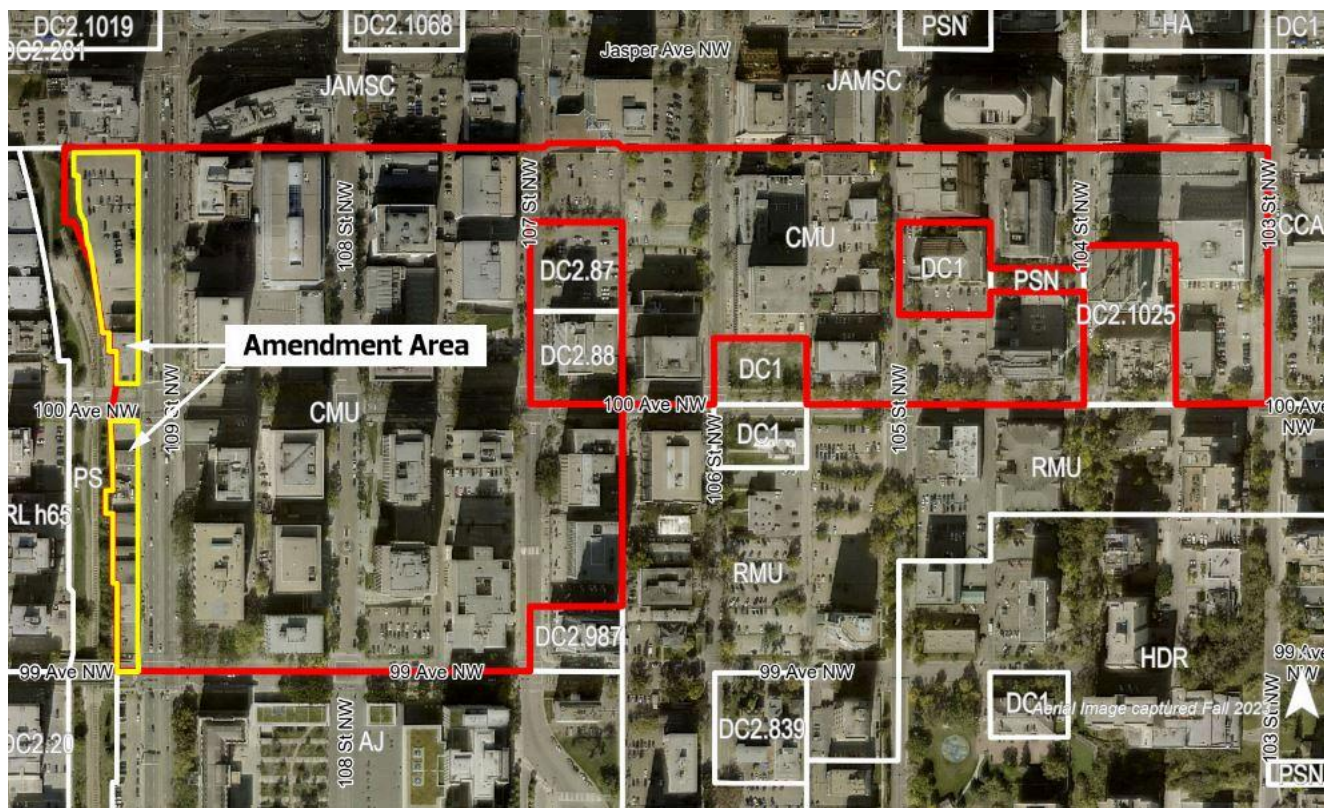


West of 109 Street, between 99 Avenue and the lane south of Jasper Avenue

Position of Administration: Support



Summary

Bylaw 20907 proposes to amend the Commercial Mixed Use Zone (CMU) to increase height and floor area west of 109 Street NW.

Public engagement for this application included a mailed notice and information on the City's webpage. Six people were heard from, all of whom were in opposition. Most concerns were related to reduction of views and sunlight as a result of the increased height allowance.

Administration supports this application because it:

- Provides the opportunity for additional high rise development along a prominent roadway (109 Street) in an area that is well suited for additional density.

- Supports the continued intensification of Centre City, in alignment with the Central district Plan and the Capital City Downtown Plan.

Application Details

This application was submitted by Situate Inc. on behalf of F&F Holdings.

Text Amendment

The proposed amendment to the CMU Zone would increase height and floor area for land west of 109 Street NW. Specifically, the amendment includes:

- Increasing the maximum height from 20 metres to 70 metres north of 100 Avenue
- Increasing the maximum height from 20 metres to 50 metres south of 100 Avenue
- Increasing the maximum Floor Area Ratio from 4.0 to 7.0.

A visual representation of these changes are provided below, showing the full extent of the CMU Zone and the affected area in red. Figure 1 illustrates the current height and floor area permissions of the CMU Zone and Figure 2 illustrates the height and floor area permissions proposed by this amendment.

