

Zoning By-law Site Specific Modifications – “H” (Community Shopping and Commercial, Etc.) – District

Provision	Required	Requested Amendment	Analysis
Section 2: Definitions – Commercial Uses			
<p>(2) (2) (d)</p> <p><i>**Applicant Requested Modification - Amended by Staff</i></p>	<p>Live Work Unit is not defined in Zoning By-law No. 6593.</p>	<p>To establish a definition for Live Work Units that will allow the live work units proposed along Ferrie Street East and to permit Live Work Units.</p>	<p>The proposed modification is to establish a definition for a Live Work Unit and establish limitations in respect to function and design that will apply to live work units.</p> <p>For the purpose of this definition a Live Work Unit shall be defined as “A dwelling unit which contains a permitted commercial business operated by the resident of the dwelling unit and provides direct access at grade.”</p> <p>Therefore, the proposed modification can be supported.</p>
Section 14: “Community Shopping and Commercial, Etc.) - Uses			
<p>(1)</p> <p><i>**Applicant Requested Modification - Amended by Staff</i></p>	<p>Does not permit a Multiple Dwelling.</p>	<p>To permit the use of a multiple dwelling.</p>	<p>The “H” (Community Shopping and Commercial, Etc.) District permits residential uses including single detached dwellings, retirement homes, dwelling units at a ratio of 1 unit for every 180 sq m of lot area, but does not permit a multiple dwelling.</p> <p>The use of a multiple dwelling is in line with the policies of the West Harbour (Setting Sail) Secondary Plan respecting Mixed Use areas, is appropriate for the subject lands and will contain commercial uses on the ground floor.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(1)</p>	<p>List of Permitted Commercial Uses as</p>	<p>To restrict certain commercial uses.</p>	<p>The range of Commercial uses permitted in the “H” District includes commercial uses that do not meet the</p>

<p>**Proposed By Staff</p>	<p>permitted by the modification above.</p>		<p>policies of the Mixed Use Designation of the West Harbour (Setting Sail) Secondary Plan. Specifically the “H” District permits a frosted food locker plant, theatre, motion picture studio, automobile services station and car wash, which are not uses contemplated in the Mixed Use Designation. Therefore, a provision to prohibit these uses is appropriate to ensure that the range of commercial uses aligns with the intent of the Secondary Plan.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Section 14 “Commercial – Residential” District - Requirements</p>			
<p>(2) (ii) Height Requirement</p> <p>**Applicant requested modification</p>	<p>The “H” District permits a building to be a maximum of eight storeys or 26 m provided side yards are not less than 3.0 m.</p>	<p>Reduction in the maximum building height to eight storeys or 24.5 m without providing a 3.0 m side yard.</p>	<p>The proposed modification represents a reduction in maximum building height from the “H” District permission of 26.0 m to 24.5 m, to reflect the height of the proposed building. This constitutes a reduction from the current maximum building height that is permitted in the “H” District.</p> <p>The proposed building is to be located 0 m from the northerly and southerly side lot lines. The proposed building incorporates stepbacks into the upper floors along the southerly façade of the building.</p> <p>In respect to the northerly side yard, the massing of the building along the northerly side lot line is limited to the front of the property, with significant setbacks provided for the balance of the building. As described in greater detail below with respect to the modification for side yard setbacks, based on the location of the existing building to the north, the existing and proposed buildings will not align, and proposed transition is to an existing parking</p>

			<p>area.</p> <p>The provision of setbacks for the upper floors and the layout of the proposed building will maintain an appropriate transition in scale and massing, and will be compatible with the character of the area.</p> <p>The proposed eight storey building height does exceed the maximum height restriction of 2 to 4 storeys permitted in the West Harbour (Setting Sail) Secondary Plan. As outlined in the Analysis and Rationale for Recommendations section of the report an amendment to the maximum height requirement of the Secondary Plan has merit.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(3) (i) Front Yard Depth</p> <p>**Applicant Requested Modification</p>	<p>The “H” District requires a minimum front yard depth equal to or greater to that required on any other lot on the same side of the street between two intersecting streets.</p> <p>Based on the “DE-3” District of the land to the north a minimum front yard depth of between 4.5 m and 7.5 m is required.</p>	<p>Reduction in minimum front yard depth of 0.5 m from James Street North.</p>	<p>The proposed modification to provide a 0.5 m setback from James Street North is in line with the general direction of locating buildings in proximity to the street in order to establish a strong pedestrian streetscape.</p> <p>It is noted that while a 0.8 m setback from James Street North is identified on the concept plans submitted by the applicant, the applicant has requested a setback requirement of 0.5 m to provide a degree of flexibility at the Site Plan Control and building construction stage.</p> <p>The existing buildings on the subject property are located in close proximity to James Street North. Furthermore, the proposed building is in line with the existing buildings at 486, 490 and 492 James Street North.</p>

