

Zoning By-law Site Specific Modifications – Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone

Provision	Required	Requested Amendment	Analysis
Section 2: Interpretation			
2.5 f) Lot Consolidation <i>**Applicant requested modification</i>	Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones.	That the lands be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall only apply to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.	The proposed development has been reviewed comprehensively and the regulations and modifications address the development as a whole. The applicant has indicated that future severances are likely which would complicate the application of the zoning regulations as a result of eliminating the internal lot lines from zoning review. The proposed modification will result in simple and clear implementation and interpretation of the applicable regulations and can be supported.
Section 3: Definitions			
Stacked Townhouse Dwelling <i>**Staff recommended modification</i>	Undefined in Zoning By-law 05-200	Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.	A modification is required to the Definitions section to define block townhouse dwelling, maisonette dwelling and stacked townhouse dwelling, whereas Zoning By-law No. 05-200 does not contain definitions for these uses. While it is proposed to add/modify the definitions in By-law 05-200, at the time of preparation of this report these changes have not been considered by Planning Committee, as such, and in the absence of definitions for the above uses, block townhouse, maisonette and stacked townhouse dwellings have traditionally met the definition of a Multiple Dwelling. The proposed units are not typical and do not meet the definition of either a street townhouse dwelling or a multiple dwelling. Staff consider it appropriate to provide definitions for these uses to provide clarity and ensure unit type variety. Given the above, this modification has merit and can be supported.

<p>Front lot line definition</p> <p><i>**Applicant requested modification</i></p>	<p>With reference to a corner lot, shall mean the shorter of the lot lines abutting a street, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line”</p>	<p>Barton Street East to be considered the front lot line.</p>	<p>The subject property is a corner lot and contains frontage on three streets, being Barton Street East, John Street North and Catharine Street North. Given the definition, the John Street North frontage (40.49 metres) would be defined as the front lot line. For the purposes of this development and the implementation of the zoning regulations, the Barton Street East frontage (48.02 metres) functions as the front line.</p> <p>The modification is technical in nature and can be supported.</p>
<p>Section 10.5a Mixed Use Medium Density – Pedestrian Focus (C5a) Zone</p>			
<p>Permitted Uses</p> <p><i>**Applicant requested modification</i></p>	<p>N/A</p>	<p>To add Block Townhouse Dwelling, Maisonette Dwelling, Multiple Dwelling and Stacked Dwelling</p>	<p>The added residential uses are only permitted if 75% of the Barton Street East street line is occupied by a commercial use. The intent of the C5a Zone is to create an animated, active streetscape along pedestrian oriented streets. The proposed restriction ensures that the Barton Street East street line is developed with a commercial use and allows the rear portion to develop as low density residential.</p>
<p>Restricted Uses</p> <p><i>**Staff recommended modification</i></p>	<p>N/A</p>	<p>Block Townhouse Dwelling, Maisonette Dwelling, Multiple Dwelling and Stacked Dwellings shall only be permitted on a lot where a commercial use occupies more than 75% of the Barton Street East street line.</p>	<p>The proposed uses are in keeping with the surrounding area and allow for the development of an alternative housing form at a scale and character that is appropriate.</p> <p>As a restricted use, staff can support the additional residential uses in the C5a Zone where the prime retail street frontage is developed as a retail use.</p> <p>Therefore, the proposed modification can be supported.</p>

Regulations for Block Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings and Stacked Townhouse Dwellings			
Maximum Building Setback from a Street Line <i>**Staff recommended modification</i>	N/A	3.0 metres	<p>The C5a Zone establishes a maximum 3.0 metre setback from a street line for all permitted uses. The modification is required because of adding new uses not already considered by the C5a Zone.</p> <p>Therefore, the proposed modification is consistent with the requirements of the C5a Zone and can be supported.</p>
Maximum Rear Yard Setback <i>**Staff recommended modification</i>	N/A	0.9 metres	<p>The C5a Zone establishes a minimum 7.5 metre rear yard setback for permitted uses. The intent of the regulation is to provide a buffer from the commercial land uses to abutting residential areas. Given the irregular lot configuration there are three rear lot lines each functioning as a side yard condition. The proposed minimum 1.5 metre setback will allow for access and maintenance. With regard to privacy and overlook no windows are proposed and no overlook will occur into the amenity areas of the adjacent single detached dwellings.</p> <p>As such, staff are satisfied that the proposed minimum 1.5 metre rear yard setback will provide sufficient area for access and maintenance and will not have any negative impact on the privacy of adjacent residential dwellings.</p> <p>Therefore, the proposed modification can be supported.</p>
Minimum Side Yard <i>**Staff recommended modification</i>	N/A	3.0 metres	<p>The C5a Zone establishes a minimum 7.5 metre side yard setback when abutting a Residential or Institutional Zone or residential use. The modification is required to establish a minimum setback for the proposed residential uses.</p> <p>The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes. A 3.0 metre side yard setback is required along the westerly</p>

