

**ATTACHEMENT 2  
BYLAW 17591  
BYLAW 17592  
FILE: LDA14-0251  
CENTRAL MCDOUGALL**

**DESCRIPTION:** AMENDMENT TO THE CENTRAL MCDOUGALL/QUEEN MARY PARK AREA REDEVELOPMENT PLAN

ZONING BYLAW AMENDMENT from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision; Central McDougall

**LOCATION:** 10809, 10813, 10819, 10821 and 10825 - 111 Avenue NW

**LEGAL DESCRIPTIONS:** Lots 254 - 258, Block 8, Plan 7540AH

**APPLICANT:** Armin Preiksaitis  
ParioPlan  
605, 10080 – Jasper Avenue NW  
Edmonton, AB T5J 1V9

**OWNERS:** 518157 Alberta Ltd.  
9104 - Valleyview Drive NW  
Edmonton, AB T5R 5T7

**ACCEPTANCE OF APPLICATIONS:** June 3, 2014

**EXISTING DEVELOPMENT:** Vacant Land

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**SUSTAINABLE DEVELOPMENT'S RECOMMENDATION:** That Bylaw 17591 to amend the Central McDougall/Queen Mary Park Area Redevelopment Plan be APPROVED.

That Bylaw 17592 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision be APPROVED.

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**DISCUSSION**

**1. The Application**

This report concerns two related Bylaws for the subject area located in the Central McDougall neighbourhood.

The first component, Bylaw 17591, proposes to amend the Central McDougall/Queen Mary Park Area Redevelopment Plan (ARP). The proposed amendment would update applicable maps, including changing the Overall Plan Concept for this site from “Commercial Business” to “Mixed Use”.

The second component, Bylaw 17592, proposes to amend the Zoning Bylaw from a Site Specific Development Control Provision (DC2.822) to a new Site Specific Development Control Provision (DC2); Central McDougall. The proposed DC2 Provision would provide the opportunity for a mixed use commercial and residential development in close proximity to an LRT station that is sensitive to the surrounding neighbourhood and contributes to a pedestrian commercial shopping street.

The current DC2.822 Provision and the proposed new DC2 Provision share very minimal similarities and therefore a detailed comparison of the changes is not of value. The current DC2.822 Provision is similar to the (CB1) Low Intensity Business Zone and the proposed DC2 Provision is similar to the (CB3) Commercial Mixed Business Zone.

This application was initially received as an application to change the zoning to the CB3 Zone. The initial Administration review and public consultation of this proposal resulted in some land use compatibility concerns. At Administration’s encouragement, the applicant decided to change their proposed zone to a DC2 Provision that is very similar to the CB3 Zone but with adjustments to address the aforementioned compatibility concerns. More details regarding this process is explained in the Analysis section of this report.

**2. Site and Surrounding Area**

The 0.36 hectare site on the southeast corner of 109 Street NW and 111 Avenue NW in the Central McDougall Neighbourhood. The site is zoned (DC2.822) Site Specific Development Control Provision.

Across 109 Street NW, to the west, is Single Detached Housing within the (RF1) Single Detached Residential Zone. Across 111 Avenue NW, to the north, is a recently vacated Private Club (Edmonton Petroleum Club) within the (CSC) Shopping Centre Zone. Abutting the site, to the east, is a two storey Group Home (McDougall House) within the (RF5) Row Housing Zone. Across the rear lane, to the south, is a three storey Apartment

House within the (RA7) Low Rise Apartment Zone as well as Single Detached Housing within the (RF1) Single Detached Residential Zone.



