



## REVISED PUBLIC AGENDA MUNICIPAL PLANNING COMMISSION

Tuesday, February 28, 2017, 12:00 p.m.  
Committee Room E, Ground Floor, City Hall  
Members:

Ms. J. Braden, Chair (Public)  
Dr. C. Christensen, Vice-Chair (Public)  
Councillor M. Loewen  
Mr. N. Anwar (Public)  
Ms. D. Bentley (Public)  
Mr. S. Betker (Public)  
Ms. D. Fracchia (Public)  
Mr. J. Jackson (Public)  
Mr. S. Laba (Saskatoon Public Schools)  
Mr. J. McAuliffe (Saskatoon Greater Catholic Schools)  
Mr. R. Mowat (Public)  
Ms. S. Smith (Public)  
Mr. G. White (Public)

Pages

1. CALL TO ORDER

2. CONFIRMATION OF AGENDA

*Recommendation*

1. That the letter from Curtis Olson, dated February 28, 2017 be added to Item 7.4; and
2. That the agenda be approved as amended.

3. DECLARATION OF CONFLICT OF INTEREST

4. ADOPTION OF MINUTES

*Recommendation*

That the minutes of Regular Meeting of the Municipal Planning Commission held on January 31, 2017 be adopted.

5. UNFINISHED BUSINESS

6. COMMUNICATIONS

## 7. REPORTS FROM ADMINISTRATION

- 7.1 **Proposed Official Community Plan Bylaw Amendments and Zoning Bylaw Amendments - Heritage [File No. CK 4350-016-005, PL 4115-OCP 8/15 and PL 4350-Z9/15]** 5 - 11

### **Recommendation**

That the Municipal Planning Commission recommend to City Council at the time of the public hearing that the proposed amendments to Official Community Plan Bylaw No. 8769 and Zoning Bylaw No. 8770, as outlined in the February 28, 2017 report of the General Manager, Community Services Department, be approved.

- 7.2 **Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 - 202 East Place and 2401 Preston Avenue South [File No. CK 4351-017-001 and PL 4350-Z16/16]** 12 - 19

### **Recommendation**

That the Municipal Planning Commission recommend to City Council at the time of the public hearing:

1. That the proposed amendment to Official Community Plan Bylaw No. 8769 to redesignate 202 East Place from “Residential” to “Suburban Centre Commercial,” be approved; and
2. That the proposed amendments to Zoning Bylaw No. 8770, to rezone land from “B4 - Arterial and Suburban Commercial District” and “RM4 Medium/High Density Multiple-Unit Dwelling District” to “B3 – Medium Density Arterial Commercial District”, be approved.

- 7.3 **Proposed Amendment to Rezoning Agreement - RM3 by Agreement - 3315 Centennial Drive [File No. CK 4351-017-002 and PL 4350-Z32/16]** 20 - 33

### **Recommendation**

That the Municipal Planning Commission recommend to City Council at the time of the public hearing that the proposal to amend the existing Rezoning Agreement for the property located at 3315 Centennial Drive, as outlined in the February 28, 2017 report of the General Manager, Community Services Department, be approved.

- 7.4 **Review of Sidewalk Cafe and Parking Patio Program - Proposed Amendments to Zoning Bylaw No. 8770 [File No. CK 4350-017-001 and PL 4350-Z27/17]** 34 - 56

A letter from Curtis Olson, dated February 28, 2017, has been received.

### **Recommendation**

That the Municipal Planning Commission recommend to City Council at

the time of the public hearing:

1. That the proposed amendments to Zoning Bylaw No. 8770 be approved; and
2. That the information regarding proposed amendments to the Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013 and proposed amendments to the parking meter hooding fees for parking patios be received as information.

**7.5 Land Use Applications Received for the Period from December 14, 2016 to January 11, 2017 [File No. CK 4000-6 and PL 4350-1]**

57 - 65

**Recommendation**

That the January 30, 2017 report of the General Manager, Community Services Department be received as information.

**7.6 2017 Conferences [File No. CK 175-16]**

At the Municipal Planning Commission meeting held on January 31, 2017, Commission members were asked to put forward their interest in attending the planning conferences for a decision at this meeting as to appropriate funding.

The following Commission members expressed interest in attending conferences in 2017: Naveed Anwar, Diane Bentley, Janice Braden, Donna Fracchia and Robin Mowat. There was interest in the following 2017 conferences:

Congress for New Urbanism

Seattle, Washington - May 3 to 6, 2017

Canadian Institute of Planners

Calgary, Alberta - June 17 to 20, 2017

Saskatchewan Professional Planners Institute

Regina, Saskatchewan - September 18 to 20, 2017

The Commission has a budget of \$5,000 for attendance at conferences, however, a bus tour will be planned for this year and will lower the budget for conference attendance to an estimated amount of \$4,700 to be divided amongst the members attending.

**Recommendation**

1. That the Municipal Planning Commission members confirm attendance to the 2017 Planning Conferences;

2. That the Commission approve allocation of the budget for conference attendance.

## 8. REPORTS FROM COMMISSION

### 8.1 Update on the Items Previously Considered by the Commission and Considered by City Council at its meeting on February 27, 2017 [File No. CK 175-16]

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#### **Recommendation**

That the information be received.

### 8.2 Bus Tour Date Planning [File No. CK 175-16]

At the Municipal Planning Commission meeting held on January 31, 2017, the Commission agreed to have a bus tour in 2017. The Commission is requested to plan a date for the bus tour and discuss a bus tour route.

#### **Recommendation**

1. That the date be selected by the Committee;
2. That the bus be booked by the Committee Assistant; and
3. That the route be planned with the assistance of the Administration.

## 9. ADJOURNMENT

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# Proposed Official Community Plan Bylaw Amendments and Zoning Bylaw Amendments – Heritage

## Recommendation

That a copy of this report be submitted to City Council recommending that at the time of the public hearing, City Council consider the Administration’s recommendation that the proposed amendments to Official Community Plan Bylaw No. 8769 and Zoning Bylaw No. 8770, as outlined in this report, be approved.

## Topic and Purpose

The purpose of this report is to consider the proposed amendments to Official Community Plan Bylaw No. 8769 and Zoning Bylaw No. 8770, based on the recommendations outlined in the Heritage Policy and Program Review. These amendments will update Official Community Plan Bylaw No. 8769 and Zoning Bylaw No. 8770 to incorporate recent changes to the Heritage Plan and Civic Heritage Policy No. C10-020.

## Report Highlights

1. Amendments to Official Community Plan Bylaw No. 8769 (Official Community Plan) and Zoning Bylaw No. 8770 (Zoning Bylaw) are required in order to improve upon the success of the City of Saskatoon’s (City) Heritage Conservation Program, based on recommendations outlined in the Heritage Policy and Program Review.
2. These proposed amendments integrate heritage initiatives with broader civic goals as outlined in the Official Community Plan and the Zoning Bylaw, as well as establishes a consistent definition of what heritage is and how it is to be conserved.

## Strategic Goals

This report supports the City’s Strategic Goal of Sustainable Growth by preserving the character of heritage buildings and historical landmarks. This report also supports the Strategic Goal of Quality of Life by supporting new and creative ways to showcase the city’s built, natural, and cultural heritage.

## Background

The Heritage Policy and Program Review, which was completed in August 2012, identified the need for the Official Community Plan to provide clarification on what the City defines as heritage, how heritage resources serve as community amenities, and how these resources will be conserved as part of the City’s planning framework.

The Heritage Plan, approved in 2014, recommended that the City offer a range of incentives (including non-financial) to Municipal Heritage Properties to promote conservation. The Heritage Plan also recommended that developers of large-scale

projects that include or are adjacent to heritage resources be required to prepare a Heritage Impact Statement (HIS).

The proposed amendments to the Official Community Plan and the Zoning Bylaw were presented to the Municipal Heritage Advisory Committee (MHAC) at its January 4, 2017 meeting.

## **Report**

### Official Community Plan Amendments

Proposed amendments to the Official Community Plan include:

- 1) a broader definition of heritage that corresponds with the definition outlined in Civic Heritage Policy No. C10-020 (Civic Heritage Policy);
- 2) updates to the policies in the Official Community Plan that reflect the updated Civic Heritage Policy;
- 3) the integration of heritage conservation with other civic objectives (such as economic development, sustainability, improved quality of life, and neighbourhood planning) and plans (including the City's 2013 to 2023 Strategic Plan, Culture Plan, and Local Area Plans); and
- 4) improved linkages between the Official Community Plan and the Zoning Bylaw with respect to heritage.

### Zoning Bylaw Amendments

Proposed amendments to the Zoning Bylaw include:

- 1) the provision to relax certain development standards for designated Municipal Heritage Properties; and
- 2) the requirement of an HIS in situations where a proposed development or demolition includes a heritage resource, where appropriate.

The proposed amendments to the Official Community Plan and the Zoning Bylaw are outlined in Attachment 1. The HIS Guidelines define an HIS, determine its use as a heritage conservation tool, and instruct on HIS preparation (see Attachment 2). The HIS Guidelines will be available electronically through the City's website.

## **Options to the Recommendation**

City Council could choose to deny the proposed amendments. This is not recommended as proposed amendments work to implement the Heritage Plan.

## **Public and/or Stakeholder Involvement**

Consultation regarding the proposed amendments to the Official Community Plan and the Zoning Bylaw was undertaken through the Heritage Policy and Program Review and the development of the Heritage Plan. Both MHAC and the Saskatoon Heritage Society were consulted in regards to the proposed amendments.

**Other Considerations/Implications**

There are no policy, financial, environmental, privacy, or CPTED implications; a communication plan is not required at this time.

**Due Date for Follow-up and/or Project Completion**

No follow-up is required.

**Public Notice**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Public Notice Policy No. C01-021.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Public Notice Policy No. C01-021, and a date for a public hearing will be set. A notice will be placed in The StarPhoenix two weeks prior to the public hearing date.

**Attachments**

1. Proposed Official Community Plan and Zoning Bylaw Amendments
2. City of Saskatoon Heritage Impact Statement Guidelines

**Report Approval**

Written by: Catherine Kambeitz, Heritage and Design Coordinator, Planning and Development

Reviewed by: Lesley Anderson, Director of Planning and Development

Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2017/PD/MPC – Proposed OCP Bylaw Amendments and Zoning Bylaw Amendments – Heritage/ks

## Proposed Official Community Plan and Zoning Bylaw Amendments

(additions in bold/deletions in strikethrough)

### Proposed Official Community Plan Amendments:

#### 2.1 Saskatoon as a Sustainable Community

A sustainable community is one that meets its needs today without limiting the ability of future generations to meet their needs. This means a community that sustains its quality of life and accommodates growth and change by balancing long-term economic, environmental, and social needs. This Plan recognizes the following principles in building a community with a sustainable quality of life:

- a) economic diversity, economic security, and fiscal responsibility;
- b) environmental protection and stewardship;
- c) equity in land use decisions and a fair distribution of community services;
- d) efficient use of land, infrastructure, and other resources in managing the City and accommodating growth and change;
- e) decision making based on democratic institutions and public consultation;  
**and**
- f) community safety through the application of the principles of Crime Prevention Through Environmental Design (CPTED) as identified in Section 3.1.1.; **and**
- g) conservation of heritage resources.**

#### 5.2.2 c) Heritage Resource Definition

- vii) **any resource, or group of resources, natural or cultural, tangible or intangible, that a community recognizes for its value as a witness to history or memory.** ~~the preservation and integration of. of buildings considered to have historical or architectural significance.~~

#### 15.0 Heritage

##### 15.1 Objective(s)

- a) **To identify and conserve Saskatoon's heritage resources and recognize their importance in telling the story of Saskatoon (pre- and post-settlement); and**
- b) To provide property owners of heritage buildings with incentives for successful conservation projects.**

To conserve and interpret the material, natural, and human heritage in the community of Saskatoon in a planned, selective, and cost-feasible manner to the benefit of current and future generations of Saskatoon citizens and visitors. [City of Saskatoon Civic Heritage Policy, December 16, 1996]

15.2 Policies:

a) — The City's role in conserving and interpreting heritage includes **will implement a Civic Heritage Policy, which will serve to achieve the following objectives:**

- a) **establish and maintain an inventory of the City's heritage resources, and identify, through the Saskatoon Register of Historic Places (The Register), the sites which are deemed to have significant heritage value;**
- b) **support the conservation of heritage resources through the use of incentives;**
- c) **conserve, and where possible and appropriate, enhance heritage resources;**
- d) **consider the impact of heritage resources and opportunities for heritage conservation in the review of sector plans, local area plans, concept plans, and other planning documents;**
- e) **work with partners to promote heritage awareness and education in the city; and**
- f) **interpret the history of, and conserve the artifacts relating to, the history of Saskatoon's municipal government.**

- ~~identifying and researching potential heritage properties;~~
- ~~recognizing property of heritage merit;~~
- ~~providing support to owners to conserve properties of heritage merit;~~
- ~~implementing a heritage review process for City-owned property;~~
- ~~establishing an inventory of archaeological and palaeontological sites;~~
- ~~interpreting the history of municipal government; and~~
- ~~conserving and interpreting artifacts relating to the history of municipal government.~~

[Refer to the City of Saskatoon Civic Heritage Policy, adopted by Council on December 16, 1996.]

