

## **C-5 and C-6 Districts Schedule (West End Commercial Districts)**

### **1 Intent**

The intent of this Schedule is to provide for retail and services uses and forms of development which are compatible with the primarily residential character of the West End. An additional intent is to provide for dwelling units designed compatibly with commercial uses. Emphasis is placed on requiring the external design of buildings to be oriented to the pedestrian in terms of scale and functional considerations. The C-6 District differs from the C-5 District in that C-6 provides a transition between Downtown and the West End by permitting a greater density and scale and range of uses than C-5.

### **2 Outright Approval Uses**

**2.1** Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5 and C-6 Districts.

2.2.1.A • Accessory uses customarily ancillary to any of the uses listed in this section provided that, unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.

2.2.1.C [Cultural and Recreational]

- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

2.2.1.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section.

2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

## 2.2.1.O [Office]

- Financial Institution.
- General Office.
- Health Care Office.

## 2.2.1.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

## 2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

## 2.2.2.DW [Dwelling]

- Multiple Dwelling.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**3 Conditional Approval Uses**

3.1 Subject to all other provisions of this By-law and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2 as specified in sections 3.2.1 and 3.2.2, subject to the conditions of section 3.3, and including such other conditions as it may decide, provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

**3.2 Uses**

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5 and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.C [Cultural and Recreational]

- Artist Studio, subject to the provisions of section 11.18 of this By-law.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section. *compatibility with use*
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Farmers’ Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law. *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law. *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*

- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.

## 3.2.1.S [Service]

- Bed and Breakfast Accommodation, subject to the provisions fo section 11.4 of this By-law.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control*
- Hotel existing as of September 30, 1986.
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control*

## 3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

- 3.2.1.Z • Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Development Permit Board considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.2.2 The use listed in section 3.2.2 may be permitted in the C-6 District.

## 3.2.2.SV [Service]

- Hotel. *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress*

**3.3 Conditions of Use**

3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- parking and loading facilities;
- full service gasoline station, except that section 11.10.2 of this By-law continues to apply;
- neighbourhood public house;
- restaurant; and
- farmers' market.

3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**4 Regulations**

All uses approved under sections 2 and 3 of this Schedule shall be subject to the following regulations:

4.1 **Site Area -- Not Applicable.**



- 4.3.2 The Director of Planning or the Development Permit Board, as the case may be, may permit an increase in the maximum height of a building to a height not exceeding 64.0 m and may permit a building which exceeds the envelope, provided that it is satisfied the livability and the environmental quality of the surrounding neighbourhood is not unduly harmed and provided that before making a decision it:
- (a) considers the intent of this Schedule and all applicable policies and guidelines adopted by Council;
  - (b) considers the submission of any advisory group, property owner or tenant; and
  - (c) considers the effects on views, sunshine, privacy, lower level treatment of buildings, and open space.

#### **4.4 Front Yard**

- 4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.5 Side Yards and Setbacks**

- 4.5.1 No side yards shall be permitted except where:
- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
  - (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided he is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Space Ratio**

- 4.7.1.1 The floor space ratio shall not exceed:
- (a) 2.20 in C-5 except that the floor space ratio for permitted commercial uses shall not exceed 1.20;
  - (b) 2.50 in C-6 except that the floor space ratio for permitted commercial uses, excluding hotels and office uses, shall not exceed 1.20;
  - (c) for a hotel existing on or before September 30, 1986 in C-5 and C-6, the floor space ratio shall not exceed the greater of that existing on September 30, 1986 or the limit set out in section 4.7.1.1(b).
- 4.7.1.2 The Director of Planning may permit an increase in the maximum floor space ratio for a hotel existing on September 30, 1986 provided that he is satisfied the increase will improve pedestrian amenity along the sidewalk.

- 4.7.2 The following shall be included in the computation of floor space ratio:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.3 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m for the purpose of exclusion from floor space ratio computation;
  - (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
  - (e) portions of exterior walls contributing to thermal and building envelope performance, in accordance with the provisions of section 10.33 - Exterior Wall Exclusions, in Section 10 of the General Regulations of the Zoning & Development By-law.
- 4.7.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:
- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
    - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
    - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
  - (b) interior public space, including atria and other similar spaces, provided that:
    - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m<sup>2</sup>;
    - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
    - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
  - (c) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 percent of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

- 4.7.5 The Development Permit Board may permit an increase in floor space ratio where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this increase shall not apply to a hotel where the floor space has already been increased pursuant to section 4.7.1.2.

For the purpose of this section, heritage floor space means floor space on a site where the site or a building or a structure is designated by the Heritage By-law and, according to the development limitation mechanism regulating land for that site, is available to be transferred to another site and is located within areas shown as transfer of density areas for heritage preservation illustrated in the Transfer of Density Policy and Procedure adopted by Council and in effect at the time of application for relaxation under this section.

**4.8 Site Coverage -- Not Applicable.**

**4.9 [Deleted -- see Parking By-law.]**

**4.10 Horizontal Angle of Daylight**

- 4.10.1 All habitable rooms in buildings used for residential purposes shall have at least 1 window on an exterior wall which complies with the following:

- (a) the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, shall be unobstructed over a distance of 24.0 m; and
- (b) the plane or planes shall be measured horizontally from the centre of the bottom of the window.

- 4.10.2 For the purpose of section 4.10.1, the following shall be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building including permitted projections;
- (c) the maximum size building permitted under the appropriate C district schedule if the site adjoins a C site

- 4.10.3 For the purposes of section 4.10.1, the following shall not be considered as habitable rooms:

- (a) bathrooms; and
- (b) kitchens, unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m<sup>2</sup>, whichever is the greater.

- 4.10.4 The Director of Planning may decrease the horizontal angle of daylight requirement of section 4.10.1, having regard to the livability of the resulting dwelling units and providing that a minimum distance of 3.7 m of unobstructed view is maintained.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**4.15 Acoustics**

4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

| <b>Portions of dwelling units</b> | <b>Noise levels (Decibels)</b> |
|-----------------------------------|--------------------------------|
| bedrooms                          | 35                             |
| living, dining, recreation rooms  | 40                             |
| kitchen, bathrooms, hallways      | 45                             |

**4.16 (Reserved)**

**4.17 External Design**

4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.

4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.

4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.

4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.

4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.

4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.

4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.

4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.

4.17.10 Dwelling uses shall provide:

- (a) pedestrian access separate from access to other uses;
- (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## **5 Relaxation of Regulations**

**5.1** Where a need for any public, social or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council.