

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

Regulation	Required	Modification	Analysis
<u>Regulations applicable to Block 1</u>			
Section 11C, 18 and 18A Requirements for a Multiple Dwelling in an “E-3” District	The existing 11 storey multiple dwelling is permitted on the existing lot at 175 Catharine Street South having a lot area of 3,375 square metres	To permit the existing 11 storey, 93 unit multiple dwelling on a reduced lot with an area not less than 2,400 square metres. The existing 57 parking spaces are required to be maintained.	<p>A modification is required to recognize the existing 93 unit, 11 storey multiple dwelling at 175 Catharine Street South on a reduced lot established through a future severance application.</p> <p>The lands to be severed to the south of the multiple dwelling are currently vacant and are not required by the existing building for parking or amenity. Staff consider these lands to be underutilized and support their use as part of the proposed development.</p> <p>Therefore, staff support maintaining the existing 11 storey multiple dwelling on a reduced lot.</p>
<u>Regulations applicable to Blocks 2, 3 and 4</u>			
2.(2)J.(xiii) Definition of front lot line	Front lot line with reference to a corner lot shall mean either boundary line along a street at the option of the owner.	Forest Avenue shall be deemed the front lot line	<p>The site specific zoning by-law is written under the assumption that the lot line abutting Forest Avenue will be considered the front lot line. Therefore, the by-law includes a requirement that Forest Avenue be deemed the front lot line.</p> <p>Staff support the proposed modification to the definition of front lot line.</p>
11(1), 2.(2)A.(viib), 2.(2)A.(viid) and 2.(2)A.(viii) Permitted uses and definition of	Townhouse Dwellings or Street Townhouse Dwellings are not a permitted use in an “E-3” District	Residential units that are attached to each other, side by side and each containing individual exterior	<p>A modification is required to allow the proposed townhouse dwelling units that have separate entrances accessible at grade to be attached to the proposed multiple dwelling.</p> <p>The proposed townhouse dwellings will function in conjunction with the multiple dwelling, including by sharing parking, storage and amenity</p>

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Multiple Dwelling, Street Townhouse Dwelling and Townhouse Dwelling		access shall be considered as dwelling units within the overall Multiple Dwelling and shall be permitted.	areas. Therefore, staff support the proposed modification to include an attached townhouse dwelling in the definition of a multiple dwelling.
11C.(1a) Height Requirements	The height of a building or structure shall not exceed eighteen storeys or 57.0 metres.	<p>For Block 2 (townhouse dwellings), no building or structure shall exceed 13.5 metres in height.</p> <p>For Block 3 (amenity space over the existing access driveway to 175 Catharine Street South), no building or structure shall exceed 8.0 metres in height.</p> <p>For Block 4 (ten storey multiple dwelling) no building or</p>	<p>The proposed modifications for reduced setbacks, eliminated landscape requirements and eliminated floor area ratio requirements are appropriate based on the massing of the current proposal that includes three storey townhouse dwellings and a ten storey multiple dwelling. The existing site specific zoning by-law permits a maximum building height of 19 storeys but requires a minimum landscape area of 25% that would provide for transition for a taller building. Staff are of the opinion that the proposed massing is appropriate for the area context, transitions appropriately to adjacent uses and limits adverse impacts on neighbouring properties.</p> <p>Therefore, the amending by-law limits the permitted building heights to 13.5 m for the townhouse dwellings and 38.0 m for the multiple dwelling to ensure this massing is maintained.</p> <p>Staff support the proposed modifications to maximum building height.</p>