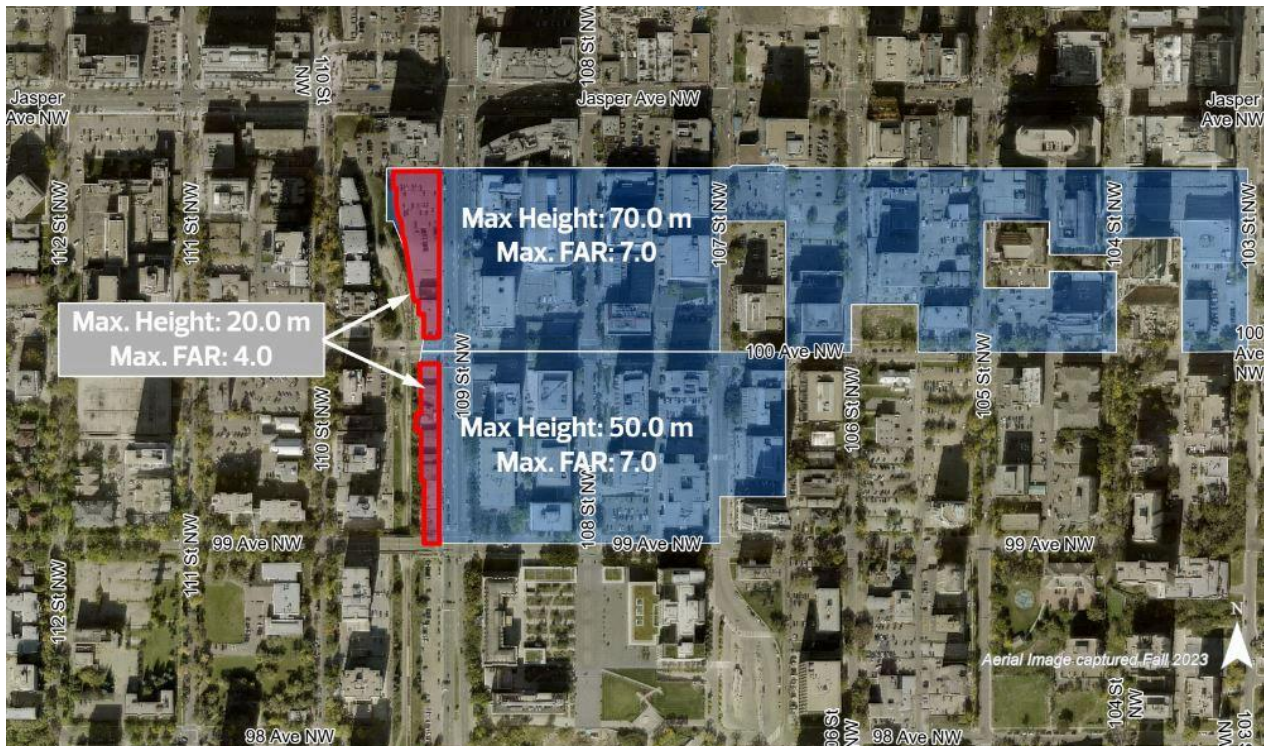


Figure 1 - Current height and floor area permission of the CMU Zone

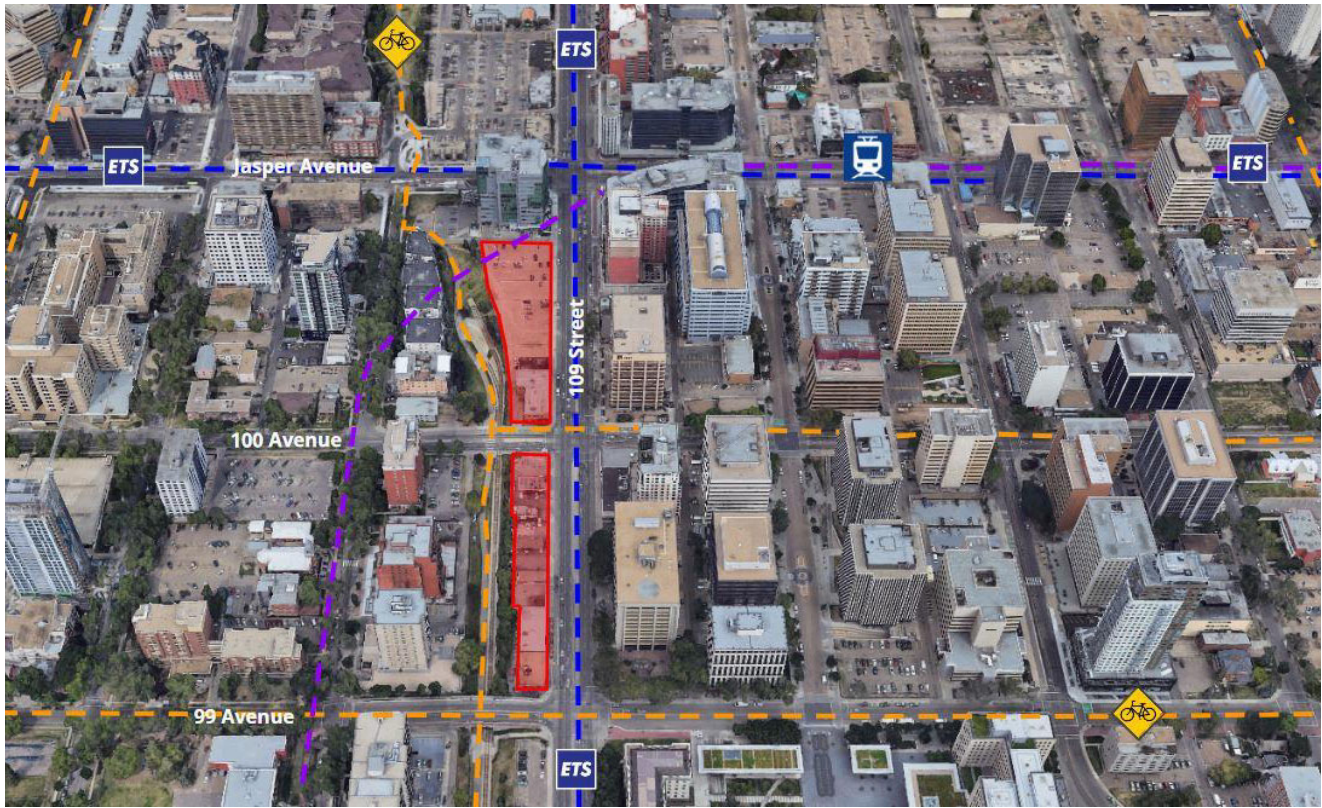


Figure 2 - Current height and floor area permission of the CMU Zone

Site and Surrounding Area

The CMU Zone is a Downtown Special Area Zone which applies broadly to an area south of Jasper Avenue and east of 109 Street. The area is characterized by mostly high rise residential and commercial office buildings.

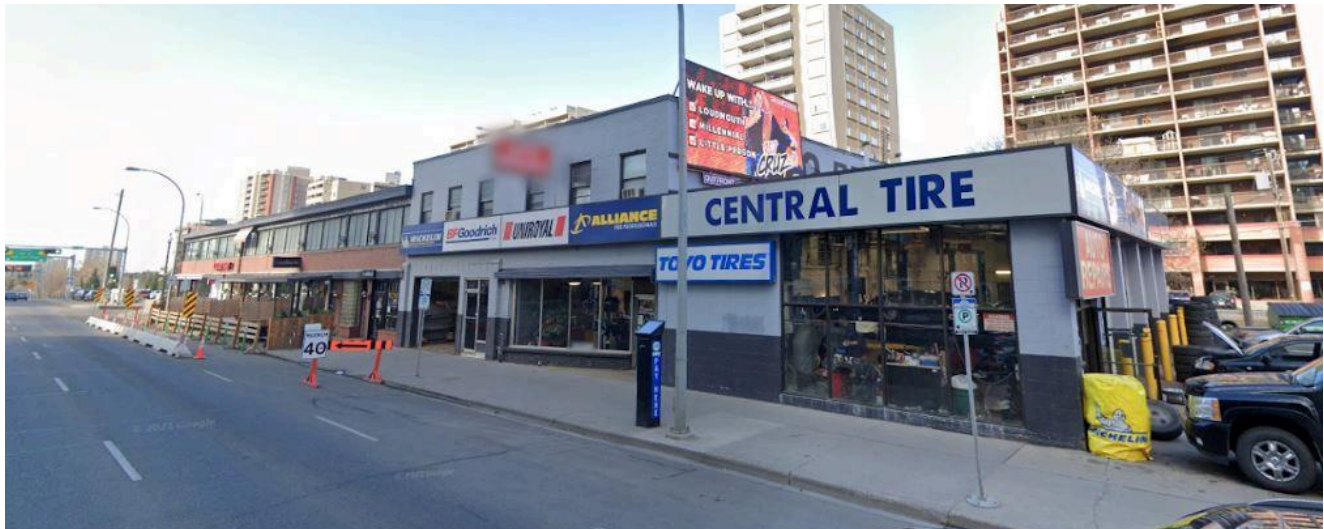
The area west of 109 Street which is affected by the proposed amendment to the CMU Zone is unique in that land is shallow in depth, constricted by 109 Street the east and the High Level Streetcar right-of-way and shared use path to the west. As a result, buildings that are currently existing on these lands are much smaller in size than the general high-rise context of the surrounding area, at either one or two storeys in height.