*Figure 1: View of site looking east from 109 Street NW*



*Figure 2: View of site looking northwest from rear lane*



*Figure 3: View of site looking southwest from 111 Avenue NW*

## **ANALYSIS**

### **1. Compliance with Approved Plans**

#### City of Edmonton Municipal Development Plan – The Way We Grow

This application is in accordance with *The Way We Grow* policies that support mixed use high density infill in mature neighbourhoods, including to:

- promote and integrate medium and higher density residential and employment growth and a mix of uses around Light Rail Transit (LRT) stations and Transit Centres (Policies 3.1.1.1, 3.3.1.1 & 4.4.1.4);
- encourage a minimum of 25 percent of city-wide housing unit growth to locate in the Downtown and mature neighbourhoods and around LRT stations and transit centres where infrastructure capacity supports redevelopment (Policy 3.1.1.2);
- ensure a combination of single family and multi-family housing development potential is available for the next 30 years (Policy 3.2.1.1);
- ensure there is sufficient land available to sustain economic opportunities (Policy 3.2.1.2);

- promote residential and employment growth that is sensitive to existing development along transit avenues (Policy 3.3.1.2);
- support redevelopment and residential infill that contribute to the livability and adaptability of established neighbourhoods and which are sensitive to existing development (Policies 3.5.1.1, 3.5.2.1 & 4.2.1.1);
- optimize the use of existing infrastructure in established neighbourhoods (Policy 4.2.1.6);
- address the compatibility of land use within the neighbourhood in the review of all development proposals (Policy 4.2.1.8);
- encourage new buildings adjacent to pedestrian streets to support pedestrian activity by providing visual interest, transparent storefront displays, pedestrian amenities and connections to interior spaces (Policy 5.6.1.1); and
- encourage new development to locate and organize vehicle parking, vehicle access, service areas and utilities to minimize their impact on the property and surrounding properties (Policy 5.6.1.2).

Central McDougall/Queen Mary Park Area Redevelopment Plan (ARP)

This application proposes to amend two maps within the ARP. Map 5 (Overall Plan Concept) is proposed to be amended to change the concept of development for the subject site from “Commercial Business” to “Mixed Use”. The addition of a residential component to this site not previously envisioned by the “Commercial Business” concept supports the following Neighbourhood Vision statements within the ARP:

- Ensuring streets are safe and project a positive image of our communities as secure and attractive places to live, operate a business and raise a family; and
- Ensuring a well-balanced blend of attractive housing for families of all types, in which both renters and owners take pride.

Map 11 within the ARP is also proposed to be amended. This map simply shows the current zoning and would be updated if the rezoning application were approved.

The proposed DC2 Provision also contains a regulation that will contribute to the application of Crime Prevention Through Environmental Design (CPTED) principles which is identified as a “priority action” by the ARP. A CPTED report would be required prior to the issuance of a Development Permit to ensure that the overall development of the Site provides a safe urban environment.

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Residential Infill Guidelines (RIG)

The proposed DC2 Provision has a maximum height of 45.0 m (approximately 14 storeys) so this application has been evaluated relative to the RIG chapter for High Rise Apartments. The proposed DC2 Provision meets the following guidelines:

- High Rise Residential Buildings should locate in the City's key activity centres, including areas adjacent to LRT Stations – the subject site is within 400 m of an existing LRT station;
- High Rise apartments 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 – the subject site is bounded by two arterial roads;
- Any surface visitor parking areas provided for High Rise buildings should be developed at the side or rear of the building – the surface parking is located to the rear of the building;
- High Rise residential towers should be constructed on a podium base that creates a human scale street wall – the regulations of the DC2 Provision requires a podium to a maximum height of 8 m with 3.0 m Stepbacks on the north and east facades which creates a reasonable human scale street wall;
- A sun/shadow analysis should be prepared, including analyses of shade impacts for the spring and fall Equinoxes and the winter Solstice – the DC2 Provision requires submission of a Sun Shadow Study at the Development Permit stage;
- The building should front a street – the building fronts 111 Avenue NW and a portion of 109 Street NW;
- Retail/commercial uses should be developed on the ground floor of buildings which front onto a commercial shopping street – commercial uses are proposed at ground level and regulations are designed to encourage a pedestrian oriented commercial street; and
- The site should be landscaped in accordance with an approved Landscape Plan which provides for a high standard of landscaping on the site – the DC2 Provision requires the submission of a detailed Landscape Plan at the Development Permit stage and includes regulations that require additional details and high quality above what would normally be required by the Zoning Bylaw to help mitigate negative impacts.

