

## Attachment 8: Draft Zoning By-law Amendment

1. The following sections of Zoning By-law 438-86 do not apply to any building or structure to be erected or used within the *West Queen West Triangle Lands*:
  - Section 4 (2) (a) (i), (ii) and (iii)
  - Section 4 (3) (a)
  - Section 8(2) 5(ii)
  - Section 8(2) 7 (a)(ii) B
  - Section 8(3)(1)
  - Section 8(3)(2)
  - Section 8(3)(3)
  - Section 8 (3) Part II 4.(c)
  - Section 8Part XI 2
2. The following definitions in Section 2 of Zoning By-law 438-86 shall be replaced by the definitions in Section 15 of this exception:
  - i.. *artist live/work studio*;
  - ii. *grade*; and
  - iii.. *height*;
3. District Map No. 49H-311 contained in Appendix ‘A’ of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law, from I1 D2 and MCR T3.0 C1.0 R2.5 to MCR T3.0 C1.0 R2.5.
4. No development is permitted unless a minimum non-residential density of 0.5 times the area of the lot is provided.

For the purpose of calculating the minimum non-residential density, non-residential uses are as defined in the chart in Section 8(1)(f)(b)except:

  - i) densities relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this exception:
    - a) uses listed in the chart in Section 8 (1) (b) )vii) of Zoning By-law 438-86 under the heading “Automobile-Related Uses”;
    - b) park;
    - c) *public park*;
    - d) *public playground*;
    - e) *open air market*;
    - f). *market gardening*;
    - g) *bicycle parking spaces*; and
    - h) *parking spaces*.
5. Notwithstanding Section 8 (1) (a) of Zoning By-law 438-86, all of the uses of the MCR zone are permitted on the site with the following additional qualifications:

- i. automobile-related uses listed in Section 8 (1) (b) vii) of Zoning Bylaw 438-86 are not permitted
- ii. a *club* is not permitted;
- iii. the following light industrial uses are permitted:
  - a. *custom workshop*; and
  - b. *designer's studio*;
- iv. no residential uses are permitted unless appropriate measures are taken to meet noise, vibration and safety requirements relating to the rail corridor, to the satisfaction of the Chief Planner.
- v. a *retail store or showroom* is permitted provided the total *non-residential gross floor area* of any one such establishment does not exceed 465 square metres.
- vi. a *restaurant, take-out restaurant or café-bakery* is permitted provide the total *non-residential gross floor area* of any one such establishment does not exceed 300 square metres.
- vii. in conjunction with the following uses, a patio is only permitted if it is less than 40 square metres:
  - a. *concert hall*;
  - b. *place of amusement*; and
  - c. *place of assembly*.

## 6. **USES AT GRADE**

- 1. No person shall erect or use a building or structure for any purpose unless:
  - i. *street related retail and service uses* are provided;
  - ii. at least 60 percent of the aggregate width of any building facades facing onto Queen Street West is used for *street-related retail and service use* at the main floor level of the building;
  - iii. a minimum of one entry per 15 metres of frontage be provided along the Queen Street West frontage;

## 5. **BUILDING ENVELOPES AND MAXIMUM HEIGHTS**

- 1. Notwithstanding the “Height and Minimum Lot Frontage” Maps 49G-321 and 49G-322 contained in Appendix ‘B’ of Zoning By-law 438-86, as amended, no person shall erect or use a building or structure on the lands shown on Map 1 unless any portion of such building or structure located at or above ground is erected within the heavy lines shown on Maps 2 and provided the following paragraphs are complied with:

