

Site Specific Modifications to the “E-3” (High Density Multiple Dwellings) District

Regulation	Required	Modification	Analysis
2.(2)J.(xiii) Definition of Lot-Line, Front	"Lot-Line Front" with reference to a through lot shall mean and include each of the two shorter boundary lines along streets;	That for the purposes of this By-law, Augusta Street shall be deemed the front lot line.	For the purposes of this By-law, the Augusta Street lot line will function as the front lot line as the proposed multiple dwelling will be located towards the north of the lot with main pedestrian entrances facing Augusta Street. Therefore, the proposed modification to the definition of front lot line can be supported.
2.(2)J.(xiv) Definition of Lot-Line, Rear	"Lot-Line, Rear" shall mean the lot line farthest from and opposite to the front lot line of any lot except a through lot.	That for the purposes of this By-law, Young Street shall be deemed the rear lot line.	For the purposes of this By-law, the Young Street lot line will function as the rear lot line, with parking, an access driveway and rear amenity space occupying the lot to the rear of the proposed multiple dwelling. Therefore, the proposed modification to the definition of rear lot line can be supported
11C.(1) Permitted Uses	Permits a range of residential and intuitional uses and accessory service uses	To limit the permitted uses to a multiple dwelling.	Staff have not assessed the impact of the range of uses permitted in an “E-3” District on adjacent lands within the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District through this application. Therefore, staff recommend the permitted uses be limited to uses permitted in a “D” District in addition to a multiple dwelling as proposed by the applicant.
11C.(1a) Height Requirements	Where a building or structure is distant not greater than 30.0 metres from a “D” District, the height of a building or	That no building or structure shall exceed 13.5 metres in height, wherein a roof top patio shall be permitted together	In order to ensure compatibility with the dwellings within the “D” District surrounding the subject lands, the proposed amending by-law limits the permitted building height to 13.5 metres, excluding a mechanical penthouse or staircase to access a rooftop patio. The maximum 13.5 metre building height is consistent with the 14.0 metre maximum building height permitted in the “D” District and the

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	structure shall not exceed eight storeys or 26 metres.	with a mechanical penthouse and roof top stair not exceeding 16.5 metres in height.	<p>impact of the building height will be mitigated by design features such as a step back at the fourth storey and 2 metre side yard setbacks.</p> <p>Additional permitted height up to 16.5 metres is proposed for a mechanical penthouse or rooftop stair. Staff are of the opinion that the impact of the additional height can be mitigated by appropriately massing the mechanical and staircase structures so that their visual impact is limited and setting back the rooftop patio 6 metres from the side lot lines to limit issues of privacy and overlook.</p> <p>Therefore, based on the foregoing, staff are supportive of the proposed modified building height.</p>
11C.(2)(a) Front Yard Depth	A front yard having a depth of at least 3.8 metres	A front yard having a depth of 0 metres, except that any portion of the building exceeding three storeys shall be set back not less than 2.4 metres from the front lot line.	<p>The proposed multiple dwelling would be located almost at the front lot line, which is consistent with adjacent dwellings and the neighbourhood character. An increased setback of 2.4 metres is required above the third storey to limit the visual impact of the proposed 13.5 metre building height.</p> <p>Therefore, staff support the proposed modification to front yard depth.</p>
11C.(2)(b) Side Yard Width	Along each side lot line a side yard having a width of at least 2.26 metres	A side yard having a width not less than 2.0 metres, except that a roof top patio shall be setback not less than 6.0 metres from any side lot	<p>The purpose of the proposed 2.0 metre side yard setback for the multiple dwelling is to mitigate the impact of the proposed building height on adjacent dwellings to the east and west and ensure compatibility with the neighbourhood character. The surrounding "D" District zoning requires a 2.7 metre side yard setback for any building or structure with a height greater than 11.0 metres up to a maximum height of 14 metres. Recognizing the intent of this requirement to mitigate the impact of increased building height, staff requested that the</p>