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		structure exceed 38.0 metres in height.	
11C.(2)(a) Front Yard Depth	A front yard having a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres and need not have a depth of more than 7.5 metres.	For Blocks 2 and 3, a front yard depth not less than 2.5 metres. For Block 4, a front yard depth not less than 0.5 metres.	A modification is required to permit a minimum front yard depth of between 0.5 and 2.5 metres. The proposed reduced front yard allows for a pedestrian oriented building by bringing the building closer to the street with unit entrances at grade and providing adequate space for landscaping adjacent to the pedestrian realm. The proposed 2.5 m front setback for the townhouse units (Block 2) provides separation between the front of the townhouse units and the street limiting the impact of street noise on the ground floor living space. Staff are supportive of the proposed modifications to front yard depth.
11C.(2)(b) Side Yard Width	Along each side lot line a side yard having a width of at least one one-hundred and twentieth part of the product	For Block 2: <ul style="list-style-type: none"> • a northerly side yard width not less than 4.75 metres; • an easterly side yard width 	The proposed 4.75 metre northerly side yard will provide space for an access driveway and second floor terraces for the proposed townhouse dwellings. Staff are satisfied that the 4.75 metre width is adequate for access and amenity purposes. A reduced northerly side yard width of 1.5 metres is required to accommodate the portion of the building providing a shared amenity space over the existing access driveway.

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	<p>obtained by multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet) and need not have a width of more than 9.0 metres (29.53 feet)</p>	<p>not less than 0.75 metres; and,</p> <ul style="list-style-type: none"> • a westerly side yard width not less than 0.5 metres, except 0 metres to a daylight radius. <p>For Block 3:</p> <ul style="list-style-type: none"> • a northerly side yard width not less than 1.5 metres. <p>For Block 4:</p> <ul style="list-style-type: none"> • an easterly side yard not less than 4.75 metres; and, • a westerly side yard width not less than 2.75 metres. 	<p>Staff are satisfied that the proposed 4.75 metre easterly side yard and 2.75 metre westerly side yard for the ten storey multiple dwelling are adequate for maintenance access and to provide a buffer to adjacent development.</p> <p>The proposed 0.5 side yard width adjacent to Catharine Street South is appropriate as there is a municipal boulevard adjacent to the site providing a landscape buffer between the building and the sidewalk.</p> <p>Therefore, the proposed reduced side yards can be supported.</p>
<p>11C.(2)(c) Rear Yard Depth</p>	<p>A rear yard having a depth of at least one one-hundred and twentieth part of the product</p>	<p>A rear yard depth not less than 0.75 metres.</p>	<p>A modification is required to permit a minimum rear yard of 0.75 metres for the ten storey multiple dwelling. The 0.75 metre rear yard is required to accommodate an enclosed stairway at the northwest corner of the building, whereas the remainder of the building provides a 3.77 metre</p>

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	<p>obtained by multiplying the height of the building or structure by its width, less 1.5 metres plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres</p>		<p>rear yard.</p> <p>The 0.75 to 3.77 metre rear yard depth for the multiple dwelling is adequate for maintenance access and provides a buffer to the adjacent multiple dwellings.</p> <p>Staff support the proposed rear yard depth modification.</p>
<p>11C.(2a)(a) Modification of Area Requirements</p>	<p>No building or structure in an "E-3" District shall have in any exterior wall, any recess the width of which is less than the depth.</p>	<p>That Section 11C.(2a)(a) not apply.</p>	<p>A modification is required to permit a recess with a depth greater than its width at the northerly portion of the building. Staff are satisfied that the recess is not visible from the street and will not have a negative impact from a design or safety perspective. Therefore, this modification can be supported.</p>
<p>11C.(4) Floor Area Ratio</p>	<p>No building or structure shall have a gross floor</p>	<p>That Section 11C.(4) not apply</p>	<p>For the purposes of this by-law, the building envelope is restricted by the maximum permitted building height and minimum setback requirements. In addition, the residential density is restricted by the</p>

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	area greater than 11,572 square metres		<p>parking rate applied on a per unit basis.</p> <p>Therefore, in the opinion of staff, the maximum floor area ratio requirement is not required and the modification can be supported.</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 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.	That Section 11C.(5) not apply.	<p>For the purposes of this by-law, adequate landscaped area, including amenity space for the townhouse dwellings and buffer areas adjacent to the public realm and adjacent buildings, is provided for through side, rear and front yard requirements.</p> <p>Therefore, in the opinion of staff, the minimum landscaped area requirement is not required and the modification can be supported.</p>
18.(3)(vi)(cc)(iii) Projections	A bay, balcony or dormer may project into a required side yard	A balcony may project into the required northerly side yard for Block	The intent of the by-law is to reduce overlook impacts from balconies on adjacent properties. The proposed rear balconies for the townhouse units are proposed to project 3.0 metres into the required northerly side yard but would be setback approximately 2.0 metres from the adjacent