- i) No person shall erect or use a building or structure on the lands shown on Map 1, having a greater height in metres than the height limit specified by the numbers following the symbol “H” as shown on Map 2 that form part of this by-law;
- ii) Despite paragraph i) above, no building elements shall exceed the height limits on Map 2 except a stair tower and/or elevator enclosure provided:
  - a. the maximum height of the top of the stair tower and/or elevator is no higher than the sum of 3.0 metres and the applicable height limit; and
  - b. the combined area of the stair tower and/or elevator enclosure does not exceed 30 square metres; and
  - c. the stair tower and/or elevator enclosure is not located within 3.0 metres of the adjacent outside face of an exterior wall.
- iii) Notwithstanding ii) above, no person shall, on the lands identified on Map 1, erect a building or structure above finished ground level closer to a lot line than the heavy lines indicated on Map 2 except:
  - a. stairs (excluding stairs providing access to underground areas), landscape features, and wheelchair ramps; and
  - b. the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	ADDITIONAL QUALIFICATIONS
A. eaves, cornices, ornamental elements, architectural details,	Beyond the heavy lines shown on Map 2	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle inward over the lot from 13 metres above the north property line of the Queen Street West right-of-way
B. uncovered platform that is <i>landscaped open space</i> and is less than 1.2m above finished grade	Beyond the heavy lines on the Maps 2	2.5 metres from the wall to which it is attached	(I) not permitted between the building and either Queen Street West or Gladstone Avenue
C. porch (covered platform) that is <i>landscaped open space</i> and is less than 1.2 m above finished grade	Beyond the heavy lines on the Maps 2	2.5 metres from the wall to which it is attached	(I) not permitted between the building and either Queen Street West or Gladstone Avenue
D. canopy	Beyond the heavy lines on	2.5 metres from the wall	(I) must comply with the angular plane rising at a 45

	the Map 2	to which it is attached	degree angle from 13 metres above the north property line of the Queen Street West right-of-way
E. fences, safety railings and wind mitigation structures	Beyond the heavy lines shown on Map 2		(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (II) if within 1.2 m of grade, height of fence or safety railing not to exceed 1.2 metres above finished ground level
F. balconies	Beyond the heavy lines on the Map 2	0.45 metres from the wall to which it is attached	(I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (III) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 50% of the length of that façade at that <i>storey</i>
G. bay windows	Beyond the heavy lines on Map 2	0.45 metres from the wall to which it is attached	((I) must comply with the angular plane rising at a 45 degree angle from 13 metres above the north property line of the Queen Street West right-of-way (II) width of bay window, as measured where the window joins the wall, not to exceed 3.0 metres (III) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 50% of the length of that façade at that <i>storey</i>

- (iv) No building or structure shall be erected which does not have:
- a a minimum first *storey* floor-to-floor height of 3.6 metres;

- b. a minimum stepback of 2.0 metres on the east and south sides of the building, at a *height* between 12.0 metres and 14.0 metres;
- (v) No person shall erect a building or structure abutting Queen Street West unless the building or structure is erected such that one or more of its walls abutting Queen Street West:
  - a. is built to the Build-To Line shown on Map 2 for at least 80% of the frontage onto Queen Street West with a minimum building *height* of 12 metres at the Build-To Line.
- (vi) All parts of any building or structure must be located within a northward 45 degree angular plane rising from a line located at a height of 13 metres above the south property line. Where the angular plane is more restrictive than any other building envelope provisions of this exception, the angular plane provisions will prevail;
- (vii) Notwithstanding (vi) above, the parapet above the 4<sup>th</sup> storey may rise to 13.4 metres;
- (viii) No person shall erect or use a building or structure any part of which is located closer than 11 metres to a wall of a building on the same lot, excluding exterior walls which form an angle of 90 degrees or greater to each other on a horizontal plane.
- (ix) No person shall erect or use a building or structure with windows from residential dwelling units which are closer than 5.5 metres to a property line which is not a *street* line, unless:
  - a. the window or windows are from a kitchen or bathroom;
  - c. the window or windows are at an angle of 90 degrees or greater to the property line.
- (x) No person shall on any lot erect or use any building or any portion thereof for any use unless:
  - (i) the main floor is located no less than 0.2 metres below or 0.2 metres above *grade*;
  - (ii) the main floor level has a depth of not less than 6 metres measured from the main front wall of the building and a width of at least 60% of any street frontage of the building or frontage onto a publicly accessible area of the building;
  - (iv) all exterior entrance doors, other than service entrance doors, which provide access to a non-residential use within the building, shall be directly accessible from the public sidewalk or the publicly accessible landscaped

open space opposite the door by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%); and

- (xi) No person shall erect or use a structure having more than one basement or floor level below or partly below grade containing dwelling units.

