

**202-204 Bathurst Street –Zoning Amendment
Application – Final Report**

Date:	May 28, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	12 196322 STE 19 OZ

SUMMARY

This application proposes to redevelop the lands at 202-204 Bathurst Street with a 7-storey mixed-use building, containing retail at grade and twenty-four residential dwelling units above.

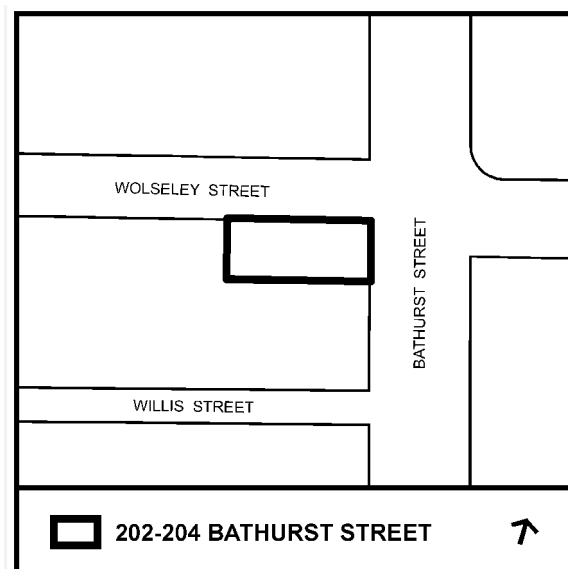
The proposal will have an overall gross floor area of 1,883 square metres, of which 122 square metres will be allocated to the non-residential use at grade. A total of 10 parking spaces are proposed on site.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 202-204 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to report (May 28, 2013) 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. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to obtain the Notice of Approval conditions, as required under Section 41(16) of the *Planning Act* and Section 114 of the City of Toronto Act.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Decision History

On July 11, 2012, City Council directed the Acting Chief Planner and Executive Director, City Planning to initiate a study focussing on built form and land use of both sides of Bathurst Street from Queen Street West to the Dupont Street train tracks with a report back to Toronto and East York Community Council in the first quarter of 2013.

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-47401.pdf>

The development application for 202-204 Bathurst Street predates the direction to undertake the study of Bathurst Street.

Proposal

The applicant is seeking to redevelop the lands at 202-204 Bathurst Street with a 7-storey mixed-use building, containing retail at grade and twenty-four residential dwelling units above.

The proposal will have an overall gross floor area of 1,883 square metres, of which 122 square metres will be allocated to the non-residential use at grade. A total of 10 parking spaces are proposed on site.

Site and Surrounding Area

The subject property, located at the southwest corner of Bathurst Street and Wolseley Street, is a rectangular-shaped parcel with a frontage of approximately 12 metres on Bathurst Street and approximately 30 metres of frontage on Wolseley Street. The overall site area is approximately 362 square metres.

The site is currently occupied by two, 2-storey brick buildings with vacant commercial/retail space on the ground floors and a total of two residential units on the second floors. The existing buildings underwent substantial renovation in 1983, including the construction of a one-storey addition at the rear of 204 Bathurst Street.

The site is primarily surrounded by two and three-storey residential and commercial uses, described as follows:

North: On the north side of Wolseley Street there are two and three-storey townhouses fronting onto both the east and west sides of Bathurst Street. Further north on the west side of Bathurst Street there are two and three-storey mixed use buildings and a three-storey office building.

East: At the southeast corner of Bathurst Street and Wolseley Street there is a two-storey office building that steps-up to three-storeys further south towards Queen Street West. North of Wolseley Street there is open space and a streetcar turn-around facility.

South: South of the subject property are two and three-storey mixed-use buildings similar to the existing buildings on-site. Further south, at the northwest corner of Bathurst Street and Queen Street West, is a community centre operated by St. Christopher House in a two-storey heritage building.

West: To the rear of the subject site on Wolseley Street there is a pair of two-storey semi-detached houses. Two-storey townhouses are further west on Wolseley Street on both the north and south sides.

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 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 systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property's land use designation is *Mixed Use Areas* in the Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in *Mixed Use Areas* includes:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) identifies that the intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. The plan also states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other matters, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, maintain adequate light and privacy for residents in those *Neighbourhoods*.

