

B6 – Downtown Commercial District Review – Proposed Amendments

Bylaw Section / Topic Area	Current Regulation	Proposed Regulation	Rationale/Comments
10.9.1 B6 Purpose Statement	The purpose of the B6 District is to facilitate a wide range of commercial, institutional, and residential uses in a high-density form, in the downtown area.	The purpose of the B6 District is to facilitate a wide range of mixed-use developments containing residential, commercial, and institutional uses in a high-density, high-quality, and pedestrian-oriented form in the Downtown neighbourhood.	<ul style="list-style-type: none"> Promote Downtown as a complete neighbourhood with an attractive public realm and built form. Encourage human scale and pedestrian-oriented design.
10.9.5(1) On-site Manufacturing	Manufacturing or treatment of goods, products, or materials is prohibited, except the manufacture or treatment of goods, products, or materials clearly incidental to the conduct of a retail business conducted on the premises, provided that not more than 25% of the building floor area of the premises are utilized for these manufacturing or treatment purposes.	<p>Manufacturing or treatment of goods, products, or materials is prohibited, except where such a use includes a retail component for such items on site, and where not more than 40% of the unit's floor area is utilized for manufacturing or treatment purposes.</p> <p>The floor area limit does not apply to home crafts and food product manufacturing and processing.</p>	<ul style="list-style-type: none"> Providing for small scale manufacturing supports productive use of existing commercial space. "home craft" means an occupation or trade requiring manual dexterity and artistic skill to construct unique items primarily by hand without the use of large power tools, and does not include the mass production of similar articles. Home crafts and food processing would not be subject to the 40% floor area limit but must maintain an on-site retail component. Food/drink processing such as bakeries, catering kitchens, and microbreweries are already permitted.
10.9.5(4) 10.9.5(5) Side and Rear Setbacks – Residential Use	<p>(a) For multiple-unit dwellings, special needs housing, or where dwelling units are erected above premises, not including living accommodations for a watchman or caretaker, an interior side yard shall be provided for the part of the building containing such dwelling units of 3 metres, up to a height of 9 metres, and 6 metres for that portion of the building in excess of 9 metres in height.</p> <p>(b) Notwithstanding clause (a), no side yard shall be required when no window, door or other opening is provided in the wall facing the adjacent property.</p> <p>No rear yard shall be required except where a building contains dwelling units or rooming units for other than a janitor's or caretaker's suite, a rear yard shall be provided of not less than 7.5 metres in depth for interior sites nor less than 4.5 metres in depth for corner sites; provided however, that such set back need not extend below the lowest storey containing any such living accommodation.</p>	<p>For portions of a building containing living accommodations where a window, door, or other opening is provided in the wall facing an adjacent property line without the intervention of a street or lane, a 3-metre setback shall be provided.</p> <p>Notwithstanding the above, if a building constructed and used for non-residential purposes that is at least 30 years old is converted to a residential or similar use where living accommodations are provided, no setback is required for the existing building.</p>	<ul style="list-style-type: none"> Reword for brevity and simplify requirement to apply to either a side or rear yard. 3.0 m is in line with existing standards in other similar zones. Adding provision to accommodate adaptive reuse of commercial buildings to residential. Previously these have required a development appeal. 30 years aligns with building age requirements elsewhere in bylaw.

