

**Site Specific Modifications to the “DE-2/S-5a” (Multiple Dwelling) District, Modified (Blocks 1 and 2)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Front Yard Setback	A front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building structure by its width, but no less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet)	Recognize the existing multiple dwelling's front yard setback of 7.15 metres.	<p>The current front yard setback for the multiple dwelling is 9.15m and a road widening of approximately 2.0m will be required at the Site Plan Control stage.</p> <p>The proposed modification is required to recognize the existing multiple dwelling once the road widening has been taken. The proposed modification will not alter the built form / massing and setbacks from the street. Therefore, Staff support the proposed modification.</p>
Gross Floor Area Ratio	No building or structure in a "DE	The existing gross floor area of the	The proposed modification is required to recognize the existing multiple dwelling, which will have a gross floor area

	-2" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90	existing multiple dwelling on the subject land shall be deemed to conform as of the date of the passing of the By-law	of 2,995.3 square metres, whereas 2,656.75 square metres is permitted. The proposed modification will not alter the built form / massing and setbacks from the street but will reflect the gross floor ratio once the road widening has been dedicated and the lands associated with the townhouse dwellings have been conveyed. Therefore, Staff support the proposed modification.
Landscape Area	For every building or structure in a "DE-2" District, there shall be provided and maintained on the lot and within the district, at least one-quarter of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose	To permit a minimum landscaped area of 20%.	The proposed modification is to permit a 5.0% increase in lot coverage to reflect the removal of the portion of lands proposed for street townhouses. The proposal will not adversely impact the character of the neighbourhood and will still allow for appropriate drainage to occur. The subject land was developed in the late 1960's and the existing parking area does not have any landscape area along the frontage of East 15 <sup>th</sup> Street and along the majority of the western property line. The redevelopment of the parking area will provide opportunities for landscaping adjacent to existing properties to the south, where no landscaping previously existed. Therefore, Staff support the proposed modification.
Encroachments into Yards	Every part of a required yard shall be unobstructed from its lowest level upwards, except that	(i) An existing canopy, cornice, eave or gutter may project into a required front yard not more than 5.23 metres;	The proposed modification is required to recognize the existing multiple dwelling. The proposed modification will not alter the built form / massing and setbacks from the street. Therefore, Staff support the proposed modification.

	<p>(b) A canopy, cornice, eave or gutter may project,</p> <p>(i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);</p> <p>(ii) into a required rear yard not more than 1.5 metre (4.92 feet);</p> <p>(cc) A bay, balcony or dormer may project</p> <p>(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);</p>	<p>(ii) A canopy, cornice, eave or gutter may project into a required rear yard not more than 1.6 metres;</p> <p>(iii) A bay, balcony or dormer may project into a required front yard not more than 1.6 metres;</p> <p>(iv) A bay, balcony or dormer may project into a required rear yard not more than 1.6 metres.</p>	
--	--	---	--

	<p>(ii) into a required rear yard not more than 1.0 metre (3.28 feet); or</p> <p>(iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser,</p>		
Required Parking	1.25 parking spaces per Class A dwelling unit	1 parking space per Class A dwelling unit	<p>The existing parking area will be reconfigured to provide a more efficient parking layout for the multiple dwelling. The applicant is proposing a reduction in parking from the existing 44 parking spaces to 41 parking spaces, whereas the By-law requires 52 parking spaces. Staff note that the existing parking area currently has 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. A Parking Study has been submitted by NexTrans Consulting Engineering in support of the proposal. Staff have reviewed the study and are of the opinion that a reduction can be supported.</p> <p>Staff are aware that the possibility that not all residents of the multiple dwelling may have a vehicle, however, there could be the possibility that residents may have two vehicles. There are additional tandem parking spaces proposed through this redevelopment which can be available for residents which may have a second vehicle. The reconfiguration of the parking area will provide a total of 41 surface parking spaces and eight tandem spaces within garages that may not be accessible at all times and are therefore not included in the parking ratio. These</p>

