

Site Specific Modifications to the “H” (Community Shopping and Commercial, Etc.) District

Regulation	Required	Modification	Analysis
2.(2)J.(ix) Definition of Height	“Height” means the vertical distance from grade to the uppermost point of the building, not including any mechanical penthouse and other accessory features.	That “Height” not include a rooftop terrace.	<p>The definition of “Height” does not specifically exclude a rooftop terrace from the calculation of vertical distance from grade. In order to ensure the proposed rooftop terrace will be permitted above the maximum permitted building height, the applicant has requested a modification to exclude a rooftop terrace for the purposes of calculating building height.</p> <p>The proposed rooftop terrace will increase the amount of shared outdoor amenity space available to residents of the development. Staff are satisfied that the proposed building step backs will mitigate issues of noise and overlook associated with the outdoor terrace.</p> <p>Staff support this modification.</p>
14.(1) Permitted Uses	Does not permit a multiple dwelling and permits a range of commercial uses.	To permit a multiple dwelling in the same building with a commercial use permitted in the district and to remove permissions for an automobile station, public garage or car wash.	<p>The proposed mixed use building including commercial uses at the first and second floor and a multiple dwelling above is a permitted use in the Prime Retail designation in Setting Sail. Therefore, staff support the proposed modification to permit a multiple dwelling in the same building as a commercial use permitted in the “H” District.</p> <p>Staff are of the opinion that a land extensive, auto oriented use such as an automobile service station, public garage or car wash would not be appropriate at this location given the land use direction provided in Setting Sail. Therefore, staff have modified the “H” District provisions to remove these as permitted uses.</p> <p>Staff support these modifications.</p>
14.(2) Building Height	No building shall exceed four storeys or 17.0 metres in height,	No building or structure shall exceed nine storeys or 27.5	A modification is required to permit the proposed nine storey, 27.5 metre building height. Staff are satisfied that the proposed building height is appropriate based on the proposed massing that includes setbacks and step backs to transition to adjacent residential uses and

Regulation	Required	Modification	Analysis
	except where side yards are not less than 3.0 metres, the height of a building or structure shall not exceed eight storeys of 26.0 metres in height.	metres in height.	<p>step backs adjacent to Burlington Street East and James Street North to limit the visual impact of the upper storeys when viewed from the street.</p> <p>The proposed 27.5 metre building height is 1.5 metres taller than the maximum height permitted in “H” District where minimum 3.0 metre side yard setbacks are provided. The proposal provides a 3.0 metre east side yard setback not abutting a street, reduced to 2.0 metres at the rear of the building to accommodate the proposed parking stackers.</p> <p>Staff support this modification.</p>
14.(3)(i) Front Yard Depth	A front yard depth of at least 6.0 metres.	A front yard depth not less than 0.0 metres with a minimum 1.5 metre front yard depth above 18.4 metres, a minimum 4.6 metre front yard depth above 24.3 metres and a minimum 7.7 metre front yard depth for a mechanical penthouse.	<p>Consistent with the Prime Retail designation in Setting Sail, the proposed building is to be built at the front (Burlington Street East) lot line with commercial and residential entrances at grade. A minimum 1.5 metre step back is proposed at the seventh floor so that the building generally conforms to a 45 degree angular plane measured from 80 percent of the right of way width. A minimum 4.6 metre step back is proposed at the ninth storey and a 7.7 metre step back is proposed at the mechanical level so that the overall building generally conforms to a 45 degree angular measured from 100 percent of the right of way width.</p> <p>Staff are of the opinion that the proposed step backs limit the visual impact of the top three storeys and support the proposed modification to front yard depth.</p>
14.(3)(ii) Side Yard Width	A side yard width of at least 2.7 metres.	For a side yard abutting a street, a width not less than 0.0 m, with a minimum 1.6 metre	As per the rationale provided for the front yard depth abutting Burlington Street East, staff support the proposed 0.0 metre side yard width abutting James Street North with step backs at the seventh and ninth storeys.