			<p>In addition, the seventh and eighth floors will be stepped back 3.8 m along James Street North from the base of the podium. The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks along the street will improve the angular transition between the building and the street, and thereby establish a massing for the building that is better integrated with the neighbourhood.</p> <p>The proposed reduction in front yard setback is consistent with the character of the area and supports a pedestrian oriented streetscape along James Street North.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(3) (ii) (a) Side Yard Width</p> <p>**Applicant Requested Modification</p>	<p>A side yard width of 2.7 m is required.</p>	<p>Reduction in minimum northerly and southerly side yard width to 0 m.</p>	<p><u>Southerly Side Yard</u></p> <p>The proposed modification to provide a 0 m setback from Ferrie Street East is in line with the general direction of locating buildings in proximity to the street in order to establish a strong pedestrian streetscape.</p> <p>The existing buildings on the subject property are located in proximity to Ferrie Street East. Furthermore, the proposed building is in line with the existing buildings located to the east along the north side of Ferrie Street East.</p> <p>In addition, the seventh and eighth floors will be stepped back 2.8 m along Ferrie Street East from the base of the</p>

			<p>podium. The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks along the street will improve the angular transition between the building and the street and thereby establish a massing for the building that is better integrated with the neighbourhood.</p> <p>Therefore, the proposed reduction in setback from Ferrie Street East is consistent with the character of the area.</p> <p><u>Northerly Side Yard</u></p> <p>The existing building on the adjacent lands to the north (482 James Street North) is setback approximately 20m from the front lot line. The existing building to the north does not align with the proposed building and the proposed building overlooks an existing front yard parking area.</p> <p>It is noted that the Zoning Provisions of the current “H” District requires a side yard setback of 2.7 m.</p> <p>It is further noted that while no stepback is proposed for the 7th and 8th storeys, a stepback of 15.0 m is proposed from the northerly side lot line to the mechanical penthouse which will assist with transition in scale.</p> <p>It is anticipated that future re-development of the lands to the north would include the building being brought up to the street line completing the street wall on the east side of James Street North between Ferrie Street East and Picton Street East.</p>
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			<p>The northerly façade of the proposed building that is to be located 0 m from the northerly lot line will include a vertical row of windows that are recessed into the façade of the building to a depth of 1.2 m (see Appendix “G” to Report PED19116). Based on the recessed nature of the windows and based on the fact that windows overlook an existing parking area the proposed reduction in the northerly side yard setback will not create privacy impacts on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(3) (iii) Rear Yard Depth</p> <p>**Applicant Requested Modification</p>	<p>A rear yard depth of 7.5 m is required for any building that is wholly or partially used for human habitation.</p>	<p>Reduction in minimum rear yard depth of 7.0 m for the first and second storey and 6.5 m for the third through sixth storey.</p>	<p>The proposed modification with respect to rear yard setback establishes angular transition of approximately 45° from the height of 11.0 m which represents the typical height of a single detached dwelling in the vicinity of the subject lands.</p> <p>It is noted that the zoning provisions of the current “H” District requires a setback of 7.5 m and therefore the proposed reduction requiring a 7.0 m setback for the first and second floor constitutes a 0.5 m reduction from the current By-law requirement. In respect to the third through sixth floors the proposed 6.5 m setback constitutes a 1.0 m reduction from the current By-law requirement.</p> <p>The seventh and eighth floors will be stepped back an additional 6.7 m (total of 13.2 m) from the rear lot line (easterly lot line). The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks to the upper floors from the base of the</p>

