



ADMINISTRATION REPORT REZONING, PLAN AMENDMENT OLIVER

10236, 10238, 10244 & 10248 - 123 Street NW

To allow for a high rise residential building



RECOMMENDATION AND JUSTIFICATION

Administration **DOES NOT SUPPORT** this application because it:

- does not conform with the Oliver Area Redevelopment Plan, Residential Infill Guidelines or Transit Oriented Development Guidelines; and
- does not allow for a customized building design to potentially become compatible with the surrounding low density, Special Character Area.

THE APPLICATION

1. BYLAW 18871 to amend the Oliver Area Redevelopment Plan. The proposed amendment would remove the site from the Special Character Area in Sub Area 1 and exempt it from policy that restricts development to a low rise built form. Maps showing zoning and the boundaries of the Special Character Area would also be amended to reflect the associated rezoning, if approved.
2. CHARTER BYLAW 18872 to amend the Zoning Bylaw from the (RA7) Low Rise Apartment Zone and a (DC1) Direct Development Control Provision (Sub Area 1 - Special Character Area) to the (RA9) High Rise Apartment Zone. The purpose of the proposed (RA9) High Rise Apartment Zone is to develop high rise residential buildings that contain active residential or non-residential frontages at ground level. Based on the size of this site, this zone would allow for a building with the following characteristics:
 - A maximum height of 69.0 m (approximately 20 to 23 storeys);
 - A maximum floor area ratio of 6.1; and
 - Up to 308 residential dwellings.

The application was originally contemplated for a smaller site comprised of only 10244 and 10248 - 123 Street NW before being expanded to include 10238 Street NW and then 10236 - 123 Street NW.

SITE AND SURROUNDING AREA

This site is a corner lot in the interior of the Oliver neighbourhood at the intersection of two local roads. It is one block west of Paul Kane Park and half a block east of the 124 Street pedestrian commercial corridor. The Valley Line West LRT will be located nearby along Stony Plain Road with the 124 Street stop approximately 250 m from this site.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	<ul style="list-style-type: none"> (DC1) Direct Development Control Provision (Sub Area 1 - Special Character Area in the Oliver ARP) (RA7) Low Rise Apartment Zone 	<ul style="list-style-type: none"> Two vacant lots One Single Detached House One 2.5 storey apartment building
CONTEXT		
North	<ul style="list-style-type: none"> (DC1) Direct Development Control Provision (Area 3 of the 104 Avenue Corridor ARP) 	<ul style="list-style-type: none"> 2.5 storey apartment building
East	<ul style="list-style-type: none"> (DC1) Direct Development Control Provision (Sub Area 1 - Special Character Area in the Oliver ARP) (RA7) Low Rise Apartment Zone 	<ul style="list-style-type: none"> Two Single Detached Houses
South	<ul style="list-style-type: none"> (CB1) Low Intensity Business Zone 	<ul style="list-style-type: none"> Surface parking lot
West	<ul style="list-style-type: none"> (CB1) Low Intensity Business Zone 	<ul style="list-style-type: none"> 2-3 Storey Commercial buildings 2.5 storey apartment building



VIEW OF SITE LOOKING SOUTHWEST FROM THE INTERSECTION OF 123 STREET NW AND 103 AVENUE NW



EXISTING APARTMENT AT 10236 - 123 STREET NW



EXISTING HOUSE AT 10238 - 123 STREET NW



VIEW OF SITE LOOKING SOUTH FROM 103 AVENUE NW

PLANNING ANALYSIS

This application is proposing the use of a standard zone in the Zoning Bylaw. Standard zones, especially the (RA9) High Rise Apartment Zone, provide the opportunity for a wide variety of uses and built forms so there is no way of analyzing a specific building design at the zoning stage. Even if a specific applicant or current landowner has a lower intensity intent, the zoning applies to the land and would remain should the land be sold to someone else with a more intense intent. As such, for analysis purposes, it must be assumed that the future building will

be proposed at the maximum development rights of the zone so as to best measure and assess the potential land use impacts of the proposed zone.

UNDERSTANDING RA9 DEVELOPMENT RIGHTS

Although named the “High Rise Apartment Zone”, the RA9 Zone is actually designed so as to have development rights increase as the site size increases. For site sizes less than 1800 m², the maximum development is a 4 storey low rise apartment building. High rise forms are only allowed when the site size is over 1800 m². When this application was originally contemplated, the site size was less than 1800 m², but when additional lots were added, the site grew to nearly 3500 m².

The RA9 Zone also contains “bonusing” of development rights if buildings and units have certain characteristics. These include:

- 9.0 m of extra height when the storey height in at least 75 percent of dwellings is greater than 3.4 m;
- An additional 0.9 added to maximum Floor Area Ratio and an increase in density by 200 dwellings per hectare where:
 - the site area is greater than 1800 m²;
 - seven percent of the dwellings are at least 115 m² (1237.85 square feet) in size; and
 - these larger dwellings have at least 3 bedrooms and are located below the 10th storey of a building.
- an increase in density of 35 dwellings per hectare where common amenity area totalling a size of at least 2.5 m² per dwelling is provided above normal amenity area requirements.

	RA9 Base	RA9 with Bonusing
Height (metres)	60.0	69.0
Floor Area Ratio	5.2	6.1
Density (dwellings)	226	308

There is no way of knowing what kind of bonusing, if any, may be sought at a future Development Permit stage, but in order to ensure analysis considers the full potential land use impacts, it should be assumed that all bonusing options are exercised. Below are visual representations of two potential tower designs that meet the regulations of the RA9 Zone, with bonusing considered.



POTENTIAL RA9 TOWER ON SITE
SMALLER PODIUM WITH LARGER TOWER



POTENTIAL RA9 TOWER ON SITE
LARGER PODIUM WITH SLIMMER TOWER

APPROPRIATE TOWER LOCATIONS

With an understanding of the characteristics of potential (RA9) Zoned tower developments and the recognition that no specific building design can be analyzed, the focus of the analysis turns to whether this is an appropriate location for a tower. There are four Council approved documents that can be referenced in answering this complex question:

- Oliver Area Redevelopment Plan
- Residential Infill Guidelines
- Transit Oriented Development Guidelines
- 104 Avenue Corridor Area Redevelopment Plan

Oliver Area Redevelopment Plan (ARP)

The Oliver ARP is the statutory plan that applies to this land. This ARP is divided into 6 Sub Areas with a different set of policies and goals based on the Sub Area context. Sub Areas 1 and 2 are generally for the lowest intensity residential development while Sub Area 3 has a more commercial focus, with Sub Areas 4 and 5 allowing for tower development along Jasper Avenue and overlooking the river valley. Sub Area 6 is the most diverse Sub Area with policies related to limiting development to 4 storeys but also containing a very high concentration of existing residential towers.



MAP 4 FROM THE OLIVER ARP SHOWING SUB AREAS BOUNDARIES

This site is located in Sub Area 1, where policies speak specifically to retaining existing older housing stock and discouraging demolition. To help achieve this, this Sub Area also has a Special Character Area with an associated (DC1) Direct Development Control Provision to specifically encourage the retention of existing older residential structures by providing opportunity for the conversion of these older structures to small scale, low impact commercial uses. New development and conversions in this DC1 Provision must be of a scale and design that is complementary to the existing low density residential dwellings in the area. The majority of this site is within the Special Character Area and currently subject to this DC1 Provision.

While this Sub Area already contains one tower just completing construction on the corner of 124 Street NW and 102 Avenue NW (The MacLaren), the prospect of introducing a tower into the interior of this most sensitive of Sub Areas in the ARP and partially removing it out of the Special Character Area would be a significant divergence from the plan direction. This is especially true when contemplating a standard zone where there cannot be any specific building design regulations in an attempt to achieve a customized, sensitive built form and an architectural design potentially compatible with the remaining older housing stock. A look at the existing built form of Oliver shows that the area between 102 Avenue NW and 103 Avenue NW has been well maintained as a lower intensity interior while still allowing considerable densities and height elsewhere in the neighbourhood.



