

Description of Changes to the Main Streets Overlay

This attachment sets out the proposed amendments to the Main Streets Overlay.

Structure of the Overlay and Application of Regulations

The regulations of the Overlay, while easy to apply to new developments, do not function effectively when reviewing applications for alterations to existing buildings or sites.

For example, an existing building may have been built with a setback greater than one metre requirement. Under existing regulations, a variance would have to be granted for the location of the existing building, even if the application is to upgrade its exterior. Other challenging requirements for existing buildings built prior to the Overlay include the location of parking and vehicle access points.

In order to reduce variances for alterations to existing buildings, Administration proposes to refine the application of the Overlay to specify which regulations apply to new development and which apply to alterations to existing buildings. Applying appropriate regulations to existing buildings undergoing changes can help deliver reinvestment to existing buildings which can contribute to more attractive and pedestrian focused streets, while reducing procedural complexity.

During the circulation of a draft of this report, a representative of the Garneau Community League flagged concerns about what regulations would apply to additions of height and floor area to existing buildings. Administration has made changes to Section 819.3(1) to ensure new additions to existing buildings are subject to all the development regulations of the Overlay.

Mixed Use Development

At present, most of the underlying commercial zones, such as the (CB1) Low Intensity Business Zone, have a cap on the amount of apartment housing that can be provided. In order to encourage mixed use, Administration added a new clause to the Overlay which eliminates any floor area ratio maximums limiting Apartment Housing from being developed. Coupled with the existing Overlay provisions that grant height and floor area ratio increases for (CNC) Neighbourhood Commercial and (CB1) Low Intensity Business zoned properties located on arterial roads, the changes will boost opportunities for vibrant mixed use main street and transit areas and support transformational change in these areas.

In response to concerns of the 109 Street Community Leagues, an area specific regulation has been proposed that would grant height and floor area ratio increases only if developments incorporate residential units as part of a mixed

use development. This approach will create an incentive for the provision of mixed use development in specific areas identified in the 109 Street Area Redevelopment Plan.

Setbacks and Stepbacks

Current Overlay regulations require a six metre setback from properties with low density residential uses, and general Zoning Bylaw regulations prevent this space from being used for any parking, storage, or loading facilities. The proposed amendments retain the six metre setback for buildings greater than 12 metres in height, while allowing for parking, loading, storage and trash collection within this setback provided there is a 1.5m landscape buffer. This means that these activities can be located closer to residential sites compared to the underlying zone, however a required 1.5 metre buffer has been added to mitigate potential impacts. This allowance for use of the setback area allows more efficient use of land that supports compact development.

Based on feedback at Urban Planning Committee, and the written submission of the Garneau Community League representative, these setback requirements have been adjusted in the 109 Street area. Where a commercial site abuts a low density residential property, the required six metre setback will not be reduced, regardless of the height of the building, and parking, loading, storage, or other site activities will not be permitted within this setback.