Proposed Zoning Bylaw Amendments:

4.2 Application of Regulations

- (5) **Where a heritage resource is designated as a municipal heritage property, the Development Officer, in consultation with the Director of Planning and Development and the Heritage and Design Coordinator, may alter the development standards for a municipal heritage**

**property, provided that the development remains generally compatible with nearby uses.**

#### 4.3.4 Plans and Information Required for a Development Permit Application

- (2) At the discretion of the Development Officer, and in consultation with the Heritage and Design Coordinator, a Heritage Impact Statement may be required by the applicant for Municipal Heritage Properties, buildings included in “Schedule A” of Demolition Permit Bylaw No. 6770, or buildings listed on the Saskatoon Register of Historic Places.**

## City of Saskatoon Heritage Impact Statement Guidelines

### **Definition**

A Heritage Impact Statement (HIS) is a study that evaluates the impact that a development may have on a heritage resource or resources. An HIS recommends options for conservation of the resource(s). Developments can include alterations, additions, partial demolitions, demolitions, relocations, or new construction.

### **Purpose**

An HIS explains how the heritage value of a heritage resource is to be conserved by the proposed development. Where the effect of proposed work is likely to adversely impact the heritage significance of the heritage resource, an HIS needs to determine why such action is the only viable solution and explain why alternatives are not feasible.

An HIS may be required for any proposed development where it affects a heritage resource that is a designated heritage property; a building that is listed in “Schedule A” of Demolition Permit Bylaw No. 6770, or is listed on the Saskatoon Register of Historic Places. An HIS should be prepared by a qualified heritage conservation professional.

### **Content**

An HIS must include, but is not limited to, the following information:

- 1) a site plan;
- 2) a Statement of Significance;
- 3) an assessment of the existing condition of the heritage resource(s);
- 4) the description of the proposed development or alteration;
- 5) the impact of the proposed project on the resource’s heritage significance;
- 6) the measures proposed to mitigate any negative impacts on the heritage resource;
- 7) relevant photographs; and
- 8) any other pertinent reports, such as conservation management plans and physical condition reports.

### **Special Consideration for Demolition**

In circumstances where the demolition of a heritage resource is being proposed, an HIS must address the following (in addition to the required information listed above):

1. What options for retention and adaptive re-use of the resource have been explored?
2. Why is demolition necessary at this time, or why can the demolition not be delayed in the event that future circumstances make retention and conservation of the resource a more viable or feasible option?
3. If demolition is determined to be necessary at this time, what, if any, of the character-defining elements of the heritage resource can be salvaged and/or incorporated into the proposed new development?

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## Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 – 202 East Place and 2401 Preston Avenue South

### Recommendation

That a copy of this report be forwarded to City Council recommending:

1. That at the time of the public hearing, City Council consider the Administration's recommendation that the proposed amendment to Official Community Plan Bylaw No. 8769 to redesignate 202 East Place from "Residential" to "Suburban Centre Commercial," be approved; and
2. That at the time of the public hearing, City Council consider the Administration's recommendation that the proposed amendments to Zoning Bylaw No. 8770, to rezone land from "B4 - Arterial and Suburban Commercial District" and "RM4 - Medium/High Density Multiple-Unit Dwelling District" to "B3 – Medium Density Arterial Commercial District", be approved.

### Topic and Purpose

Applications have been submitted by Caswell Developments Inc. to redesignate 202 East Place from "Residential" to "Suburban Centre Commercial" on the Official Community Plan Bylaw No. 8769 Land Use Map, to rezone 202 East Place from RM4 - Medium/High Density Multiple-Unit Dwelling District to B3 – Medium Density Arterial Commercial District, and to rezone 2401 Preston Avenue South from B4 - Arterial and Suburban Commercial District to B3 – Medium Density Arterial Commercial District.

These amendments will allow for commercial development on vacant sites and will provide for a range of commercial uses that are compatible with the surrounding area.

### Report Highlights

1. A land use map amendment is proposed for 202 East Place.
2. The proposed rezoning from RM4 – Medium/High Density Multiple-Unit (RM4) and B4 - Arterial and Suburban Commercial (B4) Districts to B3 – Medium Density Arterial Commercial (B3) District will allow for commercial development, resulting in a cohesive development and built form that is complementary to the neighbourhood.
3. A shopping centre is proposed at this location, which would facilitate commercial development of these vacant properties.

### Strategic Goal

This report supports the City of Saskatoon's (City) Strategic Goal of Sustainable Growth by providing a balanced and appropriate land-use pattern in the area.

### Background

## **Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 – 202 East Place and 2401 Preston Avenue South**

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The subject properties, 202 East Place and 2401 Preston Avenue South, located in the Eastview neighbourhood, are currently zoned RM4 District and B4 District, respectively. The two properties are presently vacant. The westerly site, 2401 Preston Avenue South, was previously a service station operated by Imperial Oil Ltd. before being demolished in 2009. The easterly site, 202 East Place, has never been developed. See Attachment 1 for a location map of the subject properties.

### **Report**

#### Official Community Plan Bylaw No. 8769 Amendment

An amendment to the Official Community Plan Bylaw No. 8769 (OCP) Land Use Map is required to redesignate 202 East Place from “Residential” to “Suburban Centre Commercial” to accommodate the proposed rezoning. The adjacent site, 2401 Preston Avenue South, is presently designated “Suburban Centre Commercial” and does not require redesignation.

#### Zoning Bylaw No. 8770 Amendment

The current RM4 zoning at 202 East Place permits a wide variety of residential development in a medium- to high-density form, and the current B4 zoning at 2401 Preston Avenue South permits a wide range of commercial uses oriented toward motor vehicle consumers. The proposed B3 zoning would permit a variety of commercial uses on small- to medium-sized lots.

The B3 District will enable a mix of commercial uses that complement the surrounding residential and commercial land uses. Commercial uses could be established under the B3 zoning that would serve the convenience and amenity of area residents.

#### Proposed Redevelopment

The amendments proposed in this report will facilitate, in part, a comprehensive development of these vacant sites. At this time, the property owners have indicated their intention to develop a new shopping centre, consisting of two multi-tenant buildings, with an estimated total floor area of 1,300 square metres. However, if the rezoning is approved, any form of development permitted by the B3 District may occur.

As part of the development, the existing lane (located between 202 East Place and 2401 Preston Avenue South) is proposed to be closed and consolidated with the two existing sites to create one cohesive development site fronting Louise Street. The proposed lane closure is presently being reviewed by internal staff and is expected to go to a public hearing at City Council in the summer of 2017.

The applicant had a Groundwater Assessment, a Test Pit Assessment, Remedial Excavation, and a Post-Remedial Groundwater Assessment completed at 2401 Preston Avenue South in 2014 due to soil contamination concerns resulting from the service station. The report, prepared by P. Machibroda Engineering Ltd., concluded that the site is now suitable for commercial development. A letter from the Saskatchewan

## **Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 – 202 East Place and 2401 Preston Avenue South**

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Ministry of Environment (Ministry) was also submitted, noting the subject property had been remediated to the current Ministry standards.

### **Compatibility with Adjacent Land Uses**

The B3 District is intended to accommodate commercial uses that are compatible in a residential setting and with the adjacent Nutana Suburban Centre commercial area.

Requirements of the B3 District ensure that development is compatible with adjacent residential land use, including on-site parking and landscaping. Furthermore, the B3 District prohibits multiple-unit dwellings as a land use and limits building height to a maximum of 10 metres, which addresses concerns expressed by community members through public consultation.

### **Comments from Other Divisions**

No concerns were identified through the administrative referral process that precludes this application from proceeding to the public hearing. Refer to Attachment 2 for complete comments.

### **Options to the Recommendation**

City Council could choose to deny the proposed amendments. This decision would maintain the current zoning. This option is not recommended as the proposed rezoning would facilitate a development opportunity on vacant properties that supports the objectives of the Growth Plan and is compatible with surrounding land uses.

### **Public and/or Stakeholder Involvement**

A public information meeting related to these amendments was held on January 25, 2017, at Alvin Buckwold School. Notice of the meeting was provided to property owners within 75 metres of the site, as well as to the Eastview and South Nutana Park Community Associations. Ten members of the general public and the Ward 7 Councillor were in attendance. A full summary of the comments, questions, and discussion at the meeting is included in Attachment 3.

To date, no letters of objection for the rezoning have been received.

### **Other Considerations/Implications**

There are no policy, financial, environmental, privacy, or CPTED implications; a communication plan is not required at this time.

### **Due Date for Follow-up and/or Project Completion**

No follow-up is required.

### **Public Notice**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Public Notice Policy No. C01-021.

## **Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 – 202 East Place and 2401 Preston Avenue South**

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Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Public Notice Policy No. C01-021, and a date for a public hearing will be set. The Planning and Development Division will notify all property owners within 75 metres of the subject site of the public hearing date, by letter. A notice will be placed in The StarPhoenix two weeks prior to the public hearing date.

### **Attachments**

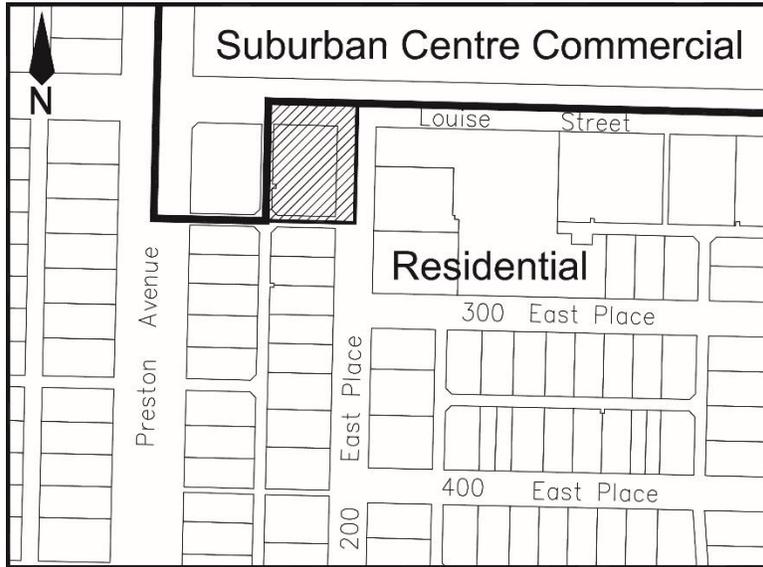
1. Location Maps
2. Comments from Other Divisions
3. Community Engagement Summary

### **Report Approval**

Written by: Jason Sick, Planner, Planning and Development  
Reviewed by: Lesley Anderson, Director of Planning and Development  
Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2017/PD/MPC – Proposed Official Community Plan Bylaw Amendment and Proposed Rezoning from RM4 and B4 to B3 – 202 East Place and 2401 Preston Avenue South/lc

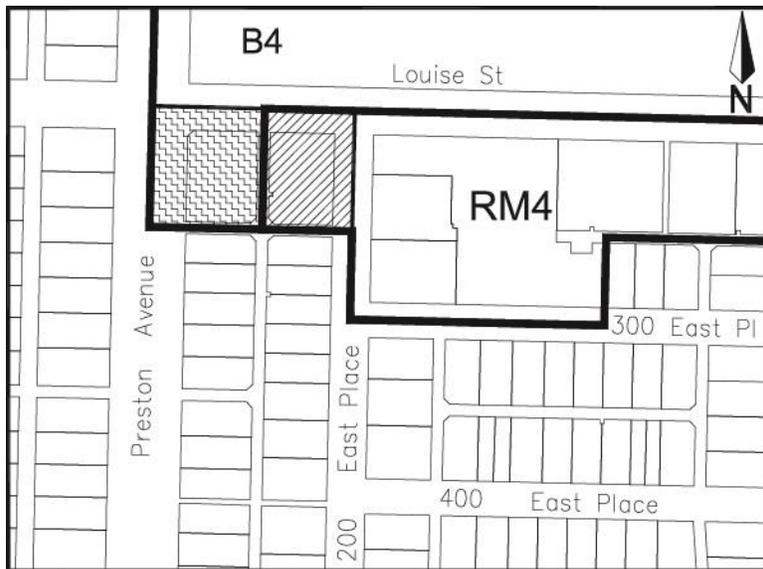
**Location Maps**



**PROPOSED OFFICIAL COMMUNITY PLAN AMENDMENT  
LAND USE MAP**

 From Residential to Suburban Centre Commercial

File No. OCP15-2016



**PROPOSED ZONING AMENDMENT**

 From RM4 to B3       From B4 to B3

File No. RZ16-2016

## **Comments from Other Divisions**

### **Proposed Official Community Plan Amendment and Proposed Rezoning 202 East Place and 2401 Preston Avenue South**

#### Transportation and Utilities Department

The proposed rezoning, as noted in the report, is acceptable to the Transportation and Utilities Department, with the following comments:

1. No Traffic Impact Assessment or analysis is required.
2. No access will be allowed from Preston Avenue.
3. The entire lane requires paving.
4. Full access can be accommodated on Louise Street and East Place. The preferred location is at the current lane access off of Louise Street (acknowledging that this lane is undergoing the closure process).
5. Access can be provided from East Place for loading.
6. The current sidewalk depressions at old access locations require removal and replacement with standard sidewalks.
7. A driveway crossing permit will be required from the Transportation Division once a formal application is received.



# Shaping Saskatoon

Bridging to Tomorrow... for a 21st Century City



## Community Engagement Summary Proposed Rezoning 202 East Place and 2401 Preston Avenue South

### Project Description

The Community Services Department has received a Rezoning Application for 202 East Place and 2401 Preston Avenue South. Property owners in Eastview, Nutana Park, and Nutana Suburban Centre, specifically those within 75 metres of the subject site, have the opportunity to learn about the proposed development and the rezoning process, and to comment on the proposal and ask any questions that they may have.

### Community Engagement Strategy

Notices to property owners within a 75 metre radius of the subject site were sent out on January 6, 2017. Notices were also sent to the Eastview and South Nutana Park Community Associations, the Ward Councillors for Wards 7 and 9, and the Community Consultant.

