

1205 Queen Street West – Rezoning – Final Report

Date:	July 21, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	06 104998 STE 14 OZ

SUMMARY

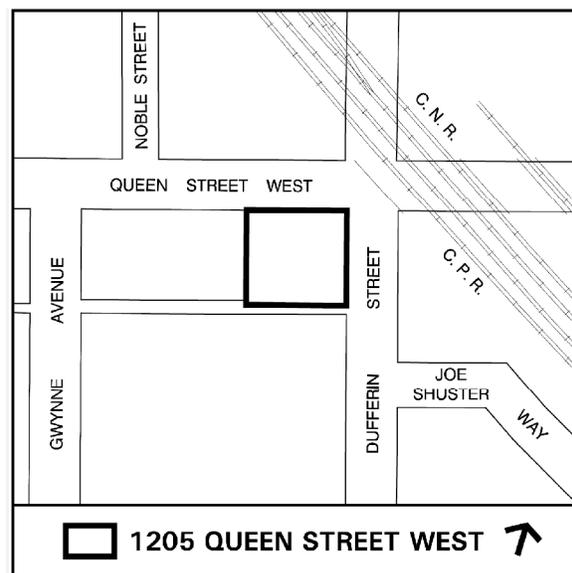
The application was made prior to January 1, 2007 and is not subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant seeks permission to construct an eight (8) storey residential condominium consisting of 66 dwelling units with retail at grade at 1205 Queen Street West. Access to parking and loading for the proposed building will be from the lane on the south edge of the property and a total of 64 parking spaces will be provided.

Mid-rise housing is an important form of development creating new housing and shopping opportunities and help the City address reurbanization objectives on Avenues.

Queen Street West continues to experience growth and reinvestment east of the CNR/CPR railway corridor. This is the first project proposed for the area west of the rail corridor and represents a form of development that is consistent and compatible with its surroundings.

This report recommends approval of the application to amend the Zoning By-law to permit the proposed development.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 1205 Queen Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the July 21, 2010 report from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council approve the proposed development at 1205 Queen Street West prior to the completion of an Avenue study.
4. City Council require, prior to the enactment of Bills, written confirmation to the Chief Planner and Executive Director, City Planning Division from the Executive Director of Technical Services that all outstanding issues with respect to the applicant's Site Servicing and Stormwater Management Reports have been addressed to their satisfaction.
5. City Council authorizes City officials to take all necessary steps to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a 12-storey residential building was submitted on January 25, 2006. In January 2007, the proposal was revised to a 10-storey building. City Planning staff were not supportive and the matter was appealed to the Ontario Municipal Board. No hearing was held by the OMB as staff and the applicant continued discussions to resolve issues. In 2007, the application further revised to a 7-storey building which consisted of a form that was not supported by staff or the community. In December 2009, the applicant retained a new architect and revised the proposal to an eight (8) storey residential building with retail at grade.

City Council, at its meeting of July 6, 7 and 8, 2010 adopted the recommendations of the planning staff report, as amended by the accompanying supplemental report. Recommendations included a direction to Planning staff to use the “Mid-rise Performance Standards” contained in Section 3 of the report entitled “Avenues and Mid-Rise Buildings Study (May 2010)” in the evaluation of all new and current mid-rise development proposals on the Avenues and in the implementation of future Avenue studies so that the Avenues ‘vision’ can be realized more quickly and effectively. Staff are to use the mid-rise standards for an approximate 2-year monitoring period.

This application, originally submitted in 2006, pre-dates Council’s adoption of the Mid-rise Study. However, staff in its evaluation and analysis of this proposed development, has

endeavoured to guide the design according to the emerging performance standards of that study as well as the existing Official Plan policies which they support.

ISSUE BACKGROUND

Proposal

The applicant proposes to construct an eight (8) storey residential condominium with 66 dwelling units and retail at grade. Access to parking and loading will be from the lane on the south edge of the property. A total of 64 parking spaces will be provided. The existing retail plaza will be demolished.

Site and Surrounding Area

The property is located on the south-west corner of Queen Street West and Dufferin Street. The site is currently occupied by a one-storey retail plaza with surface parking. To the north and east of the property is the CNR/CPR railway corridor, to the west are commercial and institutional uses, to the south is residential and warehouse-form buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act requires City Council's planning decisions to conform with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site *Mixed Use Areas* which are made up of a broad range of commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces.

The Official Plan provides a list of development criteria that includes:

- locating and massing of new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods;
- designing new buildings to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- framing the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- taking advantage of nearby transit services;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;

- providing an attractive, comfortable and safe pedestrian environment;
- locating and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- creating indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Avenues

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”, according to Section 2.3.2 of the Official Plan.

The Avenues will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each Avenue will be established by a new zoning by-law and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks, and other zoning standards.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) states that development may be permitted on the Avenues prior to completion of an Avenue Study and must be considered in the context of all of the policies of the Plan. Development applications on the Avenues prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue. An Avenue segment Study was submitted Urban Strategies in April 2008 with the revised 7-storey proposal. Although the previous proposal included a lower 7-storey building, the proposed design and massing were not supported by staff and did not receive a positive response from the community.

The Avenue Study concluded that there are four potential soft sites located west of the rail corridor along Queen Street West. One of the sites identified in the Avenue Study is located at the south-west corner of Brock Avenue and Noble Street and is currently occupied by an LCBO. The LCBO has indicated that they intend to remain on the site and therefore, this site can be excluded as a potential soft site for development. This site also sits within a Neighbourhood designation. The remaining soft sites (1255-1267 Queen Street West, 1276-1288 Queen Street West and 11-17 Noble Street, and 1266 Queen Street West) are located mid-block and on a level grade along Queen Street West. As such, there are no unique characteristics that would allow for additional height and massing on those sites similar to this proposal and as such, any development on these sites must comply with the *Avenue* and *Built Form* polices in the Official Plan. Staff is of the opinion that the subject site is sufficiently unique due to its change in grade and adjacency to the rail corridor.

Avenues and Mid-Rise Buildings Study

The Avenues and Mid-Rise Buildings study and staff reports as adopted by council on July 6, 7 and 8, 2010, focused on tools and performance standards which are intended to encourage well-
Staff report for action – Final Report – 1205 Queen St W

designed mid-rise buildings on the *Avenues* located along the edges of some of Toronto's stable neighbourhoods at a faster rate than is currently happening.

The performance standards contained in that study are intended to be used as tools to implement the Official Plan's *Avenue* and *Neighbourhoods* policies, maintaining a balance between reurbanization and neighbourhood stability. The performance standards give guidance about the size, shape and quality of mid-rise buildings and are intended to support the policies of Section 2.3.1 (Healthy Neighbourhoods) of the Official Plan. This section of the Plan states that the development in Mixed Use Areas that are adjacent or in proximity to Neighbourhoods should:

- (a) be compatible with those *Neighbourhoods*;
- (b) provide a gradual transition in scale and density, as necessary to achieve the objectives of the Plan through the stepping down of new buildings towards and the setting back of new buildings from the *Neighbourhoods*;
- (c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- (d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

While the Mid-Rise Performance Standards were not available for the evaluation of this proposal, staff guided the design of the development to follow the Official Plan policies which the performance standards are intended to support.

Zoning

The site is zoned MCR T2.5 C1.0 R2.0 in the former City of Toronto Zoning By-law 438-86. This is a mixed-use zone that permits development up to 2.5 times the area of the lot, of which a maximum of 1.0 times may be non-residential and a maximum of 2.0 times may be residential. The maximum permitted height is 14.0 metres.

Site Plan Control

The property is subject to site plan control. An application for site plan control was submitted with the application.

Reasons for Application

The proposed redevelopment would exceed the permitted density of 2.5 times the area of the lot with a residential density of 3.58 and a commercial density of 0.3 for a total density of 3.88 times the area of the lot. The proposed building would exceed the maximum permitted height of 14.0 metres with a proposed height of 26.8 metres.

Community Consultation

The original application for a 12-storey residential building was submitted on January 25, 2006 and was presented to the community for review and comment. Residents expressed concerns about the proposed height, massing, and shadow impacts as well as traffic, parking, and congestion from vehicles and loading along the lane at the rear of the property (Milky Way).

A community meeting for the revised 8-storey proposal was held by the Ward Councillor on February 16, 2010 at the Masaryk-Cowan Community Centre and attended by approximately 6 residents. Concerns raised with regard to the revised proposal included:

- Access to the new building from the lane and potential traffic and congestion within the lane at the rear of the property.
- How loading will be dealt with and if there will be any conflicts along the lane.
- Whether the proposed number of parking spaces was sufficient to deter additional on-street parking in the neighbourhood to the south of the site.
- The relocation of the existing TTC bus and streetcar shelters on Queen and Dufferin Streets.

An additional Community Consultation meeting was held on July 14, 2010 at the Masaryk-Cowan Community Centre and attended by approximately 4 residents. Comments raised at this meeting included potential traffic conflicts along the lane to the south of the property and traffic infiltration into the adjacent neighbourhood.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities, wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. Staff reviewed the proposal and found it to be consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural ecosystems and cultivating a culture of conservation. Although the application pre-dates the enactment of the Growth Plan, the application does conform with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The City's Official Plan designates the subject property as a Mixed Use Area. The site is zoned Mixed Commercial-Residential. The proposed mixed-use building is consistent and compatible with the character of this portion of Queen Street West.

Density, Height, Massing

Mid-rise housing is an important form of development creating housing and shopping opportunities and addressing reurbanization objectives on Avenues. The proposal meets the Built Form policies set out in the Official Plan.

The proposal is for approximately 5,257 square metres of residential gross floor area and 433 square metres of non-residential gross floor area, resulting in a total density of 3.88 times the area of the lot. The built form is consistent with the City's Official Plan reurbanization policies on lands identified on an Avenue.

The Zoning By-law currently permits building heights of 14 metres. The site is part of a *Mixed Use Area* and does abut a *Neighbourhood*. As such, the transition in height to the neighbourhood to the south of the site is an important consideration. Although, the overall height is 26.8 metres plus the mechanical penthouse, the building terraces back on the southern-most point from the eighth to the fifth level in order to provide a greater separation from the *Neighbourhood*. In addition, the site contains a significant grade change sloping down to a point on Queen and Dufferin Streets thereby allowing additional height at the intersection but then transitioning on Queen Street West to an actual height of 26.2 metres where it meets the Queen Street West context on its western property line.