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10.9.5(7) Amenity Space	An amenity space shall be provided of 5m ² per dwelling unit for all residential uses.	<i>No change.</i>	<ul style="list-style-type: none"> • "amenity space" means that land area, patio, balcony, terrace, deck area or internal building space, set aside exclusively for the purpose of providing recreation space on the site. • Current provision is adequate.
10.9.7 & 6.3.3(4) Loading Spaces	Each principal building or shopping centre shall provide at least one off-street loading space, however, in the B5, B5B, B5C, or B6 districts, no loading space shall be required for buildings with a building floor area less than 400m ² . Loading spaces may be located in front, side, or rear yards.	<p>Each principal building or shopping centre shall provide at least one off-street loading space, however, in the B5, B5B, or B5C districts, no loading space shall be required for buildings with a building floor area less than 400m². Loading spaces may be located in front, side, or rear yards.</p> <p>In the B6 district, no loading space is required for buildings with a building floor area less than 1400m². Loading spaces may only be located in a side or rear yard. The requirement for loading spaces may be varied due to site access and layout constraints, subject to the approval of the Development Officer.</p>	<ul style="list-style-type: none"> • On-street loading is appropriate for many small scale commercial/retail uses. • Certain sites due to size and/or lane access are not appropriate for loading spaces and undesirable outcomes may result if loading spaces are required. • Raised floor area trigger for loading space requirement and added discretion to waive it outright for sites with constraints. • Removed allowance for a loading space to be in a front yard.
10.9.10 Ground Floor Retail Requirement	<p>(a) Buildings fronting onto streets within the "retail core area" of the Downtown shall provide at least 65% grade level street frontage and at least 50% of grade level floor area for retail and other commercial and service uses.</p> <p>(b) The Development Officer may reduce the requirements of clause (a) where it can be demonstrated that the building will be developed in a manner which promotes a pedestrian friendly environment, including:</p> <ul style="list-style-type: none"> • Clear and direct access to the sidewalk; • Clear glazing along the façade at street level; • Compatibility with adjacent street furniture and building facades; • Canopies, awnings, or interior walkways where practical. 	Buildings fronting onto streets within the "retail core area" of Downtown shall provide at least 65% of grade level frontage for customer serving and publicly accessible uses, including commercial, retail, and service type uses and building common areas such as lobbies, multi-purpose spaces, and other amenity areas.	<ul style="list-style-type: none"> • Removing onerous 50% grade level floor area requirement; to be based on street frontage only. • Being more descriptive about appropriate ground floor uses, and broadening what it can include for added flexibility. • Removing the ability to reduce requirements in (b) given the added flexibility. • The Retail Core Area is being reviewed and updated as part of an update to the City Centre Plan.
10.9.11 Grade Level Corner Building Cuts	Buildings located on corner sites within the "retail core area" of the Downtown shall provide a corner cut triangle at grade level of not less than 3 metres along the street frontage and flankage.	On corner sites, a corner setback triangle shall be provided at grade level of not less than 4.5m ² in area, where the sides of the triangle along the street frontage and flankage are not less than 2.0m.	<ul style="list-style-type: none"> • Broadening requirement to all corner sites in B6. This will create some non-conformities for existing buildings without the corner triangle. • Added flexibility for triangle dimensions.

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10.9.12(1) Use of Setback Areas	Any area that is setback from the street-facing property line must be used for: drop-off area, bicycle parking, restaurant or dining uses, landscaping, or public space, including but not limited to a plaza, public art, or seating area.	Where a building is set back from a street-facing property line, the space created must be used for plazas, public space, patios, landscaping, public art, bicycle parking, or a drop-off area.	<ul style="list-style-type: none"> Clarifies applicability of requirement to areas where a building is set back. Re-ordered list of acceptable uses, which is felt to be inclusive of extension of business (such as retail) into outdoor public space.
10.9.12(2) Wind Mitigation Studies	Buildings that exceed 15 metres in height will require a wind mitigation study from a qualified engineer or architect that demonstrates methods and features that will minimize wind at grade level to the satisfaction of the Development Officer. Wind mitigation features may include, but are not limited to, building step backs, building articulation, or canopies.	<i>No change at this time.</i>	<ul style="list-style-type: none"> A wind mitigation study terms of reference, including study requirements and evaluation criteria, is intended to be developed as a separate project as it has broad applicability. This work will require third party expertise. Administration is prioritizing the completion of the B6 amendments first.
10.9.12(3) Ground Floor Transparent Openings	A minimum of 40% of the surface area of the ground floor of all street-facing façades of a building is to contain transparent openings.	<p>A minimum of 40% of the surface area of the ground floor of all street-facing building facades shall contain transparent openings.</p> <p>Notwithstanding the above, on sites with multiple frontages, the surface area of transparent openings may be reduced on a street-facing façade, provided that:</p> <ul style="list-style-type: none"> The equivalent area is provided on a separate street-facing façade; Articulation of the façade that provides change in material, texture, and/or form is provided in lieu of the transparent openings; and In no case may a façade on 21st Street or 2nd Avenue contain less than 40% transparent openings. <p>For the purposes of this regulation, transparent openings shall mean glazing that provides the ability to distinctly see inside a building. Tints, gradients, and other obscuring properties may be permitted if they are not opaque and can be demonstrated to provide ability to see and discern the interior space.</p>	<ul style="list-style-type: none"> For sites with multiple frontages, a new mechanism to reduce transparent openings on one side requires it to be made up on another side as a trade-off. Reduction of openings would not be an option along signature streets. Description of what is meant by “transparent opening” has been added.
10.9.12(4) Divisions of the Façade	A façade must maintain distinctive architectural elements for the base, middle, and top portions of the building. Vertical articulation of the façade or change in material may be provided in lieu of a distinctive bottom or top portion.	For buildings that exceed 12 metres in height, the façade must maintain distinctive elements for the base, middle, and top portions of the building. Articulation of the façade or change in material may be provided in lieu of distinctive portions.	<ul style="list-style-type: none"> To ensure taller buildings have distinct, legible components to help break down their scale. As such, added a height threshold for this to apply to buildings higher than the “human scale” of up to 3 stories.

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10.9.12(5) Building Stepback	For buildings over 25 metres in height, a step back or related feature that disrupts the wall relief is to be provided on all street-facing façades between 10 metres and 25 metres in height.	<i>No change.</i>	<ul style="list-style-type: none"> Current regulation provides flexibility.
10.9.12(6) Façade Materials	Materials associated with low-cost construction, such vinyl siding and standard grades of cement block, as well as darkly tinted glass, are discouraged on façades that face public rights-of-way.	<i>No change.</i>	
5.6 Number of Buildings on a Site	<p>(1) Subject to subsection (2), no more than one principal building shall be located on any site.</p> <p>(2) More than one principal building shall be permitted in dwelling groups, shopping centres, industrial complexes, office complexes, educational institutions, airports, any site in a B4MX, CM1, or CS1 District, and city-wide parks, multi-district parks, and district parks.</p>	<p>More than one principal building shall be permitted on any site in the B6 District.</p> <p>The Development Officer shall require a site plan control application in accordance with Section 4.12(2) for any development with more than one principal building in the B6 District. In addition to the requirements of Section 4.12, site plan control applications in the B6 District must demonstrate that the site will be developed in a manner that promotes access and safety, including:</p> <ul style="list-style-type: none"> Avoiding conflict between vehicular and pedestrian traffic and giving the right of way to pedestrians whenever possible. Vehicle access to the site shall not be permitted from the front street, except where there is no access from a lane or flanking street. No internal roadways shall be permitted, except those necessary to provide direct access to parking facilities. 	<ul style="list-style-type: none"> Permitting more than one principal building on a site subject to a site plan control application provides for a discretionary level of administrative review to ensure site development prioritizes safe and integrated pedestrian movement between the buildings on the site.