The purpose of the notice was to inform, and consult with, the nearby residents and commercial business owners. Interested or concerned individuals were provided with an opportunity to learn more about the proposal and to provide perspective and comments for consideration.

### Summary of Community Engagement Feedback

Following introductory remarks of the rezoning process by City of Saskatoon staff, and an overview of the proposed rezoning by the applicant, a question and answer period and general discussion followed. Concerns raised, questions, and general points of discussion were:

- concern over a potential outdoor patio which may create noise for adjacent residential property owners;
- questions regarding maximum height and floor areas of the proposed buildings;
- discussion on permitted uses for the proposed zoning and potential tenants;
- discussion on the proposed lane closure; and
- concerns over further residential development on the site.

To date, no letters have been received regarding the proposal.



## Next Steps

All feedback from the public notification process will be summarized and presented as part of the report to the Municipal Planning Commission (MPC) and City Council.

Once this application has been considered by the MPC, a date for a public hearing will be set, and notices will be sent to property owners within 75 metres of the subject site and to the Eastview and South Nutana Park Community Associations. No other public engagement is planned.

ACTION	ANTICIPATED TIMING
Planning and Development Division prepares and presents to MPC. MPC reviews proposal and recommends approval or denial to City Council.	February 28, 2017
Public Notice – the Community Consultant, Ward Councillors for Ward 7 and 9, Eastview and South Nutana Park Community Associations, and all residents were notified previously. A notification poster will be placed on site. An advertisement is prepared and placed in <u>The StarPhoenix</u> .	March 6 to 10, 2017
Public Hearing – public hearing conducted by City Council, with an opportunity provided to interested persons or groups to present. Proposal considered together with the reports of the Planning and Development Division, MPC, and any written or verbal submissions received by City Council.	March 27, 2017
Council Decision – may approve or deny proposal.	March 27, 2017

Prepared by:  
Jason Sick, Planner  
Planning and Development  
February 8, 2017

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## **Proposed Amendment to Rezoning Agreement – RM3 by Agreement – 3315 Centennial Drive**

### **Recommendation**

That a copy of this report be forwarded to City Council recommending that at the time of the public hearing, City Council consider the Administration's recommendation that the proposal to amend the existing Rezoning Agreement for the property located at 3315 Centennial Drive, as outlined in this report, be approved.

### **Topic and Purpose**

An application has been submitted by Canadian Midwest District of the Christian and Missionary Alliance requesting amendments to the existing Rezoning Agreement for 3315 Centennial Drive. This site is a mixed-use development in the Pacific Heights neighbourhood containing a place of worship and a dwelling group. The proposed amendments will facilitate an addition to the place of worship and provide for a private school and other accessory uses that are compatible with the surrounding area.

### **Report Highlights**

1. The proposed amendments will preserve a long-standing community facility in the Pacific Heights neighbourhood and provide a variety of community services.
2. Amendments to the Rezoning Agreement are proposed to revise the land use terms for the portion of the property containing the place of worship and to facilitate a building addition.
3. The proposed amendments pertain only to the place of worship.

### **Strategic Goals**

This report supports the City of Saskatoon's (City) Strategic Goals of Sustainable Growth and Quality of Life by encouraging access to amenities and services across the city, and by providing services that support the long-term strategies of community building.

### **Background**

Since 1983, the Canadian Midwest District of the Christian and Missionary Alliance (Westgate Alliance Church Inc.) has operated a place of worship at 3315 Centennial Drive, known as the Westgate Alliance Church. The site is located on the corner of Centennial Drive and Diefenbaker Drive (see Attachment 1).

In 2008, the property was rezoned from R2 – One and Two-Unit Residential District to RM3 – Medium Density Multiple-Unit Dwelling District, subject to a Rezoning Agreement (see Attachment 2). The purpose of this rezoning was to facilitate phased residential development south of the Westgate Alliance Church to address the need for affordable family housing in Saskatoon. The phasing of residential development was a result of

the required upgrades to trunk sewer services in the area that have since been completed.

The Rezoning Agreement restricted development to a place of worship and a dwelling group consisting of a maximum of 83 dwelling units. In addition, the development standards applicable to the Rezoning Agreement provide for a rear yard setback of 4.5 metres, as well as a minimum of 188 on-site parking spaces, with a minimum of 99 of those spaces being allocated to the dwelling group.

In 2012, the property was subdivided to create two sites, 3315 Centennial Drive that contains the place of worship and 3323 Centennial Drive that contains the dwelling group. 3323 Centennial Drive is owned by Westgate Heights Attainable Housing Inc., which is a subsidiary corporation of the Canadian Midwest District of the Christian and Missionary Alliance. Both corporations are party to the Rezoning Agreement that will be amended to reflect the current owners and legal land description.

## **Report**

### Additional Use of Land

In order to offer enhanced services to the community, Westgate Alliance Church Inc. has applied to amend the Rezoning Agreement for 3315 Centennial Drive. The proposed amendments would facilitate an addition to the existing place of worship and allow for additional land uses on the property. The proposed additional land uses are: day care centre, preschool, private school, and community centre. These uses are acceptable accessory uses to a place of worship.

### Building and Site Configuration

The applicant is proposing an addition to the Westgate Alliance Church in order to provide enhanced services and flexible space for the community. See Attachment 3 for the proposed site plan depicting the proposed addition. The footprint of the addition is approximately 270 square metres in size and will be built on the south side of the Westgate Alliance Church.

An existing fenced area will be utilized for the proposed child care centre to help meet outdoor play area requirements under *The Child Care Regulations, 2015*. The fenced play area is approximately 180 square metres in size and is located to the east of the property, adjacent to Diefenbaker Drive. The property is also adjacent to Atlantic Park, a public park containing open green space and sport fields.

The existing Rezoning Agreement requires a minimum of 188 on-site parking spaces, with a minimum of 99 of those spaces allocated specifically for the dwelling group. The additional land uses proposed for the site are not anticipated to have an impact to parking, as the operating hours will differ from the existing place of worship. Additionally, no concerns were heard from the public regarding parking on the site. Consequently, new parking stalls are not required in the development.

### Proposed Revised Terms

The current Rezoning Agreement for 3315 Centennial Drive restricts the use of land to a place of worship and a dwelling group consisting of a maximum 83 dwelling units. The proposed amendments regarding the land uses on the portion of property containing the place of worship are as follows:

- i) add day care centre, preschool, private school, and community centre as accessory uses; and
- ii) reduce the minimum rear yard setback from 4.5 metres to 3.0 metres.

The proposed amendments pertain only to the place of worship and no changes to the adjacent dwelling group development are anticipated. All other development standards shall be those required in the RM3 District.

#### Comments from Other Divisions

No concerns were received through the administrative referral process that precludes this application from proceeding to the public hearing.

#### **Options to the Recommendation**

City Council could choose to deny this application. This decision is not recommended as the increased flexibility in permitted uses will help to appropriately serve the needs of area residents.

#### **Public and/or Stakeholder Involvement**

A public information meeting related to the Rezoning Agreement amendments was held on January 17, 2017, at Westgate Alliance Church. Notice was provided to property owners within 75 metres of the site, as well as to the Pacific Heights Community Association. Three members of the church attended for informational purposes, and no concerns were addressed.

#### **Other Considerations/Implications**

There are no policy, financial, environmental, privacy, or CPTED implications or considerations; a communication plan is not required at this time.

#### **Due Date for Follow-up and/or Project Completion**

No follow-up is required.

#### **Public Notice**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Public Notice Policy No. C01-021.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Public Notice Policy No. C01-021, and a date for a public hearing will be set. The Planning and Development Division will notify all property owners within 75 metres of the subject site of the public hearing date, by letter. A notice will be placed in The StarPhoenix two weeks prior to the public hearing date, and notice boards will be placed on the property.

#### **Attachments**

1. Location Map

2. Existing Rezoning Agreement
3. Site Plan
4. Community Engagement Summary

**Report Approval**

Written by: Jason Sick, Planner, Planning and Development

Reviewed by: Lesley Anderson, Director of Planning and Development

Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2017/PD/MPC – Proposed Amendment to Rezoning Agreement – RM3 by Agreement – 3315 Centennial Drive/lc

Location Map



PROPOSED ZONING AMENDMENT



Amendment to RM3 by Agreement

File No. RZ32-2016

# Existing Rezoning Agreement

## Rezoning Agreement

This Agreement made effective this 9 day of June, 2008.

Between:

**The City of Saskatoon**, a municipal corporation pursuant to *The Cities Act*, S.S. 2002 Chapter C-11.1 (hereinafter referred to as "the City")

- and -

**Canadian Midwest District of the Christian and Missionary Alliance**, a non-profit corporation incorporated under the laws of the Province of Saskatchewan, with offices in the City of Saskatoon, in the Province of Saskatchewan (hereinafter referred to as "the Owner")

Whereas:

1. The Owner is entitled to become the registered owner of the land described as follows:
  - (a) Civic Address: 3315 Centennial Drive  
Surface Parcel No. 118161851  
Reference Land Description: Parcel A, Plan 80S38406 Extension 0  
As described on Certificate of Title 84S04931  
  
(hereinafter referred to as "the Land");
2. The Owner has applied to the City for approval to rezone the Land from an R2 District to an RM3 District to allow the development of the proposal specified in this Agreement;
3. The City has an approved Development Plan which, pursuant to Section 69 of *The Planning and Development Act, 2007*, contains guidelines respecting the entering into of agreements for the purpose of accommodating requests for the rezoning of land;
4. The City has agreed, pursuant to the provisions of Section 69 of *The Planning and Development Act, 2007*, to rezone the Land from an R2 District to an RM3 District, subject to this Agreement.

Now therefore this Agreement witnesseth that the Parties hereto covenant and agree as follows:

**Land to be Used in Accordance with Agreement**

1. The Owner agrees that, upon the Land being rezoned from an R2 District to an RM3 District, none of the Land shall be developed or used except in accordance with the terms and conditions set out in this Agreement.

**Use of Land**

2. The Owner agrees that the use of the Land will be restricted to the following:
  - (a) Place of Worship; and
  - (b) a Dwelling Group consisting of a maximum of 83 dwelling units, of which up to 20 may be contained in Phase I. Any subsequent development phases are subject to the approval of the City's Manager, Development Services Branch. No development beyond Phase I will be approved until completion of the upgrade of trunk sewer services in the area.

**Development Standards**

3. The development standards applicable to the Land shall be those applicable to an RM3 District except as follows:
  - (a) Parking: Minimum of 188 on-site parking spaces, of which a minimum of 99 spaces must be allocated specifically for the dwelling group;
  - (b) Rear yard: Minimum of 4.5 metres.

### **Application of Zoning Bylaw**

4. The Owner covenants and agrees that, except to the extent otherwise specified in this Agreement, the provisions of The City of Saskatoon Zoning Bylaw No. 7800 as amended from time to time shall apply.

### **Compliance with Agreement**

5. The Owner covenants and agrees not to develop or use the Land unless such development, use and construction complies with the provisions of this Agreement.

### **Dispositions Subject to Agreement**

6. The Owner covenants and agrees that any sale, lease or other disposition or encumbrance of the Land or part thereof shall be made subject to the provisions of this Agreement.

### **Definitions**

7. Any word or phrase used in this Agreement which is defined in Zoning Bylaw No. 7800 shall have the meaning ascribed to it in that Bylaw.

### **Departures and Waivers**

8. No departure or waiver of the terms of this Agreement shall be deemed to authorize any prior or subsequent departure or waiver, and the City shall not be obliged to continue any departure or waiver or permit subsequent departure or waiver.

### **Severability**

9. If any covenant or provision of this Agreement is deemed to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the validity of any other covenant or provision of this Agreement.

### **Governing Law**

10. This Agreement shall be governed and interpreted in accordance with the laws of the Province of Saskatchewan.

### **Effective Date of Rezoning**

11. It is understood by the Owner that the Land shall not be effectively rezoned from an R2 District to an RM3 District until:
  - (a) the Council of The City of Saskatoon has passed a Bylaw to that effect; and
  - (b) this Agreement has been registered by the City, by way of Interest Registration, against the Title to the Land.

### **Use Contrary to Agreement**

12. (1) The Council of The City of Saskatoon may declare this Agreement void where any of the Land or buildings thereon is developed or used in a manner which is contrary to the provisions of this Agreement, and upon the Agreement being declared void, the Land shall revert to the district to which it was subject to before rezoning.
- (2) If this Agreement is declared void by the Council of The City of Saskatoon, the City shall not, by reason thereof, be liable to the Owner or to any other person for any compensation, reimbursement or damages on account of loss or profit, or on account of expenditures, or on any other account whatsoever in connection with the Land.

### **Registration of Interest**

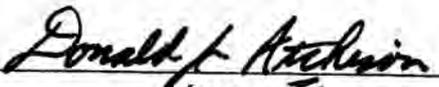
13. (1) The Parties hereto acknowledge that this Agreement is made pursuant to Section 69 of *The Planning and Development Act, 2007* and the Owner agrees that this Agreement shall be registered by way of an Interest Registration against the Title to the Land. As provided in Section 236 of *The Planning and Development Act, 2007*, Section 63 of *The Land Titles Act, 2000* does not apply to the Interest registered in respect of this Agreement.

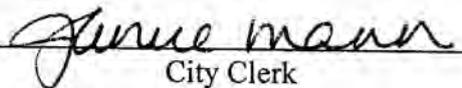
- (2) This Agreement shall run with the Land pursuant to Section 69 of *The Planning and Development Act, 2007*, and shall be bind the Owner, its successors and assigns.