Aerial view of land affected the proposed amendment to the CMU Zone



View of a two-storey building from 100 Avenue and 109 Street, facing northwest



View of one and two-storey buildings along 109 Street south of 100 Avenue, facing southwest

Community Insights

This application was brought forward to the public using a basic approach. This approach was selected because the proposed amendment is in alignment with planning policy for this area and the additional height being proposed is consistent with the permissions of the surrounding area. The basic approach included:

Mailed Notice, May 2, 2024

- Notification radius: 120 metres
- Recipients: 1559
- Responses: 6
 - In support: 0
 - In opposition: 6

Webpage

- edmonton.ca/rezoningapplications

Notified Community Organizations

- Downtown Community League
- Oliver Community League
- Downtown Business Improvement Area

Common comments heard

- Taller buildings will reduce privacy, views and access to sunlight for surrounding residents.
- More density will increase traffic congestion and noise in the area.

- Negative impacts from taller buildings will reduce the property values of surrounding landowners.

Application Analysis

Central District Plan

The District Policy and District Plans have received first and second reading from City Council and are now at the Edmonton Metropolitan Regional Board before they return to Council for consideration of third reading . Given this, the following analysis is provided for Council's consideration.

The subject area falls within the Centre City area of the Central District Plan which is Edmonton's distinct cultural and economic hub. It includes the highest density and mix of land uses and provides a critical mass of housing, employment and civic activities served by all modes of transportation. As the subject area is located along an arterial roadway (109 Street), the District Policy would support both high rise buildings (up to 20 storeys in height) and tall high rise buildings (21 storeys or greater) at this location. As the proposed amendment will allow for buildings up to 70 meters (approximately 20 storeys) and 50 meters (approximately 15 storeys), this is consistent with the direction of the Central District Plan.

Capital City Downtown Plan

In addition to the Central District Plan, the Capital City Downtown Plan (CCDP) remains in effect for this area. The subject area is identified as being within the Capital Boulevard Sub Area. Relevant policies which apply to the subject area include maintaining the existing commercial node west of 109 Street through continuing to encourage local scale, retail uses at-grade with business, hotel or residential uses above (policy CD 1.6). Though this amendment to the CMU Zone will increase scale significantly from a maximum height of 20 meters to maximum heights of 70 meters and 50 meters, other regulations in the CMU Zone will help maintain the feel of a smaller scale. This includes the regulation of the 'street wall' of any new development which has a maximum height of 26 meters, but must be within at least 7.0 meters of the 'street wall' of the adjacent building. Moreover, the commercial character of the west side of 109 Street will be maintained through a requirement in the CMU Zone that at least 60% of ground floor frontage facing 109 Street must be for commercial uses.

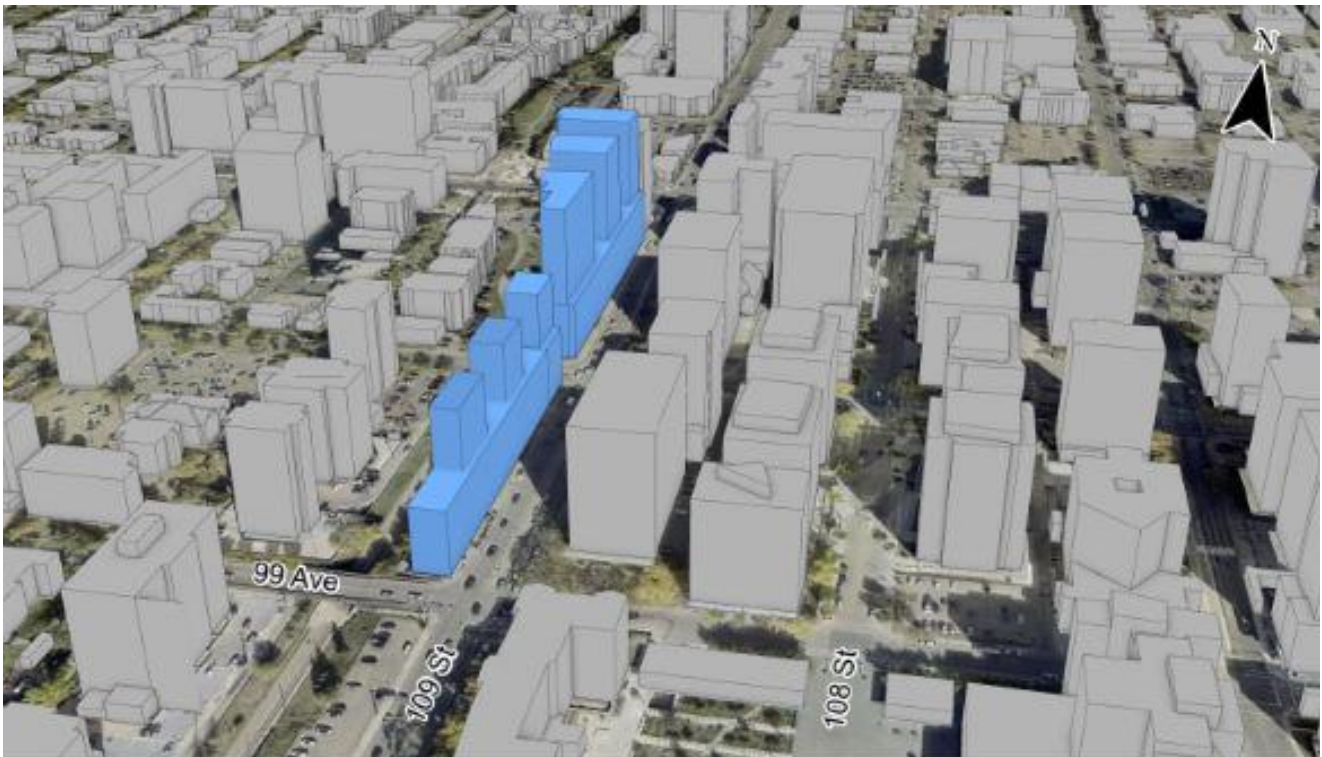
Other relevant policies require that development is to integrate with 109 Street and the shared use path west of the subject area through visual interest and natural surveillance (policy CD 1.7). The implementation of this policy will be handled at the development permit stage.

Land Use Compatibility

The changes being sought through this application would effectively change development permissions west of 109 Street within the CMU Zone from that of low-rise scale (20 meters or approximately 4 storeys) to that of a high-rise scale (50 and 70 meters or approximately 15 and 20 storeys). Concerns from surrounding residents regarding loss of views, sunlight and privacy are common when an application is considering substantially increasing height and floor area. To mitigate these impacts, the CMU Zone, like most Downtown special area zones, has regulations which are intended to mitigate these impacts and adhere to best practice for tall building design and form. These include:

- A maximum tower floor plate of 900 m² or 80% of the podium floor plate, whichever is less;
- A minimum separation distances between high-rise buildings of 25 metres; and
- Discretion provided to the Development Planner to vary the minimum desperation distance when considering the orientation and placement of the high-rise building and associated visual, sun, shadow, and microclimatic impacts on amenity areas, pathways, and abutting development.