			<p>podium will improve the angular transition between the proposed building and the adjacent single detached dwelling located to the east.</p> <p>In addition the portion of the building located 6.5 m from the rear lot line has limited window opening which are aligned to look down upon the roof of the existing dwelling at 17 Ferrie Street East. As part of the Site Plan Control process the terrace on the seventh floor will include privacy screening, roof top vegetative buffers or other mitigation measures to address overlook impacts from the roof top terrace. Based on the orientation of the building and through appropriate mitigation measures the proposed reduction in rear yard setback will not create overlook impacts on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Minimum Stepback Requirement</p> <p>**Proposed By Staff</p>	None Required.	To establish By-law requirements to require a minimum setback for the 7 th and 8 th storeys along James Street North, Ferrie Street East, and at the rear of the building.	<p>A stepback of 3.8 m from base of the podium or 4.6 m from the James Street North lot line (westerly lot line) is proposed for the seventh and eighth storeys and 11.8 m from the lot line for the mechanical penthouse.</p> <p>A stepback of 2.8 m from the base of the podium and the Ferrie Street East lot line (southerly lot line) is proposed for the seventh and eighth storeys and 9.0 m from the lot line for the mechanical penthouse.</p> <p>A stepback of 6.7 m from the base of the podium or 13.2 m from the easterly lot line is proposed for the seventh and eighth storeys and 14.5 m from the lot line for the mechanical penthouse.</p>

			<p>A setback of 15.0 m is proposed from the northerly lot line and the mechanical penthouse.</p> <p>As outlined in the Policy Implications and Legislative Requirements section of this report and outlined above with respect to building height and setbacks, the proposed modifications to establish minimum setback requirements is to ensure that an appropriate angular transition is established along James Street North, Ferrier Street East and from the property at 17 Ferrie Street East located to the rear of the subject property.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(9) (i) – Planting Strip</p> <p>**Applicant Requested Modification</p>	<p>A minimum 1.5 m wide planting strip is required along every side and rear lot line adjoining a residential district or use.</p>	<p>A minimum 1.2 m wide planting strip which includes planter beds is proposed along the rear lot line and no planting strip is proposed along the northerly side lot line.</p>	<p>A 1.2 m wide planting strip which includes planter beds is proposed along the rear lot line providing a vegetative buffer between the subject lands and the side and rear yards of the existing single detached dwelling (17 Ferrie Street East). The proposed 1.2 m planting strip along with the provision of a visual barrier along the rear lot line will provide an appropriate buffer between the subject lands and the adjacent lot.</p> <p>In respect to the lands to the north, a 1.5 m wide planting strip cannot be provided due to the location of the proposed building and the ramp to the parking garage. Apart from an existing sodded area that abuts a portion of the front parking area and blank side walk of the building to the north there is no other landscaping along the northerly side lot line.</p> <p>Access to the dwelling units for the lands to the north appears to be by way of a north south corridor through</p>

			<p>the middle of the building, accessed by way of the side yard. This access runs parallel to the proposed parking garage. Therefore the adjacent vehicular activity on the ramp will be at a lower elevation to that of the lands to the north. The change in elevation along with the provision of a visual barrier will provide an adequate buffer between the activities on the subject property and the adjacent residential property located to the north.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Required Amenity Area</p> <p>**Applicant Requested Modification</p>	<p>Require a Minimum Amenity Area.</p>	<p>To establish a minimum of 4.0 sq m of amenity space per dwelling units or 655 sq m of amenity space whichever is greater.</p>	<p>Amenity space is being provided in the form of indoor amenity room on the second floor and outdoor amenity space in the form of private balconies and terraces, as well as a roof top garden. The consolidated indoor amenity room and roof top garden provide amenity areas that are more usable for residents.</p> <p>In addition the subject lands are located approximately 600 m from Pier 4 Park and 700 m from Bayfront Park.</p> <p>Therefore the amenity needs of the residents of the proposed building will be met.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Required Landscape Area</p> <p>**Amended By Staff</p>	<p>Require a Minimum Landscaped Area.</p>	<p>To establish a minimum of 25% landscaping that includes the use of alternative forms of landscaping including, planter</p>	<p>A 1.2 m wide landscape strip consisting of both at grade landscaping and raised planters is provided along the rear lot line. Street trees are proposed along James Street North. Street trees are proposed along with planter boxes in front of the Live Work Units along Ferrie Street East. Gardens on the seventh floor terrace and a green roof on top of the eighth floor are also being</p>