The proposed DC2 Provision does not meet the following guidelines:

- All parking should be accessed from the adjacent lane – the subject site is accessible from the rear lane but access is also provided directly from an arterial road as well (111 Avenue NW) which crosses the primary pedestrian public realm for the site;
- Resident parking should be provided on site in either underground or above ground parking structures – the proposed DC2 Provision includes surface vehicular parking in addition to underground parking and no regulation stating which is for residential and which is for commercial uses;
- Any surface visitor parking areas provided for High Rise buildings should be clustered into smaller parking lots and divided with landscaping (including trees) – the surface parking area is proposed as one large general parking lot with no landscaping dividing it into clusters;
- Any surface visitor parking areas provided for High Rise buildings should not impact the street or outdoor amenity areas – the proposed surface parking is adjacent to 109 Street NW, separated by a landscaped setback. While there will be screening between the parking area and the street, it impacts the pedestrian oriented quality of the interface of the site with 109 Street NW;
- The maximum height of High Rise buildings on specific sites should be determined using the Large Site Infill Guidelines – to limit undue over-shadowing of adjacent properties, the Large Site Infill Guidelines stipulate that the height of buildings on the infill site should be limited to below a 45 degree angle measured from the property line of adjacent residences. While the DC2 Provision requires a Sun Shadow Impact Study to be submitted at the Development Permit stage, it is clear this guideline will not be achieved for the abutting low density parcel to the east. Further details are discussed in the Land Use Compatibility, Transitions and Shadowing section of this report;
- High Rise residential towers should be designed as slender point towers with small floorplates to protect views and maximize access to sunlight for surrounding development, significant shaping to break down the scale of the tower, a distinctive expression of a base, middle, and top to better respond to the context of views to and from the tower and with floorplates generally no larger than 750 m<sup>2</sup> – the DC2 Provision does not contain a level of detail to address this guideline. There is no maximum floor plate nor significant shaping required through regulations;

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- The width of a High Rise residential tower should not exceed 36 metres – there are no regulations within the DC2 Provision that specifically restrict the width of the tower. The Site is approximately 75 m wide and the potential tower could be between approximately 69 metres and 66 metres when required Stepbacks and Setbacks are considered; and
- Common, outdoor amenity space should be provided on site – the DC2 Provision does not include the requirement for common, outdoor amenity space.

It is concluded that the proposed DC2 Provision generally works to achieve the aims and objectives of the Residential Infill Guidelines while not being completely supportive of the finer details.

Transit Oriented Development Guidelines

The subject site is located approximately 350 metres of the Kingsway / Royal Alex Hospital LRT station and on a designated Transit Avenue. Therefore, the Transit Oriented Development Guidelines were used to assess this application. The Kingsway / Royal Alex Hospital LRT station is identified as an Institution Station Area type. Infill development that maintains or strengthens the residential and surrounding institutional context is appropriate along with neighbourhood serving retail, improved pedestrian and bicycle connectivity (to surrounding neighbourhoods) and an emphasis on high quality urban design.

The proposed application supports development expected for this type of station area. It provides for a range of commercial uses mixed with residential uses and takes advantage of being located at a prominent intersection bounded by two Transit Avenues. It also helps to define the edge of the Central McDougall neighbourhood and a portion of the 111 Avenue corridor. Regulations within the DC2 Provision ensure a high quality urban design and pedestrian public realm in support of transit oriented mobility.