A sun/shadow analysis is attached as Appendix 1 to this report.



Conceptual 3D Model - subject to change at the development permit stage

Overall, high-rise development is to be expected in this area, particularly along a major corridor like 109 street which borders the edge of the Downtown and Oliver, two neighborhoods currently supporting the City's largest and most intense buildings. Allowing for high-rise

development through the CMU Zone meets the height and intensification objectives of the Central District Plan, while maintaining scale and commercial character for development west of 109 Street encouraged by the CCDP.

A track changes document, which includes rationale for why each amendment is appropriate, is attached as appendix 2 to this report.

Mobility

Vehicular access to parcels on the west side of 109 Street between 99 Avenue and Jasper Avenue is constrained. Given the restrictions for vehicular access and the increase in development rights, a Transportation Impact Assessment (TIA) may be required at the Development Permit stage. Given the standing of 109 Street as a Major Mixed-Use Street and its importance as an arterial roadway, vehicle access along this roadway is constrained and will be reviewed in detail at the subdivision and/or development permit stages. Development proposals should consolidate and/or remove access to 109 Street and/or implement alleys where feasible to prioritize pedestrian movement along 109 Street.

ETS operates bus service on nearby corridors, including frequent, rapid, and local routes. Future developments within the rezoning area will generally be less than 400 m walking distance to nearby bus stops and less than 300 m walking distance to LRT Stations (depending on where the measurement is taken from within the large rezoning area).

Utilities

At the Development Permit stage, a drainage servicing report is required to determine the magnitude of the proposed drainage flows, and analyze their impacts to the existing drainage systems.

Development allowed under the proposed zone would be required to include on-site stormwater management techniques utilizing a controlled outflow rate to mitigate its impact on the existing drainage infrastructure. Details of the required stormwater management will be reviewed with the drainage servicing report.

Appendices

1. Sun/Shadow Analysis
2. CMU Zone Track-Changes

Written By: Stuart Carlyle

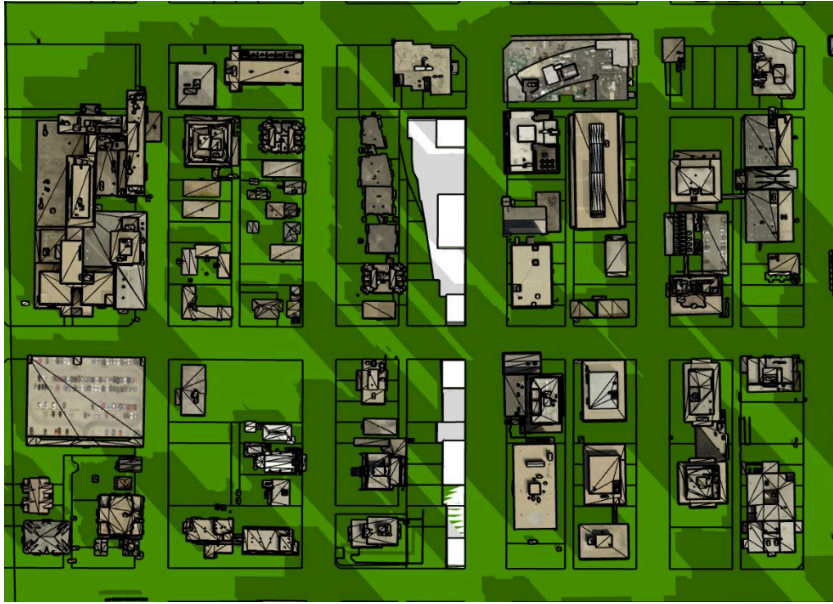
Approved By: Tim Ford

Branch: Development Services

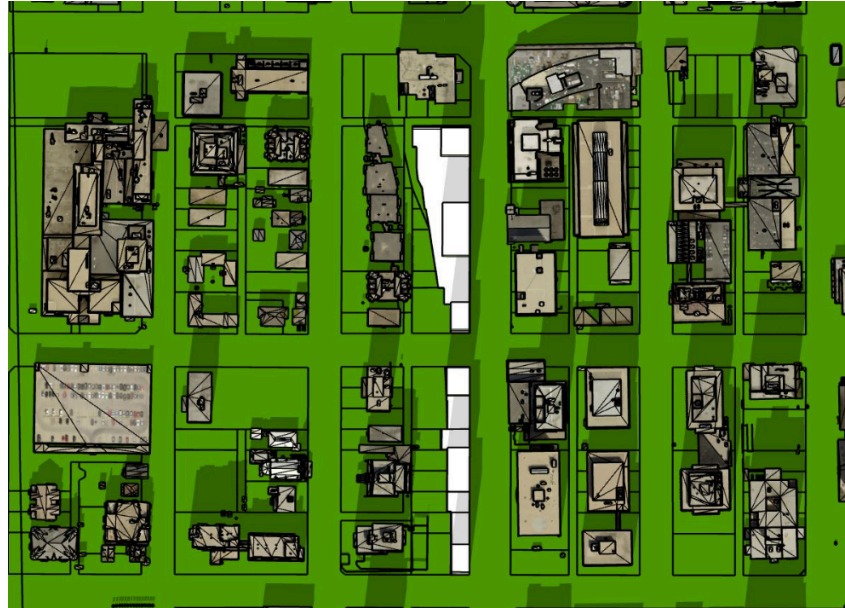
Section: Planning Coordination

Spring / Autumn Equinox (March 21 / September 21)