The proposal complies with the Built Form policies in the Official Plan and is not a significant departure from the existing in-force zoning.

Residential Amenity Space

Section 3.1.2.6 of the Official Plan requires significant new multi-unit residential development to provide indoor and outdoor amenity space for residents of the new development, with each resident will having access to outdoor amenity spaces. The former City of Toronto Zoning By-law requires that a minimum of 2 square metres per unit of indoor and outdoor amenity space.

This development will provide approximately 61.87 square metres (0.94 square metres per unit) of common residential indoor amenity space. The indoor amenity space is adjacent to the residential lobby. The indoor amenity space is less than the By-law requirement and less than the amount provided in similar buildings. Staff recommends that the indoor amenity space be increased to a minimum of 72.6 square metres (1.1 square metres per unit.). The limited area of the site combined with the loading and access ramp configuration required to address the changes in grade prevent the applicant from providing additional indoor amenity space.

No common outdoor amenity space will be provided for the building. However, most of the proposed units will have their own private outdoor amenity space. The balconies and terraces have been designed to minimize the overlook into the yards of the adjacent neighbourhood.

Sun, Shadow, Wind

The applicant submitted sun and shadow impact studies. The proposed building does not shadow the adjacent residential area and shadows do not extend to the proposed park on the north side of Queen Street West.

Access, Parking

Pedestrian access to the retail spaces is from Queen Street West and Dufferin Streets. An access to the residential units is from the corner of Queen and Dufferin Streets. The existing 3.7 metre lane along the south side of the property currently operates as a one-way lane and will be widened to approximately 5.5 metres to allow two-way operation. Two-way operation of the lane will allow for better distribution of site-related traffic into the area and avoid a concentration of outbound activity at the Milky Way and Gwynne Avenue intersection.

Sixty-four (64) parking spaces will be provided whereas 73 are required. The applicant is proposing to satisfy the minimum number of required spaces for the residential units but is requesting relief from the requirement for visitor parking. The proposed reduction in the visitor parking ratios (0.25 to 0.12) is consistent with similar projects recently approved by the City and the site has excellent access to transit service along Queen and Dufferin Streets.

Technical Services has advised that the proposed parking and access configuration is acceptable.

Loading, Servicing

The proposal includes one Type G loading space located at the rear of the site and accessed from the lane. The Type G loading space and access is designed to meet the turning requirements of City garbage collection vehicles and accommodate approximately two bins. On non-pick-up days, the garbage bins will be stored within the building. Technical Services has advised that the loading facilities are acceptable.

Technical Services has advised that additional information and revisions are required to the Site Servicing and Stormwater reports. Staff is recommending that the Bill to enact the Zoning By-law amendment be held until Technical Services staff are satisfied that adequate servicing has been provided for the proposed development.

Open Space/Parkland

There are policies in the Official Plan to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is located in the lowest quintile of current provision of parkland. It is in a parkland priority area, as per Parkland Dedication By-law 1420-2007.

The applicant proposes to construct 66 dwelling units on a site area of 0.1466 hectares (1,466m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.088 hectares (880m²). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.01466 hectares (146.6m²).

The non residential component of the development is less than 1000m² and is therefore exempt from the parkland dedication requirements under section 165-7 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of useable size and the site would be fully encumbered with below grade parking.

The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit if an approval of the project is granted.

Streetscape

The site is constrained by the change in grade and a 30 metre setback requirement from the CNR/CPR railway corridor. The applicant has addressed these constraints and has designed retail storefronts that are functional and contextually appropriate. In addition, the applicant has

designed a courtyard and seating area within the 30 metre railway corridor setback. This feature will provide an attractive seating area for pedestrians and TTC users and further beautify the evolving corner of Queen and Dufferin Streets.

City staff has been working with the applicant to integrate the existing TTC shelter and street furniture into the design of the building. The building contains canopies and ledges at ground level which will act as a shelter for TTC users. By integrating the shelter into the street, the sidewalk can remain clear and reduce crowding and conflict. This issue will be resolved through the site plan review process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Although the application pre-dates the Toronto Green Standard, the applicant has submitted a TGS checklist and Energy Modeling report for review by staff.

Development Charges

It is estimated that the development charges for this project will be \$384,296. This is an estimate. The charge is assessed and collected upon issuance of the building permit.

CONTACT

Christopher Dunn, Community Planner
Tel. No. (416) 397-4077
Fax No. (416) 392-1330
E-mail: cdunn@toronto.ca