			<p>tandem parking spaces may be available to those tenants who require a second parking space to avoid conflicts with other residents.</p> <p>Furthermore, there are three HSR bus routes along Concession Street, being Routes 23, 24 and 25. There are also three additional bus routes (22, 26 and 27) which are within close proximity. The routes provide service to travel both on the mountain and throughout the lower city as the buses travelling down the Jolley Cut connect with the main transit hub, MacNab terminal in Downtown Hamilton.</p> <p>Therefore, Staff support the proposed modification.</p>
Visitor Parking	Multiple dwellings outside of area “A” and “B” on Schedule “H” shall provide 0.25 parking spaces per Class A dwelling unit.	Section 18A(1)(b) and (c) shall not apply	The applicant has requested to remove the requirement for visitor parking. Staff note that the existing parking currently does not have any parking spaces labelled for visitor parking and the reduction in spaces for the reconfiguration of the parking spaces will result in the reduction of three spaces overall. In consultation with parking staff, there are no parking complaints with regards to the development and the supporting Parking Study noted that even at peak time there were approximately half (30 or more parking spaces) of the available on street parking spaces available. Therefore, Staff support the proposed modification.
Loading Space	Greater than 30 to 100 dwelling units requires (1) loading space measuring 18.0 m long by 3.7 m wide and 4.3 m in height	Notwithstanding Section 18A(1)(b) and (c), shall not apply	The applicant requested to provide no loading space instead of one to recognize the existing situation. There is an existing “U” shaped driveway along Concession Street which provides resident and visitors a loading area, however, this driveway is undersized as a portion is covered by a canopy which does not provide the minimum required height of 4.3 metres. However, the driveway still has capacity to provide loading away from the canopy. Therefore, Staff support the proposed modification.

Parking Space Size	2.75 m by 6. 0 m	23 parking stalls shall have dimensions of 2.6 m by 5.5 m.	<p>The applicant has requested a modification to the parking stall size to 2.6 m by 5.5 m, whereas the By-law requires 2.7 m by 6.0 m.</p> <p>As part of the proposal, the development includes the extension of the parking area over underutilized lands which previously contained a swimming pool. This portion of the lands are narrow in shape and cannot accommodate the full parking stall size, maneuvering space, and landscape buffers. Additionally, there are 10 parking spaces which align with balcony projections adjacent to the existing multiple dwelling which best accommodate the reduced parking stall size. Accordingly, the applicant has amended the proposal to provide a mix of parking stall sizes to acknowledge the configuration of the lands and will allow for a range of vehicle sizes to be accommodated on site. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Parking Abutting a Residential Zone	The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed, (a) not less than 1.5 metres from the adjoining	<p>i) not less than 1.0 metre from the western and eastern adjoining "C" (Urban Protected Residential, etc.) District and "E-2" (Multiple Dwellings) District, boundary;</p> <p>ii) not less than 1.2 metres from the southern adjoining "C" (Urban Protected</p>	<p>Staff note that the existing parking area does not currently have any existing landscape area along the eastern and western property line of the parking area. The redevelopment of the parking area will provide landscaping where none previously existed and is an improvement to the existing situation. In addition, the applicant will be required to provide a visual barrier (fencing) providing protection from headlight glares in the parking lot for adjacent residential uses. Therefore, Staff support the proposed modification.</p>

	residential district boundary; and	Residential, etc.) District boundary;	
Multiple Dwellings abutting a Residential Zone	Where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.	That Section 18A(25), shall not apply.	<p>This amendment to the Zoning By-law is a result of the access driveway location being located adjacent to the street townhouse development. Staff note that no increase in traffic generation for the existing multiple dwelling will be created.</p> <p>In addition, the majority of vehicles accessing the parking area for the existing multiple dwelling will be travelling from Concession Street and will not cross the proposed street townhouses. A visual barrier will be required as a condition of Site Plan Control and will provide separation and privacy between the two residential uses. In addition, the proposed driveways will be setback 3.6 metres between driveways.</p> <p>Therefore, Staff support the proposed modification.</p>