

## Site Specific Modifications to the TOC3 Zone

Regulation	Required	Modification	Analysis
<b>Modifications Applicable to the Entire Site</b>			
By-law Interpretation	No existing regulation	That the lands be deemed to be one lot for the purposes of applying the provisions of the amending By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, and not the individual property boundaries of any lots created by registration of Condominium Plan, Part Lot Control or Consent.	<p>The proposed amending By-law has been prepared based on the entire site without consideration for future lot lines that may be established after the property is developed. Therefore, a modification is required to deem the lands as one lot for the purposes of applying the provisions of the By-law.</p> <p>Staff support the proposed modification that will ensure implementation of the By-law as proposed and reviewed by staff.</p>
4.6 b) Exterior Staircase Encroachment  and  4.6 d) Porch, Deck or Canopy Projection	<p>An exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.</p> <p>A porch, deck or canopy may</p>	That Sections 4.6 b) and d) shall not apply.	<p>Modifications are required to permit exterior stairs and front porches for the proposed grade related multiple dwelling units to encroach up to or close to the property lines abutting James Street North, Ferrie Street West, MacNab Street North and Strachan Street West. The proposed porches and stairs are consistent with the residential character of the neighbourhood that features front porches and stairs close to the street.</p> <p>In addition, a canopy is proposed in front the seven storey multiple dwelling to be operated by CHH to provide weather protection at the building entrance. Staff are satisfied that the proposed canopy is appropriate and will contribute positively to the James Street North streetscape.</p>

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	encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of required yard, whichever is the lesser.		Therefore, staff the proposed modification to eliminate the maximum 1.5 metre encroachment for porches and exterior stairs into a required street yard.
5.6 c) Parking for a Day Nursery	1 for each 125.0 square metres of gross floor area which accommodates such use.	1 for each 125 square metres of gross floor area in excess of 450 square metres which accommodates such use.	<p>The applicant has proposed to require no parking for a day nursery with a gross floor area less than 450 square metres. The intent of the proposed modification is to allow a small day nursery to operate on the ground floor of a multiple dwelling to serve residents of the proposed development and the immediate area.</p> <p>Staff support the proposed modification which would allow convenient daycare access for area residents that would be accessible by walking or utilizing public transit.</p>
5.7 e) Long Term Bicycle Parking	Long term bicycle parking for a multiple dwelling shall be provided at a rate of 0.5 per dwelling unit.	Long term bicycle parking shall include electric mobility device parking.	<p>The applicant has proposed to allow electric mobility device parking to be counted towards the long term bicycle parking requirements for the site. Electric mobility devices serve a similar function to bicycles, providing an alternative transportation option to a car. The applicant will have the option to provide bicycle and electric mobility device parking based on demand for each vehicle type.</p> <p>Therefore, staff support the proposed modification.</p>
11.3.2 a) i) Building Setback from a Street Line	Minimum 3.0 metres	Minimum 3.0 metres, except 1.2 metres to the hypotenuse of a daylight triangle.	<p>A modification is required to permit reduced building setbacks from a street line where daylight triangle dedications are required. Staff are satisfied that the proposed 1.2 metre setback to the hypotenuse of the daylight triangles together with the width of the daylight triangles will provide adequate separation between buildings and the street.</p> <p>Therefore, the proposed modification meets the intent of the regulation and is supported by staff.</p>
11.3.2 e) iv) Projection of an Enclosed Amenity	An enclosed amenity area or portion of a building designed to provide	An enclosed amenity area or portion of a building designed	A modification is required for the stacked townhouse multiple dwellings which have a smaller roof area than a typical multiple dwelling. Therefore, the enclosed portion of the building providing access to the rooftop amenity takes up a greater percentage of the roof area. The