SIGNATURE

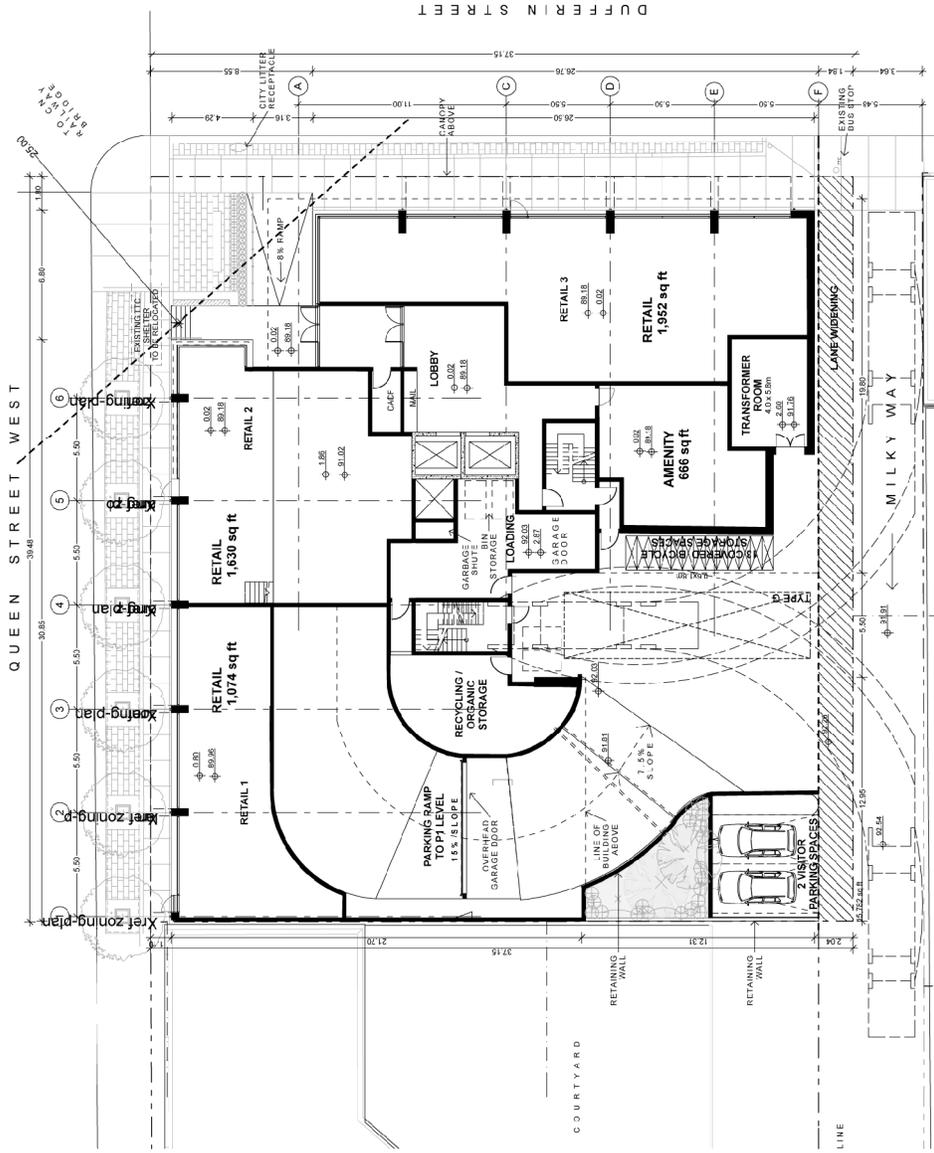
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: West Elevation
Attachment 5: South Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



