

Justification relating to Zoning By-Law Amendments:

**Preamble:** Discussions with City Planning occurred on the merits of amending the existing site specific zoning within ZBL 6593 or rezoning the site to the TOC1 zone with ZBL 05-200. Acknowledging that there would be nuances that would be reflected in site specific amendments due to the comprehensive nature of the site within St. Elizabeth, and the established permissions within the existing zoning, City staff agreed that the TOC1 zone with site specific amendments is the appropriate direction.

Justification was previously provided within the Planning Justification Report and Planning Justification Report Addendum. The details have been copied below and additional information is added where required.

The addition of the restriction relating to the gross floor area for any individual office use has been added at the request of the City of Hamilton to implement Policy E.3.8.8.

### **Height and Finished Floor Elevation**

The purpose of height restrictions is to ensure that buildings are developed in a similar manner to ensure consistency and to maintain a specific character or image of an area. St. Elizabeth Village provides a variety of heights, compatible with one another, with one and two storey residential townhomes, two storey Clubhouse, four storey commercial building and a six storey retirement residence. The modification to the height is related to the minimum height requirement of 11m.

A reduction in the height minimum is requested as it relates to the bungalow buildings proposed within the southern portion of the proposal. The amendment would permit a mix of dwelling unit designs that is appropriate for the context of the St. Elizabeth community as a whole.

A reduction in the height minimum is requested as it relates to the two storey commercial building located along Rymal Road West. Height measurement is taken from average grade around the building. The grades around this building closest to Rymal Road West vary greatly, falling from north to south. It is noted, that a measurement taken incorporating the entirety of the building (to uppermost point) meets 11m.

Due to the site's grading sloping from north to south, and the focus of the St. Elizabeth community to be barrier free, the finished floor elevation may vary from the 0.9m above grade regulation. Relief has been requested to allow for an at grade finish floor elevation. The intent of the regulation will be maintained, as the future design will allow for privacy and appropriate separation and transition to dwelling units.

### **Building Setbacks, Visual Barrier and Design Standards**

The purpose of setbacks, design standards and visual barriers are to provide for an appropriate interface between land uses and their integration together. Minimum rear yard and minimum interior side yard and maximum building setback from the street line are requested to be amended based on the unique design of the site and where the lot line/zoning line is established due to the recent consent approval. Similarly, the amendment to requiring a visual barrier or landscape strip in locations other than the eastern lot line interface is requested due to the integration of this proposal with St. Elizabeth community as a whole. It is not appropriate to require a visual barrier to the St. Elizabeth existing development as the site is to interact collectively. Similarly, traditional yard setbacks to the St. Elizabeth community is not required, and are solely required because of the recent consent approval and defined lot lines.

These amendments are technical in nature and do not negatively affect the proposed relationship to the existing building layout. While the building closest to Rymal Road West maintains the maximum setback, the other buildings interior to the site exceed the maximum setback. The rear and interior side yard (on the west side) are being modified as the site is to function comprehensively with St. Elizabeth community as a whole, and do not affect the interface between the adjacent properties. Of note, the required regulations abutting the adjacent development to the east remain as required, and the minimums are exceeded.

### **Location of Driveways and Parking Permissions**

The maximum driveway width is requested to be amended as it is an existing situation relating to the current access point connecting Bishop Ryan Way to Rymal Road West. The road width and location has been vetted through Paradigm Transportation Solutions and also the City Transportation Department and deemed appropriate. While being located within another zone and lot due to the recent Consent approval, the drive aisle/mutual driveway will continue to serve as the access to the proposed development. While parking is provided along the street frontage, it is shielded from public view by the grade drop and also proposed/existing plantings.

The parking for the townhouses are provided for each unit, one in the driveway, and the other as a tandem space in the garage. Given that these spaces are devoted to the unit directly connected to these spaces, the approval of tandem parking is appropriate. The access to these spaces are from a drive aisle outside of the zone/property, through the St. Elizabeth community. Through the consent approval, mutual access has been granted.

### **Ground Floor Façade and Principal Entrances**

The intent of ground floor façade measurements and principal entrance locations relating to the public street is to strengthen the relationship between the public realm and the proposed development. Relief from the ground floor façade percentage and location of principal entrances are being requested. The Site provides for a very unique design interface along Rymal Road West as the site has a three metre grade drop from the public street. While the building closest to Rymal Road West allows for principal entrances to face the public street on the upper storey, all principal entrances cannot face the public street due to grading and layout. Due to the design of the Site, the interior buildings do not have principal entrances that have direct access to the municipal sidewalk. The access is indirect, through the internal sidewalk.