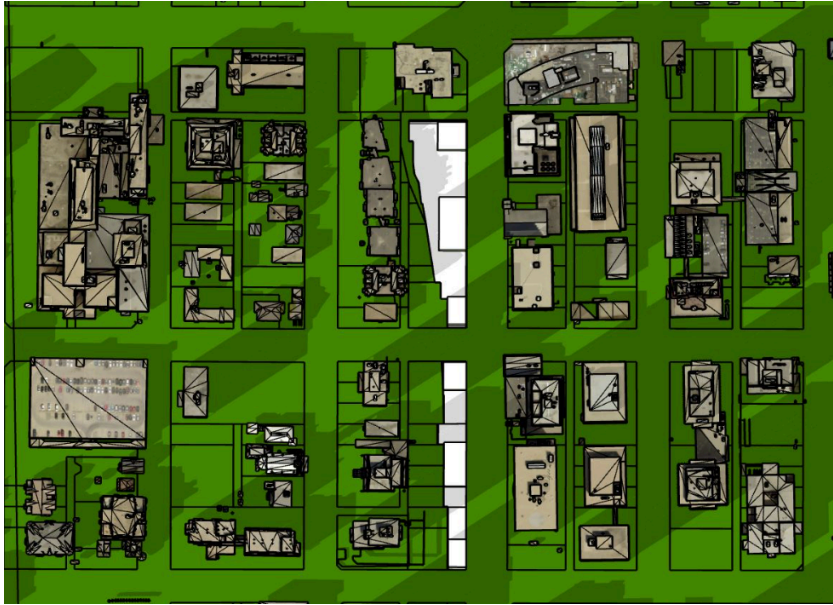
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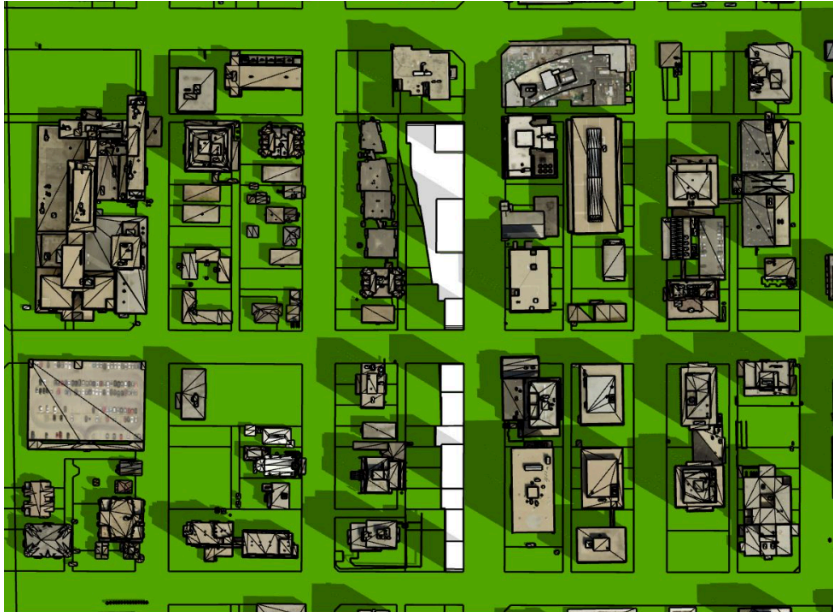


3pm

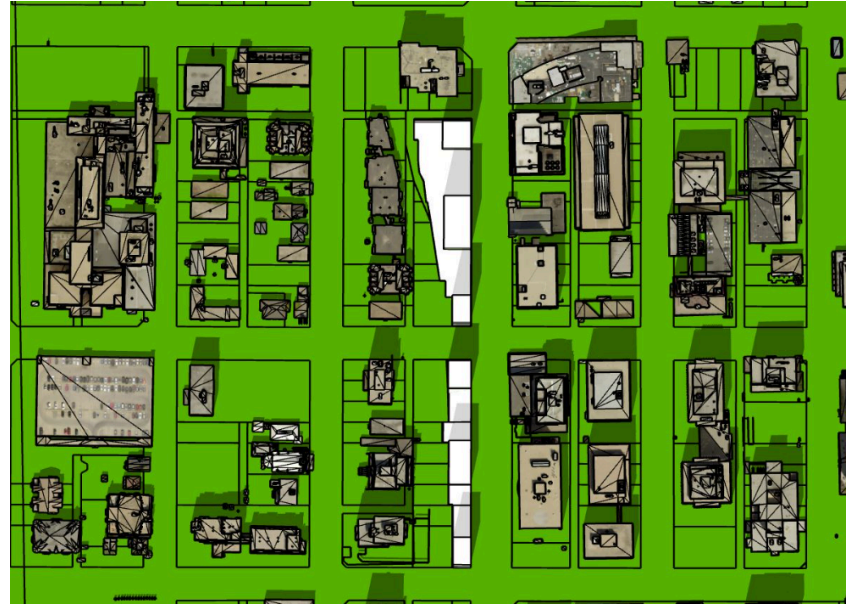


Summer Solstice (June 21)

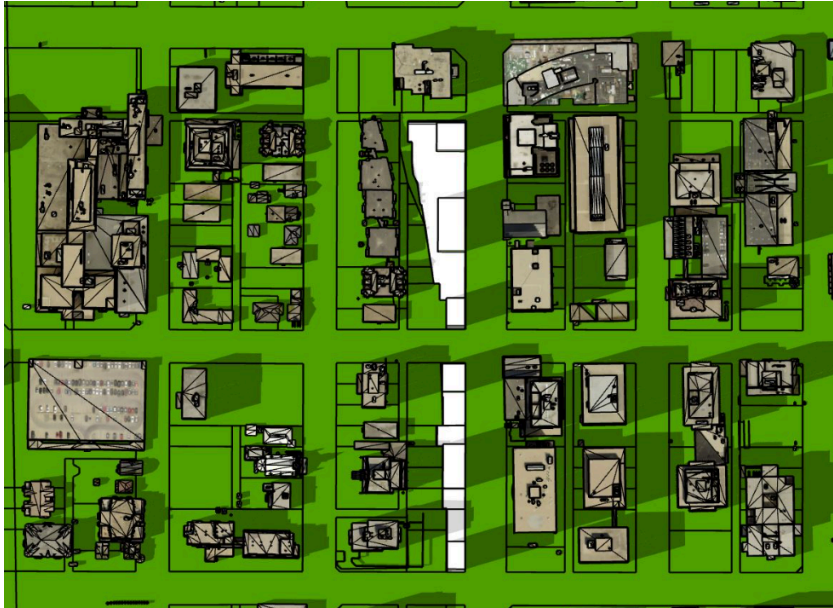
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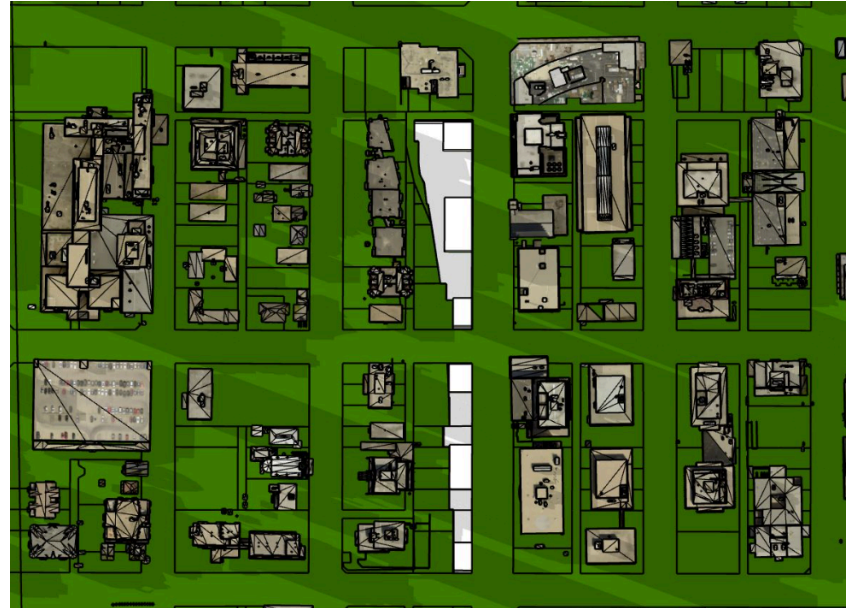
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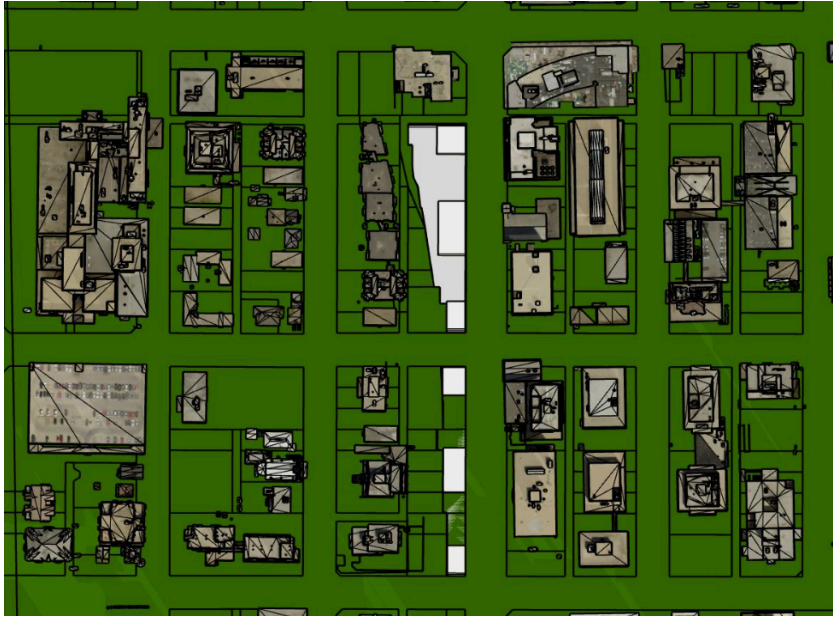