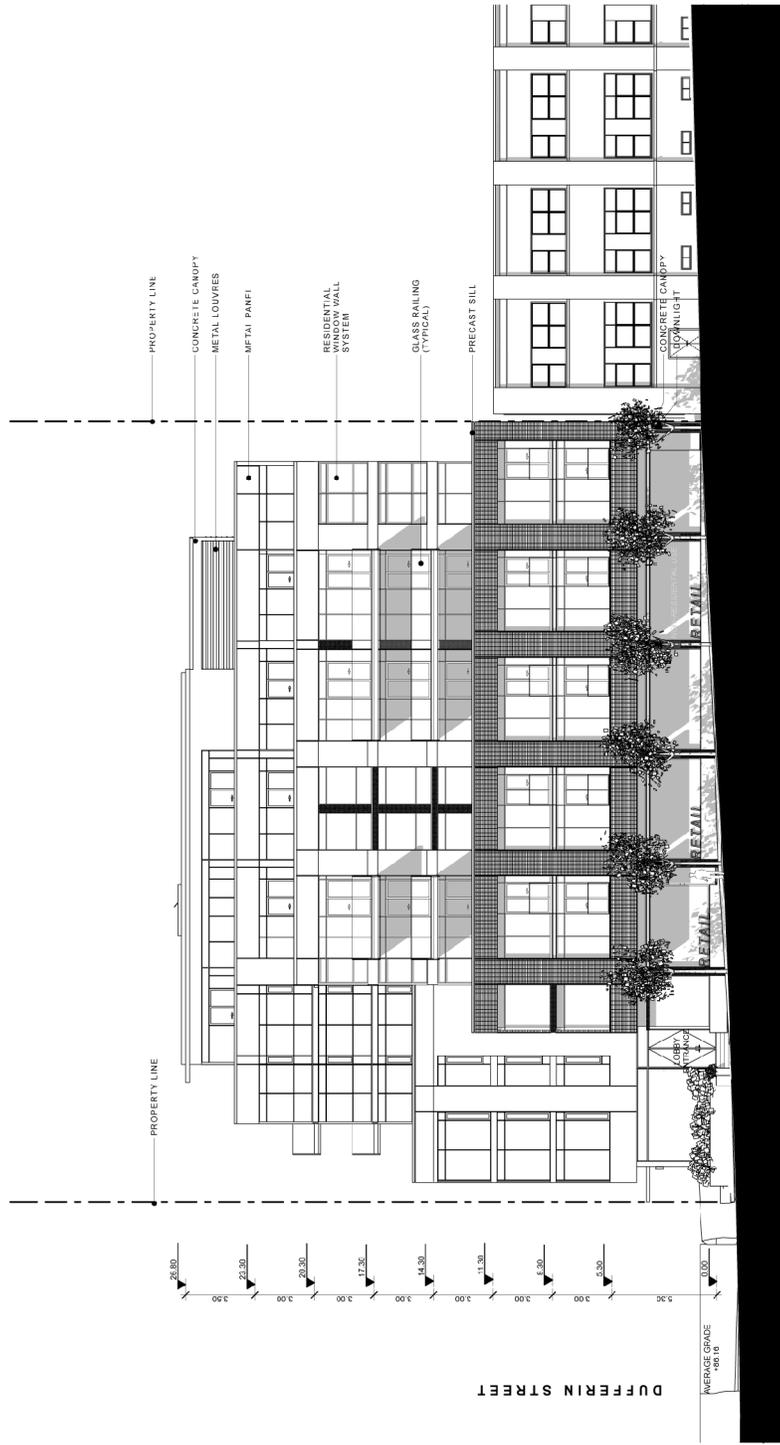
1205 Queen Street West

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 05/17/2010

File # 06_104998

Attachment 2: North Elevation



North Elevation

1205 Queen Street West

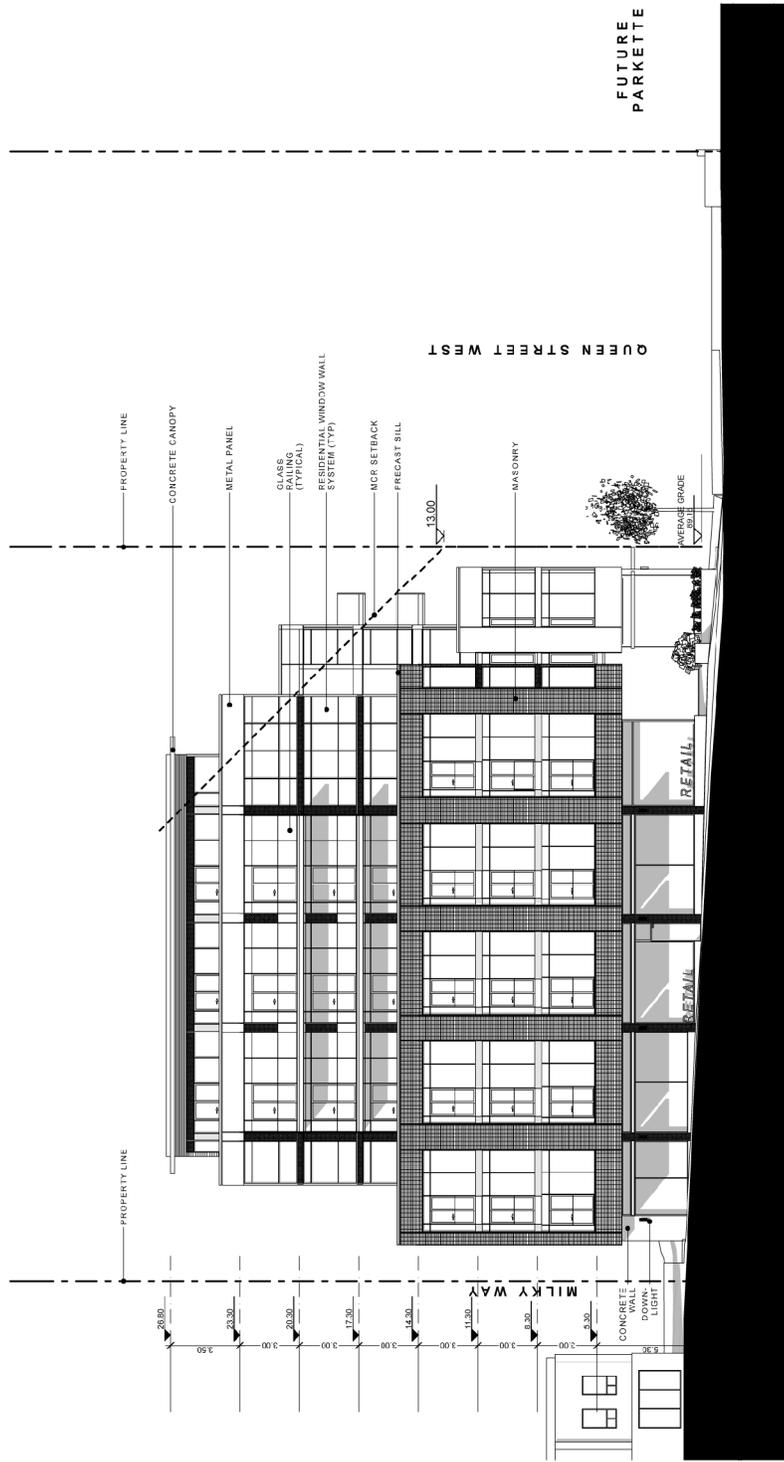
Elevations

Applicant's Submitted Drawing

Not to Scale
05/17/2010

File # 06_104998

Attachment 3: East Elevation



East Elevation

1205 Queen Street West

Elevations

Applicant's Submitted Drawing

Not to Scale
05/17/2010

File # 06_104998

Attachment 4: West Elevation



West Elevation

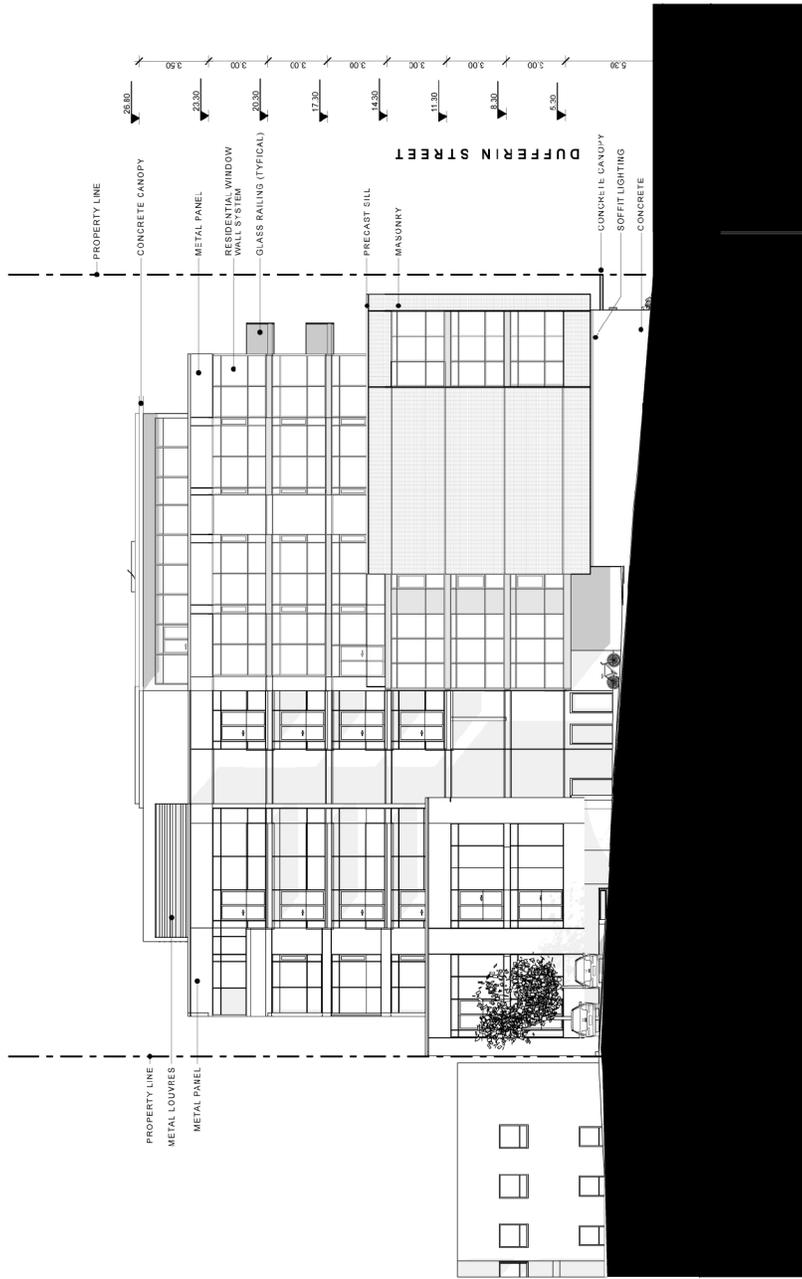
1205 Queen Street West

Elevations
 Applicant's Submitted Drawing

Not to Scale
 05/17/2010

File # 06_104998

Attachment 5: South Elevation



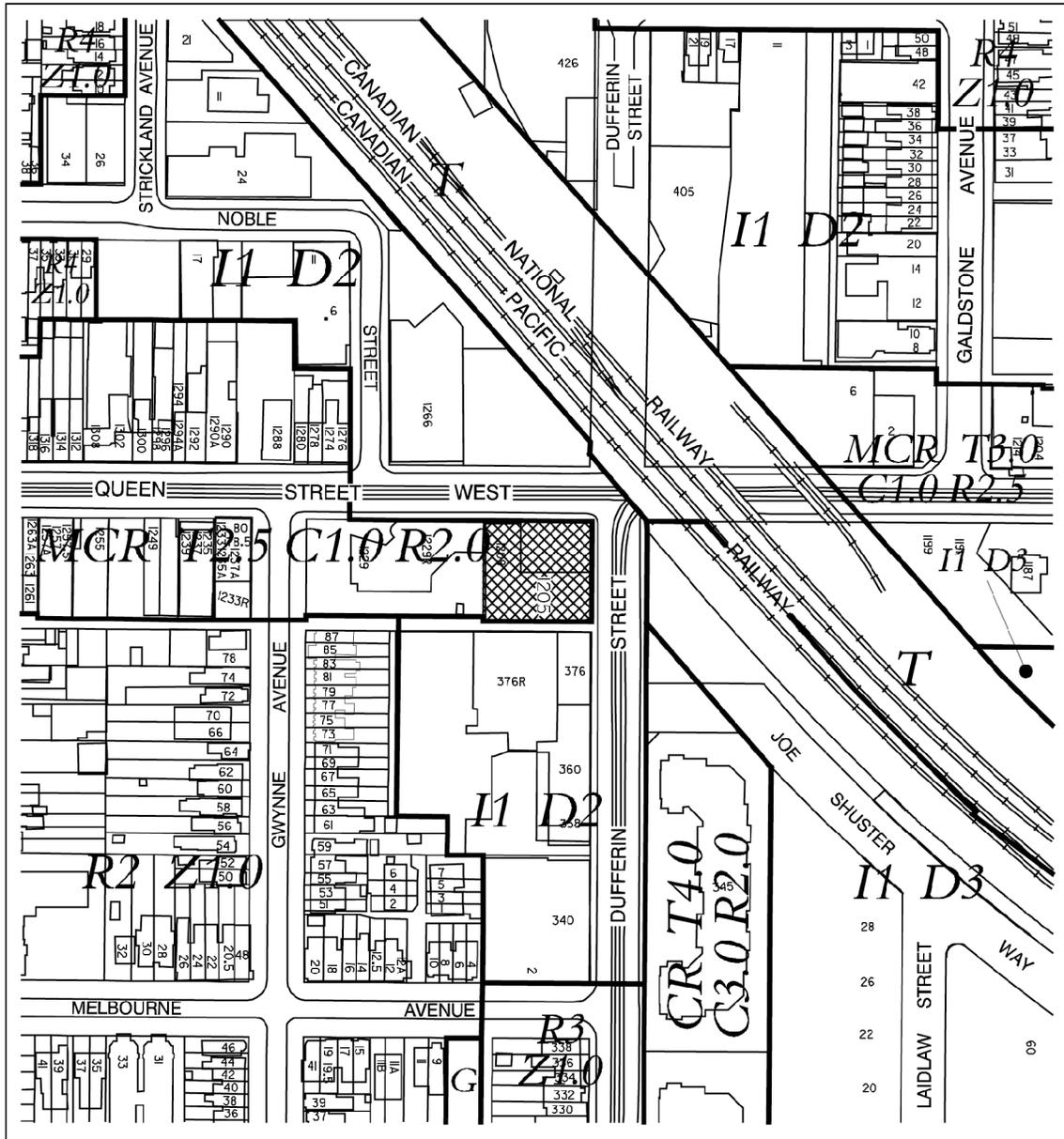
South Elevation

1205 Queen Street West

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 08/17/2010

File # 06_104998

Attachment 6: Zoning



TORONTO City Planning Division
Zoning

1205 Queen Street West

File # 06_104998

- | | |
|-------------------------|------------------------|
| R2 Residential District | I1 Industrial District |
| R3 Residential District | T Industrial District |
| R4 Residential District | G Parks District |
| CR Mixed-Use District | |
| MCR Mixed-Use District | |



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 01/29/07 - TA

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 104998 STE 14 OZ
Details	Rezoning, Standard	Application Date:	January 25, 2006

Municipal Address: 1205 QUEEN ST W
 Location Description: PL 418 BLK C LTS 1 TO 3 RP 63R1723 PTS 1 TO 28 **GRID S1406