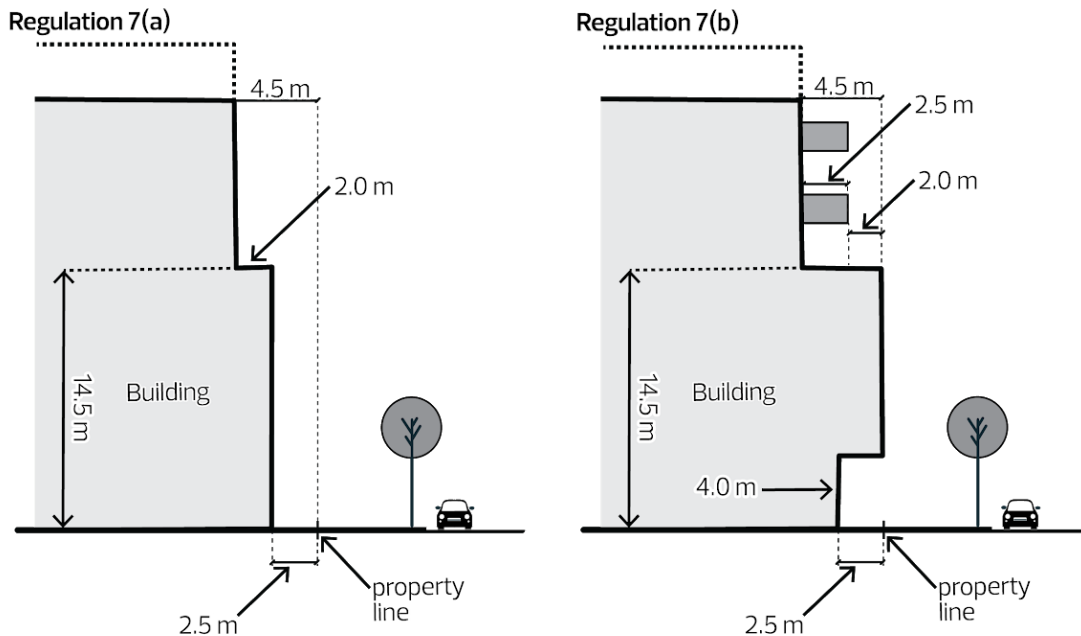
Administration included flexibility to reduce the required setback based on building height. Outside of the 109 Street area, where a building is 12 metres or less, the required six metre setback is reduced to three meters to be consistent with the (CNC) Neighbourhood Convenience Commercial Zone and (CB1) Low Intensity Business Zone. This ensures that lower scale development is not held to a higher setback requirement in the Overlay area compared to other areas of the city. Similar to sites with a six metre setback, up to 1.5 metres of this setback area could be used for parking, loading, storage and trash collection provided there is a 1.5 metre landscaped buffer to provide screening. This represents a decrease in landscaping area compared to the underlying zone.

The current Overlay regulations also require portions of a building above 8.9 metres to stepback one metre along any property lines facing a low density residential use. Administration conducted shadow and visual impact analysis to inform recommended amendments to the stepback requirements of a commercial development.

The proposed amendments add additional options for building articulation to reduce the perception of massing while creating more design flexibility. These include stepbacks, projections or recessions of the building façades, projecting architectural features, or projecting or recessed platform structures. These

design elements will not apply to the 109 Street area, and instead a 2.5 metre stepback above 8.9 metres in building height will be required for buildings abutting low scale residential development.

Following conversation at Urban Planning Committee, Administration examined the implications of requiring a 4.5 metre setback, rather than stepback, at the front of the building above 14.5 metres in height in instances where a building is set further back from the property line than one metre. Administration's analysis found that, even if a building was setback to the allowable maximum of 2.5 metres at grade, a two metre wide stepback would still be provided to create a visual break in the massing of the building. In order to provide a true reduction in massing, a regulation has been added to prevent the projection of platform structures into the two metre stepback space. The ultimate outcome would be comparable to what would result from a 4.5 metre stepback with an allowance for 2.5 metre platform structure projection. This is illustrated in the diagram below.



Limits to Bars and Neighbourhood Pubs

The previous Pedestrian Commercial Shopping Street Overlay included a regulation which prevented Development Officers from allowing larger bars and nightclubs. This regulation was removed as part of the Main Streets Overlay as larger bars and nightclubs were already discretionary uses in the underlying

zones. This regulation was in effect for the entire area where the Pedestrian Commercial Shopping Street Overlay was in effect. Based on the direction provided by the 109 Street Area Redevelopment Plan to not allow larger establishments in proximity to low density residential properties, and following direction from Urban Planning Committee, Administration has reintroduced the size limitation for Bars and Neighbourhood Pubs and Nightclubs from the Pedestrian Commercial Shopping Street Overlay into the 109 Street specific development regulations. Nightclubs and Bars and Neighbourhood Pubs for this area will be limited in size to no greater than 240 m² of public space.