### **Bicycle Parking**

Alternative modes of transportation are encouraged within the St. Elizabeth community and well practiced. The TOC1 zone requires short term parking to be provided as 5 bicycle spaces per each commercial use, and 5 bicycle spaces per each multiple dwelling building. The number of commercial uses have not been established. There are 22 multiple dwelling buildings, ranging from 3 units to 110 units in each building, requiring 110 bicycle parking spaces. The by-law states that these spaces are to be provided within each building, which does not lend itself to be provided within the three unit towns, nor is it accessible external to the buildings for short term use. Therefore, the amendment is to establish a fixed number of 75 short term bicycle spaces dispersed throughout the site. It is anticipated that this is an ample number of spaces required for the proposal.

### **Appropriateness of Zoning By-law Amendment**

The amendments are appropriate to facilitate the advancement of the proposal, as:

- The proposed scale of development will not create any unacceptable adverse impacts;
- The proposed use, scale and siting of development are respectful of the adjacent land uses and existing site constraints relating to grading;
- The Proposed Development will enhance the existing neighbourhood as it will provide aspects of a complete community, providing alternative housing options and amenities, including commercial development and provisions for alternative modes of transportation;
- The development is an appropriate height and density for the Site, considering its context in the surrounding neighbourhood;
- The Proposed Development provides for appropriate landscaping requirements with ample open space areas, and existing tree retention;
- The buildings have been sited to be compatible with the surrounding area and the pedestrian environment is reinforced through appropriate building massing techniques, including a centralized square and walkways;
- The amendments proposed are a direct result of the incorporation of the site to the existing St. Elizabeth community, the neighbouring existing residential, and the existing grading interface with Rymal Road West. The amendments can be supported as they contribute to an appropriate relationship with those elements, and will not negatively affect the existing and planned function of the area.

Zoning Regulation		Required	Proposed	✓ / X
11.1.1	Permitted Uses	Multiple Dwelling (shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.) Retail/Office/Medical Clinic/Commercial uses as listed	Multiple Dwellings	✓
			Uses as listed (commercial/office etc)	✓
11.1.1.1	Restricted Uses	i)Restriction of Uses within a building: 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade;	0.0m	X
11.1.3 a)	Building Setback from a Street Line	i) Minimum 3.0 metres for a building with residential units on the ground floor facing a street;	Building A and B to Rymal Road West 54m	✓
		ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;	Closest building to Rymal Road West 3m	✓
			Single use residential buildings greater than 4.5m	X
		iii) Notwithstanding Section i) above, a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	N/A	N/A
	iv) Section i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 11.1.3 g) ii) and iii) below.			
11.1.3 b)	Minimum Rear Yard	7.5 metres  shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.	4.24m	X
11.1.3 c)	Minimum Interior Side Yard	7.5 metres abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	7.5m , other than 4.24m along western lot lines (internal to the overall site), and except where abutting a daylight triangle, 0m	X
11.1.3 d)	Building Height	i) Minimum 11.0 metres; and,	Commercial building: 7.9m	X
			Building A: 20.5m	✓
			Building B: 20.5m	✓
			Building C: 19m	✓
			Building D: 17.3m	✓
			Building E: 12.3m	✓
			Buildings F-H: 13.64m	✓
Buildings I-V: 7.75m	X			

Zoning Regulation		Required	Proposed	✓ / X
		ii) Maximum 22.0 metres; and,	Commercial building: 7.9m	✓
			Building A: 20.5m	✓
			Building B: 20.5m	✓
			Building C: 19m	✓
			Building D: 17.3m	✓
			Building E: 12.3m	✓
			Buildings F-H: 13.64m	✓
			Buildings I-V: 7.75m	✓
		iii) In addition to Subsection i) and notwithstanding Subsection ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsection 11.1.3. b) and c), when abutting a Residential or Institutional Zone, to a maximum of 22.0 metres.	Request to amend regulation as 'shall not apply' as development is a comprehensive design.	X
		iv) In addition to the definition of Building Height, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:	No rooftop amenity proposed	
A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;	No rooftop amenity proposed			
B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,	No rooftop amenity proposed			
C. The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area 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.	No rooftop amenity proposed			
11.1.3 g)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view any abutting street	Screened from view	✓
		ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line.	141.7m frontage, façade length is 59.5m = 41.9%	X
		iv) In addition to Section 10.1.3g)i), ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.	Noted	