		<p>beds and a Green Roof.</p>	<p>proposed.</p> <p>The landscaping that is being proposed consists primarily of non-traditional forms of landscaping such as planter beds, terrace gardens, and green roofs which are not defined as landscaped area in the By-law. Combined the traditional and non-traditional forms of landscaping proposed consist of 25% of the lot being landscaped. A modification is therefore required to allow for alternative forms of landscaping and to reduce the minimum landscape requirement from 40% to 25%.</p> <p>The use of alternative forms of landscaping will allow for the establishment of landscaped areas that will provide amenity space for the residents. Additionally alternative forms of landscaping along with landscaping within the boulevard will provide an attractive pedestrian realm and streetscape.</p> <p>It is further noted that the subject lands currently have limited on-site landscaped areas, consisting of a 1.2 m strip along the rear lot line and an approximately 80 sq m sodded area located at the rear of 474 and 476 James Street North. In addition there is currently no landscaping within the boulevard. Therefore, the proposed on-site and off-site landscaping as well as alternative green spaces, represent an improvement to the existing situation.</p> <p>Therefore, the proposed modification can be supported.</p>
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Section 18 – Supplementary Requirement and Modifications			
<p>(18) (3) (vi) (a) – Encroachments on Yards</p> <p>**Amended by Staff</p>	<p>Maximum encroachments for chimney, sill, belt course, pilasters, lintel or ornamental projections, may project 0.5 m into a required side yard and 1.0 m into any other required yard.</p>	<p>To permit encroachment up to the front and side lot lines, maintain the existing 1.0 m encroachment into the rear yard for the first through sixth storey and eighth storey, and 6.7 m into the rear yard for the seventh storey.</p>	<p>The proposed modification is required in order to ensure that architectural elements such as sills, pilasters or ornamental projections can be included into the design of the building. The modification will allow flexibility in the architectural design of the building and help to avoid the establishment of a monolithic building façade.</p> <p>Given the proximity of the building to the lot line, the proposed modification will not result in the creation of sills, pilasters, ornamental projections or other design elements that are disproportionately large and therefore not in keeping with the character of the area.</p> <p>The proposed modification will allow architectural elements to project up to the property line. This modification does not permit any encroachment beyond the property line.</p> <p>The 6.7 m encroachment on the seventh floor is to allow for a terrace on the roof of the seventh storey at the rear of the proposed building. The proposed terrace aligns with the roof of the existing dwelling to the east. In addition mitigation measures such as privacy fencing and / or roof top plantings will be required as part of the Site Plan Control application. Therefore, the proposed terrace will not result in overlook impacts for the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>(18) (3) (vi) (b) (i) and (iii) – Encroachment in Yard</p> <p>**Amended by Staff</p>	<p>A canopy, cornice, eave, or gutter may project 1.5 m into a required front yard but shall not be closer than 1.5 m from a street line and not more than ½ of the width of 1.0 m whichever is lesser into a required side yard.</p>	<p>To permit encroachment up to the front and side lot line.</p>	<p>The proposed modification is required in order to ensure that a canopy, cornice, eave or gutter can be included into the design of the building.</p> <p>Given the proximity of the building to the lot lines the proposed modification will not result in the creation of canopies, cornices, eaves, or gutters that project a significant distance out from the face of the building and therefore not keeping with the character of the area.</p> <p>The proposed modification will allow architectural elements to project up to the property line. This modification does not permit any encroachment beyond the property line.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(18) (3) (vi) (cc) – Encroachment in Yard</p> <p>**Amended by Staff</p>	<p>A bay, balcony or dormer may project 1.0 m into a required front yard but shall not be closer than 1.5 m to a street line and not more than 1/3 the width or 1.0 m whichever is the lesser into a required side yard.</p>	<p>To permit encroachment up to the front and side lot line.</p>	<p>The proposed modification is required in order to ensure that a bay, balcony or dormer can be included into the design of the building.</p> <p>Given the proximity of the building to the lot lines the proposed modification will not result in the creation of bay, balcony or dormer that are disproportionately large and therefore not in keeping with the character of the area.</p> <p>The proposed modification will allow architectural element to project up to the property line. This modification does not permit any encroachment beyond the property line.</p> <p>Therefore, the proposed modification can be supported.</p>