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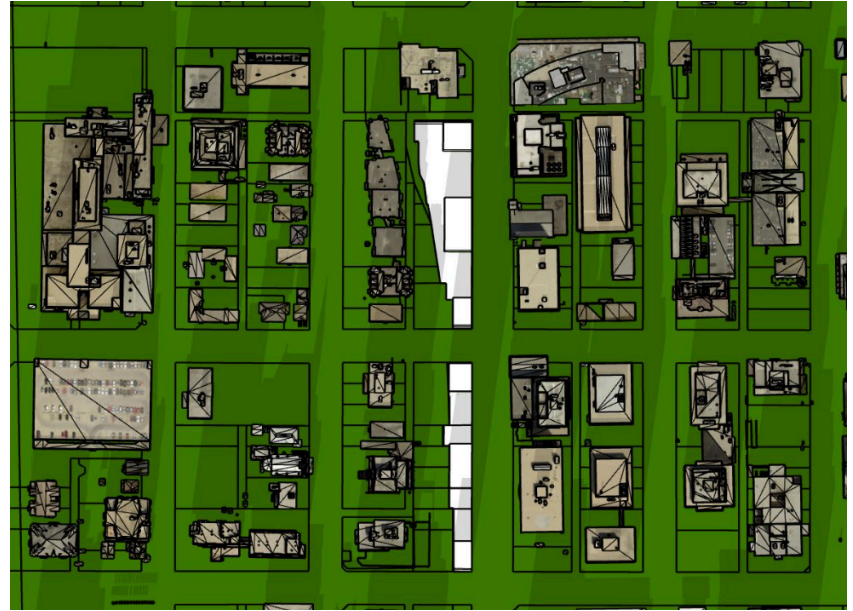


Winter Solstice (December 21)

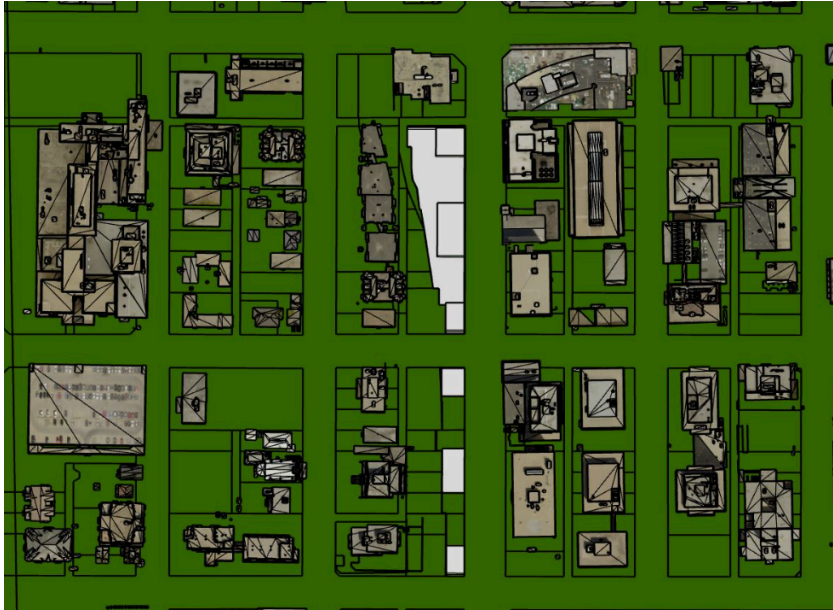
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3pm



Regular Font Existing Text in Zoning Bylaw 20001
~~Strikethrough:~~ Proposed deletion from Zoning Bylaw 20001
Underline: Proposed addition to Zoning Bylaw 20001

All subsections and references to subsections will be renumbered in accordance with the addition and removal of regulations.

3.22 CMU - Commercial Mixed Use Zone

Regulations	Notes / Rationale
<p>1. Purpose</p> <p>To allow for medium intensity development that accommodates a mix of predominantly commercial, office, institutional, and business Uses as a secondary office commercial area while emphasizing retail activities, entertainment and service Uses at ground level. The intent is to accommodate the existing commercial development west of 109 Street NW; and to allow conversion to Residential and related Uses.</p>	<p>1. - Revised Removal of wording that distinguishes development west of 109 Street from the rest of the zone. With the changes being sought through this application to allow for taller forms of development west of 109 Street, the need to single out this area in the zone’s purpose statement is no longer necessary.</p>
<p>2. Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> 2.1. Home Based Business 2.2. Residential, limited to: <ul style="list-style-type: none"> 2.2.1. Multi-unit Housing 2.2.2. Row Housing 2.2.3. Supportive Housing <p>Commercial Uses</p> <ul style="list-style-type: none"> 2.3. Bar 2.4. Body Rub Centre 2.5. Cannabis Retail Store 2.6. Minor Indoor Entertainment 2.7. Cultural Exhibit 2.8. Food and Drink Service 2.9. Health Service 2.10. Hotel 2.11. Indoor Sales and Service 2.12. Liquor Store 2.13. Office 2.14. Residential Sales Centre 2.15. Spectator Entertainment Establishment <p>Community Uses</p> <ul style="list-style-type: none"> 2.16. Child Care Service 2.17. Community Service 2.18. School 2.19. Libraries 2.20. Special Event <p>Sign Uses</p> <ul style="list-style-type: none"> 2.21. Fascia Signs, limited to On-premises Advertising 2.22. Projecting Signs, not including in the form of a Roof Sign, limited to On-premises Advertising 	<p>No proposed changes</p>

3. Discretionary Uses

Residential Uses

- 3.1. Residential, limited to:
 - 3.1.1. Lodging Houses

Commercial Uses

- 3.2. Custom Manufacturing
- 3.3. Nightclubs
- 3.4. Outdoor Entertainment
- 3.5. Convenience Vehicle Rental
- 3.6. Spectator Sports Establishment
- 3.7. Minor Service Station

Industrial Uses

- 3.8. Crematorium
- 3.9. Fleet Service

Community Uses

- 3.10. Outdoor Recreation Service

Basic Service Uses

- 3.11. Emergency Service
- 3.12. Minor Utility
- 3.13. Transit Facility

Agricultural Uses

- 3.14. Urban Agriculture

Sign Uses

- 3.15. Fascia Sign, limited to Off-premises Advertising
- 3.16. Freestanding Sign, limited to On-premises Advertising
- 3.17. Major Digital Sign
- 3.18. Minor Digital Sign
- 3.19. Projecting Sign, limited to in the form of Roof Signs

No proposed changes

4. Additional Development Regulations for Specific Uses

Residential Uses

- 4.1. **Home Based Businesses** must comply with [Section 6.60](#).