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	<p>access to a rooftop amenity area may project above the uppermost point of the building subject to:</p> <p>A. The total area shall not exceed 10% of the floor area of the storey directly beneath;</p> <p>B. It shall be setback a minimum 3.0 metres from the exterior walls of the storey directly beneath; and,</p> <p>C. I shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.</p>	<p>to provide access to a rooftop amenity area may project above the uppermost point of the building subject to:</p> <p>A. The total area shall not exceed <b>30%</b> of the floor area of the storey directly beneath;</p> <p>B. Shall not apply; and,</p> <p>C. It shall not be greater than <b>3.5</b> metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.</p>	<p>access enclosures are combined with rooftop mechanical rooms and do not provide a setback from the storey directly beneath at the ends of the proposed stacked townhouse multiple dwellings. An increased building height of 0.5 metres is requested by the applicant to accommodate the rooftop design that includes rooftop drainage and insulation.</p> <p>The enclosures are limited to a staircase and small mechanical room resulting in no overlook impacts on adjacent buildings. Staff are satisfied that the size of the enclosures will not have a significant visual impact on the surrounding neighbourhood.</p> <p>Therefore, staff support the proposed modification.</p>
<p>11.3.2 f) v) Number of Driveways</p>	<p>A maximum of one 6.0 metre wide driveway shall be permitted for ingress and egress.</p>	<p>That Section 11.3.2 f) v) shall not apply.</p>	<p>A modification is required to permit more than one access driveway for the proposed development. The proposed development occupies an entire block and the applicant has proposed two vehicle accesses to a private road network connecting to a surface parking area and underground parking. The proposed accesses are supported by Transportation Planning staff and do not have an adverse impact on the overall design of the site.</p> <p>Therefore, staff support the proposed modification.</p>

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<b>Modifications Applicable to Block "1" Only (three storey multiple dwellings (stacked townhouses))</b>			
5.7 c) Short Term Bicycle Parking	A minimum of 5 short term bicycle parking spaces are required for each Multiple Dwelling.	That a minimum of 20 short term bicycle parking spaces be provided.	<p>The existing short term bicycle parking requirements are calculated on a per building basis for multiple dwellings. The 14, three storey multiple dwellings contain relatively few units within each building resulting in a higher short term bicycle parking rate compared to larger buildings with a greater number of units. In addition, the site is being developed comprehensively allowing the buildings to share short term bicycle parking spaces.</p> <p>Therefore, staff support the proposed modification to permit a minimum of 20 short term bicycle parking spaces for all 14, three storey multiple dwelling buildings rather than 5 short term bicycle parking spaces per building (or a total of 70 short term bicycle parking spaces).</p>
11.3.2 e) ii) and iii) Maximum Building Height	22.0 metres	13.0 metres	<p>A modification is required to limit building height within Block 1 to 13.0 metres to implement the three to four storey maximum building height in the proposed Official Plan Amendment. The three to four storey building height provides gradation on site to transition from the seven storey multiple dwellings mid-block along James Street North to the existing detached and semi detached dwellings to the north and west.</p> <p>Therefore, staff support the proposed modification.</p>
11.3.2 h) iii) Location of outdoor amenity area	An amenity area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.	That Section 11.3.2 h) iii) shall not apply.	<p>Due to the design of the some of the lower units in the stacked townhouses that includes unit entrances below grade, a modification is required to permit outdoor patio amenity spaces to be located below the surface. The patios will have unobstructed access from grade via an exterior staircase and will be open and exposed to light and air.</p> <p>Therefore, staff support the proposed modification</p>
Separation Distance Between Multiple Dwellings on the Same Lot	No existing regulation	<p>A minimum distance of 3.0 metre shall be provided between end walls;</p> <p>A minimum distance of 7.0 metres shall be</p>	<p>As the development is to be reviewed as one lot, the applicant has proposed to introduce regulations requiring separation between multiple dwellings on the same lot. Staff support the proposed regulations which will ensure there is adequate space between building for landscaping and pedestrian walkways and to limit privacy and overlook impacts.</p>