In addition to the specific land use policies, and the Healthy Neighbourhood Policies, Section 3.1.2 of the Official Plan contains Built Form Policies. This section of the Plan identifies that our enjoyment of streets and open spaces largely depends upon the visual quality, activity, comfortable environment, and perceived safety of these spaces. These qualities are largely influenced directly by the built form of adjacent buildings. The Plan identifies that developments must be conceived not only in terms of individual building site, but how that site, building and facades fit within the existing and/or planned context of the neighbourhood and the City. Policy 3.1.2.3 (a) states that new development will be massed to fit harmoniously within its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, and open spaces by massing buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions. In addition, Policy 4 identifies that new development will be massed to define the edges of streets, parks, and open spaces at good proportion.

Zoning

The subject property is zoned *Commercial-Residential (CR 2.0 C0.5 R2.0)* with a maximum floor space index of 2.0 times the lot area and a maximum height of 12.0 metres. This zone permits a wide range of residential, commercial, and institutional uses, including apartment buildings and retail stores. Two site-specific Zoning Bylaws (nos. 573-82 and 144-83) were passed in 1982 and 1983 to permit an addition to the original building, to permit a maximum of four dwelling units, and to require a minimum of two on-site parking spaces.

Site Plan Control

The proposed development is subject to Site Plan Control. The applicant submitted a Site Plan Control application at the same time as the re-zoning application and they are being reviewed concurrently.

Reasons for the Application

The proposed uses comply with the existing zoning but the proposed density and height are greater than the current provisions and the proposed parking supply does not meet the existing minimum requirement for parking.

A rezoning application is required for the proposed development because the height and density of the proposed building are greater than the height and density permitted by the existing Zoning Bylaw. In addition, the parking requirement and the minimum rear yard setback are also proposed to be reduced.

Community Consultation

A community consultation meeting was held on November 21, 2012, at the Ryerson Community School. Approximately 30 members of the public were in attendance. Matters raised at the consultation meeting included: height, density, transition to the *Neighbourhoods*, parking, traffic, and servicing.

Planning staff endeavoured to answer the questions asked by those in attendance at the Community Consultation meeting. Further detail is provided in the comments section of this report.

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) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs,

while achieving efficient development patterns. The Provincial Policy Statement states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear direction for the development of the municipality as well as areas suitable for growth.

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 systems and cultivating a culture of conservation.

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement, and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The Official Plan identifies that *Mixed Use Areas* are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. *Mixed Use Areas* are intended to be areas which allow residents to live, work and shop in the same area, even the same building, giving individuals an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive, and safe. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will occur in the *Downtown*, with decreased intensity and scale in the *Centres* and along *Avenues*.

The development criteria contained within Section 4.5.2 of the Official Plan seeks to ensure that, among other matters, development in *Mixed Use Areas* creates a balance of high quality commercial, residential, institutional uses that reduce automobile dependency while meeting the needs of the local community. The Plan also seeks to create and sustain well paid, stable, safe and fulfilling employment opportunities on lands designated *Mixed Use Areas*. The proposed development at 202-204 Bathurst Street has non-residential space at grade along Bathurst Street which is in keeping with the commercial character of this portion of Bathurst Street. Staff have determined that the proposed mid-rise development is appropriate for this site and complies with *Mixed Use Areas* Policies contained within the Official Plan.

Height and Density

The site, as well as the lands on the west side of Bathurst Street between Queen Street West and Robinson Street, are zoned Commercial Residential, and have a maximum height permission of 12 metres. The majority of the existing buildings within the Commercial Residential range in height from 2 to 3-storeys, and are currently less than the permitted height of 12 metres.

When proposals are located on arterial roads, within *Mixed Use Areas*, staff will generally require that the maximum allowable height of the building be no greater than the width of the right-of-way. Bathurst Street has a right-of-way width of 20 metres at this location. This would allow for a mid-rise building consisting of commercial uses at grade and residential dwelling units above to be 20-metres in height. Zoning by-law 438-86, as amended, permits mechanical penthouses to be up to an additional 5 metres above the permitted height as prescribed.

Staff, in reviewing the application, has determined that a building with an overall height of 22.6 metres, including mechanical penthouse, would be acceptable at 202-204 Bathurst Street. Staff have also determined that residential units wrapped around the mechanical penthouse, if not exceeding the 22.6 metre height limit or significantly projecting into the angular plane, would be acceptable and meet the general intent of the City's policies.