Commercial Uses

- 4.2. **Bars**
 - 4.2.1. The maximum Public Space is 240 m2 for each establishment.
 - 4.2.2. The maximum capacity is 200 occupants for each establishment.
- 4.3. **Body Rub Centres** must comply with [Section 6.20](#).
- 4.4. **Cannabis Retail Stores** must comply with [Section 6.30](#).
- 4.5. **Liquor Stores** must comply with [Section 6.70](#).
- 4.6. Uses with Drive-through Services must comply with [Section 6.110](#).

Community Uses

- 4.7. **Child Care Services** must comply with [Section 6.40](#).
- 4.8. **Special Events** must comply with [Section 6.100](#).

Industrial Uses

- 4.9. **Crematoriums** must comply with [Section 6.50](#).

No proposed changes

Agricultural Uses

4.10. Urban Agriculture

- 4.10.1. With the exception of outdoor display areas of products for sale, Urban Agriculture Uses must be located within or on a building.
- 4.10.2. The Development Planner may consider a variance to Subsection 4.10.1 based on the recommendations provided in an environmental site assessment in compliance with [Section 7.140](#).

Sign Uses

- 4.11. **Signs** must comply with the regulations found in Subsections 3 and 6 of [Section 6.90](#).

Floor Area and Capacity Exceptions

- 4.12. The Development Planner may consider a variance to the maximum Public Space or capacity of a Use if adequate mitigation measures are used to reduce negative impacts to on-Site or Abutting Uses, including:
 - 4.12.1. measures specified in Subsection 2 of [Section 5.120](#);
 - 4.12.2. modification of Site plans to locate Uses or activities in a location to minimize noise, lighting, odour or other similar Nuisances; or
 - 4.12.3. other similar measures.

5. Site and Building Regulations

- 5.1. Development must comply with Table 5.1:

Table 5.1. Site and Building Regulations		
Subsection	Regulation	Value
Floor Area Ratio		
5.1.1.	Maximum Floor Area Ratio west of 109 Street NW	4.0
5.1.2.	Maximum Floor Area Ratio east of 109 Street NW	7.0
Height		
5.1.3.	Maximum Height west of 109 Street NW	20.0 m
5.1.4.	Maximum Height east of 109 Street NW and north of 100 Avenue NW	70.0 m
5.1.5.	Maximum Height east of 109 Street NW and south of 100 Avenue NW	50.0 m
Ground Floor and Street Wall Height		
5.1.6	Minimum Ground Floor Height for new buildings	3.5 m
5.1.7	Minimum building Street Wall Height	9.0 m
5.1.8	Maximum building Street Wall Height	26.0 m

- 5.2. Despite Subsection 6 of [Section 7.100](#), a Development Planner may grant a variance to the Maximum Floor Area Ratio, up to an additional 3.0, for development east of 109 Street that is compatible with the urban context of the area and where adverse environmental impacts, such as sun shadow and wind are minimized.
- 5.3. Despite Subsection 6 of [Section 7.100](#), a Development Planner may grant a variance to the Maximum Floor Area Ratio, up to an additional 4.0 for Hotels, where development is compatible with the urban context of the area and adverse environmental impacts, such as sun shadow and wind are minimized.
- 5.4. Despite Subsection 6 of [Section 7.100](#), a Development Planner may grant a variance to the Maximum Height, up to an additional 15.0 m, for development east of 109 Street

5.1.1. - Removed

To support taller development west of 109 Street, in alignment with direction from the Central District Plan, the smaller FAR value is being removed in favour of the larger FAR value which applies to the rest of the CMU Zone.

5.1.2. - Revised

Distinguishing land on either side of 109 Street is no longer necessary.

5.1.3. - Removed

To support taller development west of 109 Street, in alignment with direction from the Central District Plan, the smaller height value is being removed in favour of the larger height value which applies to the rest of the CMU Zone.

5.1.4. & 5.1.5. - Revised

Distinguishing land on either side of 109 Street is no longer necessary.

and north of 100 Avenue that is compatible with the urban context of the area and where adverse environmental impacts, such as sun shadow and wind are minimized

- 5.5. Despite Subsection 6 of [Section 7.100](#), a Development Planner may grant a variance to the Maximum Height, up to an additional 10.0 m, for development east of 109 Street and south of 100 Avenue on Sites with an area over 3,716 m² that is compatible with the urban context of the area and where adverse environmental impacts, such as sun shadow and wind are minimized
- 5.6. Despite Subsection 6 of [Section 7.100](#), a Development Planner may grant a variance to the Maximum Height for Hotels to accommodate the additional Floor Area Ratio allowed in Subsection 5.3 that is compatible with the urban context of the area and where adverse environmental impacts, such as sun shadow, wind and massing are minimized
- 5.7. Despite Subsections 5.1.7 and 5.1.8:
 - 5.7.1. the building Street Wall must be within 7.0 m of adjacent building Street Walls; and
 - 5.7.2. the Street Wall Height may be reduced under a variance by the Development Planner to respect the building proportions or to accommodate podium gardens, restaurants, cafes, or the natural slope of the Site.
- 5.8. Despite Subsection 5.9, the Development Planner may consider a variance to the Setback regulations in consideration of the existing block face Setback and the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan.
- 5.9. Setbacks must comply with Table 5.9:

Table 5.9. Setbacks		
Subsection	Regulation	Value
Front Setback		
5.9.1.	Required Front Setback	1.5 m
Unless one of the following applies:		
5.9.2.	Minimum Front Setback along the east side of 109 Street NW	1.5 m
5.9.3	Maximum Front Setback along the east side of 109 Street NW	4.0 m
5.9.4.	Required Front Setback along the west side of 109 Street NW	0 m
5.9.5.	Required Front Setback along 108 Street NW	3.0 m
5.9.6.	Despite Subsections 5.9.1 and 5.9.4, maximum Front Setback permitted to accommodate street related activities, such as sidewalk cafes, architectural features, and Landscaping	2.5 m
Setbacks from Abutting Sites		
5.9.7	Maximum Setback	0 m

- 5.10. For new buildings, Residential Uses must not exceed 85% of total Floor Area in mixed use buildings.
- 5.11. A minimum of 60% of Ground Floor Frontage for development that faces 109 Street NW or 100 Avenue NW must be non-residential.
- 5.12. The maximum Ground Floor Frontage for individual business establishments that face 109 Street NW or 100 Avenue NW is 30.0 m.