Notification Requirement

Currently when there is a proposed variance to the Main Streets Overlays, a Development Officer must circulate information to a specified set of neighbouring property owners, Community Leagues, and Business Improvement Associations prior to rendering a decision and wait 21 days for responses. This notification is intended to be an opportunity for surrounding stakeholders to share information that can help inform the Development Officer's decision. The Development Officer must then send another notification to the same property owners after their decision is made and wait an additional 21 days to allow the opportunity for appeal before the permit becomes valid.

Administration examined the outcomes of advanced notification prior to the Development Officer's decision as part of the Urban Form and Corporate Strategic Development August 28, 2017, report CR_4851, *Text Amendment to Zoning Bylaw 12800 - Updating the Process for Notification of Variances to Regulations in Six Overlays*. Administration reviewed 570 notification responses that were completed and signed by neighbours within notification areas between November 2015 to May 2016. Of the 570 completed responses, only eight percent of people contacted through the process provided any input beyond a brief statement of neutrality or support. Only three percent of respondents commented on land use impacts that could inform the Development Officer's decision. Community stakeholders have flagged that the low response rate is related to the poor quality of information that is provided in these notices.

The current notification process leads to considerable delays in the development permit processing time. Combined with the appeal notification requirement for all variances, this leads to six weeks of time in application processing for notices alone.

Administration had initially proposed to remove the 21 day notification requirement for development permit applications with variances to the Overlay prior to the Development Officer making their decision. This recommendation was based on an analysis of responses received through previous pre-notification processes, and the existence of a second 21 day notification

requirement after the Development Officer has made their decision. Community members expressed concern that the low response was a result of poor communication and complex information including in the notices, rather than a lack of interest.

Following discussions at the January 29, 2019, Urban Planning Committee meeting, Administration was directed to retain these requirements in the updated Overlay, which is reflected in the proposed changes being advanced. This is retained and applicable for the entire Overlay, including the 109 Street Area.

Privacy Screening for Rooftop Terraces

Representatives from the 109 Street Community Leagues identified rooftop terraces on commercial buildings as creating noise and overlook concerns for neighbouring residential properties. In response to these concerns, Administration has added a new development regulation to the Overlay to require privacy screening where the location of the rooftop terrace faces an abutting residential property.

Reducing Impacts of Vehicle-oriented Uses

The Main Streets Overlay is designed to shift away from vehicle-oriented development to focus on pedestrian interaction with the street. The current Overlay has a regulation addressing drive-through windows but does not address other vehicle oriented uses, such as gas bars or queueing spaces.

Administration has strengthened the development regulations governing vehicle-oriented development, requiring that these uses be located at the rear or to the sides of buildings facing a main street, and that all parking structures be screened from view and designed to minimize the interaction between pedestrians and vehicles. The regulations also stipulate that no new vehicle drive aisle or parking areas be added between existing buildings and the adjacent sidewalk.

Glazing Requirement Reduction

The Main Streets Overlay contains a development regulation requiring all developments to have 70 percent clear glazing at ground level. This requirement is consistent with the Transit Oriented Development Guidelines and helps deliver safety, overlook, and interest for pedestrians walking along the city's main streets. While this requirement works for new developments, it can be difficult for existing buildings to meet as they may have been constructed using building practices that did not provide for as much glazing. To address this issue, a subclause has been added to reduce the 70 percent requirement to 50 percent for development permit applications for changes to existing buildings. This will reduce barriers to reinvestment in existing buildings while maintaining a sufficient amount of clear, non-reflective glazing for main street developments.

Overlay Area of Application

Administration has prepared a number of changes to the Overlay's boundaries based on stakeholder feedback and direction from Urban Planning Committee. Wording has also been added to clarify that, whether within the boundaries of the Overlay or within transit areas, the Overlay applies only to commercially zoned properties.