 Project Description: Proposed 8-storey condominium building with 66 dwelling units and retail space on main floor. Revised submission received April 9, 2010.

Applicant:	Agent:	Architect:	Owner:
PRISHAM JAIN TACT ARCH INC.		PRISHAM JAIN TACT ARCH INC.	1493201 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T2.5 C1.0 R2.0	Historical Status:
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1466	Height:	Storeys:	8
Frontage (m):	39.48		Metres:	26.8
Depth (m):	37.15			
Total Ground Floor Area (sq. m):	743			Total
Total Residential GFA (sq. m):	5257		Parking Spaces:	64
Total Non-Residential GFA (sq. m):	433		Loading Docks	1
Total GFA (sq. m):	5690			
Lot Coverage Ratio (%):	50.7			
Floor Space Index:	3.88			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	41
2 Bedroom:	25
3 + Bedroom:	0
Total Units:	66

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	5257	0
Retail GFA (sq. m):	433	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Christopher Dunn, Community Planner
TELEPHONE: (416) 397-4077

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend City of Toronto Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
1205 Queen Street West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of the following sections:

Section 4(2)(a)(i), (ii) and (iii)
Section 4(3)(a)
Section 8(3) Part I (1)
Section 8(3) Part I (2)
Section 8(3) Part I (3)
Section 8(3) Part XI (2)(ii)

of Zoning By-law 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the lot for:

(a) not more than 66 residential units

