

19.10 High Rise Apartment and Artist Residential Tenancy Studio Units (ZHR10) – Capstan Village (City Centre) [Bylaw 8840, Jan 28/13]

19.10.1 Purpose

The **zone** accommodates artist residential tenancy studio (ARTS) units and **park**, together with adjunct **uses** including high-rise apartments, **town housing**, and a limited amount of **commercial use**. Additional **density** is provided to achieve, among other things, **City** objectives in respect to the **City Centre** arts district, **park**, **affordable housing dwelling units**, and the Capstan Canada Line station

19.10.2 Permitted Uses

- artist residential tenancy studio (ARTS) units
- **child care**
- **congregate housing**
- **housing, apartment**
- **housing, town**
- **park**

19.10.3 Secondary Uses

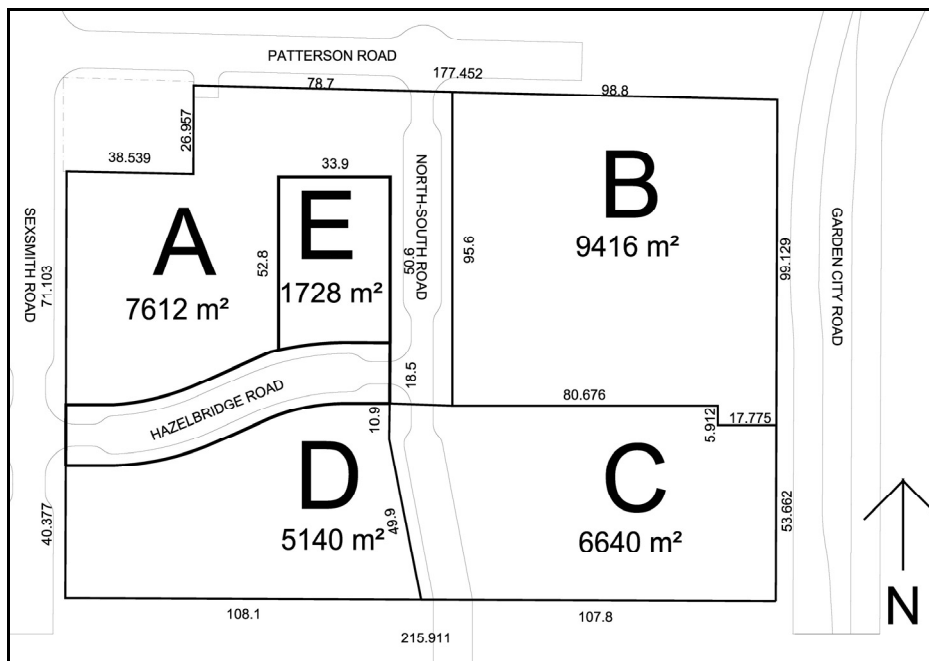
- **boarding and lodging**
- **community care facility, minor**
- **health service, minor**
- **home-based business**
- **home business**
- **library and exhibit**
- **retail, convenience**
- **retail, general**
- **restaurant**
- **studio**

19.10.4 Permitted Density

1. The maximum **floor area ratio (FAR)** shall be 0.55, together with an additional 0.10 **floor area ratio** provided that it is entirely used to accommodate **amenity space** and an additional 0.03 **floor area ratio** within the area identified as “D” in Section 19.10.4 Diagram 1 provided that it is entirely used to accommodate **community amenity space** for **studio** and related **uses**. ^[Bylaw 9269, May 24/16]
2. Notwithstanding Section 19.10.4.1, the reference to “0.55” is increased to a higher **floor area ratio** of “3.2” if:
 - a) the **site** is located in the Capstan Station Bonus Map area designated by the **City Centre Area Plan**;
 - b) the **owner** pays a sum into the **Capstan station reserve** as specified in Section 5.19 of this bylaw;
 - c) the **owner** grants to the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, rights of public use over a suitably landscaped area of the **site** for **park** and related purposes at a rate of 7.4 m² per **dwelling unit** or 9,220.0 m², whichever is greater;
 - d) prior to first occupancy of the **building**, the **owner**:
 - i) provides in the **building** not less than four **affordable housing units** and the combined **habitable space** of the total number of **affordable housing units** would comprise at least 5% of the total **building** area; and
 - ii) enters into a **housing agreement** with respect to the **affordable housing units** and registers the **housing agreement** against the title to the **lot**, and files a notice in the Land Title Office; ^[Bylaw 9269, May 24/16]

- e) prior to first occupancy of the **building** in the area identified as “A” in Section 19.10.4 Diagram 1, the **owner**: *[Bylaw 9269, May 24/16]*
 - i) provides in the **building** not less than 20 ARTS units and the combined **habitable space** of the total number of ARTS units would comprise at least 1,628.0 m²; and *[Bylaw 9269, May 24/16]*
 - ii) enters into a **housing agreement** with respect to the ARTS units and registers the **housing agreement** against the title to the **lot** and files a notice in the Land Title Office; and *[Bylaw 9269, May 24/16]*
 - f) prior to first occupancy of the **building** in the area identified as “D” in Section 19.10.4 Diagram 1, the **owner**: *[Bylaw 9269, May 24/16]*
 - i) provides in the **building** not less than 140.0 m² of **gross leasable floor area of community amenity space for studio and related uses**; and *[Bylaw 9269, May 24/16]*
 - ii) enters into legal agreements with respect to the **community amenity space** and registers the legal agreements against the title to the **lot** and files a notice in the Land Title Office. *[Bylaw 9269, May 24/16]*
3. Notwithstanding Section 19.10.4.2, in the area identified as “A”, “B”, “C”, “D”, and “E” in Section 19.10.4 Diagram 1:
- a) the maximum total combined **floor area** shall not exceed 97,704.0 m²; and
 - b) the maximum **floor area** within each individual area shall not exceed:
 - i) for “A”: 23,400.0 m²;
 - ii) for “B”: 20,900.0 m²;
 - iii) for “C”: 19,400.0 m²;
 - iv) for “D”: 23,700.0 m²; and
 - v) for “E”: 11,000.0 m².

Diagram 1



19.10.5 Permitted Lot Coverage

1. The maximum **lot coverage** for **buildings** and landscaped roofs over **parking spaces** is 90%, exclusive of portions of the **sites** the **owner** grants to the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, for **park** or **road** purposes.

19.10.6 Yards & Setbacks

1. Minimum **setbacks** shall be:
 - a) for **road** and **park**: 6.0 m measured to a **lot line** or the boundary of an area granted to the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, for **road** or **park** purposes, but may be reduced to 3.0 m if a proper interface is provided as specified in a Development Permit approved by the **City**; and
 - b) for **interior side yard** or **rear yard**: 3.0 m, but may be reduced to 0 m if a proper interface is provided as specified in a Development Permit approved by the **City**.
2. Notwithstanding Sections 19.10.6.1, **structures** located entirely below the finished **grade** may project into the **road**, **park**, **interior side yard**, or **rear yard setbacks**, provided that such encroachments do not result in a finished **grade** inconsistent with that of **abutting lots** and the **structures** are screened by a combination of trees, shrubs, native and ornamental plants, or other landscape material specified in a Development Permit approved by the **City**.

19.10.7 Permitted Heights

1. Maximum **building height** shall be:
 - a) 25.0 m for portions of the **building** located less than 50.0 m from a **lot line abutting** Garden City Road; and
 - b) 35.0 m elsewhere.
2. Notwithstanding Section 19.10.7.1, the maximum **building height** may be increased if a proper interface is provided with **adjacent buildings** and areas secured by the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, for **park** purposes, as specified in a Development Permit approved by the **City**, as follows:
 - a) 28.0 m for portions of the **building** located less than 50.0 m from a **lot line abutting** Garden City Road; and
 - b) 47.0 m geodetic elsewhere.
3. The maximum height for **accessory buildings** is 5.0 m.
4. The maximum height for **accessory structures** is 12.0 m.

19.10.8 Subdivision Provisions

1. The minimum **lot area** is 5,000.0 m².

19.10.9 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided according to the provisions of Section 6.0.

19.10.10 On-Site Parking & Loading

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0 of this bylaw, except that: [Bylaw 9269, May 24/16]
 - a) for artist residential tenancy studio (ARTS) units, the minimum number of required **parking spaces** shall be: [Bylaw 9269, May 24/16]
 - i) for residents: 0.9 per **dwelling unit**; and [Bylaw 9269, May 24/16]
 - ii) for visitors: 0.2 per **dwelling unit**; and [Bylaw 9269, May 24/16]
 - b) for **community amenity space** in the form of **studio** and related **uses**: [Bylaw 9269, May 24/16]
 - i) the minimum number of required **parking spaces** shall be 1.0; [Bylaw 9269, May 24/16]
 - ii) the minimum number of required Class 1 bicycle **parking spaces** shall be 8.0; and [Bylaw 9269, May 24/16]
 - iii) Class 2 bicycle **parking spaces** and on-site **loading spaces** may be shared respectively with Class 2 bicycle **parking spaces** and on-site **loading spaces** required for the residential **uses** in the **building**. [Bylaw 9269, May 24/16]

19.10.11 Other Regulations

1. For the purposes of this bylaw, artist residential tenancy studio unit or ARTS unit:
 - a) means a **dwelling unit** providing space for sleeping, living, washrooms, and **kitchen**, together with space designed to facilitate the use of the **dwelling** for arts-related **home-based business** purposes including painting, pottery, dance, choreography, non-amplified music, composing, conducting, arranging, recording, writing, media arts, photography, print making, or carving;
 - b) shall be **town housing**, but may be **apartment housing** if located in a purpose-built **building** intended for the exclusive use of the occupants of ARTS units and **ancillary uses**; and
 - c) have a minimum **habitable space** of 74.0 m², of which at least 11.6 m², provided as one contiguous space, shall have a minimum clear height of 4.5 m measured from the surface of the finished floor to the surface of the finished ceiling. [Bylaw 9269, May 24/16]
2. **Convenience retail, general retail, library and exhibit, minor health service, restaurant, and studio** must be located on the **first storey** of the **building**.
3. **Convenience retail, general retail, library and exhibit, minor health service, restaurant, and studio** are limited to the area identified as "A", in Section 19.10.4 Diagram 1 and a maximum **gross leasable floor area** of 200.0 m².
4. **Telecommunication antenna** must be located a minimum of 20.0 m above the ground (i.e. on the roof of a **building**).
5. In addition to the regulations listed above, the General Development Regulations in Section 4.0 and the Specific Use Regulations in Section 5.0 apply.