Zoning Regulation		Required	Proposed	✓ / X
		v) Notwithstanding ii) and iii) above, a maximum of one driveway with a maximum width of 6.0 metres shall be permitted for ingress and egress.	Shared drive aisle out to Garner Road West. Wider than 6m	X
		vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line or flankage lot line.	Parking spaces and drive aisles are located between residential building facades and front lot line.	X
		vii) All principal entrances shall face the street and be accessible from the building façade with direct access from the public sidewalk.	Principal entrances face the street for commercial building, not for others.	X
		viii) Notwithstanding the definition of planting strip, a sidewalk shall be permitted where required by Section vi) above.	Noted	✓
11.1.3 i)	Visual Barrier Requirement	i) A visual barrier shall be required along any lot line abutting a downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this Bylaw.	Provided along eastern property line.	✓
			Request to amend regulation as 'shall not apply' to remaining lot lines as development is a comprehensive design.	X
		ii) Notwithstanding i) above, no visual barrier(s) shall be permitted between the building façade and the street.	Noted	✓
11.1.3 j)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted.	No outdoor Storage	✓
		ii) Notwithstanding Section i) above, the display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard	No outdoor Storage	✓
<b>Parking Requirements</b>				
5.1a	Location (all uses)	i) Required parking facilities shall be located on the same lot as the use requiring the parking	Provided	✓
		v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following: a) Shall not be located within 3.0 metres of a street line, b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained	Parking located 5.4m from street line.  3m wide plating strip provided along street line.	✓

Zoning Regulation		Required	Proposed	✓/X
		between the street line and the said parking spaces or aisle, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway; and, c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.		
		d) Multiple Dwellings On a lot containing a multiple dwelling: i) With the exception of any visitor parking required by Section 5.6, required parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line. ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.	Parking spaces are proposed between the building face internal to the site of the multiple dwelling and the street line.	X
5.2	Design Standards	a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:  A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	Minimum 1.5m provided along eastern lot line	✓
			Request to amend regulation as 'shall not apply' to remaining lot lines as development is a comprehensive design	X
		b) i) Minimum 2.8 metres in width and 5.8 metres in length;	2.8m x 5.8m	✓
		ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking	Complies	✓
		iii) Notwithstanding Subsection ii), an additional 0.3 metres shall not be required provided: 1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres; 2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and,	Complies	✓

Zoning Regulation		Required	Proposed	✓ / X
		3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.		
		iv) The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;	Complies	✓
		vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only; and	None provided.	
		vii) Notwithstanding Subsection b) ii) and iii), light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.	Noted	
		c) All required parking shall be provided as follows: i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle;	Complies except tandem: garage/driveway parking provided for Buildings F to V.	X
		ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;	Complies	✓
		iii) Shall be accessed by means of an access driveway: 1. Located on the lot; or, 2. Located party on the lot in the case of a mutual driveway; or, 3. By means of a Right-of-Way.	Access mutual driveway at southern end located off site within St. Elizabeth Development	X
		iv) Any parking lot shall provide for ingress and egress of vehicles to and front a street in a forward motion only.	Complies	✓
		f) Barrier free: Min 4.4m x 5.8m	Complies	✓
		h) In addition to Section 5.1 a) v) and Subsection 5.2 e), the following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot: i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated	Surface parking lot with more than 50 spots has min combined 10% area of landscaped parking islands.	✓



Zoning Regulation		Required	Proposed	✓ / X																
		<p>access driveway and manouvering areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres; and,</p> <p>iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2 h) i), up to a maximum of 10% of the required parking spaces</p>		✓ / X																
		<p>i) In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements</p> <table border="1" data-bbox="505 869 992 1016"> <thead> <tr> <th>Parking Angle Degree</th> <th>One-Way and Two-Way Aisle Width</th> </tr> </thead> <tbody> <tr> <td>0°</td> <td>3.7 m</td> </tr> <tr> <td>15°</td> <td>3.7 m</td> </tr> <tr> <td>30°</td> <td>3.7 m</td> </tr> <tr> <td>45°</td> <td>4.5 m</td> </tr> <tr> <td>60°</td> <td>5.5 m</td> </tr> <tr> <td>75°</td> <td>6.0 m</td> </tr> <tr> <td>90°</td> <td>6.0 m</td> </tr> </tbody> </table>	Parking Angle Degree	One-Way and Two-Way Aisle Width	0°	3.7 m	15°	3.7 m	30°	3.7 m	45°	4.5 m	60°	5.5 m	75°	6.0 m	90°	6.0 m	Minimum aisle widths within the site 6.4m	✓
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5.7 c)	<b>Bicycle Parking (Short-Term)</b>	<p>i) Residential Uses Multiple Dwelling: 5 spaces required</p> <p>Commercial Uses: 5 spaces required per use</p>	<p>5 x 22 = 110 required for multiple dwelling. Commercial uses: 5 required per use. 76 provided.</p>	X																
5.7 e)	<b>Bicycle Parking (Long-Term)</b>	<p>Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:</p> <p>0.5 per dwelling unit</p> <p>Commercial Uses: 0 where less than 450.0 square metres of gross floor area; 2 per unit for those uses between 450.0 square metres and 10,00.0 square metres of gross floor area;</p>	<p>430 x .5 = 215 required</p> <p>216 provided</p> <p>Commercial Per use – will conform once use established</p>	✓																