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		line.	<p>applicant increase the 1.2 metre side yards proposed in the initial submission. The applicant responded by increasing the side yards to 2.0 metres.</p> <p>Staff are satisfied that the 2.0 metre side yard setbacks will help mitigate the impact of the proposed building height greater than 11.0 metres while respecting the neighbourhood character that features narrow side yards.</p> <p>In addition, an increased minimum side yard of 6.0 metres is required to the proposed roof top patio to address issues of privacy and overlook.</p> <p>Therefore, based on the foregoing, staff are supportive of the proposed modification to side yard width.</p>
11C.(2)(c) Rear Yard Depth	A rear yard having a depth of at least 5.0 metres.	A rear yard depth having a depth not less than 9.7 metres.	<p>The proposed minimum 9.7 metre rear yard depth is required to accommodate the parking and landscaped amenity area for the multiple dwelling. Staff are satisfied that proposed rear yard provides for appropriate transition to adjacent residential uses.</p> <p>Therefore, staff support the proposed rear yard modification.</p>
11C(5) Landscaped Area	For every building or structure in an "E-3" District, there shall be provided and maintained on the lot and within the district, at least 40% of the area of the lot on which it is situate, as	For every building or structure, there shall be provided and maintained on the lot and within the district at least 17% of the area of the lot on which it is situate, as landscaped area.	<p>The landscaped area requirements of the Zoning By-law provide for outdoor amenity for residents, a balance between soft landscaping and paved areas and buffering to adjacent uses.</p> <p>In addition to the 176 square metre outdoor amenity area included in the proposed landscape calculation, a 325 square metre outdoor amenity space is proposed on the roof of the proposed multiple dwelling.</p> <p>Staff are satisfied that sufficient soft landscaping is proposed and that landscape strips will be provided to buffer the proposed building and</p>

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	landscaped area, and at least 40% of said landscaped area shall be in one space having a least dimension of 6.0 metres and in other than the front yard.		parking area from adjacent residential uses. Therefore, based on the foregoing, staff support the proposed modification for landscaped area.
18(3)(vi) (b), (cc) & (d) Projections	A canopy, cornice, eave or gutter may project no closer to a street line than 1.5 metres; and, A bay, balcony or dormer may project no closer to a street line than 1.5 metres. An unenclosed front porch may project no closer to a front lot line than 1.5 metres	Any front porch, canopy, cornice, eave, gutter, bay, balcony or dormer projection may be located 0 metres from a street line.	The proposed multiple dwelling provides a front setback close to 0 metres abutting Augusta Street, which is consistent with neighbouring dwellings and the neighbourhood character. Therefore any projections will be located up to 0 metres from the Augusta Street lot line. In addition, there is a landscaped area within the public right-of-way separating the proposed building from the sidewalk, limiting issues of shadow and overlook. Based on the foregoing, staff support the modification to permit projections to be located 0 metres from a street line.
18A(1) (a) & (b) Parking Rate	A multiple dwelling shall provide 0.8 parking spaces	A multiple dwelling shall provide 0.75 parking spaces per	The subject lands are located within Area "A" of Schedule "H" of City of Hamilton Zoning By-law No. 6593 that requires a residential parking rate of 0.8 spaces per unit for a multiple dwelling, including 0.16 parking

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	per Class A dwelling unit of which 0.16 shall be allocated for visitor parking.	Class A dwelling unit of which 0.13 shall be allocated for visitor parking.	<p>spaces designated for visitors. Based on this rate, the proposed 27 unit multiple dwelling would require 22 parking spaces, including 17 resident parking spaces and 5 visitor parking spaces. The proposed multiple dwelling would provide 17 resident parking spaces and 4 visitor parking spaces. Staff are satisfied that the proposed parking is sufficient for the development and that the deficiency of 1 visitor parking space would not significantly impact the availability of street parking in the area.</p> <p>Therefore, staff support the proposed modified parking rate.</p>
18A(1) (c) Loading Space	A minimum of 1 loading space is required for a multiple dwelling with 5 to 30 dwelling units.	That no loading space is required for a multiple dwelling with up to 27 dwelling units.	<p>The proposal does not include any accessory commercial or service uses. Therefore, loading operations would be limited to resident moves and deliveries that can occur within the rear parking area on site. Staff are satisfied that the frequency of loading operations associated with the proposed 27 unit multiple dwelling does not require a dedicated loading space.</p> <p>Therefore, staff support the proposed modification to eliminate the loading space requirement.</p>
18A(7) and 18A(8) Parking Space Size	Every required parking space, other than a parallel parking space have dimensions not less than 2.7 metres wide and 6.0 metres long and every parallel parking space shall have dimensions not	Every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide by 5.8 metres long and every parallel parking space shall have dimensions not less than 2.4	<p>The applicant has designed their parking spaces based on the standards approved by Hamilton City Council on November 9, 2017 (By-law No. 17-240) for City of Hamilton Zoning By-law No. 05-200.</p> <p>Therefore, staff are supportive of the proposed modifications to parking space size.</p>