The applicant's current proposal is for a 7-storey building with a height of 22.6 metres. The 7th storey includes both the mechanical penthouse and residential units wrapping around the penthouse space. Neither the penthouse nor residential units penetrate higher than the 22.6 metre height limit. The proposed height of the subject building is acceptable for the subject site and satisfies the intent of the City's policies.

The proposed development will have an overall density of 5.2 times the lot area, or 1,883 square metres of gross floor area. Although the proposed density of 5.2 times the lot area is greater than the 2.0 times permitted by the Zoning By-law, Staff are of the opinion that an increase of density is appropriate based on the proposed massing taking into account the context and impact considerations. In addition, the building fronts onto Bathurst Street, a major arterial road, well served by transit and is in close proximity to Queen Street West. The Official Plan policies also identify that *Mixed Use Areas* are areas anticipated to absorb growth.

Built Form

The policies contained within the Official Plan assist in the review of development applications. The Official Plan identifies that developments may be considered not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City.

Section 4.5 of the Official Plan sets out criteria to evaluate development within the "*Mixed Use Areas*" designation. All new development within "*Mixed Use Areas*" is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives contained within the Plan. These objectives are addressed by ensuring that developments provide appropriate setbacks and/or stepping down of heights, between areas of different development intensity and scale, and by locating and massing new buildings in a manner that is sensitive and limits shadow impacts during the spring and fall equinoxes.

Within the Commercial Residential zone, buildings are to be located no closer than 3 metres from a Residential district. The proposal complies with that requirement, as it is located 3.05 metres from the properties zoned Residential to the west. Zoning By-law 438-86, as amended, does not contain an angular plane requirement for properties within Commercial Residential zones. The 45 degree angular plane requirement only applies to properties that are within the Mixed Commercial Residential zone. The upper storeys of the applicant's original submission penetrated into the angular plane at both the Bathurst Street frontage and abutting the *Neighbourhoods*. In order to ensure that the new proposal transitioned appropriately to the *Neighbourhoods* to the west, staff have required that the applicant apply a 45 degree angular plane at the rear of the proposal above 12.0 metres, the existing as-of-right height limit, as well as a 45 degree angular plane at the front façade above 16 metres. The angular plane requirement for the rear of the building ensures that appropriate transition occurs adjacent to the low-scale residential neighbourhood and mitigates against potential shadow, privacy and overlook concerns. The proposal complies with the rear angular plane requirements, with terracing of the building above the 5th-storey. While a portion of the upper storey does project into the front façade angular plane, the proposal does satisfy the intent of the angular plane policies by providing a design that allows adequate sunlight on Bathurst Street and provides an appropriate streetwall and façade.

Many main streets in the City face competing demands for space to accommodate a range of uses within the public right-of-way. These include sidewalks, street trees, marketing areas, vehicular lanes, on-street and dedicated transit lanes, bike lanes, on-street parking and utilities. In effort to accommodate all of these uses requires a much wider right-of-way than exists. New development provides an opportunity to achieve minimum standards for sidewalks through building setbacks. In order to address the need for a wider sidewalk zone on Bathurst Street, staff has required that the building be setback at grade, from the east property limit along the Bathurst Street frontage. The ground floor has setback an additional 2.1 metres from the east property line, providing a sidewalk zone of approximately 4.8 metres.

The proposed siting, massing and built form of the proposed mid-rise development is in keeping with the built form policies and the development criteria contained within the “*Mixed Use Areas*” designation. The applicant’s proposal has adequately addressed the “*Mixed Use Areas*” policies contained within Section 4.5 of the Official Plan.

Traffic Impact, Access, Parking

Engineering and Construction Services staff have indicated that the Zoning By-law would require 31 parking spaces, consisting of 24 residential spaces, 6 visitor spaces and 1 space for the retail component. Staff have also indicated that the estimated demand generated by this proposal is 14 parking spaces, consisting of 12 resident spaces and 2 visitor parking spaces.

The applicant submitted a parking and loading review, in support of this project. In that parking study, the consultant concludes that the parking supply of 10 spaces is sufficient for the project based on the close proximity to public transit. Staff have reviewed the

proposal and have both indicated that the proposed 10 on-site parking spaces, within a parking stacker system within the building are acceptable. The access to the parking stacker system, off Wolseley Street, has been determined to be acceptable by staff.