TOC 1 Residential Parking Chart		
TOC1 Zone	Apartments 374 units	Blocks F to V 56 units
Units < 50m <sup>2</sup>	Building A: 6 Building B: 6 Building C: 5 Building D: 5 Building E: 4 <b>TOTAL: 26</b>	0
Units < 50m <sup>2</sup> <b>Min</b> * 0.3	26*0.3=7.8	----
Units < 50m <sup>2</sup> <b>Max</b> * 1.25	26*1.25=32.5	----
Units > 50 m <sup>2</sup>	Building A: 52 Building B: 52 Building C: 105 Building D: 102 Building E: 37 <b>TOTAL: 348</b>	<b>56</b>
Units > 50 m <sup>2</sup> <b>Min</b> (1- 14) *0.7 (15-50) *0.85 (51+) * 1.0	14*0.7=9.8 36*0.85= 30.6 298*1=298 <b>Total: 338.4</b>	56*1=56 <b>Total: 56</b>
Units > 50 m <sup>2</sup> <b>Max</b> * 1.25	348*1.25 = 435	No max
<b>Required Parking</b>	<b>Between 346 and 467</b>	<b>Minimum 56</b>
<b>Provided Parking</b>	<b>Total: 354</b>  (includes 58 parking lot spaces 296 within building/underground)	<b>Total: 112</b>  (includes 56 driveway, 56 garage (tandem))
	✓	✓

TOC 1 Commercial Parking Chart			
*Most restrictive ratio has been allocated to ground floor commercial			
TOC1 Zone	Required	Total	✓ / X
Medical Clinic	1 for each 16.0 square metres of gross floor area.	$1,012 \text{ sqm} / 16 = 63$	
Office	i) 0 where a use is less than 450.0 square metres in gross floor area; and, ii) 1 for each 30.0 square metres of gross floor area which accommodates such use, for that portion of a building that is in excess of 450.0 square metres.	$1,012 \text{ sqm} - 450 = 562 / 30 = 18$	
<b>Required Parking</b>	<b>81 Required</b>		
<b>Provided Parking</b>	<b>81 Provided in surface parking Lot 1</b>		<b>✓</b>

Barrier Free Parking Chart		✓ / X
Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:		
201 – 1,000 spaces: Minimum 2 spaces + 2% of the total number of required spaces.	<b>14 provided</b>	<b>✓</b>
<b><math>2 + (402 + 81 \text{ commercial} * 0.02) = 11</math> required in provided number</b>		

Amenity Area Chart					
Building	Units < 50m <sup>2</sup> * 4.0m <sup>2</sup>	Units >= 50m <sup>2</sup> * 6.0m <sup>2</sup>	TOTAL	Provided Interior and Exterior	✓ / X
A	$6 * 4.0\text{m}^2 = 24\text{m}^2$	$52 * 6.0\text{m}^2 = 312\text{m}^2$	<b>336 m<sup>2</sup></b>	Provided	✓
B	$6 * 4.0\text{m}^2 = 24\text{m}^2$	$52 * 6.0\text{m}^2 = 312\text{m}^2$	<b>336 m<sup>2</sup></b>	Provided	✓
C	$5 * 4.0\text{m}^2 = 20\text{m}^2$	$105 * 6.0\text{m}^2 = 630\text{m}^2$	<b>650 m<sup>2</sup></b>	Provided	✓
D	$5 * 4.0\text{m}^2 = 20\text{m}^2$	$102 * 6.0\text{m}^2 = 612\text{m}^2$	<b>632 m<sup>2</sup></b>	Provided	✓
E	$4 * 4.0\text{m}^2 = 16\text{m}^2$	$37 * 6.0\text{m}^2 = 222\text{m}^2$	<b>238 m<sup>2</sup></b>	Provided	✓
F - V	---	$56 * 6.0\text{m}^2 = 336\text{m}^2$	<b>336m<sup>2</sup></b>	Provided abutting each rear facade	✓
<b>TOTAL</b>	<b>104 m<sup>2</sup></b>	<b>2,424 m<sup>2</sup></b>	<b>2,528m<sup>2</sup></b>		