**Enurement**

14. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective heirs, executors, administrators, successors and assigns. .

**The City of Saskatoon**

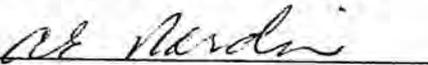
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk



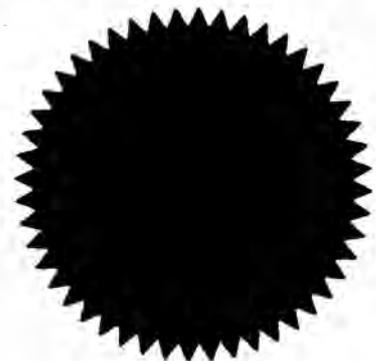
**Canadian Midwest District of the Christian  
and Missionary Alliance**

Al Nordin  
District Treasurer

  
\_\_\_\_\_

Cory Steinson  
District Secretary

  
\_\_\_\_\_



## Affidavit Verifying Corporate Signing Authority

Canada )  
 Province of Saskatchewan )  
 To Wit: )

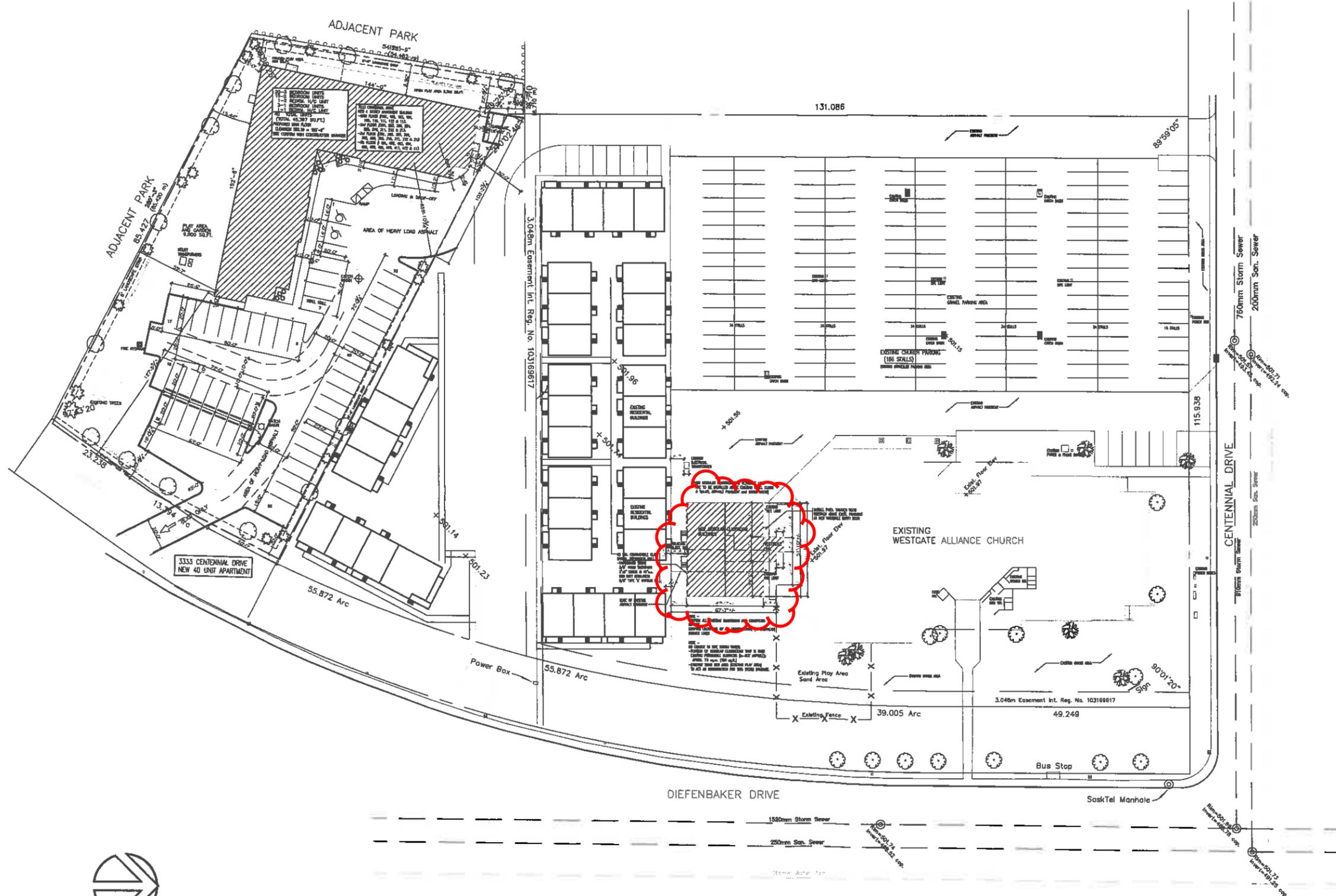
I, Cory Steinson, of the City of <sup>Regina</sup> ~~Saskatoon~~, in the Province of  
 (name)  
 Saskatchewan, District Secretary, make oath and  
 say: (title and occupation)

1. I am an officer or director of the corporation named in the within instrument.
2. I am authorized by the corporation to execute the instrument without affixing a corporate seal.

Sworn before me at the City of )  
 Saskatoon, in the Province of )  
 Saskatchewan, this 28<sup>th</sup> day of )  
May, 2008. )  
[Signature] )  
 A Commissioner for Oaths in and for )  
 the Province of Saskatchewan. )  
 My Commission expires )  
Jul 28/11 )  
 (or) Being a Solicitor. )

Cory Steinson  
 (Name)

# Site Plan



**DRAWING LIST**

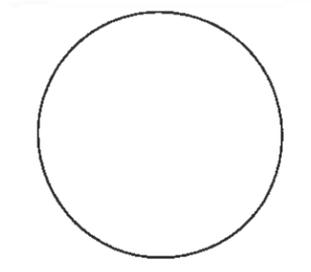
- A-1.1 SITE PLAN
- A-1.2 OVERALL SITE PLAN
- A-2 PARTIAL MAIN FLOOR PLAN
- A-3 ELEVATIONS
- A-4.1 BUILDING SECTION
- A-4.2 BUILDING SECTION
- A-5 DETAILS
- A-6 SPECIFICATIONS
- S-1 PILING PLAN

**SCHOOL PORTABLE DRAWINGS**

- D1 2450 & 2460 TYPICAL DETAILS & SECTIONS
- D2 2450 & 2460 TYPICAL DETAILS & SECTIONS
- D3 2450 & 2460 TYPICAL DETAILS & SECTIONS
- MILL 2450 & 2460 TYPICAL MILLWORK

No.	Revision/Issue	Date
1	Issued for Bldg. Permit	Sept 2/16

**JAMES ZIMMER ARCHITECT**  
 1249 - 8TH STREET EAST  
 SASKATOON, SASKATCHEWAN  
 (306) 931-6622



CLASSROOM ADDITION TO  
 WESTGATE ALLIANCE CHURCH  
 3315 CENTENNIAL DRIVE  
 SASKATOON, SASK.  
 SITE PLAN

SCALE 1 : 800  
 DRAWN: TDK  
 DATE: OCT. 2016  
 JOB NO.: 2016-24

SHEET  
A-1.1



**1** SITE PLAN  
 SCALE - 1:800



# Shaping Saskatoon

Bridging to Tomorrow... for a 21st Century City



## Community Engagement Summary Proposed Amendments to Rezoning by Agreement 3315 Centennial Drive

### Project Description

The Community Services Department has received a Rezoning Application to amend an existing Rezoning by Agreement at 3315 Centennial Drive. Property owners in Pacific Heights, specifically those within 75 metres of the subject site, have the opportunity to learn about the proposed development and the rezoning process, and have the opportunity to comment on the proposal and ask any questions that they may have.

### Community Engagement Strategy

Notices to property owners within a 75 metre radius of the subject site were sent out on January 4, 2017. Notices were also sent to the Pacific Heights Community Association, the Ward Councillor, and the Community Consultant.

The purpose of the notice was to inform, and consult with, the nearby residents and commercial business owners. Interested or concerned individuals were provided with an opportunity to learn more about the proposal and to provide perspective and comments for consideration.

### Summary of Community Engagement Feedback

Following introductory remarks of the rezoning process by City of Saskatoon staff, and an overview of the proposed rezoning by the applicant, a question and answer period and general discussion followed. The three attending members of the public were associated with the Westgate Alliance Church and had no concerns or comments on the proposal.

### Next Steps

All feedback from the public notification process will be summarized and presented as part of the report to the Municipal Planning Commission (MPC) and City Council.

Once this application has been considered by the MPC, a date for a public hearing will be set, and notices will be sent to property owners within 75 metres of the subject site and to the Pacific Heights Community Association. No other public engagement is planned.



ACTION	ANTICIPATED TIMING
Planning and Development Division prepares and presents to MPC. MPC reviews proposal and recommends approval or denial to City Council.	February 28, 2017
Public Notice – the Community Consultant, Ward Councillor, Community Association, and all residents were notified previously. An advertisement is prepared and placed in <u>The StarPhoenix</u> .	March 6 to 10, 2017
Public Hearing – public hearing conducted by City Council, with an opportunity provided to interested persons or groups to present. Proposal considered together with the reports of the Planning and Development Division, MPC, and any written or verbal submissions received by City Council.	March 27, 2017
Council Decision – may approve or deny proposal.	March 27, 2017

Prepared by:  
Jason Sick, Planner  
Planning and Development  
February 8, 2017

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## **Review of Sidewalk Cafe and Parking Patio Program – Proposed Amendments to Zoning Bylaw No. 8770**

### **Recommendation**

That a report be submitted to City Council recommending:

1. That the Municipal Planning Commission recommend to City Council that, at the time of the public hearing, the proposed amendments to Zoning Bylaw No. 8770 be approved; and
2. That the information regarding proposed amendments to the Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013 and proposed amendments to the parking meter hooding fees for parking patios be received as information.

### **Topic and Purpose**

The purpose of this report is to propose amendments to Zoning Bylaw No. 8770 relating to the regulation of sidewalk cafes and parking patios to provide further flexibility to business owners, while balancing the multiple interests and needs for use of the public right-of-way. A report will be forwarded to the Standing Policy Committee on Planning, Development, and Community Services on related changes to the Sidewalk Cafe Guidelines and Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013 and parking meter hooding fees for parking patios (information as been included in this report).

### **Report Highlights**

1. Updates to Zoning Bylaw No. 8770 (Zoning Bylaw), Use of Sidewalks, Boulevards and Parking Stalls Policy No. C09-013 (Vending Policy), and the Sidewalk Cafe Guidelines (Guidelines) are proposed to provide additional flexibility to restaurant owners.
2. Amendments to the Zoning Bylaw will allow sidewalk cafes and parking patios in a broader range of zoning districts, subject to review and approval on a site-by-site basis.
3. A report will be forwarded to the Standing Policy Committee on Planning, Development, and Community Services proposing:
  - a) Amendments to the Guidelines will allow sidewalk cafes and parking patios to extend across adjacent storefronts, and allow for parking patios in angled or nose-in parking spaces.
  - b) Changes to the parking meter hooding fee schedule for parking patios will reduce the cost of reserving parking spaces for a parking patio.
  - c) Amendments to the Vending Policy and Guidelines are required to address minor housekeeping matters.

## **Strategic Goals**

The recommendations support the City of Saskatoon's (City) Strategic Goals of Economic Diversity and Prosperity and Sustainable Growth by enhancing the overall image and economic vitality in Saskatoon's Business Improvement Districts (BIDs), and by establishing the City Centre as a cultural and entertainment hub.

## **Background**

In 2012, the Business License Section, Community Standards Division, assumed responsibility for the administration of mobile food vendors and sidewalk cafes to operate on the public right-of-way (ROW) within the various BIDs.

In January 2014, City Council approved amendments to the Vending Policy to accommodate temporary parking patios, which allow a sidewalk cafe to extend into on-street parking spaces. The implementation of this item was tied to a recommendation of the City Centre Plan.

The City Centre Plan encourages the seasonal, temporary conversion of public sidewalks and on-street parking spaces for outdoor dining opportunities. The sidewalk cafe and parking patio policies and regulations ensure that these uses contribute positively to the public realm while minimizing conflict between users.

The Business License Section receives all applications for sidewalk cafes and parking patios and conducts a review as part of the licensing process, which includes referral to multiple internal civic departments, as well as external agencies.

The program has been operating well, with 19 sidewalk cafes and two parking patios licensed in 2016. Enhanced communications between civic staff and business owners has assisted in ensuring operators understand and operate in compliance with all policies and regulations.

Feedback received from stakeholders on the regulations and licensing requirements related to sidewalk cafes and parking patios, as well as observations made by the Administration, prompted a review of the regulations with the objective of improving the overall function and success of the program.

## **Report**

### Updates will Provide Additional Flexibility to Business Owners

Updates have been identified to enhance the Sidewalk Cafe and Parking Patio Program and provide additional flexibility to restaurant owners. Should these be endorsed, amendments to the Zoning Bylaw, Vending Policy, and Guidelines will be required.

Zoning Bylaw Amendments Will Permit Sidewalk Cafes and Parking Patios in a Broader Range of Zoning Districts

Currently, the Zoning Bylaw permits sidewalk cafes and parking patios in the B5, B5B, B5C, and B6 zoning districts, which encompass much of the downtown and commercial cores of other BID areas. Parking patios and sidewalk cafes are prohibited in other commercial zoning districts where restaurants and other eating establishments are permitted, and where activity and vitality at the street level is either appropriate or explicitly encouraged. As such, it is recognized that the current approach is unnecessarily limiting.