**2. Land Use Compatibility, Transitions and Shadowing**

The proposed residential and commercial land uses are compatible with the surrounding residential developments. The majority of commercial uses proposed are intended to serve the needs of the immediate community and there are limitations placed through regulation on uses that have a greater potential to cause negative impacts (ie. Bars & Neighbourhood Pubs are limited to one of such a use on the site and it must be no larger than 200 occupants or 240 m<sup>2</sup> of public space. Therefore, the proposed commercial uses are not anticipated to produce nuisances or disturb the low density residential development in the area.

The DC2 Provision proposes the main height of development to be located on the north side of the site where the most shadowing will be on 111 Avenue NW and the (CSC) Shopping Centre Zoned vacant Private Club (primarily surface parking) to the north of



the site. This orientation limits the massing effect on the residential developments to the south, west and east of the site. A detailed Sun Shadow Study will be required at the Development Permit stage to help ensure that adverse shadowing impacts will be minimized through building design. The DC2 Provision also requires the submission of a Wind Impact Statement at Development Permit stage to further assist in mitigating negative microclimate impacts.

The transition between the subject site and the abutting site to the east was analyzed closely relative to the proposed DC2 Provision. The 45.0 metre building proposed by the DC2 Provision would be very near the two storey Group Home on the abutting site. As such, there are various regulations built into the DC2 Provision to address this transition and mitigate potential negative impacts, including:

- the requirement for a 4.5 metre Setback from the east property line;
- the requirement for a 3.0 metre Stepback of the east façade at the 2<sup>nd</sup> Storey and a further 3.0 metre Stepback at the 9<sup>th</sup> storey of the building;
- the requirement for the new building to respect the historic settlement pattern of the block and address both 109 Street NW and 111 Avenue NW;
- regulations that ensure the placement of windows, balconies and amenity areas are such that they minimize privacy impacts on the abutting site;
- enhanced landscaping, including at least 8 trees, within the Setback from the east property line; and
- a 1.82 metre decorative screen fence along the shared property line.

The results of the Setbacks and Stepbacks means that the top of the new development would be required to be 11 metres from the shared property line which results in approximately a 78 degree angle from the shared property line to the top of the proposed building. As mentioned previously, the Large Site Infill Guidelines stipulate that this angle should be 45 degrees to limit shadowing. A 45 degree angle from a building of a height proposed by the DC2 Provision (45 metres) would result in the entirety of the abutting site and most of the street on the other side of the abutting site being within the shadow area. To meet the 45 degree angle guideline, the full height of the proposed building would not be able to be built within 45 m of the shared property line, or approximately 55% of the width of the DC2 site.

It should be noted that the sun will only be shining west to east in the late evenings at certain times of year and that the main outdoor amenity area for the abutting site to the east is not subject to this shadow as it is on the south side of the site and the south portion of the proposed development does not contain buildings. While not meeting the 45 degree guideline, sun shadow impacts on the abutting property to the east is minimal.

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In addition, the enhanced landscaping, fencing and careful placement of architectural features such as windows and balconies will ensure privacy and an adequate transition between the two sites.

The transition between the subject site and the residential development to the south is considered adequate. With a minimum 20 metre setback from the lane and the lane, there is a combined distance of approximately 25 metres between the proposed building and the north lot line of the parcels to the south. This results in an angle of approximately 60 degrees from the lot line to the maximum allowable height within the proposed DC2 Provision. Because this is a transition to the south, the shadow impacts are very minimal. The existing building on the RA7 Zoned site to the south is setback approximately 15 metres from the lane making a combined total of 40 metres between buildings.

The transition between the subject site and the residential development to the west is considered adequate as the RF1 Zoned development to the west is separated by an arterial road (109 Street NW) that is approximately 30 metres wide.

This development fills in a vacant site on a prominent corner with a development that addresses both 109 Street NW and 111 Avenue NW with a pedestrian oriented podium. There is effective compatibility between the proposed uses and the lower density residential development surrounding the site. While the proposed DC2 Provision would provide the opportunity for considerable height (45 metres) in an area where this intensity doesn't currently exist, the site and building design is regulated to adequately address concerns related to sun shadow, privacy and massing.