			<p>side line abutting Blocks D1 and D2 (see Appendix “G” to Report PED19060). Concerns regarding privacy and overlook have been addressed with a minimum side yard setback of 3.0 metres, additionally no balconies are proposed on the westerly facades of Blocks D1 and D2. The 3.0 metre side yard allows for additional buffer area, increased landscaping opportunities and provides sufficient area for access and maintenance.</p> <p>A 0.9 metres side yard is required for Stacked Townhouse Dwellings (Blocks A and C on Appendix “G” to Report PED19060) and will provide adequate area for access and maintenance.</p> <p>Staff are of the opinion that the proposed side yard setback will not pose any adverse impacts on the adjacent property to the west. As a result, this modification has merit and can be supported.</p>
<p>Built Form for New Development</p> <p><i>**Staff recommended modification</i></p>	N/A	<p>For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines.</p> <p>No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.</p>	<p>These regulations apply to all permitted uses in the C5a Zone. Staff has recommended these regulations be carried forward to apply to the residential portion of this property.</p> <p>The modification is technical in nature, has merit and can be supported.</p>

<p>Minimum Amenity Area</p> <p><i>**Staff recommended modification</i></p>	N/A	8.6 square metres per unit.	<p>The C5a Zone does not include a provision for Amenity Area as independent residential uses are not permitted. Staff has added a modification to require Amenity Area to be provided at a rate of 8.6 square metres per unit to address the type of dwelling units being proposed and to ensure that adequate amenity area is provided to the residents of the proposed development. The applicant has revised the concept plan (attached as Appendix “G” to Report PED19060) to include the provision of both private and communal amenity area at a rate of 8.6 square metres per unit. The increase reflects the different dwelling unit types and the need for additional amenity area.</p> <p>The modification meets the policy of the Setting Sail Secondary Plan in that it provides a mixture of both private and communal amenity area and can be supported.</p>
<p>Parking</p> <p><i>**Staff recommended modification</i></p>	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.	1 per unit plus 0.22 per unit for visitor parking	<p>The proposed parking standard is an increase to the provisions of Section 5 of Zoning By-law 05-200. Additional consideration was given to the need to provide visitor parking on site given the residential development at the rear of the property. On street parking in the area is moderately to heavily parked. Providing on-site visitor parking will reduce the demand of on-street parking in the surrounding area.</p> <p>Therefore staff are of the opinion that the additional provision for visitor parking is appropriate and can be supported.</p>
<p>Parking Space Size</p> <p><i>**Applicant Requested modification</i></p>	<p>Council Approved **</p> <p>Minimum 3.0 m in width and 5.8 m in length</p> <p>2.8 m in width and 5.8 m in length in parking structure</p>	2.6 m in width and 5.5 m in length	<p>While the original application sought a rezoning in Zoning By-law No. 6593, the applicant proposed parking stall sizes in accordance with the standards of Zoning By-law No. 05-200. A formal consultation application was submitted in May of 2017, at which time the parking standard was 2.6 metres by 5.5 metres. Given that the application maintained the parking space sizes discussed throughout the process a modification can be supported that implements the regulations that were in</p>

	Within a parking structure an unobstructed parking space width shall be increased by 0.3		effect at the time of the Formal Consultation application. Therefore, the modification is appropriate and can be supported by staff.
Maximum Building Height <i>**Applicant Requested modification</i>	N/A	14.0 metres	Staff has amended the application to implement a 14.0 metre maximum building height to ensure that residential development is compatible with the surrounding residential area. The proposed maximum building height complies with the Secondary Plan and is in keeping with the height permissions of the surrounding “D” District zoning. Staff are of the opinion that the added height restrictions provides assurances to the surrounding residential properties that the proposed development will be in keeping with the surrounding neighbourhood and support the modification.
Minimum Bicycle Parking Requirements <i>**Staff recommended modification</i>	N/A	10 short term bicycle parking spaces	Staff has amended the application to include the provision for short term bicycle parking on-site. The additional provision for short term bicycle parking provides active transportation options and is appropriate given the residential development.
Modifications to Section 10.5a.3			
Minimum Side Yard <i>**Applicant requested modification</i>	7.5 metres abutting a Residential or Institutional Zone or a lot containing a residential use.	1.4 metres	The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes. The adjacent property to the west contains a three storey multiple dwelling that is approximately 16.5 metres from the common property line. Further a surface parking lot is located between the multiple dwelling and the dwelling. Staff are of