Discussions with stakeholders were held to identify other zoning districts that would be well suited for these uses. Sidewalk cafes and parking patios impact the public ROW and surrounding areas differently, and therefore, separate provisions for each are proposed.

1. Permit sidewalk cafes as an accessory use to an approved eating establishment in all zoning districts, provided that the requirements of the Vending Policy and Guidelines are met.
2. Permit parking patios in the RA1 – Reinvestment Area 1 District (Warehouse District) and the MX1 – Mixed Use 1 District in addition to the B5, B5B, B5C, and B6 zoning districts.

In all cases, the Administration retains the ability, through its review process, to deny applications where a proposed sidewalk cafe or parking patio is considered to be unsuitable based on site-specific circumstances or safety considerations.

Attachment 1 outlines the proposed amendments to the Zoning Bylaw to accommodate the changes noted above.

Under a separate report to the Standing Policy Committee on Planning, Development, and Community Services, the following changes to the guidelines, policy, and meter hooding fees, will be proposed.

Allow Sidewalk Cafes and Parking Patios to Extend Beyond Business Frontage and Use Angled or Nose-In Parking Spaces

Currently, sidewalk cafes and parking patios are required to be located within the ROW area directly adjacent to the business storefront. It has been noted that parking spaces may span more than one storefront, or that it may be desirable to extend a sidewalk cafe beyond the storefront of the business to accommodate additional seating or ensure clear pedestrian walkways can be maintained. It is recommended that sidewalk cafes and parking patios be permitted to extend across the frontage of adjacent uses, with written permission from the neighbouring affected business owner(s).

Parking patios are currently permitted only in metered, parallel parking spaces. Stakeholders have raised concerns that this regulation restricts a number of restaurants from establishing parking patios as they are located on streets with angled or nose-in parking. It is recommended that the conversion of angled or nose-in or parking spaces for parking patios be permitted, subject to review and approval.

A copy of the proposed Guidelines, to accommodate these additional provisions, is contained in Attachment 2.

#### Reduce Meter Hooding Fees for Parking Patios

The provisions to allow establishment of parking patios have been in place for three years, and uptake from business owners has been lower than anticipated, with one parking patio established in 2014, and two in each 2015 and 2016. A common concern raised by the BIDs and business owners is that parking meter hooding fees are prohibitive, making the program unapproachable for many interested parties.

Currently, parking patios are subject to the general hooding fees established in the Meter Hooding Program. These fees have been designed for short-term revenue recovery, and therefore, are not well suited for parking patios. This program is currently under review with anticipated changes to the overall program and current fee schedules. In the interim, it is recommended that meter hooding fees for parking patios be altered. A summary of current and proposed parking meter hooding fees for parking patios is provided in Attachment 3. The alteration in rates and structure will result in an overall fee reduction of 38% for parking patios. This fee structure is well designed to incentivize parking patio operation while ensuring proper parking program support, and will be adopted into the future overall Meter Hooding Program.

#### General Housekeeping Amendments

General housekeeping amendments to both the Vending Policy and Guidelines are proposed to clarify provisions and update terminology as follows:

- clarification on the requirement to maintain a clear 2 metre pedestrian pathway around sidewalk cafes and parking patios;
- update of department names; and
- update the title of the Guidelines to include reference to parking patios.

A complete list of proposed revisions to the Vending Policy is provided in Attachment 4.

#### **Options to the Recommendation**

City Council may choose to deny the proposed amendments to the Zoning Bylaw and Vending Policy. This option is not recommended as both the stakeholders and the Administration have identified these policy updates to be essential to the improvement of the program.

### **Public and/or Stakeholder Involvement**

Meetings were held with the Executive Directors of the Downtown, Broadway, and Riversdale BIDs to discuss proposed amendments. The administrations from the Sutherland and 33<sup>rd</sup> Street BIDs were notified of the proposed amendments and offered additional information. The Transportation and Utilities Department, the Community Services Department, and the Saskatchewan Liquor and Gaming Authority were also consulted in the development of these recommendations.

### **Communication Plan**

The updated regulations will be provided on the City website and distributed to the BIDs, prospective business owners, and other interested parties.

### **Policy Implications**

If the corresponding recommendations of this report are approved, the Vending Policy will be updated as outlined.

### **Other Considerations/Implications**

There are no financial, environmental, privacy or CPTED implications or considerations at this time.

### **Due Date for Follow-up and/or Project Completion**

Pending City Council's approval, the zoning bylaw and policy amendments will be put in place immediately. The Sidewalk Cafe and Parking Patio Program will continue to be monitored and policy updates identified as needed. The Community Standards Division is currently reviewing the fee structure for the Temporary Reserved Parking program, and a detailed report outlining an updated meter hooding policy will be brought forward later in 2017.

### **Public Notice**

Public notice is required for consideration of the proposed amendment to the Zoning Bylaw, pursuant to Section 11(a) of Public Notice Policy No. C01-021. Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Public Notice Policy No. C01-021, and a date for a public hearing will be set. A notice will be placed in The Star Phoenix two weeks prior.

### **Attachments**

1. Proposed Amendments to Zoning Bylaw No. 8770
2. Proposed Amendments to Sidewalk Cafe Guidelines
3. Proposed Amendments to Meter Hooding Fees for Parking Patios
4. Proposed Amendments to Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013

### **Report Approval**

Written by: Chantel Riou, Planner, Community Standards  
Reviewed by: Andrew Hildebrandt, Director of Community Standards  
Lesley Anderson, Director of Planning and Development  
Approved by: Randy Grauer, General Manager, Community Services Department

**Proposed Amendments to Zoning Bylaw No. 8770**

**Permit Sidewalk Cafes and Parking Patios in a Broader Range of Zoning Districts**

Current:

**5.26 Sidewalk Cafes**

Sidewalk cafes may be permitted in association with an approved restaurant in a B5 or B6 district, subject to the City Right-of-Way Bylaw and the City's Sidewalk Cafe Guidelines.

Proposed:

**5.26 Sidewalk Cafes and Parking Patios**

Sidewalk cafes may be permitted in association with an approved eating establishment in any zoning district, subject to compliance with Streets Use Bylaw No. 2954, Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013, and the City's Sidewalk Cafe and Parking Patio Guidelines.

Parking patios may be permitted in association with an approved eating establishment in a B5, B5B, B5C, B6, MX1, or RA1 district, subject to compliance with Streets Use Bylaw No. 2954, Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013, and the City's Sidewalk Cafe and Parking Patio Guidelines.

## Proposed Amendments to Sidewalk Cafe Guidelines

**\*\*Please note that highlighted strikethroughs denote proposed removal and highlighted bolding denotes proposed changes/additions\*\***



Community Services Department  
Community Standards

### SIDEWALK CAFE **AND PARKING PATIO** GUIDELINES

The following guidelines establish requirements for the licensing and operation of Sidewalk Cafes and Parking Patios located on City of Saskatoon right-of-way (ROW). Applications must be submitted to the Community Services Department and must be approved prior to issuance of a Sidewalk Cafe or Parking Patio License. The Sidewalk Cafe Guidelines are intended to be used as a companion document to Bylaw No. 8770 (Zoning Bylaw) and Policy C09-013 (Use of Sidewalks, Boulevards and Parking Stalls – Vending). All laws and regulations, bylaws and resolutions governing right-of-way activity must be abided by, including Bylaw No. 2954 (Street Use Bylaw) and Bylaw No. 7200 (Traffic Bylaw).

#### 1.0 Definitions:

Boulevard – that portion of the right of way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk.

Parking Patio – a sidewalk cafe which has been extended to include the temporary conversion of designated parking stall (s) located on public streets.

Parking Stall – any portion of a parking area marked by one or more painted lines, number, meter, pole, sign or other device to indicate that it is intended for the parking of a vehicle.

Sidewalk – portion of the right-of-way designed and intended for or used by pedestrians.

Sidewalk Cafe - a group of tables and chairs and other accessories situated and maintained upon a public sidewalk or boulevard for the consumption of food and beverages sold to the public from, or in, an adjoining indoor **restaurant eating establishment**.

Street – a road, alley or other place designed and intended for or used by the general public for the passage of vehicles and pedestrians, but does include a parking lot, which is either privately or publicly owned.

#### 2.0 General Guidelines:

2.1 License Required: the operator of a Sidewalk Cafe or Parking Patio must apply for and obtain, annually, a Sidewalk Cafe or Parking Patio License prior to commencement of operations.

2.2 Existing Sidewalk Cafes: Businesses which are renewing their existing Sidewalk Cafe License will not be required to have their application reviewed by the agencies listed in Section 2.7,

provided the business has not changed ownership or the design of their Sidewalk Cafe has not changed from the previous year.

- 2.3 **License Fee:** No additional fee is charged with each license for the operation of a Sidewalk Cafe or Parking Patio; the license is considered an extension of the business' existing Commercial Business License.
- 2.4 **Parking Fee:** Parking Patios must pay all required parking fees through purchase of a meter hood(s) prior to the issuance of a license.
- 2.5 **License Conditions:** The operator shall agree to abide by the terms and conditions set forth in these guidelines, in addition to the regulations outlined in Policy C09-013 (Use of Sidewalks, Boulevards and Parking Stalls - Vending) and Bylaw No. 8770 (Zoning Bylaw). The General Manager of Community Services (or designate) reserves the right to cancel a Sidewalk Cafe or Parking Patio License upon 24 hours notice if the terms and conditions are violated.
- 2.6 **Information Requirements:** The applicant shall submit a site plan, drawn **accurately** to scale, which shows the delineated area of the proposed Sidewalk Cafe or Parking Patio and proposed location and placement of planters, awnings, tables, chairs, fences and all other accessories in relation to the public sidewalk and/or **public street** and to the indoor restaurant associated with it. The plan must indicate the location of utility poles, hydrants, bus shelters, parking meters, and any other utility or infrastructure related installations. The site plan must also clearly delineate pedestrian passage ways **and dimensions** as described in Section 3.8, 4.5 and 5.9 of these guidelines. **Plans which are not drawn accurately and to scale, or do not include all required information, will not be accepted.**
- 2.7 **Approval:** New Sidewalk Cafe applications (or those with changes from a previous year) and all new and pre-existing Parking Patios, will be referred to relevant agencies for review and approval. The applicant will be required to submit any missing or additional information required by the approving agencies. Once approval has been confirmed, the Sidewalk Cafe or Parking Patio license can be issued. All applications will be referred to the following agencies:
- a) Saskatoon Health Region;
  - b) Saskatoon Police Services;
  - c) Saskatoon Fire Department;
  - d) City of Saskatoon – Right-of-way Approval (Transportation and Utilities Department, Transportation);
  - e) City of Saskatoon – Neighbourhood Planning/Urban Design (Community Services Department, Planning and Development );
  - f) Business Improvement Districts (BIDs) - If the proposed Sidewalk Cafe or Parking Patio is located in a BID;

- g) Saskatchewan Liquor & Gaming Authority - If the proposed Sidewalk Cafe is to serve alcoholic beverages.

3.0 General Conditions of Approval:

- 3.1 Commercial Business License: The business must hold a valid City of Saskatoon Commercial Business License.
- 3.2 Insurance: A minimum of \$2,000,000 liability insurance is required for the operation of a Sidewalk Cafe or Parking Patio. This liability must indemnify the City of Saskatoon safe and harmless from any and all claims of injury to persons or damage to property attributable, in whole or in part, to the existence, location and operation of a Sidewalk Cafe or Parking Patio in the public right-of-way.
- 3.3 Performance: Sidewalk Cafes and Parking Patios shall contribute positively to the street activity and perception of the surrounding area. Inappropriate patron or staff behaviour or management practises or increases in calls for service from Police, Fire, or any other agency shall be grounds for immediate termination of the license.
- 3.4 Accessory Use: Sidewalk Cafes and Parking Patios shall be located adjacent to an existing restaurant and shall be considered an accessory use. **Sidewalk Cafes or Parking Patios must not extend across the frontage of adjacent uses. Where Sidewalk Cafes or Parking Patios are proposed to extend across the frontage of adjacent uses (neighbouring businesses) and/or temporarily convert on-street parking stall(s) adjacent to neighbouring businesses, written approval from the adjacent business owner must be provided. Proposed extensions beyond the frontage of the eating establishment are subject to approval from all approving authorities.**
- 3.5 Alcoholic Beverages: Alcoholic beverages may be served with food, provided the adjacent restaurant to which it is an accessory use is licensed to serve alcohol and the operator has received the approval of the Saskatchewan Liquor and Gaming Authority.
- 3.6 Hours of Operation: A Sidewalk Cafe or Parking Patio shall be operated for no longer than the operating hours of the principle use to which it is an accessory.
- 3.7 Waste & Storage: The Sidewalk Cafe or Parking Patio operator shall maintain the Sidewalk Cafe or Parking Patio area and the immediately adjacent area in a clean and safe condition at all times. Waste receptacles and work stations should be located along the building wall of the adjoining restaurant.
- 3.8 Pedestrian Pathway: A minimum clear passageway of not less than 2.0 metres for pedestrians shall be maintained **and free of between the curb (sidewalk cafes only) or** any physical obstructions such as utility poles, fire hydrants, bus shelters, parking metres, trees, **temporary signs, sandwich boards,** benches or garbage receptacles. **Tree grates must be in good condition and flush to the sidewalk surface if they are located within the 2.0 metre passageway.**