PERSPECTIVE VIEW OF OLIVER LOOKING SOUTHEAST SHOWING LOW SCALE INTERIOR

Residential Infill Guidelines

The Residential Infill Guidelines provide suggestions for how and where to incorporate different scales of development into existing mature neighbourhoods. The guidelines suggest that high rise residential buildings should be located 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 Stations;
- at existing regional or community level shopping centre sites; or
- on other sites in mature neighbourhoods where they can meet the Large Site Infill Guidelines.

Additionally, they 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 guidelines also note that the preferred locations for these towers may be further defined through an Area Redevelopment Plan, Transit Oriented Development (TOD) Plan, or Site Vision and Context Plan. As already discussed, the Oliver Area Redevelopment Plan does not support a tower at this location and there is no Transit Oriented Development (TOD) Plan, or Site Vision and Context Plan (only possible with a Site Specific Development Control Provision) that apply.

This site is located in a core neighbourhood though not one of the more central downtown

locations listed. It is approximately 250 metres from a future LRT station meaning it could be considered “adjacent” as this is a reasonable walking distance to the station. It is not at an existing commercial site or on a large site where the Guidelines suggest high rises may be appropriate on sites at least 3 hectares in size on the periphery of a neighbourhood or 5 hectares within an existing neighbourhood. It is also not located on an arterial or collector road, however, a Traffic Impact Assessment for this application has shown that the surrounding roads can accommodate the development without undue impact on adjacent areas.

Administration recognizes that some of the locational criteria in the Residential Infill Guidelines (developed over 10 years ago) could be considered out of date and not in line with more recent practices, especially as they relate to the large minimum site sizes for towers in mature areas. Considering that the only potential locational criteria in support of this location as a tower site is related to proximity to the LRT, it is prudent to also look at the Transit Oriented Development Guidelines.

Transit Oriented Development Guidelines

These Guidelines are used to evaluate rezoning applications on sites within 400 metres of existing or planned LRT stations or transit centres and they supercede guidance in the Residential Infill Guidelines for sites in this proximity. The 124 Street stop near this site is considered an Enhanced Neighbourhood Station type. Near these types of stations, the Guidelines state that higher density residential developments are appropriate. It is suggested this density should be at least 225 dwellings per hectare (with no maximum) for sites over 0.25 hectares in size like this one.

The Land Use Intensity Descriptions section of the Guidelines show a 6 storey building as being a typical building form, scale and massing for this density while also noting that building character can vary and should be determined by site context. The Guidelines also state that as redevelopment occurs around station areas, there will be some instances where taller buildings develop adjacent to existing smaller scale housing. In these cases, new buildings should be designed to create a gradual transition in height, to address both the visual appearance from the street and the potential impacts of shadow and loss of privacy for the smaller scale existing development.

When comparing the proposed RA9 Zone to these guidelines for this location, this zone meets the minimum density suggested. However, the building form, scale and massing for this density is approximately 3 times larger than what would be typical and the specific site context would suggest it should be more sensitive, not less. The use of a standard zone also does not allow any kind of customized building design to create the suggested gradual transition.

104 Avenue Corridor Area Redevelopment Plan

The Oliver ARP, Residential Infill Guidelines and Transit Oriented Development Guidelines are generally not supportive of a tower at this location, but these documents could be considered older. As such, a brief analysis of a newer, very nearby and TOD focused ARP is useful. The 104 Avenue Corridor ARP was approved in 2015. The subject site is not within the newer ARP but it applies to land along the 104 Avenue corridor between 111 Street and the lane east of 124 Street including the land directly across 103 Avenue to the north from this site.

This plan states that the tallest buildings are permitted on the blocks surrounding LRT stations, transitioning down from 104 Avenue NW, where mid-rise and smaller scale buildings provide opportunity for sensitive infill redevelopment. The land immediately to the north across 103 Avenue NW from this site allows for 6 storey buildings.



FIGURE 22 FROM THE 104 AVENUE CORRIDOR ARP SHOWING THE BUILDING HEIGHT STRATEGY

This idea of focusing taller density along major corridors and LRT routes and transitioning down into the interior of neighbourhoods is still in line with the direction of the older Oliver ARP, Residential Infill Guidelines and Transit Oriented Development Guidelines. This is a very consistent approach that has been implemented for decades and is still applicable in many contexts today.

