

Zoning By-law Site Specific Modifications – Mixed Use Commercial "MUC" Zone

Provision	"MUC" Zone Provision	Requested Amendment	Analysis
Permitted Uses	Apartment Dwelling Units and a Home Occupation above commercial uses	Apartment Dwelling Units and a Home Occupation above and in behind commercial uses	The intent of this provision is to ensure a commercial frontage at grade to animate the street. The intent of this provision is being maintained as the requested amendment is still providing a commercial frontage at grade along Queenston Road, but allowing for residential units in behind the commercial floor space given the unique L-shape lot and site layout. As such, this modification has merit and can be supported.
Maximum Lot Coverage	30%	32%	The intent of this provision is to balance built form, landscape open space, and amenity areas on a property. In addition to the landscape open space areas, the multiple dwelling will be providing private balconies no less than 8.8 square metres each and a communal rooftop amenity area. Also the built form has been articulated to respond to the existing context by providing multiple step-backs. Staff are of the opinion that the subject property is providing the intended balance of built form, landscape open space, and amenity areas despite the minimal increase in maximum lot coverage. As a result, this modification has merit and can be supported.
Minimum Northerly Front Yard Setback	9.0 metres	1.9 metres (1 <sup>st</sup> floor) 0.0 metres (2 <sup>nd</sup> - 4 <sup>th</sup> floor) 3.8 metres (5 <sup>th</sup> -10 <sup>th</sup> floor) 6.3 metres (11 <sup>th</sup> – 14 <sup>th</sup> floor)	In accordance with Zoning By-law 3692-92, both the northerly and westerly lot lines are considered front lot lines. Relief from the northerly front lot line is required. The proposal is in keeping with UHOP policies which promote locating principal façades and primary building entrances parallel to and as close to the street as possible, while providing surface parking to the rear of the properties and/or in underground parking garages. Staff note that the ground floor has been setback 2.2 metres from the front lot line, while the second to fourth storeys will be setback 0.0 meters and cantilever over the ground floor. With respect to floors 5 – 14, given that the building will be 49 metres in height, the applicant has provided a step back of 3.8 metres at the fifth storey and 6.3

			metres at the 11 <sup>th</sup> storey from the streetline to ensure the building is appropriately massed relative the street width and minimizing the impact along the street. Given the above, this modification has merit and can be supported.
Minimum Rear Yard Setback (easterly)	9.0 metres	2.1 metres (1 <sup>st</sup> floor to 4 <sup>th</sup> floor) 15.9 metres (5 <sup>th</sup> floor to 14 <sup>th</sup> floor)	In accordance with Zoning By-law 3692-92, both the southerly lot line and the easterly lot line are considered rear lot lines. Relief from the easterly rear lot line is required. 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. Staff note the adjacent property is currently being used as a motor vehicle repair garage. The proposed reduced side yard setback is only applying to the first four stories of the building for a length not exceeding 19.5 metres, whereas the remainder of the building will be set back 15.9 metres from the easterly lot line. In addition, a visual barrier fence will be required along the easterly lot line. Staff are of the opinion that the setback will not have an adverse impact on the adjacent property and will be adequate for maintenance and drainage purposes. As a result, this modification has merit and can be supported.
Maximum Building Height	9.0 metres	49.0 metres	Staff are of the opinion that the sun shadow impacts on adjacent properties and abutting streets will be minor. Further, staff note that the building has incorporated multiple step backs along each elevation as well as building articulation to ensure that the building is at a scale that is appropriate for the surrounding context. Staff are of the opinion that the proposed step backs will minimize the impact of the proposed massing and create an enhanced pedestrian experience. Given the above, this modification has merit and can be supported.
Minimum Westerly Side Yard	9 metres	1.7 metres (1 <sup>st</sup> storey - 4 <sup>th</sup> storey) 12.2 metres (5 <sup>th</sup> storey - 14 <sup>th</sup> storey)	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 currently contains a one storey professional office, which is located approximately 12.2 metres from the mutual property line. The proposed reduced side yard setback is only applying to

