

Zoning By-law Site Specific Modifications – High Density Multiple Dwellings District (E-3/S-306c)

Provision	Permitted	Requested Amendment	Analysis
Permitted Uses Section 11C: E-3 Requirements	Commercial Uses include: “Office or consultative uses or personal clinical services by a charitable ‘institution’ within the meaning of The Charitable Institutions Act, which may be in a dwelling or a converted dwelling”	To permit the following uses on the ground floor only: (i) Commercial Uses permitted in the “G” District; (ii) A day nursery; and (iii) A medical or dental clinic, or the office of treatment room of any doctor, dentist, osteopath or drugless practitioner.	<p>The “E-3” District was intended to be a predominantly residential area with permissions for institutional uses and some commercial as it relates to charitable organizations.</p> <p>The commercial uses requested are permitted in the Local Commercial Designation in the UHOP, but are not permitted in the Zoning By-law.</p> <p>The proposal to permit the commercial uses on the ground floor of this building will help to achieve the vision of the UHOP by adding everyday uses within a community which helps to create complete communities and a more active pedestrian realm.</p> <p>The commercial uses proposed are supportable.</p>
Maximum Building Height	Where a building or structure is not distant not greater than 30.0 metres from a “DE”, DE-2”, “DE-3”, “RT-10”, “RT-20” or “RT-30” District, the height of a building or structure shall not exceed 13 storeys or 41.0 metres.	13 storeys or 41.5 metres.	<p>The intent of this provision is to minimize the impact of buildings on adjacent properties / areas with respect to sun shadowing, overlook and ensure that an appropriate scale for the area is achieved.</p> <p>The 0.5 metre increase in height is required to accommodate the commercial uses being added on the ground floor. The overall building is generally the same as previously approved. The proposed building height represents a modest increase above the 41.0 metres currently permitted in the “E-3/S-306b” District, Modified.</p> <p>Given the above, this modification has merit and can be supported.</p>

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Minimum Front Yard	A front yard having a depth not less than 4.7 metres.	A front yard having a depth not less than 4.0 metres.	<p>The intent of this provision is to minimize the physical impact of structures along the street, allow for the provision of parking within a driveway and landscaped area.</p> <p>A further reduction from the permitted 4.7 metres to the proposed 4.0 metres is being requested in order to better situate the commercial uses on the ground floor and to address the pedestrian realm. The front yard focused on pedestrian access to the commercial uses and as such, the further reduction of 0.7 metres for the front yard is considered appropriate.</p> <p>As result, this modification has merit and can be supported.</p>
Minimum Side Yard	An easterly side yard having a depth not less than 1.95 metres except 3.7 metres to the hypotenuse of a daylight triangle, and a westerly side yard having a depth of not less than 4.4 metres.	An easterly side yard having a depth not less than 2.0 metres, except 1.5 metres to the hypotenuse of a daylight triangle, and a westerly side yard having a depth of not less than 2.6 metres.	<p>The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes.</p> <p>The overall easterly side yard is being increased from 1.95 metres to 2.0 metres except at the portion adjacent to the required daylight triangle. At this point the setback is reduced from 3.7 metres to 1.5 metres. The proposed 1.5 metres maintains the intent of the rear yard requirement and will not negatively impact the required daylight triangle.</p> <p>The westerly side yard reduction from 4.4 metres to 2.6 metres is acceptable as the majority of the yard is greater than this distance and as such the intent of the side yard is maintained and the additional reduction is not expected to cause any adverse effects on the neighbouring lands.</p> <p>As a result, these modifications have merit and can be supported.</p>

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Minimum Rear Yard	A rear yard having a depth not less than 41.0 metres.	A rear yard having a depth not less than 39.0 metres, except that any portion of the underground parking garage which may project above grade is permitted within the rear yard if it is distant at least 17.0 metres from the rear property line.	<p>The proposal is to reduce the required rear yard setback from 41.0 metres to 39.0 metres. The rear yard of this development will be used primarily for parking but does also contain an outdoor amenity space for the residents of this building. Through an evaluation of the proposal, it has been determined that 39.0 metres is sufficient to maintain the intent of the rear yard setback requirement and also to provide adequate parking and amenity space for the development.</p> <p>Staff are in support of this modification.</p> <p>The proposal also seeks relief from the requirement for any access to a below grade parking structure that projects above grade to be considered part of the principal structure and as such is required to meet all yard requirements. This application proposes to have a stairwell to the underground parking located within the rear yard. Staff have considered this and have agreed that this should be permitted but should not be any closer that 17.0 metres to the rear lot line.</p> <p>Based on the size of the rear yard and the desire for access to the below grade parking, staff support this modification.</p>