Section 18A – Parking and Loading Requirements			
<p>(1) (a) and (b) – Number of Parking Spaces</p> <p>**Applicant Requested Modification – Amended By Staff</p>	<p>A minimum of 0.8 parking spaces per dwelling unit are required (total of 73 spaces).</p>	<p>A minimum of 0.42 parking spaces per dwelling unit are required, however not less than 39 parking spaces shall be provided of which nine visitor parking spaces and two car sharing vehicles spaces shall be required.</p> <p>No parking is required for any commercial gross floor area less than 450 sq. m. except for a medical clinic, funeral home, or bank and other similar financial institutions.</p>	<p>The subject property is located on James Street North which includes existing bus routes. Additionally the subject property is located within 400 m of the West Harbour Go Station which provides regional public transportation options for residents. A total of 45 long term bicycle parking spaces are proposed which provide alternative transportation options for residents.</p> <p>Nine of the 39 vehicular parking spaces will be reserved for visitor parking and two of the remaining 30 parking spaces will be reserved for car sharing vehicles. The provision of car sharing vehicles will provide residents greater flexibility with respect to transportation options. Residents will be less reliant on privately owned vehicles by having access to a communal vehicle.</p> <p>The proposed development is intended to establish flexible residential units. The parking ratio of 0.42 parking spaces per dwelling unit represents the ratio that would apply if all 92 units were sold individually. Should prospective purchasers ultimately purchase and consolidate multiple units into a larger dwelling unit, than the total number of units would decrease. Furthermore as a minimum 39 vehicular parking spaces will be required regardless of how many units are consolidated the resulting parking ratio will respectively increase as the result of any units being consolidated.</p> <p>The portion of the building that is for exclusive commercial use has a gross floor area that is less than 450 sq. m. Currently parking is not required for retail</p>

			<p>and general office uses that have a gross floor area that is less than 450 sq. m. This provision will continue to be applied to the subject lands and will be expanded to include additional commercial uses such as restaurants, thereby not requiring parking for these additional commercial uses.</p> <p>Based on the flexible nature of the proposed development and the availability of alternative transportation options, the proposed on-site parking will meet the parking needs of the residents.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Minimum Bicycle Parking Spaces</p> <p>**Proposed By Staff</p>	None Required.	To require a minimum of 0.07 short term and 0.48 long term bicycle parking spaces or 7 short term and 45 long term Bicycle Parking whichever is greater.	<p>The modification is to establish a By-law requirement for long term and short term bicycle parking which does not currently exist. The proposed modification is to require a minimum number of on-site long term and short term bicycle parking to provide alternative transportation options for residents.</p> <p>It is noted that only seven short term bicycle parking spaces are identified in the By-law provision whereas 16 are proposed in the latest submission. This discrepancy is due to the fact that only seven of the 16 short term bicycle parking spaces are located on the subject lands, The remaining nine spaces are located within the City Boulevard and therefore cannot be counted as on-site short term bicycle parking spaces.</p> <p>Therefore, the proposed modification can be supported.</p>
11 (a), (12) (a)	A parking area and	A minimum 1.2 m	As outlined above with respect to Section 15B(36) the

<p>and (b) – Separation of a Parking Area and Loading Space from an Adjoining Residential District</p> <p>**Applicant Requested Modification</p>	<p>loading area must provide a minimum 1.5 m planting strip between a parking area and loading area and a residential district.</p>	<p>wide planting strip shall be provided between a parking area and loading area and the residential district to the east and no planting strip shall be required between the parking area and loading area and the residential district to the north.</p>	<p>proposed reduction in the width of a planting strip between the subject lands and the property to the east and not providing a planting strip between the subject lands and the property to the north, will not result in negative impacts on the adjoining residential districts.</p> <p>Therefore, the proposed modification can be supported</p>
<p>(25) – Driveway Separation from Adjacent Property to the East</p> <p>**Applicant Requested Modification</p>	<p>A driveway for a multiple dwelling is required to be setback 3.0m from the property line of a residential district that does not permit a multiple dwelling.</p>	<p>To permit a driveway for a multiple dwelling to be setback 1.0m from the easterly rear lot line which is adjacent to a residential district that does not permit a multiple dwelling.</p>	<p>A planting strip and visual barrier will be provided between the proposed access driveway and the adjacent single detached dwelling at 17 Ferrie Street East, which will provide adequate buffering and screening between the parking area for the multiple dwelling and the adjacent property.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>(36) – Provision for Restaurants</p>	<p>A parking area used in conjunction with a restaurant use is required to be setback 12.0 m from a residential district and an access driveway is required to be setback 30.0 m from a residential district.</p> <p>A landscaped area of 1.5 m is required along any side or rear lot line abutting a street.</p>	<p>To not apply this provision.</p>	<p>The proposed parking area is to be setback 1.2 m from the residential district to the rear and 0.0 m from the residential district to the north.</p> <p>The proposed commercial uses for the subject lands will be less than 450 sq. m. and as such based on the modification with respect to on-site parking, no parking would be required for a restaurant use.</p> <p>The prospective commercial tenants have not yet been established, however a restaurant use would be permitted for the subject lands, and the proposed modification is therefore to ensure that any future restaurant use does not result in the need for large setbacks from adjacent residential districts.</p> <p>Therefore, the proposed modification can be supported.</p>
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