed Zone(s) and Overlay(s):	(DC2) Site Specific Development Control Provision
Plan(s) in Effect:	Strathcona Area Redevelopment Plan
Historic Status:	None – Vacant Site

Written By: Andrew McLellan

Tim Ford

Approved By: Department: Sustainable Development Planning Coordination Section: