



MEMORANDUM

October 5, 2005

TO: Mayor Sullivan and Councillors

CC: J. Rogers, City Manager
B. MacGregor, Deputy City Manager
S. Baxter, City Clerk
J. Forbes-Roberts, General Manager, Community Services
B. Toderian, Director of Planning
C. Gray, Director of the Housing Centre
A. Kloppenborg, Acting Director of Social Planning
S. Harvey, Managing Director of Cultural Services
T. Timm, General Manager of Engineering Services
M. Flanigan, Director of Real Estate Services
K. Bayne, Director of Financial Planning and Treasury
F. Connell, Director of Legal Services

FROM: G. Miller, SEFC Rezoning Planner

SUBJECT: 201 West 2ND Avenue: Rezoning from M-2 TO CD-1
Draft CD-1 By-law

During the final preparation of the draft CD-1 By-law for this proposed rezoning, and just prior to the posting of the By-law, additions and deletions were made to improve clarity. The text below shows the minor changes between the draft by-law provisions as presented in Appendix A of the referral report and how they now appear in the draft by-law in Public Hearing agenda package. An explanation for each change is presented below where the deleted text is crossed out and the added text is in italics.

No Council action is required as the posted By-law is correct.

- As a unique definition for base surface is unnecessary for this site it has been deleted from the draft by-law as follows:

"Definitions

~~In this By law, despite section 2 of the Zoning and Development By law, "base surface" means the base surface calculated from the official established building grades.~~

- Floor space exclusions for double height spaces were included in appendix A while typical provision for including double height spaces were omitted in error. The following changes have been made to the draft by-law:

"4.3 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
- (b) *stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and*
- (c) *in the case of dwelling and live/work uses, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses."*

- Floor space and height exclusions are provided for "garden structures". The following changes have been made to the draft by-law to add clarity to the intent:

"4.5 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (f) ~~trellises and other~~ garden structures *such as pergolas, trellises and tool sheds* which support the use of intensive green roofs and urban agriculture."

"5.2 Despite section 5.1, maximum building height does not include a mechanical penthouse, ~~garden structures such as pergolas, trellises and tool sheds, and other garden structures~~ which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law."

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