Servicing

The City's Engineering and Construction Services Division has indicated that waste collection for the residential component of the mid-rise development will be collected by the City of Toronto. The retail component of the mid-rise development is ineligible for City of Toronto Collection, and thus is required to make arrangements for collection of that portion of the development's waste collection separately from the residential component.

A Functional Servicing and Stormwater Management Letter Report was submitted as part of the application. Engineering and Construction Services has indicated that the letter report is acceptable for the purposes of the Zoning By-law Amendment.

Residential Amenity Areas

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development, in addition to identifying that each resident will have access to outdoor amenity spaces. In addition, the former City of Toronto Zoning By-law requires that a minimum of 2m² per unit of indoor and outdoor amenity space be provided.

The applicant proposes to provide approximately 16 m² of common residential indoor amenity space at the lower level of the building. While the indoor amenity space is less than the amount of indoor amenity space which is required by the Zoning By-law, the amount of amenity space to be provided is appropriate in this instance given the small scale of the project. In addition, the applicant has proposed that a majority of the dwelling units within the building have balconies, which provide outdoor space for individual respite.

Open Space/Parkland

The Official Plan contains policies 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 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 24 residential units on a total site area of 362m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.032 hectares or 88.4% of the site area. However, for sites that are less than 1 hectare, a cap of 10% is applied to the residential uses, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 35 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 35m² would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

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.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure Tier 1 development features. Additional applicable TGS performance measures such as native plantings in landscape areas will be secured through the Site Plan Approval process.

Conclusion

The proposed 7-storey mixed use building at 202-204 Bathurst Street has a design that is consistent with the Built Form, *Mixed Use Areas*, and Healthy Neighbourhoods policies of the Official Plan. Staff have determined that the proposed mid-rise development is appropriate for this site and complies with *Mixed Use Areas* Policies contained within the Official Plan. In addition, the proposed siting, massing and built form of the proposed mid-rise development is in keeping with the built form policies and the development criteria contained within the “*Mixed Use Areas*” designation. Planning staff recommend approval of this application.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South Elevation