124 Street NW Corridor

As has been established, most existing policy direction suggests that density should be concentrated along major corridors and transition down into neighbourhoods. However, there is an alternative approach that should be considered when the character of the “major corridor” is a pedestrian oriented shopping street. This is the strategy that was recently recommended along Whyte Avenue through the planWhyte Land Use Study. In order to protect the pedestrian shopping experience and the historic character of the area, lower heights are recommended along Whyte Avenue with opportunities for taller buildings being a half or full block away with a focus on not creating new shadows on the avenue between the equinoxes.

FIGURE 11 - BUILDING HEIGHT STRATEGY



FIGURE 11 FROM THE PLANWHYTE LAND USE STUDY SHOWING THE BUILDING HEIGHT STRATEGY

124 Street NW, especially south of Stony Plain Road NW, is a thriving pedestrian oriented shopping street. While shadows are not as much of a concern as Whyte Avenue due to the north-south alignment, the benefits of having buildings step away from the street to keep it open and reduce the perceived massing of the buildings over the pedestrian realm are just as applicable. With this perspective, the site of this application becomes an ideal location for a tower given that it is half a block from 124 Street NW and will not negatively impact the pedestrian experience with its massing, but still bring more residents to the area to add to the success and viability of the pedestrian oriented shopping street.

HERITAGE

The house located at 10238 - 123 Street NW is a two-storey character home, built in 1921, that is largely original and in generally good condition on the exterior. While not currently listed on the Inventory of Historic Resources in Edmonton, the building certainly would qualify for evaluation in this regard, particularly given the few remaining historic homes in the Oliver neighbourhood. Administration inquired as to whether the applicant would consider preserving this house and incorporating it into their future development of the larger site but they declined.



VIEW OF EXISTING HOUSE AT 10238 - 123 STREET NW

The houses that used to stand at 10244 & 10248 - 123 Street NW were listed on the Inventory of Historic Resources in Edmonton and known as the George Caywood Residence and the James Young Residence. The City tried to work with the previous owner who demolished them to attempt to preserve them, without success. Prior to demolition approval in 2014, City Council was informed of the landowner's intent to demolish.



VIEW OF HOUSES PREVIOUSLY AT 10244 & 10248 - 123 STREET NW (NOW DEMOLISHED)

From a heritage perspective, the loss of these two homes, and now the prospect of losing a

third, is unfortunate and not in line with the objectives of the Oliver ARP for the Special Character Area. If the one remaining house is to be demolished for new development, the design of the new building on this site should attempt to be sensitive to the historic character of the older houses that used to be here and to the remaining portions of the Special Character Area that continues to apply to sites immediately across 123 Street NW to the east. The (RA9) High Rise Apartment Zone, as a standard zone, does not allow any specific building design regulations to help achieve this.

PLANNING RECOMMENDATION

There are some indications that this site might be appropriate for a tower development in the Transit Oriented Development Guidelines and if applying a similar built form strategy as planWhyte has done on Whyte Avenue. However, overwhelmingly, current policies and guidelines do not support a tower at this location. In the absence of any new comprehensive planning analysis or study of this portion of Oliver or of the 124 Street NW corridor, it is not appropriate to support a site specific rezoning to allow a tower at this location. It is possible that future work through The City Plan and subsequent planning work may provide the rationale necessary to support a tower at this location but it is premature to assume that at this point.

Given the specific site location and planning context, if a tower proposal at this location were to be able to satisfactorily respond to the existing policies and guidelines using a customized building design, a (DC2) Site Specific Development Control Provision would be required, not the standard (RA9) High Rise Apartment Zone. Administration encouraged the applicant to pursue a DC2 Provision to be able to better address this challenging planning and policy context to potentially change Administration's recommendation, but they declined.

TECHNICAL REVIEW

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

Infrastructure upgrades will be required at the Development Permit stage with the owner/developer responsible for the costs.

A Traffic Impact Assessment was reviewed with this application. It showed that the surrounding roadways, intersections and lanes will continue to operate within acceptable standards as a result of development within the (RA9) High Rise Apartment Zone.

With redevelopment, the vehicular access to the site will need to be moved from 123 Street NW to the rear lane in accordance with regulations in the (RA9) High Rise Apartment Zone.

PUBLIC ENGAGEMENT

<p>ADVANCE NOTICE February 26, 2019</p>	<ul style="list-style-type: none"> ● Number of recipients: 87 ● Number of responses in support: 0 ● Number of responses with concerns: 2 <ul style="list-style-type: none"> ○ Aggressive development proposal ○ Drastic change to the current neighbourhood ○ Concern about traffic congestion on the local roads ○ Effect on emergency vehicle access from nearby Fire Station
<p>ADVANCE NOTICE July 24, 2019</p>	<ul style="list-style-type: none"> ● Number of recipients: 75 ● Number of responses in support: 0 ● Number of responses with concerns: 2 <ul style="list-style-type: none"> ○ Impact of tower on sunlight access ○ Low rise development is sufficient here, there are already enough towers elsewhere in the neighbourhood
<p>INFORMATION SHARING AND DISCUSSION MEETING September 26, 2019</p>	<p>In lieu of a formal Public Engagement Session, Administration met with the applicant and representatives from the Oliver Community League to share details and discuss the application. The intent was to ensure all parties fully understood the application as proposed and ensure that the Community League was equipped to handle any inquiries they may receive from residents.</p>

The The Oliver Community League (OCL) provided Administration a formal letter of opposition to this application citing concerns related to:

- **Neighbourhood Context** - The proposed rezoning would allow for a development that is a significant departure from the existing context of the interior of the Oliver Neighbourhood. Permitting this type of development, which is out of scale with the surrounding context, poses a challenge to maintaining that neighbourhood character.
- **Planning Principles** - Over Development on an Interior Lot and not aligned with Corridor Planning Principles. A development of this size would be more suitable on the periphery of the neighbourhood and along a major corridor or roadway where other developments of this scale are located.
- **Departure from Oliver ARP** - the ARP states that any new development within the special character shall be limited to smaller building formats and designed in a way to replicate or “evoke the architecture of the older houses prevalent in the Sub Area, including pitched roofs, gables and dormers, front porches, or verandahs and vertical window orientations.”
- **Departure from existing zoning** - The current proposed rezoning is a significant departure from the intent of the Oliver ARP and DC1 zoning, creating a cause for concern.
- **Location of a tower in the interior of the community** - The proposed rezoning is bounded by two primarily residential, interior roads (123 St and 103 Avenue) that are

not designed for the high density residential and commercial uses that could accompany the proposed RA9 zone.

- **Sun Shadow Impacts** - The OCL has major concerns over the potential for this development to shadow a large portion of the newly renovated Paul Kane Park throughout the year, especially during critical evening hours.
- **Uncertainty regarding tower design** - The generic format of the RA9 zone means that critical tower design elements that are typically determined during the rezoning phase for a mixed use tower development under a DC2 rezoning cannot be known. Though the RA9 zone is an appropriate planning tool for areas bordering major arterial roads and corridors, it leaves too much uncertainty for this specific case and inhibits the ability of the OCL to provide meaningful input.

CONCLUSION

Administration recommends that City Council **REFUSE** this application.

APPENDICES

1. Application Summary

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning, Plan Amendment
Bylaw / Charter Bylaw:	18871, 18872
Date of Application Acceptance	January 19, 2019
Location:	Southwest corner of 103 Avenue NW and 123 Street NW
Addresses:	10236, 10238, 10244 & 10248 - 123 Street NW
Legal Descriptions:	Lots 18-20, Block 20, Plan RN22 & Plan 0323218
Site Area:	3480.7 m ²
Neighbourhood:	Oliver
Notified Community Organizations:	Oliver Community League
Applicant:	Situate Inc.

PLANNING FRAMEWORK

Current Zones:	(DC1) Direct Development Control Provision (Sub Area 1 - Special Character Area) (RA7) Low Rise Apartment Zone
Proposed Zone:	(RA9) High Rise Apartment Zone
Plan in Effect:	Oliver Area Redevelopment Plan

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