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Minimum Landscaped Area	For every building or structure, there shall be provided and maintained on the lot and within the district at least 23% of the area of the lot on which it is situate, as landscaped area	For every building or structure, there shall be provided and maintained on the lot and within the district at least 18% of the area of the lot on which it is situate, as landscaped area	<p>The intent of this provision is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property.</p> <p>The proposed modification is to reduce the landscape requirement from 23 % of the lot to 18% of the lot. The proposed reduction has been reviewed and it is believed that the proposed landscape maintains adequate landscape buffers to the residential uses to the south, east, and west and incorporates an outdoor amenity area into the design. A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Based on the foregoing, staff support the proposed reduction in landscape area.</p>

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Minimum Number of Parking Spaces	A multiple dwelling shall provide 1.25 parking spaces per Class A dwelling unit of which 0.23 spaces per unit shall be allocated for visitor parking.	<p>A multiple dwelling shall require parking based on the following:</p> <ul style="list-style-type: none"> a. Units greater than 50 square metres: 1.0 spaces per unit; b. Units equal to or lesser than 50 square metres: 0.3 spaces per unit; and, c. Shared commercial and resident visitor: 0.22 spaces per unit. 	<p>The intent of this provision is to ensure that properties provide an adequate amount of parking spaces on site for the proposed uses. The previously approved Zoning By-law (By-law No. 18-049) permits parking at a rate of 1.25 spaces per unit which breaks down to 1.02 spaces per unit and 0.23 visitor spaces per unit. The applicant is proposing to pre-emptively comply with the parking standards identified in Section 5 of the City of Hamilton's Comprehensive Zoning By-law No. 05-200, which are more reflective of the markets current parking demands. As such, the current application proposes to reduce the required parking to 1.0 spaces per unit greater than 50 square metres, 0.3 spaces per unit less than or equal to 50 square metres, and 0.22 spaces per unit dedicated to commercial and residential visitor parking.</p> <p>The shared visitor and commercial parking spaces will be located on the surface level and will have appropriate signage. The majority of the resident parking will be underground and will be accessed via a secure entry system.</p> <p>Staff have evaluated this requested reduction and feel that it can be accommodated given the availability of alternative transportation modes available in the area, along with the reduced parking demands as identified by Zoning By-law No. 05-200.</p> <p>Given the above, these modifications have merit and can be supported.</p>

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Special requirements for shared commercial and visitor parking	n/a	<p>Each shared commercial and residential visitor parking space shall:</p> <ul style="list-style-type: none"> • be maintained for the use of both the commercial and residential visitor parking; • have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking; and, • be maintained and readily accessible for either use, free and clear of all obstructions. 	<p>The intent of this modification is to ensure the parking spaces intended for commercial and visitor parking spaces are easily accessible, clearly marked, and maintained free and clear of obstructions.</p> <p>Staff have added this modification as part of good practice to ensure the functionality of the parking on the site.</p> <p>The parking layout and markings/signage will be further evaluated at the Site Plan Control stage.</p>

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Loading Space(s)	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 18.0 metres in length and 6.0 metres in width.	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 13.0 metres in length and 6.0 metres in width.	<p>The intent of this provision is to ensure that an adequate number of loading spaces are provided on site to service the proposed development.</p> <p>The proposal to reduce the size of the previously approved loading space requirement is based on the requirement for not more than Medium Single Unit (MSU) trucks. The requested loading space is sufficient to accommodate loading and unloading of an MSU truck and is therefore appropriate for the purpose of this mixed use building. Loading operations will be examined in further detail at the Site Plan Control stage.</p> <p>Based on the foregoing, staff support the reduced dimension of the loading space.</p>