			<p>the first four storeys of the building for a length not exceeding 19.5 metres, whereas the remainder of the building will be set back approximately 12.2 metres from the westerly side lot line. Staff are of the opinion that the setbacks will not have an adverse impact on the adjacent property and will be adequate for maintenance and drainage purpose. As a result, this modification has merit and can be supported.</p>
<p>Maximum Residential Density</p>	<p>80 units per hectare</p>	<p>290 units per hectare</p>	<p>The intent of this provision is to ensure that lands are not overdeveloped and can appropriately accommodate parking and amenity areas while not posing any adverse impacts on adjacent properties. In order to provide adequate parking spaces for the occupants of the multiple dwelling, the applicant is proposing one level of underground parking which is alleviating land requirements and allowing for greater intensification of the property. As a result, adequate parking spaces are being provided for the property. With respect to outdoor amenity area each dwelling unit will be provided with an outdoor balcony. Further, a 250 square metre rooftop amenity area is being provided. Staff are of the opinion that adequate amenity area is being provided. Lastly, the UHOP contains policies which speak to the intensification of underutilized properties, particularly where public transportation exists, and locating parking underground or to the rear of properties. This is one such site that is currently underutilized, can accommodate increased density along a Secondary Corridor and Major Arterial road, and contains bus services along Queenston Road. Given the above, the proposed modification has merit and can be supported.</p>
<p>Minimum Landscaped Area</p>	<p>50% of the lot area</p>	<p>28% of the lot area</p>	<p>The intent of the above provisions is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property. The applicant will be providing 28% of the lot area for landscaped open space, which includes any uncovered area of land such as lawn, ornamental shrubs and walkways. The proposed building will be providing a rooftop outdoor amenity area. While this is not considered landscaped area, it does form part of the landscape open space area for the occupants of the</p>

			multiple dwelling. Staff are of the opinion that adequate landscaping is provided throughout the site.
Minimum Number of Parking Spaces	1.5 parking spaces per dwelling	<p>Dwelling units 1-14- 0.7 per unit (min.) and 1.25 per unit (max.)</p> <p>Dwelling units 15-50- 0.85 per unit (min.) and 1.25 per unit (max.)</p> <p>Dwelling units 51+ - 1 per unit (min.) and 1.25 per unit (max.)</p>	<p>The intent of this provision is to ensure that properties provide an adequate amount of parking spaces on site of the proposed uses. Given that this property is proposed to be rezoned to the (C5) Zone as part of the Commercial and Mixed Use (CMU) Zoning By-law that was approved by Council but appealed to the Local Planning Appeals Tribunal, staff consider it appropriate to proactively require the applicant to provide the minimum parking spaces required in the (C5) Zone. In accordance with the (C5) Zone and for the residential portion of the development only, the applicant would be required to provide a minimum of 151 parking spaces whereas the site plan is illustrating 193 parking spaces. Given that tenants for the commercial floor space have not been secured at this time, if a retail use were to occupy the entire space, a total of eight spaces would be required. If a restaurant use would occupy the space, a total of two parking spaces would be required. As a result, staff note that there is a surplus of parking on the property for the uses proposed and staff support the proposed modification.</p> <p>With respect to visitor parking, it should be noted that Zoning By-law 3692-92 and Zoning By-law No. 05-200 do not require the provision of visitor parking spaces. Notwithstanding, given that the applicant has identified 14 visitor parking spaces that will be allocated from the total number of parking spaces, staff will ensure that said spaces are identified as part of a future Site Plan Application.</p>
Minimum Amenity Area per Dwelling Unit	<p>Bachelor Unit – 14 sq. m. /unit</p> <p>One Bedroom Unit – 18 sq. m. / unit</p> <p>Two Bedroom Unit</p>	875 sq. m. (total)	<p>The intent of this provision is to provide adequate amenity area for the occupants of the dwelling units. This includes communal amenity areas on the land. Staff note that the applicant will be complying with the minimum amenity area requirements of the (C5) Zone in the recently approved but appealed CMU zoning. As result, this modification has merit and can be supported.</p>