Attachment 3: North Elevation

Attachment 4: East and West Elevations

Attachment 5: Architects Rendering

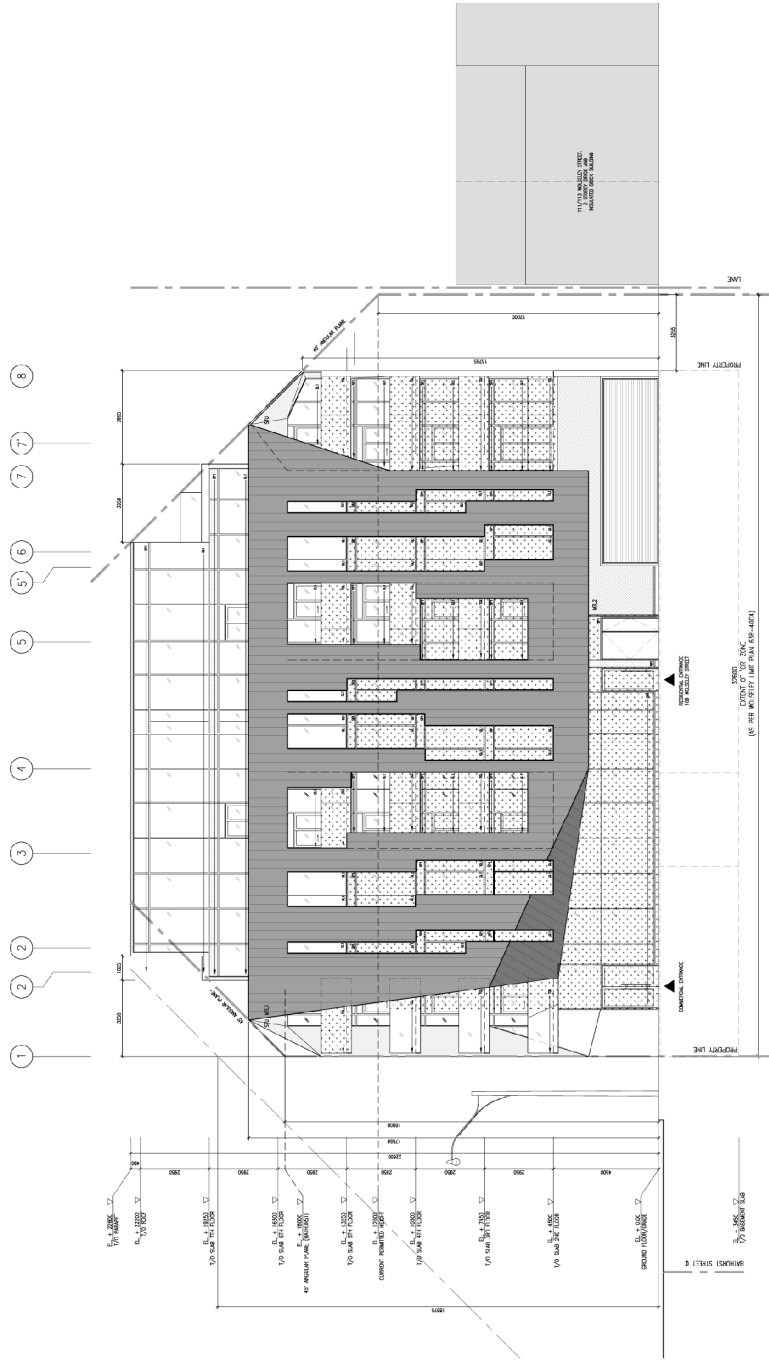
Attachment 6: Official Plan

Attachment 7: Zoning

Attachment 8: Application Data Sheet

Attachment 9: Draft Zoning By-law Amendment

Attachment 3: North Elevation



North Elevation

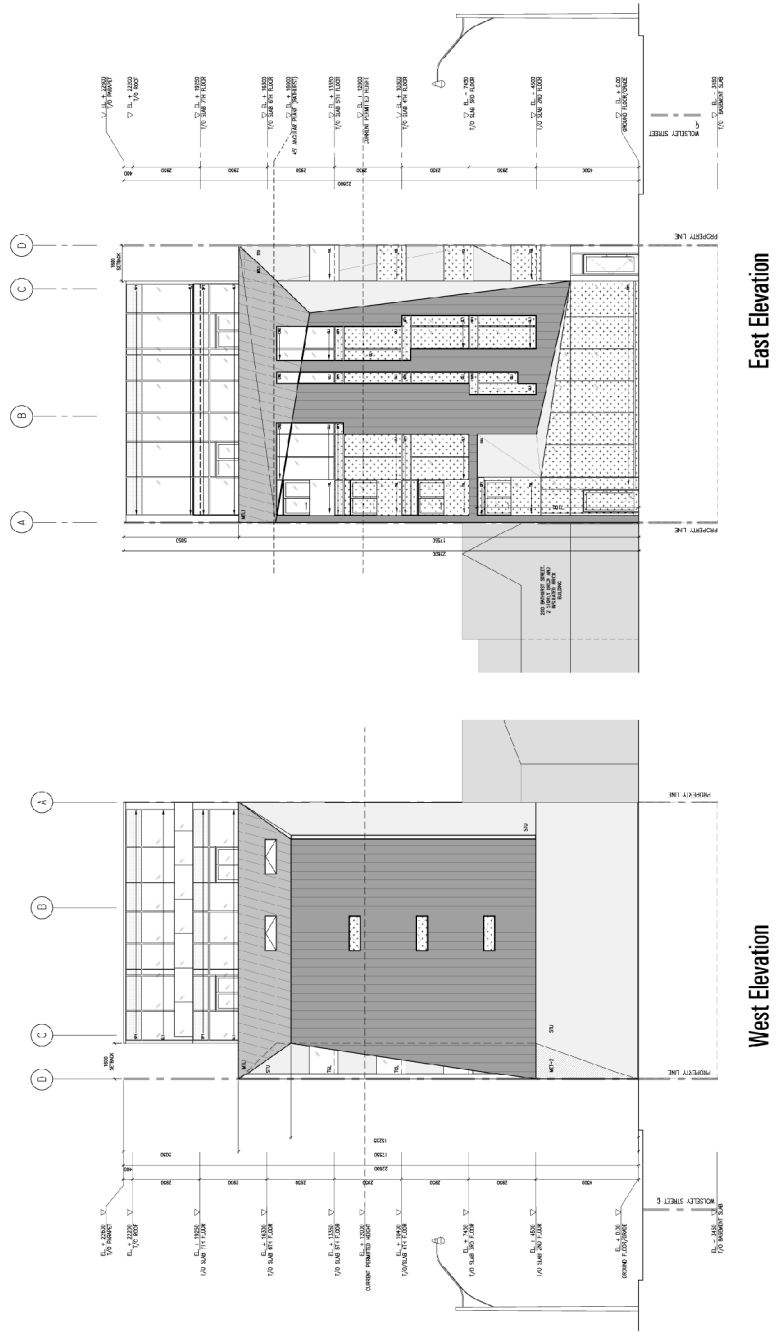
202-204 Bathurst Street