PROPOSED NEW REGULATIONS

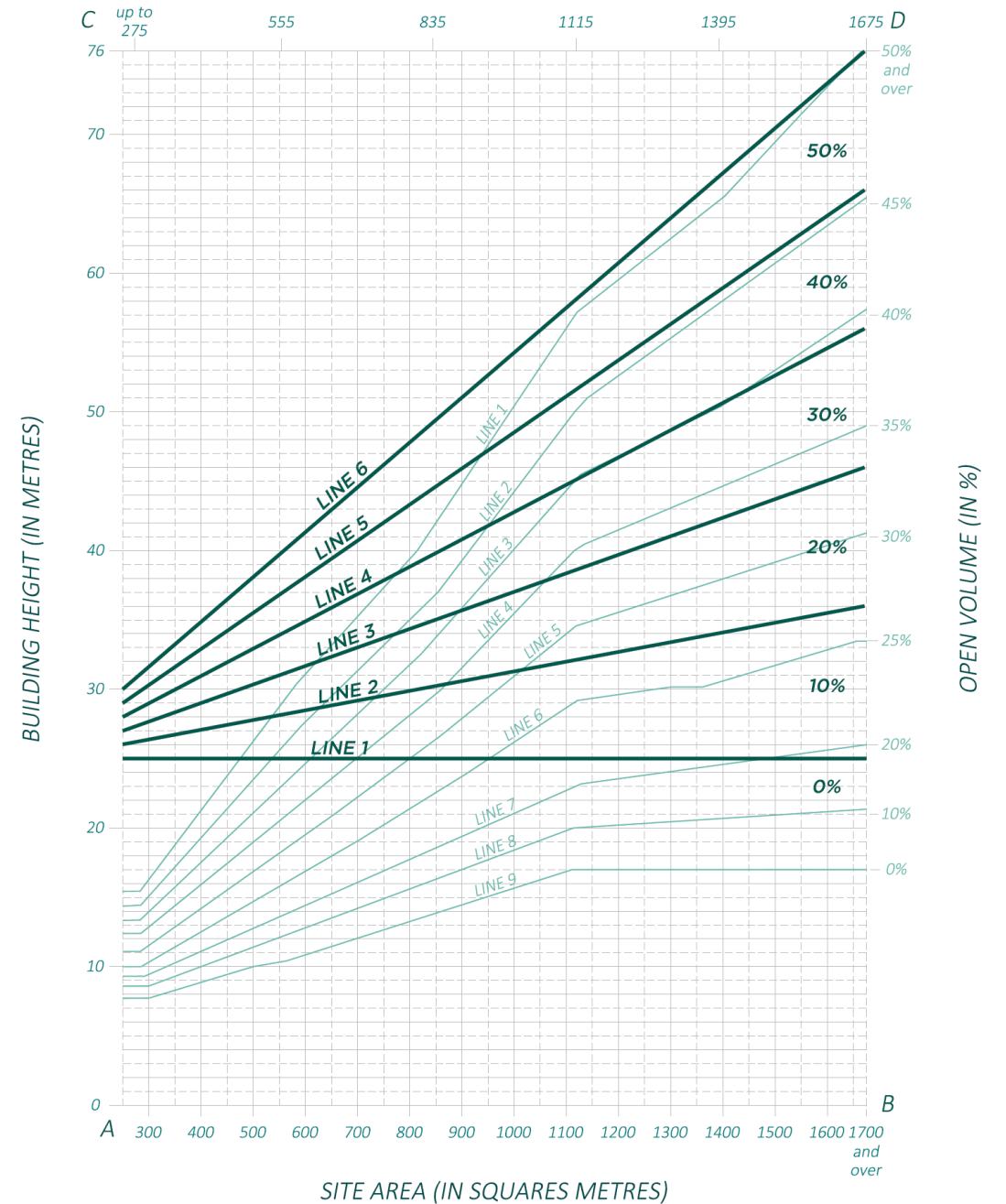
Bylaw Section / Topic Area	Current Regulation	Proposed Regulation	Rationale/Comments
Active Frontage	N/A	For sites with a frontage greater than 21 metres along any street, active frontages on the ground floor of all street-facing façades shall be provided through clearly defined storefronts or articulation of vertical divisions or bays in the façade that provides the appearance of such.	<ul style="list-style-type: none"> • Intended to prevent continuous featureless ground floor facades and break them up through a rhythm of storefronts or variations, transitions, and other architectural features to provide the appearance of such. • This integrates active frontage principles from OCP into a new regulation. • 21 m was selected based on an assessment of typical storefront widths on Downtown’s established “fine-grain” shopping streets.
Active Frontage	N/A	At least one public entrance shall be provided on all street-facing façades.	<ul style="list-style-type: none"> • At least one per façade; not proposing requiring individual a street entrance for every commercial retail unit. • This integrates active frontage principles from OCP into a new regulation.
Drive-throughs	N/A	Drive-throughs are prohibited.	<ul style="list-style-type: none"> • Generally incompatible in a pedestrian-oriented Downtown context; negatively impacts how buildings front and interface with streets.
Mechanical Screening	N/A	Rooftop mechanical equipment shall be integrated within the building or adequately screened from view.	<ul style="list-style-type: none"> • This addresses mechanical screening for aesthetics in absence of a general regulation in the bylaw.