6. Design Regulations

Street Interface Regulations

- 6.1. Development must be designed in a manner consistent with the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan.
- 6.2. A minimum of 50% of Ground Floor Frontage must be developed for Commercial Uses.
- 6.3. The Ground Floor elevation must be within 0.3 m of ground level.
- 6.4. Yards adjacent to a public sidewalk must continue the paving materials, finish, and pattern of the public sidewalk.
- 6.5. Development that is adjacent to a shopping Street, as identified in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan, must provide a continuous rhythm of fine grained retail establishments and elements such as:
 - 6.5.1. outdoor sitting areas;
 - 6.5.2. canopies;
 - 6.5.3. Landscaping; and
 - 6.5.4. and other features that provide visual interest and support human scale development.

Entrance Regulations

- 6.6. In mixed use buildings, Residential Uses must have Ground Floor access that is separate from the commercial premises.
- 6.7. Commercial or institutional entrances must have direct access to the Street and address the Street in a prominent manner.
- 6.8. Building entrances must be provided on all Facades that face a Street.
- 6.9. Ground Floor Residential Uses must have:
 - 6.9.1. separate individual entrances;
 - 6.9.2. landscaping elements such as patios, lighting, and terraces; and
 - 6.9.3. Privacy Screening.

Tower Regulations

- 6.10. Buildings greater than 26.0 m in Height must have a Tower and Podium configuration that ensures compatibility with the Facades of adjacent, older institutional, or historic buildings.
- 6.11. Development must comply with Table 6.11:

Table 6.11. Tower Regulations		
Subsection	Regulation	Value
6.11.1	Maximum Tower Floor Plate for any portion above a Podium	900 m ² or 80% of the Podium Floor Plate, whichever is lesser
6.11.2	Minimum Tower Stepback from the Street Wall	3.0 m
6.11.3	Minimum separation between Towers on the same Site and Abutting Sites	25.0 m

- 6.12. The Development Planner may consider a variance to Subsection 6.11.3, taking into consideration factors such as:
 - 6.12.1. the orientation and placement of the Tower and associated visual, sun, shadow, and microclimatic impacts on Amenity Areas, Pathways, and Abutting residential or mixed use developments;
 - 6.12.2. the context of the Site in relation to the location and Height of buildings on Abutting Sites; and
 - 6.12.3. recommendations and mitigation measures specified in any required technical studies or applicable urban design guidelines.
- 6.13. Towers must be designed, oriented, and constructed to:
 - 6.13.1. maximize views;

No proposed changes

- 6.13.2. articulate the Downtown skyline; and
- 6.13.3. allow sun penetration at the street level, in public spaces, plazas, parks, and Amenity Areas.
- 6.14. The mid-level of Towers must provide Setbacks and articulation to minimize the impact of massing.
- 6.15. Towers on the south side of 100 Avenue NW and adjacent to 108 Street NW must be narrower in width and oriented to accentuate views of the Legislature, to the satisfaction of the Development Planner.
- 6.16. All exposed building Tower faces must have consistent and harmonious exterior finishing materials.
- 6.17. Towers north of 100 Avenue NW must provide:
 - 6.17.1. top Storeys that contribute to the 'signature' of the building and the city's skyline through sculpting of the upper Storeys and roofs;
 - 6.17.2. rooftops with penthouses to accommodate mechanical penthouses, reduce the heat island effect, facilitate energy efficiency and contribute to a distinctive and unique downtown skyline;
 - 6.17.3. enhancements to Podium roofs that are visible from adjacent developments, such as patios, gardens, Green Roofs, or additional Amenity Area; and
 - 6.17.4. a minimum 10% reduction in Floor Plate area for the top 4 Storeys of any Tower.

Facade Regulations

- 6.18. The Facade design and materials must wrap around the side of the building to provide a consistent profile facing both Streets for Corner Sites.
- 6.19. To support the development of a predominant urban character as identified in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan, buildings must provide:
 - 6.19.1. articulation such as awnings, canopies, window openings, reveals, offsets, arcades, columns, or double height entrances;
 - 6.19.2. appropriate Landscaping which may include parks or plazas;
 - 6.19.3. windows, balconies, shadow lines, textures, or similar treatments to distinguish residential portions of a building from non-residential portions of a building or non-residential buildings;
 - 6.19.4. corner elements such as courtyards, major entryways, or distinctive architectural features; and
 - 6.19.5. sustainable, durable, quality, and varied finishing materials that are sensitive to the existing character of the block.
- 6.20. Infill developments must be sensitive to the rhythm, articulation, design character, scale, facade, and materials, colours and textures of the block face.
- 6.21. To promote pedestrian interaction, each Storey must have windows on all building Facades facing a Street.
- 6.22. The maximum building Facade length for buildings facing a Street adjacent to a shopping Street, as identified in the Urban Design Framework for Downtown Streets within the Capital City Downtown Plan, is 15.2 m.
- 6.23. Despite 6.22, the maximum building Facade length facing a Street can be increased:
 - 6.23.1. to be consistent with the building Facade lengths of abutting Sites;
 - 6.23.2. to be consistent with the development pattern of the Street; or
 - 6.23.3. where design elements are provided to break up the appearance of the Facade every 15.2 m.

Rooftop Regulations

- 6.24. The roof design may include a combination of:
 - 6.24.1. Green Roofs;
 - 6.24.2. Solar Collectors;
 - 6.24.3. patios; or
 - 6.24.4. private or public open spaces.

7. General Regulations

Amenity Areas

- 7.1. Despite [Section 5.20](#), Amenity Areas must comply with the following:
- 7.1.1. A minimum Amenity Area of 3% of total Floor Area of Residential Uses, is required for buildings over 2,000 m². Amenity Areas may include meeting rooms, fitness facilities, and outdoor space.
 - 7.1.2. A minimum Amenity Area of 3% of total Floor Area of non-residential or mixed use buildings is required for buildings on Sites greater than 1,350 m². Amenity Areas may include interior landscaped open spaces, arcades, atriums, plazas, and gardens.
 - 7.1.3. Amenity Area is not required for non-residential buildings on Sites less than 1,350 m².
 - 7.1.4. Development on Sites larger than 3,000 m² must provide:
 - 7.1.4.1. an additional 5% of the Site area developed as open space in the form of parks, plazas, atriums, or publicly accessible spaces at ground level for the benefit of residents or tenants; and
 - 7.1.4.2. mid block breaks and access must be provided to facilitate pedestrian access to other Pathways, Alleys, or interior courtyards.

Landscaping

- 7.2. Despite [Section 5.60](#), only deciduous species are allowed in any Setback area Abutting a Street.

Other Regulations

- 7.3. Outdoor display areas and Public Space may be located in a Setback Abutting a Street.

No proposed changes