Elevations
Applicant's Submitted Drawing

Not to Scale
06/16/2013

File # 12 196322 0Z

Attachment 4: East and West Elevations



West Elevation

East Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
05/16/2013

202-204 Bathurst Street

File # 12 196322 0Z

Attachment 5: Architects Rendering



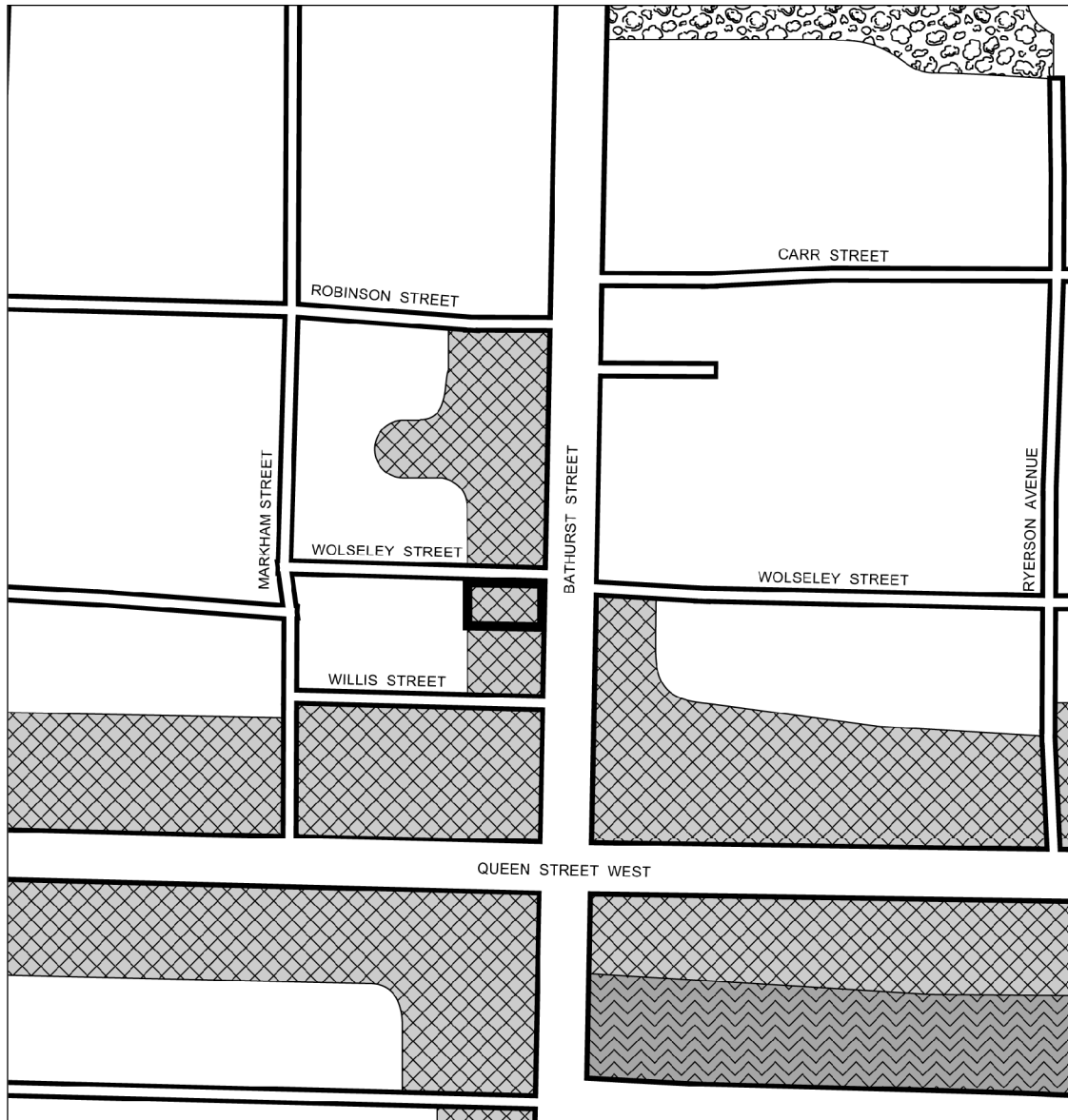
Architect's Rendering
Applicant's Submitted Drawing