			<p>the opinion that the proposed building will not pose any adverse impacts on the adjacent property to the west.</p> <p>With respect to drainage and maintenance, staff are of the opinion that sufficient area exists to accommodate maintenance on the five storey building and drainage from the building.</p> <p>As a result, this modification has merit and can be supported.</p>
<p>Maximum Building Height</p> <p><i>**Applicant requested modification</i></p>	22.0 metres	<p>15.3 metres</p> <p>Any building height above 15.3 metres may be equivalently increased as the step back is increased, to a maximum of 21.0 metres.</p>	<p>The intent of this provision is to minimize the impact of buildings on adjacent properties / areas with respect to sun shadowing, overlook and ensure that an appropriate scale for the area is achieved.</p> <p>Staff note that the proposed office building is five storeys in height, and 15.25 metres to the top of the roof. The additional relief required is located within the building's fifth floor, being the mechanical penthouse which is inset relative to the buildings mass (see Appendix "H" to Report PED19060). Staff are of the opinion that the building will not pose any adverse impacts on adjacent properties from a sun shadow or overlook perspective.</p> <p>With respect to the neighboring area, the adjacent property to the west contains a three storey multiple dwelling, however, the property is located in the "E-1" (Multiple Dwellings, Lodges, Clubs, Etc.) District, which permits a maximum height of twelve storeys or 39.0 metres. As such, staff are of the opinion that the proposed height is appropriate for the area.</p> <p>Given the above, this modification has merit and can be supported.</p>
Built Form for New Development			<p>These regulations are currently under appeal with the Commercial and Mixed Use Zones. To ensure that the</p>

<p>**CMU modification</p>			<p>development meets the intent of the C5a Zone and the Prime Retail designation staff have amended the application to carry the Built Form for New Development regulations forward to apply to all permitted uses in the C5a Zone.</p> <p>This modification is technical in nature, has merit and can be supported.</p>
<p>Parking</p> <p>**Applicant requested modification</p>	<p>1 per 16 square metres of GFA (medical clinic)</p> <p>1 per 30 square metres of GFA (office)</p>	<p>117 spaces</p>	<p>117 parking spaces have been provided for the office building use. 110 of the proposed parking spaces are located below grade and seven parking spaces at grade. Barton Street East is a prime retail street, which is served by regular HSR service, and the site is walking distance (300 m) of municipal parking structures. The proposed office building is approximately 4,552 square metres in total GFA and the proposed parking represents approximately 38 parking spaces per square metre. It is not known how the building will be occupied in the future, and it is the intent of this modification to address a variety of uses contemplated by the C5a Zone. Given the proximity to the A-line, and the regular HSR service available, and the walkability of the surrounding neighbourhood, the proposed parking rate will adequately serve the commercial use.</p> <p>Given the above, this modification has merit and can be supported.</p>
<p>Loading Space</p> <p>**Applicant requested modification</p>	<p>N/A</p>	<p>1 loading space shall be provided</p>	<p>One loading spaces has been required for the medical clinic building where Zoning By-law 05-200 requires none. The provision for a loading space will allow for better access and use of the building.</p> <p>This modification is appropriate for the future development of the property and can be supported.</p>
<p>Minimum Bicycle Parking</p>	<p>N/A</p>	<p>5 short term bicycle parking spaces</p>	<p>Staff has amended the application to include the provision for short term bicycle parking on-site. The additional provision</p>

Requirements <i>**Staff recommended modification</i>			for short term bicycle parking provides active transportation options and is appropriate and can be supported given the residential development and can be supported.
Landscaped Area <i>**Staff recommended modification</i>	N/A	15% of the total lot area	There is currently no requirement for landscaped area in the C5a Zone. Staff has recommended that the provision of landscaped area be included in the development providing additional provisions for open accessible landscaped areas, additional buffering between the residential blocks and buffering the at grade parking areas to the public realm. This modification is appropriate and is supported by staff.