OPEN VOLUME REGULATIONS

Current Regulation: See Section 10.9.5(6)

- Open Volume regulates building height and massing by requiring three-dimensional open space and variation in the built form.
- Maximum permitted building height is determined by the site area and amount of open volume provided on the site, as established by the graph to the right.
- The current regulation (light green) is overlaid with the proposed regulation (dark green).

Summary of Proposed Regulation	Rationale/Comments
<ul style="list-style-type: none"> • The regulation will also be expressed as a numerical table. • The threshold for requiring open volume is raised to buildings over 25 m for all sites. • Lines of open volume are reduced from 9 to 6 and increase in increments of 10%. • Bylaw text will more clearly outline how the graph is to be interpreted and applied, including: <ul style="list-style-type: none"> ○ When the site area of a property falls between established intervals, round to the nearest vertical coordinate. ○ Where the intersection of site area and the pertinent open volume line does not fall on a horizontal coordinate representing a whole number, round to the next highest horizontal coordinate. • The amount of open volume required for a given height is determined by that horizontal coordinate's intersection with the site area vertical coordinate. <p>Building heights:</p> <ul style="list-style-type: none"> ○ Up to and including Line 1 require no open volume. ○ Line 1-2: at least 10% open volume. ○ Line 2-3: at least 20%. ○ Line 3-4: at least 30%. ○ Line 4-5: at least 40%. ○ Line 5-6: at least 50%. • Additional building height, beyond what is permitted for a site at each open volume line, may be granted under the density bonusing provisions contained in Appendix E. 	<ul style="list-style-type: none"> • Interpretation of the graph is simplified, and existing ambiguities are addressed. • 6 storey buildings are permitted on all sites with no open volume. • Development rights are increased, especially for small and medium sites which the existing regulation has a punitive effect on. • Requiring open volume above 25 m aligns with existing regulation for buildings above this height to include a step back. • The opportunity for density bonusing is broadened to enable maximum permitted building height to be exceeded at each line of open volume for any site. Currently, this is only an option to exceed 76 m on eligible sites. • As part of a City Centre Plan update, development features available for density bonus in Appendix E will be clarified and expanded.



SURFACE PARKING REGULATIONS

Note: New surface parking regulations are proposed to be applied to the B6, M4, and MX2 Districts within the Downtown.

Current Regulations:

- “Commercial Parking Lot” and “Parking Station” are permitted land uses in the B6, M4, and MX2 zones.
- Development standards:
 - Screening: minimum 1.0 m;
 - Landscaping: 3.0 m strip along frontage; 1.5 m along flanking street on corner sites (note: no landscaping required in MX2)
 - Hard surfacing: required for parking stations only.
- Surface parking accessory to another principal use on the site is permitted with no landscaping or hard surfacing requirements (screening only).