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		<p>provided between an end wall and a rear or front wall; and,</p> <p>A minimum distance of 11.0 metres shall be provided between rear or front walls.</p>	
<b>Modifications Applicable to Block “2” Only (seven storey multiple dwellings)</b>			
5.6 c) Parking Spaces for a Multiple Dwelling	<p>Dwelling Units less than 50.0 square metres in gross floor area – 0.3 per unit</p> <p>Dwelling Units greater than 50.0 square metres in gross floor area:</p> <p>1-3 units – 0.3 per unit.</p> <p>4-14 units – 0.7 per unit.</p> <p>15-50 units – 0.85 per unit.</p> <p>51+ units – 1.0 per unit</p>	0.24 per unit.	<p>The applicant has proposed to allocate 38 of the proposed 334 parking spaces to the 160 affordable rental units located withing Block 2 (a rate of 0.24 parking spaces per unit). The applicant submitted a Revised Transportation Impact Study dated December 2021 and prepared by C.F. Crozier &amp; Associates Inc., including an analysis of parking utilization rates at six similar affordable housing developments managed by Indwell. The analysis identified a maximum resident utilization rate of 0.22 parking spaces per unit and an average rate of 0.10 parking spaces per unit. In addition, the CHH building will provide 20 long term bicycle parking spaces and 12 electric mobility device parking spaces, and the Indwell building will provide 56 long term bicycle parking spaces and three electric mobility device parking spaces.</p> <p>The reduced parking standard represents a policy shift to support the needs expressed for affordable housing. Staff support for this parking reduction shall be monitored as a pilot project to help inform future residential parking standards for Zoning By-law No. 05-200. The proposed parking standard should not be seen as a precedent for other developments.</p> <p>Therefore, staff support the proposed modification.</p>
11.3.1 Permitted Uses	Permits medium density residential uses.	To permit commercial and community uses on the ground floor of a multiple	A modification is required to permit commercial uses within the ground floor of a multiple dwelling, with the potential that retail and / or service uses will be incorporated in the design of the proposed seven storey multiple dwellings. Staff are satisfied that limited ground floor commercial is appropriate and would provide convenient access to

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		dwelling.	<p>retail and service uses for residents of the development and the surrounding area. The seven storey multiple dwellings are located fronting James Street North, which is recognized as the primary retail street in the West Harbour Secondary Plan Area and the inclusion of commercial uses along James Street North was recommended in the James Street North Mobility Hub Study.</p> <p>Therefore, staff support the proposed modification.</p>
11.3.1.1 i) 1	The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.	That Section 11.3.1.1 i) 1. Shall not apply.	<p>A modification to the finished floor elevation requirements is requested to allow barrier free access to ground floor units within the two affordable rental buildings. The intent of the finished floor elevation requirement is to reduce the impact of activity and vehicles on street facing dwelling units that would encourage the orientation of unit entrances and amenity areas to the rear of the lot. For the affordable rental buildings, no ground floor dwelling units will face a street.</p> <p>Therefore, staff support the proposed modification.</p>
11.3.2 e) ii) and iii) Maximum Building Height	22.0 metres	24.0 metres.	<p>The proposed maximum 24.0 metre building height together with the required minimum 3.0 metre setback to James Street North will establish an appropriate mid-rise built form by allowing limited encroachment into a 45 degree angular plane measured from 100% of the James Street North right of way width. The proposed 24.0 metre building height will be located mid-block along James Street North with three storey (13.0 metre) multiple dwellings providing transition to existing detached and semi detached dwellings to the north and west.</p> <p>Therefore, staff support the proposed modification.</p>
Separation Distance Between Exterior Walls	No existing regulation	A minimum distance of 7.0 metres between exterior walls on the same lot.	<p>As the development is to be reviewed as one lot, the applicant has proposed to introduce regulations requiring separation between multiple dwellings on the same lot. Staff support the proposed regulations which will ensure there is adequate space between building for landscaping and pedestrian walkways and to limit privacy and overlook impacts.</p>