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	not more than one third its width of 1.0 metres, whichever is the lesser.	2 not more than 3.0 metres.	property. The existing balconies for the multiple dwelling at 175 Catharine Street South face east and west and do not face the proposed balconies for the townhouse dwellings. Staff are satisfied that there would not be adverse overlook impacts from the proposed balconies and support the proposed modification.
18.(3)(vi)(ee) Encroachment of a parking structure into required yards	A building or structure used for parking purposes in conjunction with a multiple dwelling may project into a required front, side or rear yard, providing such building or structure is not above curb level when such yard adjoins a street, or not above the ground elevation of any adjoining land of any required yard where it does not abut a street.	The foundation wall for a building or structure located partially below grade and used for parking purposes may project into a required front, side or rear yard.	<p>The foundation wall for the proposed underground parking garage located within Blocks 2, 3 and 4 will encroach into required yards and will project above grade greater than curb level and the ground elevation of adjoining land. The above ground projection is necessary due to the limited lot length where the access driveway enters the underground garage.</p> <p>Staff are satisfied that the portion of the foundation wall projecting above grade is appropriate as it will generally not be visible from the street and is consistent with the adjacent multiple dwellings to the north and east that also have portions of their parking garages located above grade. Therefore, staff support the proposed modification to permit the foundation wall for the underground parking to encroach into the required front, side and rear yards.</p>
18A.(7) Parking space dimensions	Every required parking space, other than a	Every required parking space, other than a	The applicant designed the parking spaces based on the City of Hamilton Zoning By-law No. 05-200 parking space standards applicable at the time the application was submitted (December 23, 2016). On

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	parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long	parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long for a standard parking space and 3.9 metres wide and 5.5 metres long for a barrier-free parking space.	<p>November 9, 2017, Hamilton City Council approved changes to the parking regulations under By-law No. 05-200, including requiring larger parking space dimensions of 2.8 metres by 5.8 metres when parking is located in an underground garage.</p> <p>Given the submission date and need to achieve a greater number of parking spaces within the underground garage, staff can support the proposed 2.6 metre by 5.5 metre parking space dimensions.</p>
18A(1)(a) and 18A(1)(b) Parking Rate	A minimum 0.8 parking spaces per Class A unit shall be required, of which 0.16 parking spaces per unit shall be provided for visitors.	A minimum 0.65 parking spaces per Class A dwelling unit shall be required, of which none shall be required for visitors.	<p>Staff are satisfied that the proposed 0.65 residential parking rate is appropriate for the site based on parking utilization of nearby sites and the location of the site in proximity to transit and Downtown Hamilton. Temporary visitor parking is available on nearby streets subject to time limit restrictions. Residents of the multiple dwelling will not be eligible for on street permit parking or time limit exemptions.</p> <p>Therefore, staff support the proposed modification to parking rate.</p>
18A(1)(c) Loading Space	A minimum one loading space with a length of 18.0 m, width of 3.7 m and height of 4.3 m is required.	That no on site loading space is required.	<p>Loading for the proposed development will be accommodated through a layby within the Forest Avenue right of way to be constructed by the Owner. Transportation Planning staff are supportive of the proposed layby.</p> <p>Therefore, staff are satisfied that an on-site loading space is not required and support the modification to eliminate the loading space requirements applicable to a multiple dwelling.</p>

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Short Term and Long Term Bicycle Parking	No existing requirement	A minimum 0.05 short term and 0.5 long term bicycle parking spaces shall be required per Class A dwelling unit.	Transportation Demand measures, including bicycle parking, form part of the justification for the proposed parking reduction. Therefore, staff recommend the By-law include a requirement for a minimum 0.05 short term spaces per unit (4) and 0.5 long term bicycle parking spaces per unit (42) as per the City of Hamilton TDM for Development Guidelines. Long term bicycle parking spaces will be required within a secured facility.