**3. Public Amenity Contributions**

This application meets the requirements for City Policy C582 to be implemented which requires the inclusion of a developer sponsored affordable housing contribution within the DC2 Provision or else the provision of a comparable public benefit. The applicant has chosen not to provide inclusionary affordable housing and is instead committing to providing \$25,000 for public art to be located on site and will apply techniques of sustainable building design and construction.

**4. Parking, Loading and Vehicular Access**

A Traffic and Parking Review Study was submitted by the applicant and supported by Transportation Services. The report concluded that "the existing transportation infrastructure is anticipated to provide high levels of pedestrian, cyclist, transit, and vehicle access [and] the existing roadway network can accommodate the peak hour traffic activity generated by the proposed development at acceptable levels of service."

Vehicular parking and loading requirements are to be provided in accordance with the Zoning Bylaw.

**5. Edmonton Design Committee (EDC)**

EDC review was not required for this application. The proposed DC2 Provision is very closely aligned with the CB3 Zone which contains urban design regulations and any subsequent Development Permit will require EDC Review.

**6. Environmental Review**

A Phase I Environmental Site Assessment and a Limited Phase II Environmental Site Assessment were submitted and reviewed for this application. All potential environmental concerns or considerations have been adequately addressed.

**7. Civic Departments and Utility Agencies**

Drainage Services, EPCOR Distribution & Transmission, ATCO Gas and EPCOR Water Services expressed no concerns regarding this application but all advised that any requirement for modification, relocation, and/or removal of existing facilities will be at the land owner/developer's expense, and would be dealt with at the development permit stage.

Comments from other Civic Departments and utility agencies have been addressed.

**8. Surrounding Property Owners' Concerns**

On June 24, 2014, Sustainable Development sent an advanced notice to surrounding property owners as well as the presidents of the Central McDougall Community League, the Prince Rupert Community League, the Queen Mary Park Community League and the Kingsway Business Revitalization Zone Association. No responses were received to this notification.

On October 14, 2014, Sustainable Development held a Public Meeting regarding this application. This Public Meeting was for the original application when the proposed zone was the (CB3) Commercial Mixed Business Zone. This meeting was attended by 11 participants, 3 of whom submitted questionnaire and feedback forms. Feedback received on these forms expressed the following concerns:

- Insufficient notification process where the participant felt they should have been notified directly rather than just finding out about the application and meeting through the community league;
- Format of the meeting in which the participant felt a design charrette would be more useful;

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- Opinion that the existing ARP needs to be reviewed as major projects such as the LRT and Blatchford did not exist when the ARP was developed;
- Desire for more family oriented housing and less commercial uses;
- Opinion that the height and density proposed was too much for the neighbourhood context; and
- Insufficient justification from the applicant as to why their previous DC2 Zone did not work and why they were now looking for a new zone.

Sustainable Development staff also noted the following discussion items and themes from the meeting in addition to those that were raised through the feedback forms:

- Impact of parking – some participants felt that there was a deficiency of on street parking in the area and that this would contribute to greater deficiency;
- Public Amenity Contributions – some participants wanted to see some sort of contribution to the community if the applicant were to get increased development rights on their site; and
- Inclusion in planning – some participants expressed a desire to be more involved in the planning process with the applicant at an early stage where they could establish a needs assessment for the community and then work with the applicant on a development that helped meet these needs.

In order to be able to address the concerns raised, the applicant decided to change their application to propose a (DC2) Site Specific Development Control Provision. The requirement for the applicant to send out pre-application notifications prior to submitting a DC2 application was waived by Administration with the justification that all of the previous consultation served this purpose and the switch to the DC2 Provision was to address the concerns already known.

On December 1, 2015, Sustainable Development sent an advanced notice to surrounding property owners as well as the presidents of the Central McDougall Community League, the Prince Rupert Community League, the Queen Mary Park Community League and the Kingsway Business Revitalization Zone Association. This notification informed of the change from the proposed CB3 zone to the proposed DC2 zone and included details of the proposed DC2 Provision. No responses were received to this notification.