Proposed Regulation		Rationale/Comments
New Land Use Definitions	<ul style="list-style-type: none"> • “Surface parking lot” means a commercial parking lot or a parking station located in a B6, M4, or MX2 district that is located at grade, is not located in a parking structure, and is the principal use of the site. • “Surface parking lot – temporary” means a commercial parking lot or parking station in a B6, M4, or MX2 district that is developed on a temporary basis, is located at grade, is not located in a parking structure, and is the principal use of the site. 	<ul style="list-style-type: none"> • New land use definitions to distinguish between “permanent” and “temporary” surface parking. • Parking that is located within parking structures and surface parking that is accessory to a principal use on the same site would not be captured by these new land uses and would continue to be permitted subject to screening and landscaping requirements.
Permissions	<ul style="list-style-type: none"> • Both land uses shall be a discretionary use in the B6, M4, and MX2 zones, except where noted as prohibited. • Both land uses shall be prohibited on sites fronting or adjacent to 21st Street E (1st Ave to Spadina Cres) and 2nd Avenue (19th St to 25th St). 	<ul style="list-style-type: none"> • Providing for the land uses as a discretionary use aligns with the recommendation of the City Centre Plan. • Prohibited areas for these uses recognize the importance of these signature streets to Downtown and the need for pedestrian-oriented built forms.
Surface Parking Lot – Permanent		
Discretionary Use Application	<ul style="list-style-type: none"> • Approving authority: City Council • Approval term: indefinite 	<ul style="list-style-type: none"> • Applications to be decided by City Council given the indefinite/permanent nature of the land use.
Development Standards	<ul style="list-style-type: none"> • Screening: minimum 1.0 m • Hard surfacing: yes • Landscaping: 3.0 m along frontage; 1.5 along flanking street on corner sites • Landscaping standards: <ul style="list-style-type: none"> ○ Max 50% hard landscaping elements (except in M4). ○ Required landscaping can be distributed along street-facing property lines in a flexible manner, provided that the overall landscaped area is equivalent to what is required. 	<ul style="list-style-type: none"> • Landscaping standards are to be differentiated from citywide standards in recognition of Downtown’s unique attributes. • Increasing hard landscaping max from 25% to 50% in B6 and MX2 due to the urban context; not recommended in M4 where grass boulevards/soft landscaping prevalent. • Redistribution of landscaping intended to provide flexibility for site layouts and allow larger landscaping nodes in specific areas, such as at a street corner, or where growing conditions are better due to things like solar access. • With increased allowance for hard landscaping, nodes could be developed as small plaza/public amenity areas.
Submission Requirements	<p>Required:</p> <ul style="list-style-type: none"> • Landscape plan to be endorsed by a registered landscape architect. • Demonstrate demand/justification for permanent surface parking facility. <p>May be required:</p> <ul style="list-style-type: none"> • Landscaping management plan if irrigation is not provided. • Site lighting details • Transportation analysis (access/egress) 	<ul style="list-style-type: none"> • A landscape plan prepared by a landscape architect intended to ensure plantings are viable. Downtown is a difficult growing environment; sites may not have water service.

Proposed Regulation		Rationale/Comments
Surface Parking Lot – Temporary		
Discretionary Use Application	<ul style="list-style-type: none"> • Approving authority: Development Officer • Approval term(s): <ul style="list-style-type: none"> ○ 1st term – up to 4 years ○ 2nd term – up to 2 years 	<ul style="list-style-type: none"> • Given the temporary nature of the land use and straightforward requirements, applications are to be decided administratively (Council hearing not required). • Approval term limits ensure temporary nature of the land use. Requiring a renewal after a first term provides opportunity to re-evaluate the proposal and reset expectations with the proponent around the temporary nature and need to advance other plans for the site.
Development Standards	<ul style="list-style-type: none"> • Screening: minimum 1.0 m • Hard surfacing: no • Landscaping: no 	<ul style="list-style-type: none"> • Expectations for site development are lower given the temporary nature.
Submission Requirements	<p>Required:</p> <ul style="list-style-type: none"> • Development concept/indication of future plans for the site. <p>May be required:</p> <ul style="list-style-type: none"> • Transportation analysis (access/egress) 	
Accessory Surface Parking		
Development Standards	<ul style="list-style-type: none"> • Screening: minimum 1.0 m • Hard surfacing: no • Landscaping: 3.0 m along frontage; 1.5 along flanking street on corners • Landscaping standards: <ul style="list-style-type: none"> ○ Max 50% hard landscaping elements (except in M4). ○ Required landscaping can be distributed along street-facing property lines in a flexible manner, provided that the overall landscaped area is equivalent to what is required. 	<ul style="list-style-type: none"> • Surface parking accessory to another principal use on the same site will remain permitted as it is today, but with landscaping and screening required where it interfaces with a street-facing property line. Currently only screening is required.

PARKING STRUCTURES

Existing regulations for parking structures that are included in Section 6.0 of the Zoning Bylaw (general parking section) currently apply to the B6, M4, and MX2 zones but their applicability is unclear due to their placement within the bylaw. These regulations will be moved into each respective zone's regulations for clarity. Current regulation:

6.6 Parking Structures

(1) Parking structures must be screened with architectural treatments on all street-facing façades, and those façades that can be viewed from a public street, regardless of setback distance. Architectural treatments may include architectural screening or cladding resembling a building façade and are subject to the satisfaction of the Development Officer.

(2) Parking structures are required to incorporate elements of an active frontage and must provide public uses for a minimum of 50% of the ground floor frontage along the building's street-facing frontage where immediately adjacent to a public street. The ground floor of parking structures are encouraged to be retail-ready as a means to accommodate public uses at-grade.