Not to Scale
09/12/2012

202-204 Bathurst Street

File # 12 196322 0Z







Attachment 6: Official Plan



TORONTO City Planning
Official Plan

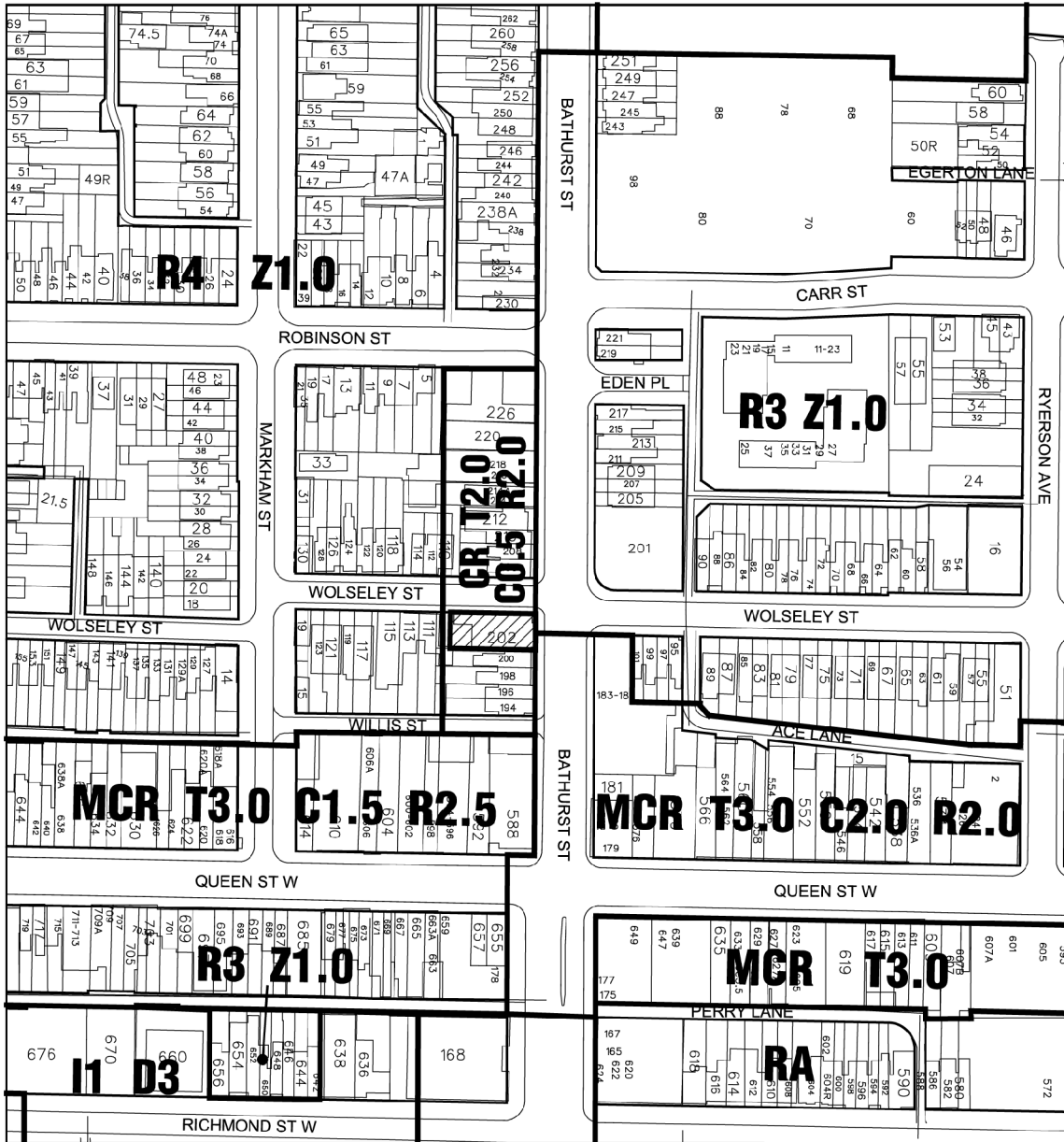
202-204 Bathurst Street

File # 12 196322 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 05/16/2013