- 3.9 Screening: Visual screening may be allowed at the discretion of the Transportation and Utilities Department.
- 3.10 Umbrellas: Any umbrellas shall be located entirely within the approved Sidewalk Cafe or Parking Patio area.
- 3.11 Lighting: Any lighting of the Sidewalk Cafe or Parking Patio shall be of a temporary nature and shall not project onto adjacent properties.
- 3.12 Signs & Advertising: Any permanent signs or advertising within the Sidewalk Cafe or Parking Patio area require a Sign Permit and shall conform to the Sign Bylaw and Zoning Bylaw.
- 3.13 Furnishings: All tables, chairs and decorative accessories in the Sidewalk Cafe or Parking Patio should be constructed using weather resistant materials, and must be **arranged neatly and** fully contained within the approved Sidewalk Cafe or Parking Patio area **at all times**.
- 3.14 Removal of Improvements: Sidewalk Cafe or Parking Patio furnishings, fences, awnings, screens, signs, lighting and other Sidewalk Cafe or Parking Patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved Sidewalk Cafe or Parking Patio area and removed during the off-season or after the Sidewalk Cafe or Parking Patio ceases operation.
- 3.15 Utility Access and Infrastructure Improvements: The City of Saskatoon and public utility agencies retain the right of access to the approved Sidewalk Cafe or Parking Patio area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, sidewalks, streets or any other utility or infrastructure installation as necessary. In case of emergency, no notice may be given. For scheduled work, a minimum notice of 1 week will normally be given. Sidewalk Cafe or Parking Patio improvements shall be removed and reinstalled at the Sidewalk Cafe or Parking Patio operator's expense. **Sidewalk Cafe and Parking Patio operators shall ensure that drainage to catch basins remains unrestricted and that catch basins are kept clear of debris and refuse at all times.**
- 3.16 Electrical Vaults: A Sidewalk Cafe or Parking Patio or any portion of a Sidewalk Cafe or Parking Patio shall not be located above an underground electrical vault.
- 4.0 Additional Conditions of Approval – Sidewalk Cafes:
- 4.1 Fencing: Sidewalk Cafes may be fenced around the perimeter but fences shall not exceed 1 metre in height. Open fencing is preferred to solid fencing but fabric insert panels may be used. Any fencing located within 6 metres of an intersection shall not obstruct the vehicular view angles as determined by the Transportation and Utilities Department. **In some cases, fencing may be required at the discretion of the approving authorities.**
- 4.2 Awnings: The installation of awnings requires a Building Permit and shall conform to the requirements of the Building Bylaw (No. 7306).

- 4.3 Surface Treatment: All ground surface area within the approved Sidewalk Cafe area shall be hard surfaced with unit pavers, concrete or asphalt, whichever is consistent with the immediately adjacent areas. Indoor/outdoor carpeting may be used at the discretion of the Transportation and Utilities Department.
- 4.4 Landscaping: Landscaping of the Sidewalk Cafe is encouraged and must be of a temporary nature. Plant material must be contained within the approved Sidewalk Cafe area.
- 4.5 Access: The operator shall maintain an unobstructed walkway at a minimum width of 1.5 metres to the entrance of the building and entrance of the Sidewalk Cafe if relevant. The Sidewalk Cafe shall be wheelchair accessible.
- 4.6 Additional Regulations: The Community Services Department and Transportation and Utilities Department reserve the right to require additional regulations to ensure that safety regulations are met.
- 4.7 Denial: Not all sidewalks or locations are suitable for a Sidewalk Cafe. The Community Services Department maintains the right to refuse issuance of a Sidewalk Cafe license in instances where it is felt that a Sidewalk Cafe may impact public welfare or safety and/or constitute a nuisance.
- 5.0 Additional Conditions of Approval – Parking Patios:
- 5.1 Seasonal: A Parking Patio is permitted to operate seasonally from April 1<sup>st</sup> to October 31<sup>st</sup>
- 5.2 Designated Space: A Parking Patio must operate solely within the confines of the designated parking space(s). **A Parking Patio is not permitted in nose-in or angled parking. The use of nose-in or angled parking spaces for Parking Patios may be permitted, subject to review and approval.**
- 5.3 Separation: 6 metres must be maintained between the nearest edge of the Parking Patio and the nearest edge of any intersection, **crosswalk**, bus shelter or bus stop.
- 5.4 Barriers: **Concrete Barriers shall be approved by the Transportation and Utilities Department and be placed at both ends of the Parking Patio at the discretion of the Transportation and Utilities Department.** The **concrete** barrier that faces oncoming traffic must be angled in such a way that any potential impact will divert vehicular traffic onto the roadway and away from pedestrians.
- 5.5 Fencing: Fencing, no greater than 1 metre in height, is required around the perimeter of the Parking Patio. Fencing material shall be robust in nature as determined by the Transportation and Utilities Department.
- 5.6 Traffic Posts: Traffic glow posts must be placed along the length of the Parking Patio to alert traffic and to serve as a traffic calming measure. All traffic control devices (including fencing,

concrete barriers and traffic glow posts) must be contained within the approved Parking Patio area. All costs for traffic control devices are borne by the Parking Patio operator.

- 5.7 Surface Treatment: Any Parking Patio platform or decking must not be attached to the street, must be flush with the curb, and must allow proper drainage.
- 5.8 Landscaping: Landscaping of the Parking Patio is required and must be of a temporary nature. Plant material must be contained within the approved Parking Patio area.
- 5.9 Access: Access to the parking patio must be restricted to the sidewalk or boulevard. Parking Patios must be wheelchair accessible.
- 5.10 Additional Regulations: The Community Services Department and Transportation & Utilities Department reserve the right to require additional regulations to ensure that safety regulations are met.
- 5.11 Denial: Not all streets or locations are suitable for a Parking Patio. The Community Services Department maintains the right to refuse issuance of a Parking Patio license in instances where it is felt that a Parking Patio may impact public welfare or safety, result in a negative impact on the provision of on-street parking, and/or constitute a nuisance. The issuance of a Parking Patio license one year does not guarantee the issuance of a Parking Patio license in subsequent years.

### Proposed Amendments to Meter Hooding Fees for Parking Patios

The costs associated with reserving on-street metered parking spaces are currently established under the Meter Hooding Program, which was approved through a resolution of City Council. The Community Standards Division is currently reviewing the Meter Hooding Program with the intention of replacing it with an Administrative policy for temporary reserved parking (TRP) that will, among other items, propose changes to the current fees to bring them in closer alignment with actual costs of providing for reserved parking spaces (including administrative costs and loss of revenue for that parking space).

It is anticipated that the new policy will result in reduced fees for reserved parking spaces for parking patios, as outlined below. It is recommended that this revised fee schedule be adopted for immediate implementation and piloted for parking patios in 2017. The intention is to incentivize the program to business owners by reducing the financial burden.

Below are two examples that compare the fees applicable under the existing meter hooding to the fees being considered under the proposed TRP. All fees include GST. The proposed new fee structure would provide a reduction from current fees of approximately 38%.

#### **1. Reserving One Metered Space for Four Months: (e.g. a June 1 to Sept 31 Parking Patio)**

- 122 days total, of which 102 are days when meters are required to be paid;
- 26 metered days in the first month; and
- 76 metered days in the last three months.

<b>Charges</b>	<b>Current System (Meter Hooding Program)</b>	<b>Proposed System (TRP)</b>
Administrative Fee	<b>\$30.00</b>	<b>\$52.50</b>
1 <sup>st</sup> Month Variable Rate/Meter Recovery Rate	\$35.00 per day for 26 days = <b>\$910.00</b>	\$18.00 per day for 26 days = <b>\$468.00</b>
Subsequent Months Variable Rate/Meter Recovery Rate	\$25.00 per day for 76 days = <b>\$1,900.00</b>	\$16.20 per day for 76 days = <b>\$1,231.20</b>
<b>TOTAL</b>	<b>\$2,840.00</b>	<b>\$1,751.70</b>

**2. Reserving Three Metered Spaces for Six Months:  
(e.g. an April 1 to Sept 31 Parking Patio)**

- 182 days total, of which 158 are days when meters are required to be paid;
- 26 metered days in the first month; and
- 132 metered days in the last five months.

<b>Charges</b>	<b>Current System (Meter Hooding Program)</b>	<b>Proposed System (TRP)</b>
Administrative Fee	<b>\$30.00</b>	<b>\$52.50</b>
1 <sup>st</sup> Month Variable Rate/Meter Recovery Rate	\$35.00 per day for 26 days = \$910.00 X 3 spaces = <b>\$2,730.00</b>	\$18.00 per day for 26 days = \$468.00 X 3 spaces = <b>\$1,404.00</b>
Subsequent Months Variable Rate/Meter Recovery Rate	\$25.00 per day for 132 days = \$3,300.00 X 3 spaces = <b>\$9,900.00</b>	\$16.20 per day for 132 days = \$2,138.40 X 3 spaces = <b>\$6,415.20</b>
<b>TOTAL</b>	<b>\$12,660.00</b>	<b>\$7,871.70</b>

## Proposed Amendments to Use of Sidewalks, Boulevards and Parking Stalls – Vending Policy No. C09-013

\*\*Please note that **highlighted** strikethroughs denote proposed removal  
and **highlighted** bolding denotes proposed changes/additions\*\*

# CITY OF SASKATOON COUNCIL POLICY

NUMBER C09-013
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<b>POLICY TITLE</b> <i>Use of Sidewalks, Boulevards and Parking Stalls – Vending</i>	<b>ADOPTED BY:</b> <i>City Council</i>	<b>EFFECTIVE DATE</b> <i>May 2, 1988</i>
		<b>UPDATED TO</b> <i>June 9, 2014</i>
<b>ORIGIN/AUTHORITY</b> <i>Legislation and Finance Committee Reports 14-1988, 19-1988, 36-1988; and 4-1994; Administration and Finance Committee Report No. 9-1998; and Planning and Operations Committee Report 9-2014</i>	<b>CITY FILE NO.</b> <i>370-1</i>	<b>PAGE NUMBER</b> <i>1 of 7</i>

### 1. PURPOSE

To enhance the overall image and economic vitality of commercial areas through the provision of vending on public sidewalks, boulevards and on-street parking stalls.

### 2. DEFINITIONS

2.1 Approved Vending Cart Sites - sites determined by the Community Services Department to be appropriate for Vending on public Sidewalks.

2.2 Boulevard – that portion of the right-of-way that extends from the edge of the Street to the property line of the adjacent property, not including the Sidewalk.

2.3 Curb – the dividing line of the Street between the part of the Street intended for the use of vehicles and that intended for pedestrians whether marked with a curbstone or not.

2.4 Parking Patio – a Sidewalk Cafe which has been extended to include the temporary conversion of designated Parking Stall(s) located on public Streets.

2.5 Parking Stall – any portion of a parking area marked by one or more painted lines, number, meter, pole, sign or other device to indicate that it is intended for the parking of a vehicle.

# CITY OF SASKATOON COUNCIL POLICY

NUMBER  
C09-013

POLICY TITLE	EFFECTIVE DATE	UPDATED TO	PAGE NUMBER
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- 2.6 Sidewalk – portion of the right-of-way designed and intended for use by pedestrians.
- 2.7 Sidewalk Cafe - a group of tables and chairs and other accessories situated and maintained upon a public Sidewalk or Boulevard for the consumption of food and beverages sold to the public from, or in, an adjoining indoor **restaurant eating establishment**.
- 2.8 Street – a road, alley or other place designed and intended for use by the general public for the passage of vehicles and pedestrians, but does not include a parking lot, whether privately or publicly owned.
- 2.9 Vending Cart - stationary stands, kiosks, or mobile units such as hand carts that sell food and beverage items or wares and merchandise on public Sidewalks.
- 2.10 Vendor - any person(s) who owns and/or operates a Vending Cart, Sidewalk Cafe, or Parking Patio on public right of way.
- 2.11 Vending – engagement in the sale of beverages, food, and other approved products.

### 3. POLICY

Subject to the conditions of this policy, public Sidewalks, Boulevards and on-street Parking Stalls may be temporarily used for the purposes of the following:

- Vending Carts;
- Sidewalk Cafes; and,
- Parking Patios.

This policy does not apply to Vending from pedal powered or motorized vehicles.

This policy does not apply to private property, special events or festivals.

# CITY OF SASKATOON COUNCIL POLICY

NUMBER

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POLICY TITLE	EFFECTIVE DATE	UPDATED TO	PAGE NUMBER
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## 3.1 Location

- a) Vending on public Sidewalks, Boulevards, and Parking Stalls shall be permitted only on Approved Vending Cart Sites, as an approved Sidewalk Cafe, or as an approved Parking Patio.
- b) Approval of Vending Cart Sites, Sidewalk Cafes or Parking Patios shall be based on the following criteria:
  - i) There shall be no loading zone, taxi stand, accessibility ramp, bus stop or bus shelter at the Curb.
  - ii) There shall be a minimum of 3.0 metres (10 feet) between any portion of a Vending Cart and the Curb return.
  - iii) A minimum clear passageway of not less than 2.0 metres (6.5 feet) for pedestrians shall be maintained **and free of between the curb (Vending Carts and Sidewalk Cafes), or** any physical obstructions such as utility poles, fire hydrants, bus shelters, parking meters, trees, **temporary signs, sandwich boards,** benches or garbage receptacles. **Tree grates must be in good condition and flush to the sidewalk surface if they are located within the 2.0 metre passageway.**
  - iv) Vending Carts must allow a minimum of 1.5 metres (5 feet) of Sidewalk between private property (or any other obstruction) and the Vending unit, unless permission is granted from the Community Services Department and the owner of the applicable building or structure.
  - v) Sidewalk Cafes and Parking Patios are subject to the regulations set out in the City of Saskatoon's Sidewalk Cafe **and Parking Patio** Guidelines and Zoning Bylaw.
- c) The Vendor shall not conduct business in such a way as would restrict or interfere with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by fire, police or sanitation vehicles.