## **JUSTIFICATION**

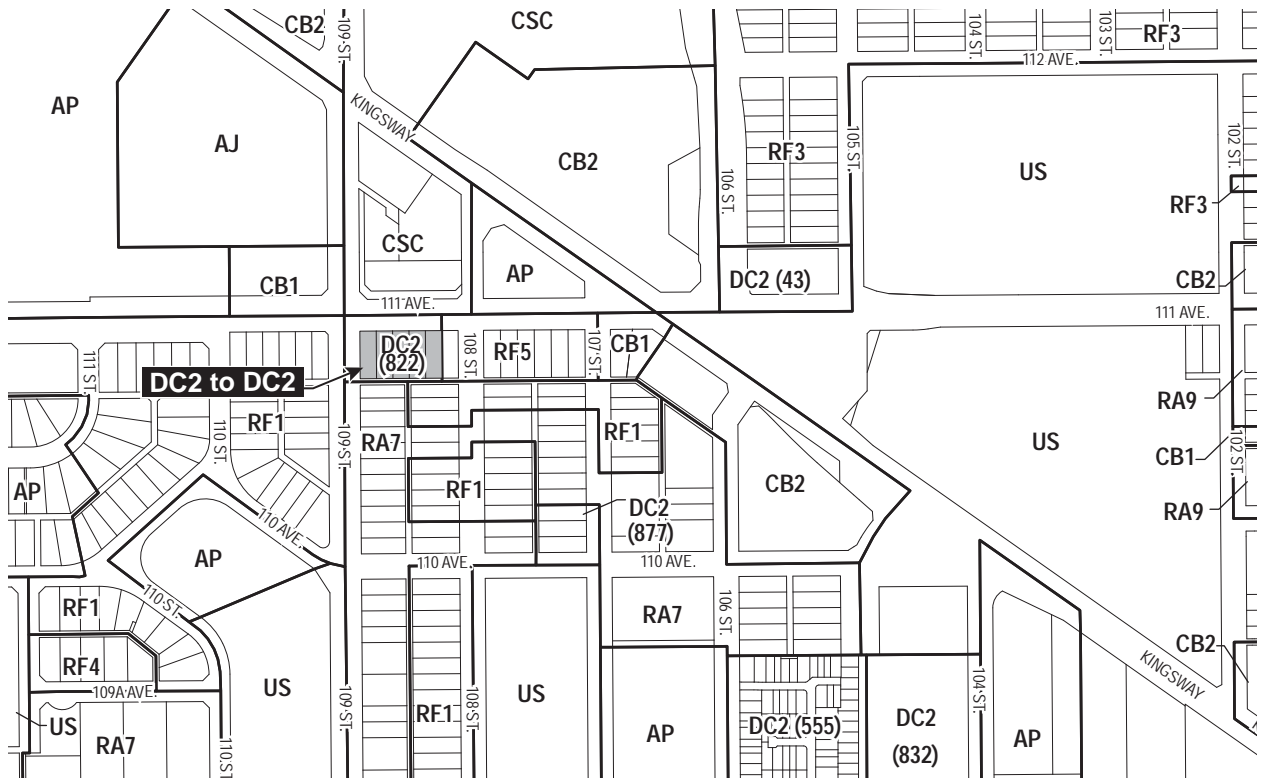
Sustainable Development recommends that Bylaws 17591 and 17592 be APPROVED as the application:

- meets the technical requirements of Civic Departments and utility agencies;
- meets the policies of various Council approved plans and guidelines; and
- will provide the opportunity for high density mixed use transit oriented development on the edge of a mature neighbourhood in support of sustainable infill.

## **ATTACHMENTS**

2a Maps

Written by: Andrew McLellan  
Approved by: Tim Ford  
Sustainable Development  
April 4, 2016



## SURROUNDING LAND USE ZONES



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