	- 53 sq. m. / unit  Three Bedroom Unit - 88 sq. m. / unit		
Minimum Landscape Strip abutting a street			<p>The intent of the above provision to ensure that the front yards provide adequate plantings along the streetline. Respecting the Queenston Road frontage, staff are supportive of locating the building 1.9 metres to the streetline to create a vibrant pedestrian realm. The remaining area between the building face and the lot line abutting Queenston Road will be occupied by a planting strip where driveways are not being proposed with allowances for potential signage.</p> <p>With respect to the Lake Avenue Drive frontage staff are of the opinion that a 3.0 metre wide planting strip is adequate to accommodate vegetation along the frontage.</p> <p>Given all the above staff are of the opinion the modification has merit and can be supported.</p>
Queenston Road	5 metres	1.5 metres	
Lake Avenue Drive	5 metres	3.0 metres	
Minimum Landscape Strip abutting another Lot line	1.5 metres	0.0 metres	<p>The intent of this provision is to ensure that adjacent properties are buffered from each other in addition to reducing the impact light spray. It should be noted that the east lot line is the only property line that is seeking relief from this provision. Staff note that the adjacent property contains a motor vehicle repair garage. Further as part of Site Plan Control process, the applicant will be required to erect privacy fencing along the common property line. As a result, staff are of the opinion that the reduction will have a negligible impact on the adjacent property. Given the above, this modification has merit and can be supported.</p>
Minimum Landscape Strip abutting	9 metres	2.0 metres	<p>The intent of this provision is to ensure that residential properties are appropriately buffered from adjacent non residential uses. It</p>

Residential Zone			should be noted that the applicant is exceeding the CMU zone requirements for a landscape strip abutting a residential zone of 1.5 metres. Further, while there is an existing fence along the southerly lot line, the applicant will be required to erect a new visual board fence to ensure that light spray does not occur. Given the above, this modification has merit and can be supported.
Separation of Commercial and Residential Parking	Commercial and residential parking shall be separate with separate points of ingress and egress	Allow commercial and residential parking to be together and have the same points of ingress and egress	The intent of this provision is to ensure that commercial parking spaces and residential parking spaces are not used interchangeably while allowing for adequate amount of parking spaces for all uses on a property. It should be noted that the applicant has located the residential parking for the occupants of the building wholly within one level of the underground parking, whereas there are five of the 15 at grade visitor parking spaces located along the east side of the building that are located in the same area as the commercial parking spaces (See Appendix "G" to Report PED18XXX). It should be noted that based on the CMU zoning of the property, the applicants currently have a surplus of parking on the property and are not required to provide visitor parking spaces. Further, it is noted that there is a proposed visitor parking area on the west side of the property in front of the residential entrance to the building that is separate from the commercial parking on the property. Moreover, at the Site Plan Control stage staff will ensure that the applicant provides appropriate signage to indicate which parking spaces are for visitors as opposed commercial parking spaces. Given the above, staff are of the opinion that this modification has merit and can be supported.
Location of loading space	Shall not be located within a front or flankage side yard.	Permit a loading space to be located in the front yard	The intent of this provision is to ensure that loading spaces are screened from view from the streetline. Staff note that the applicant is providing two loading spaces, being a commercial loading space and a residential loading space. The commercial loading space is not located within a yard, while the residential loading space is located within the front yard along Lake Avenue Drive. Staff note that this loading space is located over 29 metres from the lot line. Further, there will a 3.0 metre planting strip

			abutting Lake Avenue Drive and privacy screen which will help screen the loading space from view from the streetline. Staff are of the opinion that the impact of the loading space in this location will be negligible. Given the above, this modification has merit and can be supported.
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