# CITY OF SASKATOON COUNCIL POLICY

<b>NUMBER</b> <i>C09-013</i>
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<b>POLICY TITLE</b>	<b>EFFECTIVE DATE</b>	<b>UPDATED TO</b>	<b>PAGE NUMBER</b>
<i>Use of Sidewalks, Boulevards and Parking Stalls - Vending</i>	<i>May 2, 1988</i>	<i>June 9, 2014</i>	<i>4 of 7</i>

- d) Neither the Vending Cart, nor any items relating to operation of the Vending business, shall lean against or hang from any building or other structure without permission from the owner of the applicable building or structure.
- e) To avoid unnecessary competition, Vending Carts shall not be located within 20.0 metres (65 feet) of any business (including another Vendor) which is selling similar products.
- f) Business Improvement Districts shall allocate Approved Vending Cart Sites to individual applicants in accordance with this policy.
- g) For those Approved Vending Cart Sites outside of Business Improvement Districts, the General Manager, Community Services Department shall allocate Approved Vending Cart Sites to individual applicants on a first-come, first-served basis.

### 3.2 Vending Cart Units

- a) Vending Cart units shall be of good quality and aesthetically pleasing in appearance. They shall not have any lights, sounds, or actions which could be a distraction for motorists and/or pedestrians.
- b) Vending Cart units must be approved by the Saskatoon Health Region.

### 3.3 Maintenance of Approved Vending Cart Sites, Sidewalk Cafes and Parking Patios

- a) The Approved Vending Cart Site, Sidewalk Cafe or Parking Patio shall be kept clear of all garbage and litter resulting from Vending operations.
- b) There shall be no permanent modifications made to the public right of way. Any damage to the Sidewalk, Boulevard, Street or other public structures resulting from Vending shall be repaired by the City and the costs paid by the Vendor.

# CITY OF SASKATOON COUNCIL POLICY

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POLICY TITLE	EFFECTIVE DATE	UPDATED TO	PAGE NUMBER
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c) Vending Carts, other than stationary stands or kiosks that have been secured against entry, must be removed from the Sidewalk when not in operation.

3.4 Insurance - minimum liability insurance of \$2,000,000 is required for each Approved Vending Cart Site, Sidewalk Cafe or Parking Patio.

3.5 Theft - the City of Saskatoon assumes no responsibility for any theft of property owned by the Vendor.

3.6 Licenses - all Vendors shall be required to obtain a license under The Business License Bylaw. Parking Patios must, in addition, pay all required parking fees through purchase of meter hood(s).

3.7 Indemnification - the Vendor shall save the City harmless of all activities undertaken by the Vendor.

3.8 Special Events and Festivals - unless otherwise determined by City Council, an individual licensed for an Approved Vending Cart site, Sidewalk Cafe, or Parking Patio shall also have authority to provide vending services at that site during special events.

3.9 Legislation - the Vendor must abide by all laws and regulations, bylaws and resolutions governing the vending operation and must satisfy all levels of government agencies (i.e. Saskatoon Health Region, Police Service etc.). Sidewalk Cafes and Parking Patios are subject to the City's Sidewalk Cafe **and Parking Patio** Guidelines.

3.10 Policy Compliance - the City reserves the right to withdraw Vendor privileges at any location for failure to meet one or more of the requirements outlined in this policy.

## 4. RESPONSIBILITIES

### 4.1 Board of Management, Business Improvement Districts

a) Administer applications for Approved Vending Cart Sites within Business Improvement Districts.

# CITY OF SASKATOON COUNCIL POLICY

NUMBER  
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POLICY TITLE	EFFECTIVE DATE	UPDATED TO	PAGE NUMBER
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- b) Submit requests for approval of Vending Cart sites to the General Manager, Community Services Department by March 1<sup>st</sup> of each year.
- c) Ensure Vendors comply with the terms and conditions of this policy (and any additional conditions specified by the Board of Management) for those Approved Vending Cart Sites within Business Improvement Districts.
- d) Provide notification of approval to the General Manager, Community Services Department for Vending Carts, Sidewalk Cafes and Parking Patios within Business Improvement Districts.

## 4.2 General Manager, Community Services Department

- a) Determine and/or approve sites appropriate for Vending on public Sidewalks, Boulevards and Streets.
- b) Administer applications and allocate Approved Vending Cart Sites in accordance with this policy for all sites other than those within Business Improvement Districts.
- c) Administer applications and approve Sidewalk Cafes and Parking Patios in accordance with this policy, the Sidewalk Cafe **and Parking Patio** Guidelines, and the Zoning Bylaw.
- d) Ensure Vendor compliance with conditions of this policy.
- e) Assume responsibilities identified in Section 4.1 until such time as the Business Improvement District is in a position to do so.
- f) Ensure all Vendors are licensed.
- g) Collect all license fees.

# CITY OF SASKATOON COUNCIL POLICY

NUMBER  
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POLICY TITLE	EFFECTIVE DATE	UPDATED TO	PAGE NUMBER
<i>Use of Sidewalks, Boulevards and Parking Stalls - Vending</i>	<i>May 2, 1988</i>	<i>June 9, 2014</i>	<i>7 of 7</i>

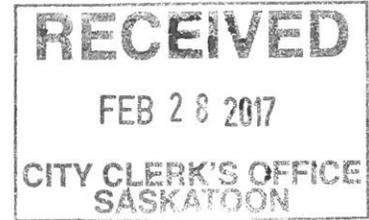
4.3 General Manager, **Transportation and Utilities Department Community Services Department**

- a) Allocate parking meter hoods to Parking Patios and collect all respective parking fees.

4.4 City Council

- a) Approve amendments to this policy.

**From:** City Council  
**Sent:** February 27, 2017 11:27 PM  
**To:** City Council  
**Subject:** Form submission from: Write a Letter to Council



Submitted on Monday, February 27, 2017 - 23:27  
Submitted by anonymous user: 142.165.228.28  
Submitted values are:

Date: Monday, February 27, 2017  
To: His Worship the Mayor and Members of City Council  
First Name: Curtis  
Last Name: Olson  
Address: 518 17th Street West  
City: Saskatoon  
Province: Saskatchewan  
Postal Code: S7M5X9  
Email: curtis@shiftdevelopment.com  
Comments:

My comments are directed towards the Municipal Planning Commission for the Tuesday, February 28, 2017 meeting discussing the following item:

7.4 Review of Sidewalk Cafe and Parking Patio Program

Ms. Braden and members of the Municipal Planning Commission,

In 2015, I hired an architect to design a multi-stall parking patio to be installed in front of my properties located at 220, 224 and 228 20th Street West. In that process, we ran into an extensive number of issues related to design approval (specifically CPTED interpretation), patio placement and permitting costs that ultimately made our project uneconomic to build. As such, I communicated my suggestions for improvement to administration and have waited for 2 years to see what changes would be proposed before investing any further time or money to pursue this idea.

I am strongly supportive of the proposed changes to add flexibility via expanded zoning districts, extension in front of neighbouring properties and changes to simplify design requirements. This is a small step in the right direction of the city "getting out of the way" of business owners to let them take up the torch and run with the idea.

That said, I believe the parking patio fees, even at the reduced level that is proposed, are still exceptionally high and present the single largest obstacle to seeing greater uptake on this program. My opinion is that the fees for parking patios should be the same as what is used for a sidewalk cafe: \$0.

The meter hooding fee of \$35/day, which is the basis of parking permit fees, is offered as a premium service to contractors so that it is only utilized when absolutely necessary. It is not a rate that encourages its usage. Given that Riversdale currently generates on average \$6.50/day/parking stall, the hooding rate is a 5X premium over parking revenue. At the proposed discounted rate, the fees are still proposing to charge businesses nearly 3X what is generated by parking in Riversdale.

The administration is looking through too narrow of a lens. I would argue that if a single parking stall that serves a single driver at a time is replaced with a patio that can serve 10-15 people at a time, that the city won't see a loss but rather a gain in parking revenue...it's just that people are parking around the corner in an otherwise vacant stall. The assumption that the city is experiencing a "loss" of parking revenue is erroneous.

Even if fees are waived completely, as I've suggested, there is still extensive investment of time and money required by the businesses to build, maintain and remove the parking patios seasonally. When I finalized the budget for our parking patio in 2015, it was going to be financially difficult to justify the capital investment into building the patio, but it was the permit fees that put the nail in the coffin.

The city's goal of animating downtown and business districts will happen if the city simply gets out of the way of business owners and gives them an economic opportunity to work with. And today that means taking a broader view on parking patios, treating them the same as sidewalk cafe's, and eliminating the fee structure altogether.

Unfortunately, I am not able to attend the MPC meeting in person so I hope that my comments have been useful. If the proposed changes go forward to the Council Committee I will bring my comments in person to share with the city councillors.

Best regards,  
Curtis Olson

The results of this submission may be viewed at:  
<https://www.saskatoon.ca/node/398/submission/152085>

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## Land Use Applications Received for the Period from December 14, 2016 to January 11, 2017

### Recommendation

That the information be received.

### Topic and Purpose

The purpose of this report is to provide detailed information on land use applications received by the Community Services Department for the period from December 14, 2016, to January 11, 2017.

### Report

Each month, land use applications are received and processed by the Community Services Department; see Attachment 1 for a detailed description of these applications.

### Public Notice

Public notice, pursuant to Section 3 of Public Notice Policy No. C01-02, is not required.

### Attachment

1. Land Use Applications

### Report Approval

Reviewed by: Lesley Anderson, Director of Planning and Development

Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2017/PD/Land Use Apps/PDCS – Land Use Apps – January 30, 2017/ks

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## Land Use Applications Received for the Period from December 14, 2016 to January 11, 2017

The following applications have been received and are being processed:

### Discretionary Use

- Application No. D1/17: 131 and 133 Avenue O South  
Applicant: Stewart Property Holdings Ltd. and  
Sanctum Care Group  
Legal Description: Lots 8, 9, and 23, Block 32, Plan No. F5554,  
Extension 41  
Proposed Use: Boarding house for ten people  
Current Zoning: R2 District  
Neighbourhood: Pleasant Hill  
Date Received: January 5, 2017

### Subdivision

- Application No. 64/16: 307 – 108<sup>th</sup> Street West  
Applicant: Webb Surveys for Stein Electric 2008 Ltd.  
Legal Description: Lot 7, Block 7, Plan No. G773  
Proposed Use: To create separate lots for a duplex under  
construction  
Current Zoning: R2  
Neighbourhood: Sutherland  
Date Received: December 7, 2016
- Application No. 65/16: 3803 Millar Avenue  
Applicant: Webb Surveys for Matrix Equities Inc.  
c/o Triovest  
Legal Description: Part of Lot 1, Block 931, Plan No. 101932545  
Proposed Use: To obtain approval for a long-term lease agreement  
for a proposed restaurant  
Current Zoning: IL1  
Neighbourhood: Marquis Industrial  
Date Received: December 20, 2016
- Application No. 66/16: 103, 107, 111, 119, 123, 127, 131, and 135  
Nightingale Road  
Applicant: Compass Geomatics for City of Saskatoon  
Legal Description: Lots 1 to 9, Block 226, Plan No. 102183601  
Proposed Use: Consolidation of nine lots to create a  
multi-family site  
Current Zoning: RMTN  
Neighbourhood: Kensington  
Date Received: November 29, 2016

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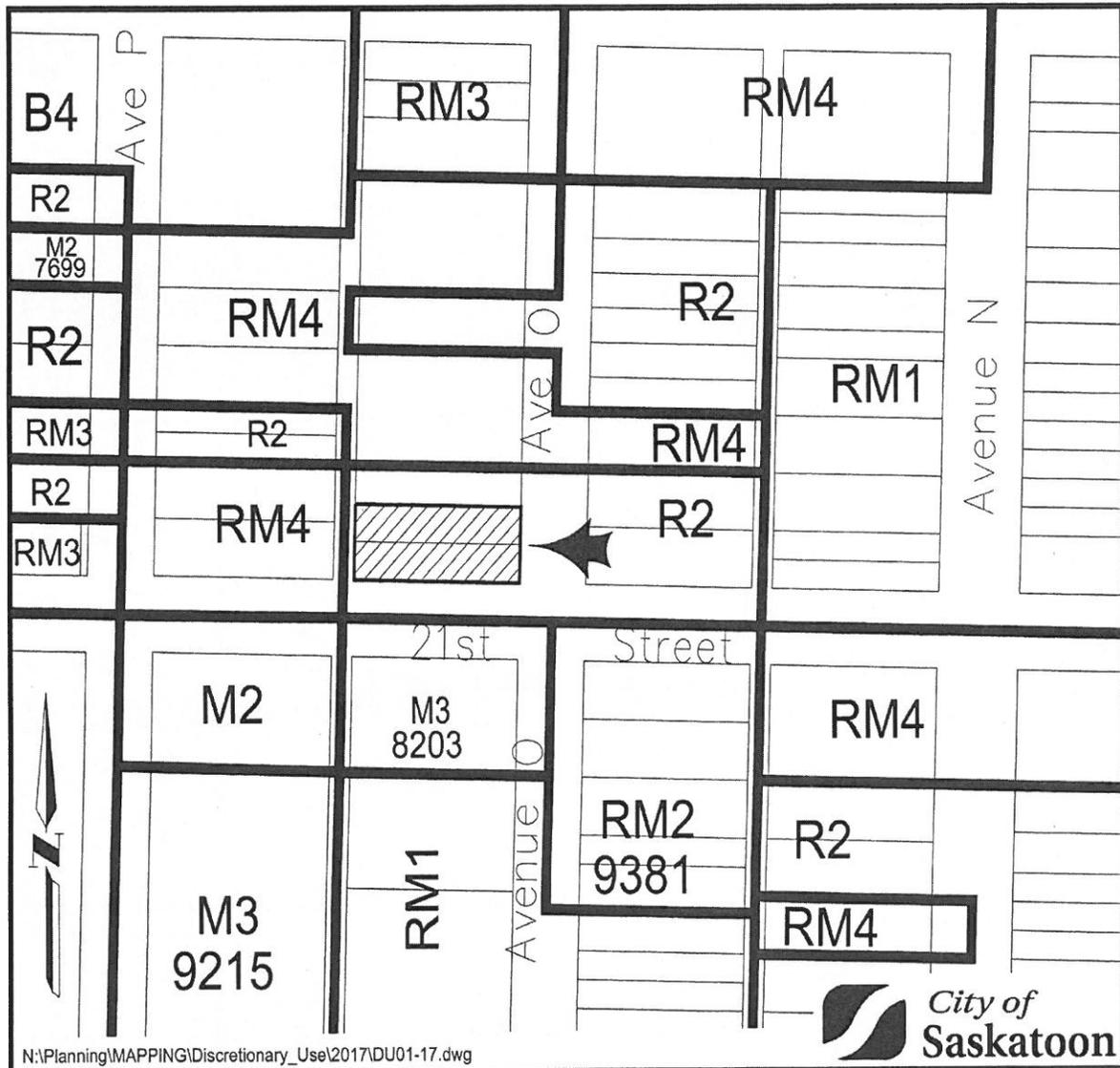
## Subdivision

