

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Modifications

By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
Height of Base Façade along Main Street East	22.0 m	24.0 m	The proposed 24.0 m podium height is for the northerly portion of the proposed building. The small increase in the height of the podium along Main Street East from 22.0 m to 24.0 m will be generally consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the typical floor height requirements of 4.5 m for the first floor and 3.5 m for the floors above. The proposed 24.0 m podium would only apply to the northerly portion of the podium as the the southerly portion of the podium which consists of the parking garage which conform to 22.0 m height requirement.
Minimum Tower Stepback from Walnut Street South (above 7 th Floor)	3.0 m from podium which has a height of 11.0 m	2.2 m (above 7 th storey)	<p>A modification is being sought to reduce the depth of the stepback along Walnut Street South.</p> <p>A 2.2 m stepback along with distinctive material for the 8th and 9th floor will provide a clear transition between the podium and the tower.</p> <p>Additionally as noted in the report, the proposed building will not create adverse sun shadow and wind impacts.</p> <p>Therefore the proposed modification to the required stepback can be supported.</p>
Height of Base Façade along Walnut Street South	11.0 m	24.0 m (northerly portion) 22.0 m (southerly portion)	The proposed modification to increase the point of transition from 11.0 m to above the 7 th floor (24.0 m for northerly portion of the proposed building (mixed use building) and 22.0 m for southerly portion (parking structure) of the proposed building. The proposed increase to the point of transition allows for a generally consistent podium height for the

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			development with the top floor of the parking structure being open. It is noted that the transition between the 24.0 m podium height and 22.0 m podium height is between the base of the mixed use building and the parking structure. The 22.0 m open top parking structure will create a transition between the 25 storey mixed use building located on the northerly portion of the property and the existing low rise development along Jackson Street East. The increase in the height of the podium for the northerly portion of the podium along Walnut Street South from 11.0 m to 24.0 m will be consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the floor height requirements of 4.5 m for the first floor and 3.5 m for the floors above. Additional architectural elements, material and colour changes can be utilized to reflect the 11.0 m height. These additional design changes will be undertaken as part of a future Site Plan Control Application. Therefore the proposed modification to increase the height of the point of transition can be supported.
Minimum Tower Stepback from Jackson Street East	3.0 m from podium which has a height of 11.0 m	44.6 m (above 7 th storey)	<p>A modification is being sought to increase the depth of the stepback from Jackson Street East.</p> <p>The proposed increase in the depth of the stepback from 3.0 m to 44.6 m facilitates a large transition between the proposed tower and the existing low rise buildings along Jackson Street East and improves the compatibility between the proposed development and the adjacent lands. It is noted that the proposed 44.6 m setback is above and beyond the minimum stepback that is required in the Zoning By-law. In addition the proposed seven storey parking structure is to be located between the proposed tower and Jackson Street East.</p>

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			<p>Additionally as noted in the report, the proposed building will not create adverse sun shadow and wind impacts.</p> <p>Therefore the proposed modification to the required stepback can be supported.</p>
Height of Base Façade along Jackson Street East	11.0 m	22.0 m	<p>The proposed modification to increase the point of transition from 11.0 m to above the 7th floor (22.0 m) allows for a consistent podium height for the development. It is further noted that the proposed seventh storey transition is consistent with the existing building height of the seven storeys for the building located at the corner of Jackson Street East and Ferguson Avenue South located one block to the East. Therefore the proposed modification to increase the height of the point of transition can be supported.</p>
Height of Base Façade along Easterly Side Lot Line	22.0 m	24.0 m (northerly portion) 22.0 m (southerly portion)	<p>The proposed 24.0 m podium height is for the northerly portion of the proposed building (mixed use building) and will maintain the required 22.0 m podium height for the southerly portion (parking structure) of the proposed building, while allowing for a generally consistent podium height for the development with the top floor of the parking structure being open. It is noted that the transition between the 24.0 m podium height and 22.0 m podium height is between the mixed use building and the parking structure. The 22.0 m open top parking structure will create a transition between both the tower and the 24.0 m podium located on the northerly portion of the property and the existing low rise development along Jackson Street East. The small increase in the height of the podium along the northerly portion of the Easterly Side Lot Line from 22.0 m to 24.0 m will be consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the floor height requirements of 4.5 m for the first floor and 3.5 m</p>