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	less than 2.5 metres wide and 6.7 metres long.	metres wide and 6.7 metres long. End spaces which have a clear unobstructed approach shall have a minimum length of 5.5 metres.	
18A(11)(a) Separation Distance for a Parking Area from a Residential District	The boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 1.5 metres from the adjoining residential district boundary	The boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 0.8 metres from the adjoining residential district boundary	<p>The proposed parking area would be setback less than 1.5 metres on portions of the lot to a minimum extent of 0.84 metres along the east property line and 1.37 metres along the west property line. A planting strip and minimum 1.2 to 2.0 metre high visual barrier is required along all properties lines adjacent to the parking area to mitigate nuisance effects such as noise and light trespass. Staff would work with the applicant at site plan control stage to ensure that the areas provided between the parking area and adjacent residential uses are appropriately designed to mitigate nuisance effect on adjacent dwellings.</p> <p>Therefore, staff are supportive of this modification.</p>
18A(25) Separation Distance for an Access Driveway from a Residential District	Where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access	Where a multiple dwelling is adjacent to a residential district that does not permit such a use, every access driveway to the	The proposed access driveway from Young Street would be located a minimum of 0.71 metres from the 125 Young Street lot line to the west. The applicant intends to sever a portion of 122 & 126 Augusta Street and 127 Young Street and add it to 125 Young Street. This new lot configuration would result in an easterly side yard for the existing three family dwelling at 125 Young Street of 1.67 metres. A total distance of 2.38 metres would exist from the access driveway for the

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	driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which multiple dwelling is located and the district that does not permit such uses.	multiple dwelling shall be located not less than 0.7 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.	multiple dwelling to the existing three family dwelling. In addition, a planting strip and minimum 1.2 to 2.0 metre high visual barrier would be required along the westerly property line abutting the access driveway. Staff are satisfied that the proposed separation distance is sufficient to mitigate nuisance impacts generated by the driveway on the three family dwelling to the west. Therefore, staff are supportive of this modification.

Site Specific Modifications to the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District

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10.(1) Permitted Uses and 10.(4) Lot Width and Area	A three family dwelling is not a permitted use.	To permit a three family dwelling within the existing building on a reduced lot.	Modifications are required to permit the existing three family dwelling at 125 Young Street and to establish a minimum lot width and area for a three family dwelling. There are insufficient Building Division records to determine if the three family dwelling was legally established prior to the passing of Zoning By-law No. 6593. In addition, the applicant has proposed to reduce the lot area of the existing lot at 125 Young Street from 393.62 square metres to 268.55 square metres through a severance that would add a rear portion of the lands to the development site at 122 & 126 Augusta Street and 127 Young Street. Staff are satisfied that the existing three family dwelling can continue to function on the reduced lot as there is sufficient room for a two parking spaces and a 46 square metre rear amenity space. The applicant has demonstrated that the proposed lot size is consistent with other lots in the area and the neighbourhood character.

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			<p>Should the existing building be demolished, the property would be required to be developed as per the requirements of the “D” District.</p> <p>Based on the foregoing, staff support this modification.</p>
10.(3)(ii)	A minimum side yard width of 2.7 metres is required for a 3 storey building.	To permit an easterly side yard width of 1.6 metres.	<p>The applicant intends to sever a westerly portion of 122 & 125 Augusta Street and 127 Young Street and add it to the east side of 125 Young Street. This new lot configuration will alter the existing easterly side yard for the existing building at 125 Young Street and therefore triggers a variance to the 2.7 metre side yard required for a 3 storey building.</p> <p>The proposed 1.6 metre easterly side yard is an improvement over the existing condition and is sufficient for access to the east side of the building.</p> <p>Therefore, staff support the proposed modification to the easterly side yard.</p>
18A.(1) (a) and (b) Parking Rate	A three family dwelling shall provide 1.33 parking spaces per Class A dwelling unit of which 0.33 shall be allocated for visitor parking.	A total of 2 parking spaces shall be required for a three family dwelling none of which shall be allocated for visitor parking.	<p>The existing regulation requires 4 parking spaces for the existing three family dwelling, including 1 visitor parking space.</p> <p>Staff are satisfied that the proposed 2 parking spaces are sufficient given the central location of the site in close proximity to the Downtown Urban Growth Centre, the Hunter Street GO Station and local bus routes.</p> <p>Therefore staff support the proposed parking reduction.</p>
18A.(7) Parking Space Size	Every required parking space, other than a parallel parking space have	Every required parking space, other than a parallel parking space, shall have	<p>The applicant has designed the parking spaces based on the standards approved by Hamilton City Council on November 9, 2017 (By-law No. 17-240) for City of Hamilton Zoning By-law No. 05-200.</p> <p>Therefore, staff are supportive of the proposed modifications to parking</p>

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	dimensions not less than 2.7 metres wide and 6.0 metres long.	dimensions not less than 3.0 metres wide by 5.8 metres long.	space size.
18A.(1)(f) Maneuvering Space	A minimum maneuvering space width of 6.0 metres is required for 90 degree parking	A minimum maneuvering space width of 4.5 metres is required for 90 degree parking	<p>The proposed rear yard parking spaces for the three family dwelling are accessed via a mutual access easement with the west abutting property (121 Young Street). Including the lands accessible via the easement, a total maneuvering space of 6.8 metres is provided for the parking spaces.</p> <p>Therefore, the intent of the maneuvering space requirement is met and staff support this modification.</p>