## 8. PARKING

1. Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law 438-86, as amended:
- i) a minimum number of parking spaces for residents shall be provided and maintained on the lot for residential uses according to the following table:

Unit type	Minimum parking spaces
Bachelor Unit	0.3 per unit
1 Bedroom Unit	0.7 per unit
2 Bedroom Unit	1.0 per unit
3 or more Bedroom Unit	1.2 per unit
<i>affordable</i> Bachelor Unit	0.1 per unit
<i>affordable</i> Unit with 1 or more Bedrooms	0.3 per unit
<i>live/work unit</i>	1.0 per unit
<i>artist live/work studio</i>	0.3 per unit

- ii) a minimum of 0.12 *parking spaces* per unit for visitors to the residential portion of the building shall be provided and maintained on the *lot*. These visitor *parking spaces* shall:
- a. be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the residential portion of the building; and
- b. be equally available to visitors of all residents of the site;
- c. all driveways or passageways leading from the street to visitor parking facilities shall have the way there designated by means of clearly visible signs.
- (iii) pursuant to (i) above, up to 10% of the *parking spaces* required by subsection i) may be *small car parking spaces*.
- (iv) for each on-site *car-share parking space* required in relation to *dwelling units which are not affordable dwelling units* and which are provided on the *lot*, the minimum resident parking required by (i) above shall be reduced by 5 *parking spaces*. The maximum reduction permitted by this means shall be limited to no more than 25% of the required resident parking. If after not less than a period of 3 years following the date of registration of the last condominium or the date of occupancy of the last rental unit, the car-share operation fails to be sustainable, to the

satisfaction of the Chief Planner, such spaces shall revert as follows:

- a) 51% of any such spaces shall be provided and maintained on the site as a residential visitor parking space for the exclusive use of residential visitors to the site and signed as such and equally available to all residents of the site; and
  - b) 49% of any such spaces shall be provided and maintained as a resident parking space, for the exclusive use of residents of the site
3. Notwithstanding Section 4(13)(a) of Zoning By-law 438-86, as amended, the minimum requirement for bicycle parking shall be as described in Section 4(13) but the requirement:
    - (i) shall not include *bicycle parking spaces* provided within individual storage lockers.

#### **10. RESIDENTIAL AMENITY SPACE**

1. Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended, residential amenity space shall be provided as follows: a minimum of 2 square metres per dwelling unit of indoor residential amenity space shall:
  - (i) be located in a multi-purpose room or contiguous multi-purpose rooms;
  - (ii) contain a kitchen and a washroom; and
  - (iii) shall be adjoining and directly accessible to at least 10 square metres of outdoor amenity space, which may include a balcony.

#### **10. HOUSING MIX**

1. Any development containing residential *dwelling units* which are not *affordable dwelling units* shall provide:
  - i) a minimum of 25 percent of residential *dwelling units* having 2 or more bedrooms;
  - ii) a minimum of 10 per cent of residential *dwelling units* having 3 or more bedrooms; and
  - iii) a minimum of 80 per cent of residential *dwelling units* at the main floor level, excluding artist live/work studios, to have 2 or more bedrooms.

#### **14. SITE SERVICING**

*[Standard wording from Legal Department is required in relation to site servicing for this site]*

#### **15. DEFINITIONS**

All italicized words and expressions in this exception have the same meanings as defined in By-law No. 438-86 with the exception of the terms *artist live/work studio*, *grade*, *height*, and *street-related retail and service uses*.

The following definitions either replace the definitions listed above or provide definitions for new terms:

*affordable* shall mean, when used in relation to a dwelling unit, that the dwelling unit is the subject of an agreement between the City and the owner, registered on title, that the unit will be rented at no more than 1.0 times the CMHC average rate for dwelling units of similar type for a period no less than 20 years from the date of first occupancy of the unit;

*artist live/work unit* shall mean a studio for the production of art containing a habitable room or room(s) and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at no more than 0.8 times the CMHC average rate for dwelling unit of similar size for a period of no less than 20 years from the date of first occupancy of the unit and inhabited only by a working artist and his or her household;

*car-share* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis

*car-share parking space* means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;

*grade* shall mean 91.40 metres above sea level, which is the average elevation of the sidewalk at the corner of Gladstone Avenue and Queen Street West;

*height* shall mean, the vertical distance between *grade* and the highest point of the structure, including but not limited to such elements as parapets, guard rails and screens;