provided that:

(1) the *lot* on which the proposed building is to located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;

(2) no portion of any building or structure located wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, and provided the following paragraphs are complied with:

(a) No person may 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;

- (b) Despite paragraph (a) above no building elements may exceed the height limits on Map 2 except a stair tower and/or elevator enclosure provided that the maximum height of the top of the stair tower and/or elevator enclosure is no higher than 1.0 metres above the applicable height limit.
- (c) Despite paragraph (a) above, parapets, guard rails and screens may exceed the height limits on Map 2 by a maximum of 0.5 metres.
- (d) Notwithstanding subsection a) and Map 2, the minimum yard setbacks for parking structures, and structures associated thereto below grade shall be 0.0 metres.
- (e) Notwithstanding subsection a) above, the following building elements may project beyond the heavy lines shown on Map 2:

PROJECTING ELEMENTS	MAXIMUM PERMITTED PROJECTION
Stairs, landscape features, and wheelchair ramps	May project into the required yard, up to the lot line
Eaves, cornices, ornamental elements, architectural details	0.5 metres from the wall to which it is attached
Canopy	1.8 metres from the wall to which it is attached
Balconies (facing Street)	1.7 metres from the wall to which it is attached
Balconies (not facing Street)	3.0 metres from the wall to which it is attached.