Include the Eastern Portion of 82 Street, North of the Yellowhead

The application of the Overlay along 82 Street is consistent with existing City policy to establish a pedestrian oriented shopping street in each quadrant of the city. Recent development permit patterns also show that removing the Overlay pending the completion of other planning exercises such as City Plan could lead to a number of building projects in the next two to three years that would reinforce the existing auto-oriented nature of the street and make future changes more challenging. Administration is proposing to apply the Overlay along the east side of 82 Street to support further main street commercial development along both sides of 82 Street.

Add the Overlay to Commercial Parcels at the South End of 109 Street

A few commercial properties that are within the 109 Street Area Redevelopment Plan were inadvertently omitted from the original boundaries, these include the commercial parcel located in the meridian of 109 Street and 61 Avenue as well as the gas station located on the south east side of 61 Avenue and 109 street intersection. A previous residential property was rezoned to the (CNC) Neighbourhood Convenience Commercial Zone along 109 Street and did not include the application of the Overlay. In order to deliver consistent treatment of commercial properties along 109 Street, and align with the 109 Street Corridor Area Redevelopment Plan, the proposed changes add these properties to the boundaries of the Overlay.

Add the Overlay to Commercial Parcels at the North End of 109 Street

The commercial properties located on the north side of 88 avenue west of 109 Street have been included into the Overlay at the request of the Garneau Community League representative. In addition the triangular parcel of land on the east side of 109 street, south of Saskatchewan Drive will also be included into the Overlay.

Remove the Residential Zones Along 109 Street, South of Whyte Avenue and Along 82 (Whyte) Avenue West of 109 Street

The 109 Street Community League representatives requested that residentially zoned properties with the 109 Street Area Redevelopment Plan be removed from the Overlay. Administration considered potential outcomes of this approach and did not identify any adverse impacts to removing the Overlay from these areas.

The parking reductions available to residential properties within the Main Streets Overlay also apply to areas within 150 metres of a Transit Avenue. As 109 Street is an identified Transit Avenue, the parking reductions for residential uses will remain, even if the Main Streets Overlay does not.

Remove the Overlay Entirely from 111 Street Between 68 Avenue and 65 Avenue

Following discussion and the motion passed at Urban Planning Committee, Administration has removed the Main Streets Overlay from the portion of the Parkallen Community along 111 Street. If these sites are redeveloped under existing zoning, there is potential for less pedestrian-oriented development to occur.

Include the northern portion of the parcels located on the northwest corner of 76 Street and 101 Avenue

This large urban service zoned parcel was only partially included into the Overlay previously. The inclusion of this parcel means that the Overlay does not split zone a specific site.

Other Changes

Removing Reference to Section 54

At present, the Overlay contains a reference that states parking must be in accordance with Section 54 1(C). Section 54 similarly notes that Schedule 1(C) applies to the ‘boundaries shown in the Main Streets Overlay Section 819.2.’ This cross reference is redundant and Administration subsequently recommends removing the provision in the Overlay.

Accessibility Standards and Entrances

There are currently two regulations in the Overlay governing entrance and accessibility requirements which are meant to provide direct access to commercial units from abutting public roadways. These two regulations are very similar in nature and have been combined for clarity. The new regulation requires that universal access is maintained, but allows for greater flexibility in design. Rather than being required to have direct, step free access from the street, the new regulation would allow the use of ramps or other barrier free designs.

Sign Regulations

Administration has moved the development regulations for signs into its own new subsection. This is to clarify which regulations should be considered when reviewing sign permit applications. The proposed changes clarify that the height of signs is to be measured from the ground to the top of the sign. A minor update has been provided to add more flexibility for the location of signs in relation to

entrances, as well as clarifying wording to direct which regulations apply to certain sign types.

Interpretive Diagrams

Administration has added a number of interpretive diagrams to better communicate more complex regulations. These are intended as aids to understanding rather than separate regulations.