Attachment 7: Zoning



202-204 Bathurst Street

File # 12 196322 0Z

- MCR Mixed-Use District
- R3 Residential District
- R4 Residential District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 09/12/2012

Attachment 8: Application Data Sheet

Application Type Rezoning **Application Number:** 12 196322 STE 19 OZ
Details Rezoning, Standard **Application Date:** June 19, 2012
Municipal Address: 202 -204 BATHURST ST
Location Description: CON 1 FB PARK PT LOT 19 WOTH ROW **GRID S1907
Project Description: Rezoning application for the construction of a new mixed use building - commercial at grade and residential above - 7 storey building - 24 residential units - parking stacker with 10 spaces - 28 bicycle parking spaces. – See 12 196328 STE19 SA for Site Plan Approval Application

Applicant: Weston Consulting Group Inc
Agent: Teeple Architects
Architect: Teeple Architects
Owner: 202 Bathurst Holdings Inc

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	CR C0.5 R2.0 T2.0	Historical Status:	N
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	362.3	Height:	Storeys:	7
Frontage (m):	12.17		Metres:	22.6
Depth (m):	29.56			
Total Ground Floor Area (sq. m):	191.8			Total
Total Residential GFA (sq. m):	1761.2		Parking Spaces:	10
Total Non-Residential GFA (sq. m):	121.9		Loading Docks	0
Total GFA (sq. m):	1883.1			
Lot Coverage Ratio (%):	52.9			
Floor Space Index:	5.2			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	5
1 Bedroom:	15
2 Bedroom:	4
3 + Bedroom:	0
Total Units:	24

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	1761.2	0	0
Retail GFA (sq. m):	105.7	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	16.2	0	0

CONTACT: PLANNER NAME: Marian Prejel, Senior Planner
TELEPHONE: (416) 392-9337

Attachment 10: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2013

Enacted by Council: ~, 2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

To Amend former City of Toronto Zoning By-law No. 483-86, as amended, with respect to lands municipally known as 202-204 Bathurst Street

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 428-86 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, with respect to lands known municipally in the year 2013 as 202-204 Bathurst Street;

AND WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting on ~, 2013, determined to amend Zoning By-law No. 438-86;

THEREFORE By-law No. 438.-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. None of the provisions of Section 4(2), 4(4), 4(12), 4(17), 8(3) Part I (1), (3)(a)(b) and Part II (1)(a)(ii) of 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, as well as the provisions of By-law #573-82 and #144-83, shall apply to prevent the erection and use of a *mixed-use building* on the lot, provided that:
 - (1) The *lot* on which the *mixed-use building* is located comprises of the lands outlined by heavy lines, and identified as Part A of the *lot* on Map 1 attached to and forming part of this By-law;
 - (2) The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 1,868 square metres, provided:
 - i) The *residential gross floor area* does not exceed 1,762 square metres; and

- ii) A minimum of 90 square metres of *non-residential gross floor area* is provided on the lot;
- (3) A maximum of 24 dwelling units shall be permitted within the *mixed-use building*.
- (4) The *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol “H” as shown on Map 2, attached and forming part of this By-law, with the following exceptions:
 - i) The maximum height for terraces and balcony guards, roof surface materials, planters, railing, parapets, cornices, balustrades, light fixtures, awnings, canopies, stairs, fences, window washing equipment, ornamental architectural features, chimney stacks, and structures uses for safety or wind protection purposes shall be the sum of 0.5 metres and the applicable height limit shown of Map “2”;
- (5) Notwithstanding subsection (4) above, no portion of the building shall exceed a 45 degree angular plane, measured from a height of 12 metres above grade at the boundary between the CR and R zone located to the west of the rear lot line;
- (6) A minimum of 16 square metres of *indoor residential amenity space* shall be provided;
- (7) *outdoor residential amenity space* shall not required on the *lot*;
- (8) A minimum of 10 *parking spaces* for the residential *dwelling units* shall be provided in parking stackers with space dimensions in accordance with stacker technology and consist of the following minimum dimensions:
 - i) 2.5 metres in width by 5.4 metres in length;
- 2. No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - a. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 3. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended; and

4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this ~ day of ~, A.D. 2013

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