- (3) the residential gross floor area of the building erected on the lot does not exceed 5,260 square metres;
- (4) non-residential gross floor area of the building erected on the lot does not exceed 450 square metres;
- (5) a loading space – Type G (modified) be provided that is 13 metres in length by 4 metres wide and 6.1 metres unobstructed vertical clearance throughout.

2. The definitions for *grade*, *height*, *lot*, and *small parking space* in Section 2 of Zoning By-law 438-86 are replaced by the definitions of Section 7 of this exception;

3. PERMITTED USES

Notwithstanding Section 8(1)(a) of Zoning By-law 438-86, all of the uses permitted in an MCR zone are permitted on the site with the following addition qualifications: *Custom Workshop* and *Designer's Studio*;

4. USES AT GRADE

No person shall erect or use a building or structure on the lot for any purpose unless:

- (a) street related non-residential uses are provided; and
- (b) the main floor level has street related non-residential uses addressing at least 25 metres of any street frontage.

5. PARKING

Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law 438-86, as amended, the minimum number of parking spaces for residents shall be provided in accordance to the following:

- (a) A minimum of 0.7 parking space for each 1 Bedroom Unit;
A minimum of 1.0 parking space for each 2 Bedroom Unit; and
A minimum of 0.12 parking space per unit for visitors to the residential portion of the building must be provided and maintained on the lot.
No parking spaces are required for the non-residential uses on the lot.
- (b) Pursuant to subsection a) above, up to 10% of the *parking spaces* required may be small car parking spaces.

6. AMENITY SPACE

Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended:

- (a) A minimum of 1.1 square metres per dwelling unit of indoor *residential amenity space* shall be provided; and
- (b) No outdoor *residential amenity space* is required.

7. DEFINITIONS

Notwithstanding the definitions contained in Zoning By-law 438-86, as amended, the following definitions apply for the purposes of this by-law:

Grade means 89.03 metres above sea level, which is the combined average of the average elevation of the sidewalks along Queen Street West and Dufferin Street;

Height means the vertical distance between *Grade* and the highest point of the structure.

Lot means the parcel of land known municipally as 1205-1207 Queen Street West in the year 2009 and identified on Map 1.

Small car parking space means 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 parking and

removal of a motor vehicle without the necessity of moving another motor vehicle, the width of the parking space must be:

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

8. Within the lands shown on Map 1 attached to this By-law, no person may use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

MAP '1': 1205-1207 Queen Street West

QUEEN STREET WEST

39.48 N74°27'20"E .

35.327 N15°39'45"W .

35.308 N15°36'35"W .

DUFFERIN STREET

1.84m WIDENING

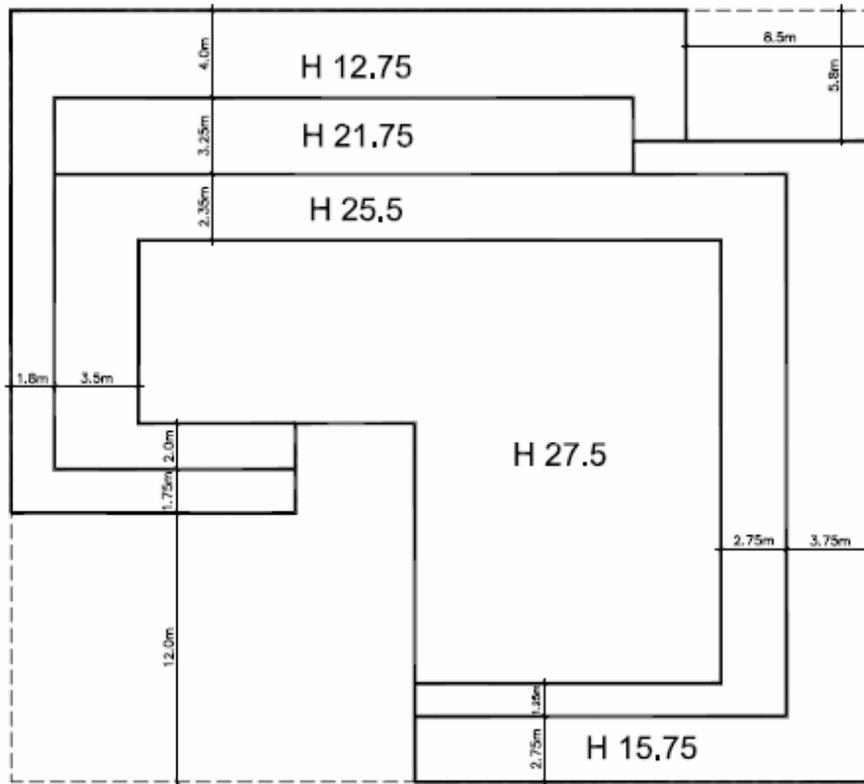
39.45 N74°25'45"E .

MILKY WAY



MAP '2': 1205-1207 Queen Street West

QUEEN STREET WEST



DUFFERIN STREET

MILKY WAY

NOTE:
"Grade" is defined as 89.03 m above sea level.
H denotes maximum height in metres above grade.

--- Property Line