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			for the floors above. The proposed 24.0 m podium would only apply to the northerly portion of the podium and not the southerly portion of the podium which consists of the parking garage.
Maximum Building Height	91.0	80.0 m	The proposed maximum building height is 80.0 m and therefore is less than maximum building height outlined in the Council Approved (D1) Zoning. Therefore staff support the modification.
Maximum Lot Coverage	85%	87.5%	<p>The proposed modification is seeking a 2.5% increase in the maximum lot coverage.</p> <p>It is noted that the 87.5% lot coverage was included in the design of the proposed building prior to the establishment of a maximum lot coverage requirement in the Council Approved Zoning.</p> <p>The intent of restricting development to a maximum 85% lot coverage is to ensure that adequate space is maintained for storm water management. As the applicant will be required to demonstrate that the storm water management can be properly addressed as part of the Site Plan Control Application, therefore staff support the modification.</p>
Minimum setbacks for a tower for any portion of the building exceeding 44.0 m (abutting a laneway)	9.5 m	6.5 m	<p>The required 9.5m setback for a tower abutting a laneway is to ensure adequate tower separation with an existing or future tower on adjacent lands.</p> <p>The south east corner of the proposed tower is setback 6.5 m from the portion of the existing alleyway that is not to be closed. The intent of requiring a 9.5 m setback from a laneway is to ensure that an adequate tower separation is provided the proposed tower and any existing or future tower. Adequate tower separation is required in order avoid privacy impacts between the towers, ensure sufficient natural lighting for the towers, as well as prevent cumulative shadow impacts. The</p>

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			<p>proposed tower is kitty corner to the alleyway and not parallel to it, and any future tower located on the lands to the south east would be kitty corner to the proposed tower. Based on the proposed 6.5 m setback, the existing alleyway width of 3.6 m and a 9.5 m setback provided for a future tower a separation distance of 19.6 m would be provide between the south east corner of the proposed tower and the north west corner of a future tower on the lands to the south east. Based on a separation distance of 19.6 m between the towers and the potential orientation between the towers, the towers would not directly facing each and will therefore not create privacy impacts and will ensure that there is sufficient natural lighting for the towers. The 19.6 m separation between the towers along with the orientation of the towers will reduce the cumulative sun shadow impacts created by the towers on public street and on public and private open spaces.</p> <p>Therefore the proposed modification has merit and can be supported.</p>
Minimum setbacks for a tower from any side and rear lot line exceeding 44.0 m	12.5 m	6.0 m	<p>The required 12.5 m setback for a tower from any side or rear lot line is to ensure adequate tower separation with an existing or future tower on adjacent lands.</p> <p>A setback of 6.0 m is proposed from the easterly side lot line. The two properties located to the east of the subject property have a combined frontage of approximately 20 m and a combined lot area of approximately 900 sq. m. A minimum lot width of 35 m and lot area of 1,575 sq. m. are required in the Council approved Downtown Zoning for a tall building, it is noted that the combined lot size of the properties are not sufficient to meet these By-law requirements to establish a tall building.</p>

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			<p>Furthermore the two properties to the east are included on the City's Register of Property of Cultural Heritage or Architectural Value. As it is unlikely that a tall building will be established on the lands located to the east a reduced stepback has merit and can be supported.</p> <p>Should all three properties to the east be merged in title there would be sufficient lot width and lot area to permit a tall building, along with sufficient space to adequately separate the proposed tower from a potential tower located towards to corner of Main Street East and Ferguson Avenue South.</p> <p>Therefore the proposed modification has merit and can be supported.</p>
Short Term Bicycle Parking	7	12	<p>A total of 12 short term bicycle parking spaces are to be provided which exceeds the maximum short term bicycle parking requirement of 7 spaces. Therefore staff support the modification.</p>
Parking Space Size within a Structure	2.8 m in width and 5.8 m in length (plus an additional 0.3 m where a wall, column or any other obstruction is located abutting)	2.7 m wide by 6 m in depth	<p>The proposed development was subject to a formal consultation and development application applied for after May 25, 2005 and prior to May 9th, 2018. The proposed parking space width of 2.7 m therefore conforms to the direction of Council as contained in section 4.12 of the City of Hamilton Zoning By-law 05-200.</p> <p>Therefore the proposed modification has merit and can be supported.</p>