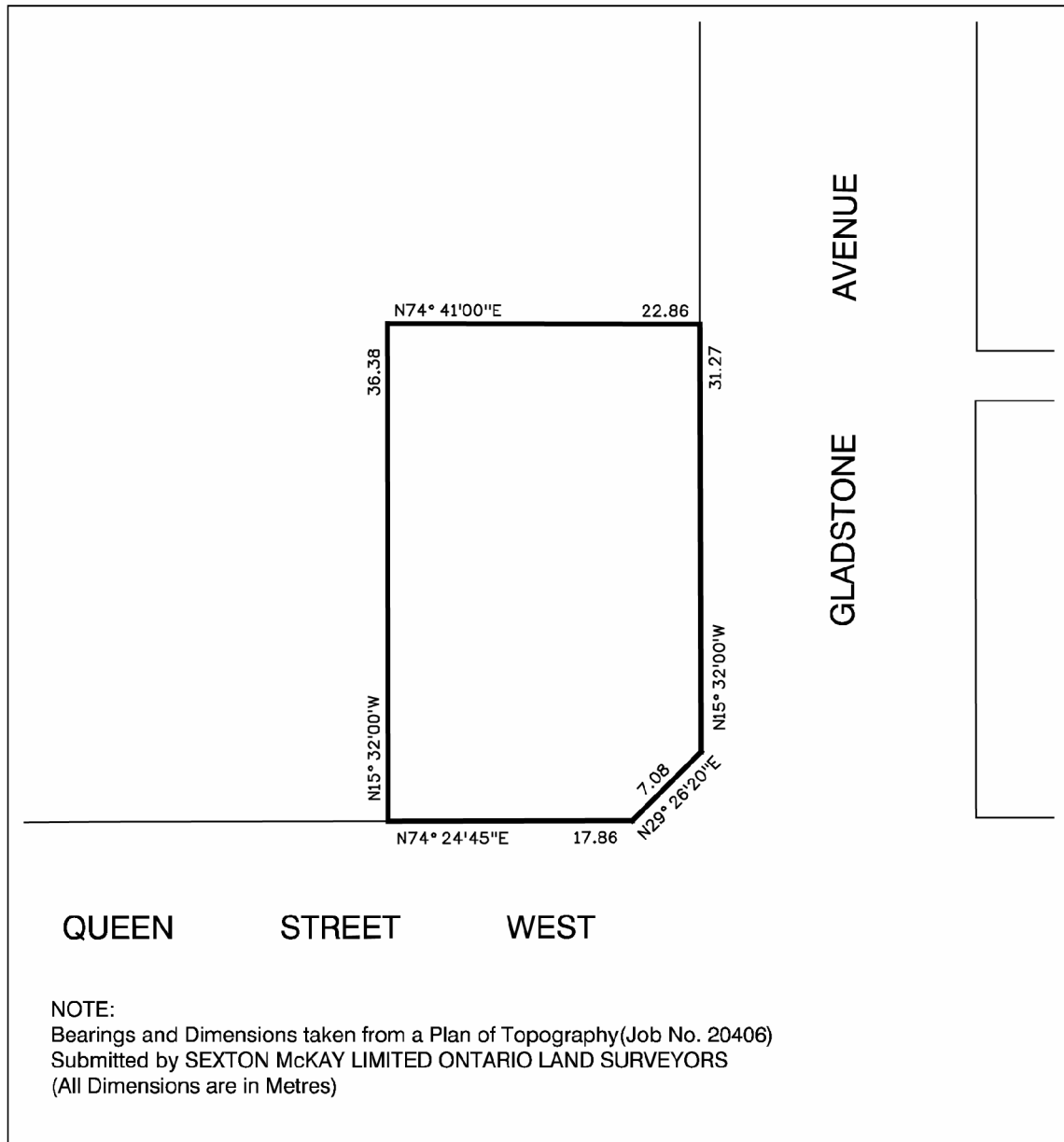
*lot* shall mean the parcel of land known municipally as 2 Gladstone Avenue in the year 2006 and identified on Map 1

*small car parking spaces* shall mean a *parking space* having a minimum unobstructed area 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, except the width of the parking space shall be:

- a. 2.7 metres wide where there is an obstruction on one side of the space; or
- b. 3.1 metres wide where there are obstructions on both sides of the space.



**16.** Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division occurred.



[illegible]

— — PROPERTY LINES