- Application No. 67/16: 1403 Prince of Wales Avenue  
Applicant: Larson Surveys Ltd. for 607609 Sask. Ltd.  
(Laterza Construction)  
Legal Description: Lot 16, Block 2, Plan No. I196  
Proposed Use: Two houses with separate titles  
Current Zoning: R2  
Neighbourhood: North Park  
Date Received: December 23, 2016
- Application No. 1/17: Taylor Street East  
Applicant: Meridian Surveys Ltd. for Casablanca Holdings Inc.  
Legal Description: Part of NW ¼, 17-36-4 W3M  
Proposed Use: Creation of a new parcel for condominiums  
Current Zoning: RMTN  
Neighbourhood: Rosewood  
Date Received: January 3, 2017

## Attachments

1. Plan of Proposed Discretionary Use No. D1/17
2. Plan of Proposed Subdivision No. 64/16
3. Plan of Proposed Subdivision No. 65/16
4. Plan of Proposed Subdivision No. 66/16
5. Plan of Proposed Subdivision No. 67/16
6. Plan of Proposed Subdivision No. 1/17

Plan of Proposed Discretionary Use No. D1/17





PLAN OF PROPOSED  
SURFACE LEASE OF  
PART OF  
LOT 1, BLOCK 931,  
PLAN NO 101932545  
NE 1/4 SEC 21-37-5-3  
3803 MILLAR AVENUE  
SASKATOON, SASK.  
SCALE 1:1000

Proposed Subdivision No. 65/16

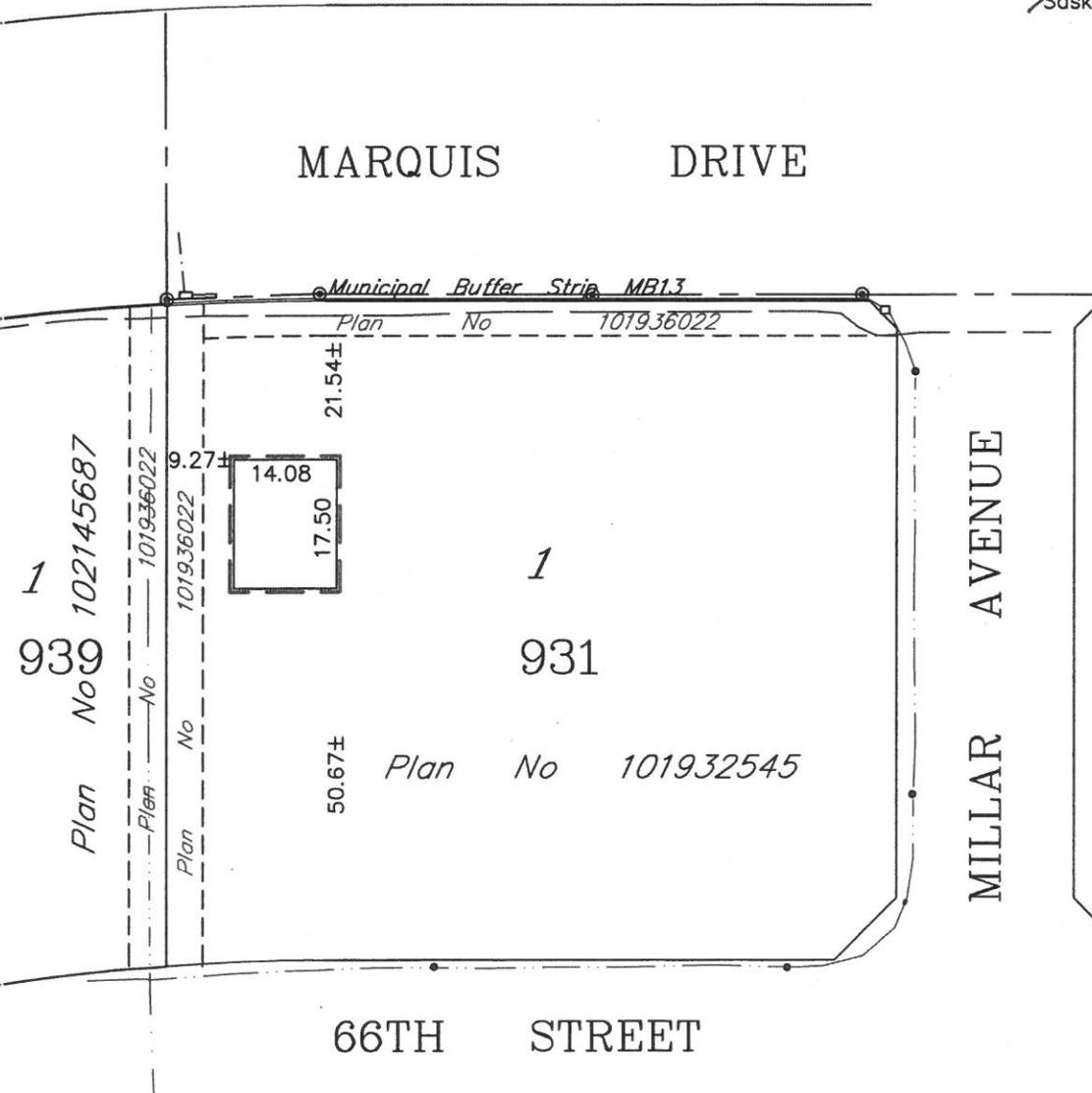
Dimensions  
thereof.

Portion of this plan to be approved is outlined in red with a bold, dashed line and contains 246.4± sq m (2652± sq ft.).

Dimensions shown are approximate and may differ from the final plan of survey by 0.1± metres.

  
B.J. Luey November 8<sup>th</sup>, 2016  
Saskatchewan Land Surveyor

Seal



- Buried Gas Line
- Buried Electrical Line
- Overhead Electrical Line
- Buried Phone Line

Approved under the provisions of  
Bylaw No. 6537 of the  
City of Saskatoon

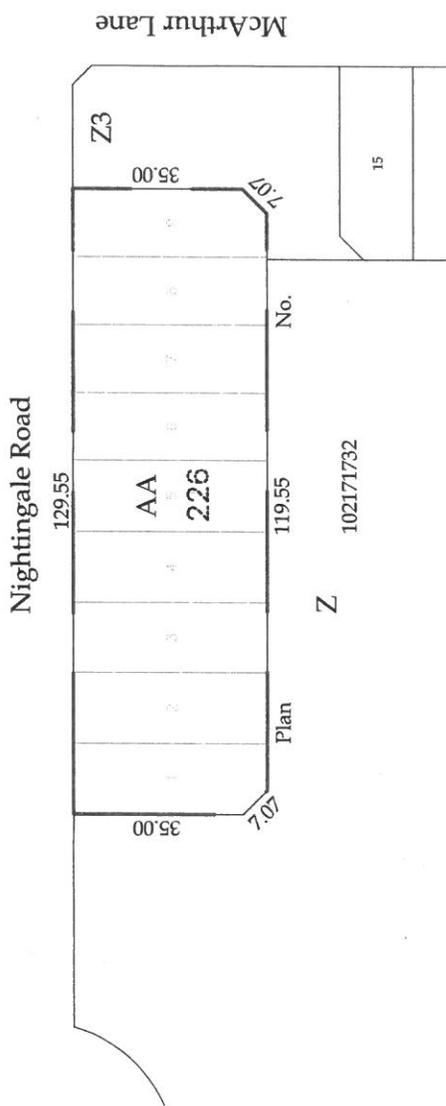
\_\_\_\_\_  
Date  
Community Services Department

1  
930  
Plan No 101932545

Prepared by  
  
Webb Surveys  
16-3053st CAS

**PLAN SHOWING  
PROPOSED CONSOLIDATION**

OF  
 LOTS 1-9, BLOCK 226, PLAN NO. 102183601  
 N.W.1/4 SEC. 35  
 TWP. 36 RGE. 6 W.3 MER.  
 CITY OF SASKATOON  
 SASKATCHEWAN  
 NOVEMBER, 2016  
 SCALE 1:1000



Examined By: SASKATOON LAND

Developer \_\_\_\_\_ Date \_\_\_\_\_

Examined By: CITY OF SASKATOON

General Manager \_\_\_\_\_ Date \_\_\_\_\_  
 Community Services Department

Approved under the provisions of Bylaw No. 6537 of the City of Saskatoon.



Dated at Regina in the Province of Saskatchewan  
 This 28th day of November, 2016.

Blake Wahl  
 Saskatchewan Land Surveyor



NOTES:  
 MEASUREMENTS ARE IN METRES AND DECIMALS THEREOF.  
 AREA TO BE APPROVED IS OUTLINED WITH A HEAVY DASHED LINE AND CONTAINS APPROXIMATELY 0.52 HECTARES.  
 DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO CHANGES UP TO ±10M AT THE TIME OF LEGAL SURVEY.  
 PARCEL DIMENSIONS WILL NOT GO BELOW THE MINIMUM ALLOWED BY ZONING.

**DISCLAIMER**  
 THIS PLAN REPRESENTS THE BEST INFORMATION AVAILABLE AT THE TIME OF SURVEY. THE SURVEYOR ACCEPTS NO LIABILITY FOR THE LOCATION OF ANY UNDERGROUND PIPE FACILITIES, WHETHER SHOWN OR OMITTED FROM THE UTILITY COMPANIES SASKPOWER, SASKENERGY, SASKTEL, AND CONTACTED PRIOR TO THE SURVEY FOR ANY INFORMATION UNDERGROUND FACILITIES. THAT INFORMATION IS SHOWN, HOWEVER AN ADDITIONAL SEARCH FOR MORE SPECIFIC BURIED ALL RESOURCES MUST BE PERFORMED JUST PRIOR TO CONSTRUCTION. SASKATCHEWAN FIRST CALL 1-866-826-4

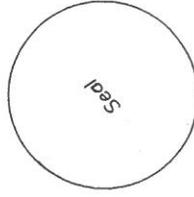
Saskatoon  
 Plan of Proposed Subdivision  
 of Lot 16, Block 2,  
 Reg'd Plan No. 1196  
 in the S.W. 1/4 Sec. 3,  
 Twp. 37, Rge. 5, W.3 Mer.  
 Saskatchewan  
 by Howard A. Larson, S.L.S.  
 2016

Scale 1:300

Measurements are in metres  
 Area to be subdivided is outlined thus - - - - -

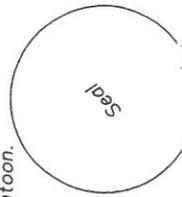
November 15, 2016

*Howard A. Larson*  
 Saskatchewan Land Surveyor

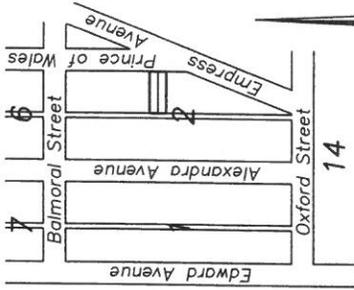


Approved under the provisions of Bylaw  
 number 6537 of the City of Saskatoon.

Community Services Department



Larson Surveys Ltd., Sask



1403 Prince of Wales Avenue

Empress Avenue

Lot 7 Reg'd	4.57	Lot 14 Plan	15.24
Lot 6		Lot 15a Plan	7.62
		No. 101928708	38.10
Lot 5a	2	Lot 16a Reg'd Existing buildings to be demolished	7.62
		Lot 16b Plan	7.62
Lot 5		Lot 17	38.10
	4.57	Lot 18	1196
Lot 4a No.			



## **UPDATE ON REPORTS TO COUNCIL**

The Chair will provide an update on the following items, previously considered by the Commission, and which were considered by City Council at its meetings held on February 27, 2017:

1. Discretionary Use Application – Parking Station – 1304 22<sup>nd</sup> Street West