Regulation	Required	Modification	Analysis
		<p>side yard width above 18.4 metres, a minimum 4.2 metre side yard width above 24.3 metres and a minimum 7.8 metre side yard width for the mechanical penthouse; and,</p> <p>For a side yard abutting a residential district, a width not less than 2.0 metres, with a minimum side yard width of 6.8 metres above 15.4 metres, a minimum 9.8 metre side yard width above 18.4 metres, a minimum 12.8 metre side yard width above 21.3 metres, a minimum 15.8 metre side yard width above 24.3 metres and a minimum 20.6</p>	<p>To provide for transition to the detached dwelling to the east, the proposal includes a 3.0 metre side yard setback, reduced to 2.0 metres at the rear to accommodate the final row of stacked parking. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels so that the building conforms to a 45 degree angular plan measured from the east property line beginning at a height of 11 metres.</p> <p>Based on the forgoing, staff support the proposed side yard width modifications.</p>

Regulation	Required	Modification	Analysis
		metres side yard width for the mechanical penthouse.	
14.(3)(iii) Rear Yard Depth	A rear yard depth of at least 7.5 metres.	A rear yard depth not less than 3.0 metres. A rear balcony at a height not greater than 7.0 metres may be located 0.0 metres from the rear lot line.	<p>The north main wall of the building will be located at least 3.0 metres from the north lot line. To provide additional outdoor amenity space for residents, a terrace is proposed at the third level, built above the proposed access driveway. The rear yard for the proposed building abuts the surface parking area for the north abutting multiple dwelling, limiting issues of overlook associated with the proposed balcony.</p> <p>Based on the forgoing, staff support the proposed modification to rear yard depth.</p>
14.(5) Floor Area Ratio	No building or structure in an "H" District shall have a gross floor area of more than four times the area within the district of the lot on which it is situate.	That Section 14.(5) not apply	<p>The building footprint and envelope is regulated by the proposed height and yard requirements and the residential unit count is regulated by the parking rate.</p> <p>Therefore, in the opinion of staff, a floor area ratio regulation is not required.</p>
14.(9) Landscape Requirements for Commercial Uses	A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line or rear lot line adjoining a residential District.	That Section 14.(9) not apply	<p>A modification is required to provide no planting strip along the north and east lot lines adjoining a residential district.</p> <p>The proposed building will be located adjacent to the parking lot for the multiple dwelling to the north. There is an existing landscaped area with mature trees between the parking lot and the subject lands. The building will be setback 3.0 metres from the north lot line with a third floor balcony above the access driveway along the north lot line.</p>

Regulation	Required	Modification	Analysis
			<p>A 3.0 metre easterly side yard setback is proposed, reduced to 2.0 metres at the rear to accommodate the parking stackers. The access driveway for the parking stackers will extend to 0.5 metres from the east property line. Staff will work with the applicant at Site Plan Control Stage to enhance the area within the easterly side yard with landscaping. In addition, a visual barrier will be required along the entire easterly lot line.</p> <p>Based on the forgoing, staff support the proposed modification to eliminate the requirement for planting strips.</p>
18.(3)(vi)(b)(i) and 18.(3)(vi)(cc)(i) Canopy and Balcony Projections	A canopy or balcony may not project into a required front yard closer to a street line than 1.5 metres.	A canopy or balcony may project 0 metres from a street line.	<p>The proposed building will be located at the front property line, therefore proposed balconies and canopies will be located 0 metre from the Burlington Street East street line, whereas 1.5 metres is required.</p> <p>The boulevard adjacent to the subject lands is wider than adjacent properties due to a previous right of way dedication providing an enhanced buffer between the sidewalk and the proposed balconies and canopies.</p> <p>Therefore, staff support this modification.</p>
Parking Stackers	No existing regulation.	<p>A parking stacker system shall be permitted and required parking shall be provided by means of a parking stacker system.</p> <p>A parking stacker system shall permit</p>	<p>A modification is required to permit parking within a parking stacker system. The applicant has demonstrated that the proposed parking stacker system can accommodate the parking needs of the development.</p> <p>Therefore, staff support adding permissions for stacked parking to the by-law.</p>

Regulation	Required	Modification	Analysis
		a parking space that is positioned above or below another parking space and is accessed by means of an elevating device.	
18A.(1)(a) and (b) Parking Rate	A minimum of 1.25 parking spaces are required for a multiple dwelling, of which 0.25 shall be designated for visitors.	A minimum of 0.58 of a parking space per Class A dwelling unit, of which no parking will be designated for visitors.	<p>A modification is required to provide a reduced residential parking rate of 0.58 parking spaces per dwelling unit, whereas 1.25 parking spaces per dwelling unit are required. In addition, the applicant has proposed no visitor parking, whereas 0.25 parking spaces per unit are required for visitors.</p> <p>Staff support the proposed parking reduction based on the Parking Justification Report and Transportation Demand Management measures proposed by the applicant. Further analysis of the parking requirements is provided in the Analysis and Rationale section of this report.</p>
18A.(1)(c) Loading Space Size	For a multiple dwelling with greater than 30 and less than 100 units, a minimum of one loading space with a length of 18.0 metres, a width of 3.7 metres and a height of 4.3	One loading space with a length of 10.0 metres, a width of 4.0 metres and a height of 6.0 metres.	<p>The applicant has proposed a loading space with a reduced length but an increased width and height to accommodate garbage collection, loading and service activities.</p> <p>Staff are satisfied that a reduced loading space length is appropriate as the applicant has demonstrated that the proposed loading space can accommodate delivery vehicles and allow them to enter and exit onto James Street North in a forward manner.</p> <p>Therefore, staff support the modification.</p>

Regulation	Required	Modification	Analysis
	metres.		
18A.(7) Parking Space Dimensions	For any parking space other than a parallel parking space, a minimum width of 2.7 metres and a minimum length of 6.0 metres.	Every required parking space provided within a parking stacker system shall have dimensions not less than 2.5 metres wide and 5.0 metres long.	<p>The proposed parking space width and length is determined by the platform size of the proposed parking stacker system. The applicant has demonstrated that the system can accommodate many of the most common vehicle makes, including space for maneuvering and door opening.</p> <p>Therefore, staff support the proposed parking space dimensions within a parking stacker system.</p>
18A.(24)(b)(ii) and (v) Surface Markings and Wheel Barriers	Surface markings and wheel barriers are required for surface parking spaces.	For parking spaces provided within a parking stacker system, markings on the surface to delineate parking spaces and bumpers or wheel barriers are not required.	<p>Parking spaces within the proposed parking stacker system will each be located on their own platform.</p> <p>Therefore, surface markings or wheel barriers are not required and staff support the modification.</p>
18A.(26) Non-residential Access Driveway Location	Any access driveway for a non-residential use shall be located 3.0 metres from a residential district.	That Section 18A.(26) not apply.	The proposed driveway provides access primarily to the parking stacker system for the multiple dwelling as well as to the loading space that serves both the residential and commercial portion of the development. The access driveway abuts the surface parking area for the north abutting multiple dwelling, limiting noise and light impacts. The portion of the access driveway adjacent to the easterly property line would experience limited traffic as it would serve only the eastern most parking stackers located furthest from James Street North. A visual barrier will be required along the easterly property line, further limiting noise and light impacts.

Regulation	Required	Modification	Analysis
			Based on the foregoing, staff support the proposal to waive the separation distance requirement for a non-residential access driveway to a residential district.
Bicycle Parking Rate	No existing regulation	Long term, secure bicycle parking shall be provided at a rate of 1.0 bicycle parking spaces per Class A dwelling unit.	<p>The applicant has proposed long term, secure bicycle parking as a Transportation Demand Management measure in support of the proposed parking reduction.</p> <p>Therefore, staff recommend the proposed long term bicycle parking rate be included in the amending by-law.</p>