

Zoning By-law Site Specific Modifications – Downtown Mixed Use – Pedestrian Focus (D2, 731, H116, H117) Zone

| Provision | Required | Requested Amendment | Analysis |
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| Section 5.0: Parking Requirements | | | |
| <p>5.1 (a) i) - Parking Facilities On-Site</p> <p><i>** Applicant Requested Modification</i></p> | <p>Required parking facilities shall be located on the same lot as the use requiring the parking.</p> | <p>The manoeuvring space and access for some of the parking spaces are provided by way of an adjacent private laneway.</p> | <p>The parking for the proposed development consists of six parking stackers each consisting of three levels with a double platform capable of parking two vehicles per level, for a total of six vehicles.</p> <p>Four of the parking stackers are accessed by way of an internal driveway which has access directly to Caroline Street North, therefore the parking facilities for these parking spaces are provided on-site.</p> <p>The remaining two parking stackers are accessed by way of a rear private laneway that connects from Bay Street North to Caroline Street North. The laneway is privately owned however the applicant has established a legal right to access across the laneway lands. Therefore, while the manoeuvring and access for the two stackers are not located on site this will not impede the manoeuvring and access for these parking spaces.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>5.2 (b) i) – Parking Space Size (new parking standard not yet in effect)</p> <p><i>** Applicant</i></p> | <p>Minimum parking space size of 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or</p> | <p>Minimum parking space size of 2.6 metres in width and 5.5 metres in length shall be permitted within an above ground or</p> | <p>The modification facilitates the decision made by the Local Planning Appeal Tribunal (LPAT) in their written decision on the appeal of the CMU Zoning By-law dated January 7, 2021 that exempted the property at 206 and 208 King Street West from the increase in minimum parking space size and therefore the minimum parking space size of 2.6 metres in width by 5.5 metres in length</p> |

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| <i>Requested Modification</i> | underground parking structures. | underground parking structure when parking is provided by means of a parking stacker system. | applies. The modification is being included in the site specific Zoning By-law to ensure that the site specific By-law reflects the decision of the LPAT. Therefore, the proposed modification can be supported. |
| 5.2 (b) ii) – Parking adjacent to wall or column (new parking standard not yet in effect) <i>** Applicant Requested Modification</i> | Where a wall or column or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking spaces shall be increased by 0.3 metres. | 0 metres when parking is provided by means of a parking stacker system. | The modification facilitates the decision made by the LPAT in their written decision dated January 7, 2021 on the appeal to the CMU Zoning By-law that exempted the property at 206 and 208 King Street West from the requirement to increase the width of a parking space size where a wall, column, or any other obstruction is located abutting or within any parking space. The modification is being included in the site Specific Zoning By-law to ensure that the site specific By-law reflects the decision of the LPAT. Therefore, the proposed modification can be supported. |
| 5.2 f) – Barrier Free Parking Space Size <i>** Staff Recommended Modification</i> | Minimum barrier free parking space of 4.4 metres in width and 5.8 metres in length. | To permit a barrier free parking space with a minimum width of 4.4 metres and a minimum length of 5.5 metres. | The proposed modification for a reduction in parking space length reflects the requirement that was in effect at the time that the application made. The proposed modification is seeking to provide a minimum barrier free parking space length that aligns with the length of the other parking spaces proposed on-site. The proposed modification does not alter the required width of a barrier free parking space and therefore will not impact the accessibility of the barrier free parking space. Therefore, the proposed modification can be supported. |

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| <p>5.2 (c) (g) and (i) – Stacked Parking and Unobstructed Manoeuvring Space</p> <p><i>** Applicant Requested Modification</i></p> | <p>All required parking shall be provided adequate access by means of ingress and egress to and from the street or private laneway without the necessity of moving any other motor vehicle.</p> <p>Tandem or stacked parking is permitted for Commercial Parking Facilities and Hotels when a parking attendant is on site or a valet service.</p> <p>A minimum of 6.0 metres of unobstructed manoeuvring space.</p> | <p>To allow ingress and egress to all required parking from a street or private laneway, without the necessity of moving any other motor vehicle, except by way of a mechanical stacker system.</p> <p>To permit requiring parking to be provided by means of a parking stacker system.</p> <p>To permit parking spaces that do not provide 6.0 metres of unobstructed manoeuvring space.</p> | <p>The laneway located at the rear of the property is privately owned and therefore does not meet the definition of a laneway in the Zoning By-law which is defined as a public highway or road allowance having a width of less than 12.0 metres. The applicant has established a legal right to access to and from Caroline Street North over the privately owned laneway and therefore adequate ingress and egress will be provided for the parking spaces.</p> <p>Stacked parking is restricted to certain types of uses and requires that a parking attendant or valet service be provided to ensure that stacked vehicles are not obstructed by other vehicles. A parking attendant or valet service would traditionally have the ability to relocate vehicles to clear an obstruction, and the absence of a parking attendant or valet service would traditionally result in vehicles being obstructed.</p> <p>The parking stacker system proposed by the applicant does not include a parking attendant or valet services. Instead the parking stacker system is automated to raise or lower the stacked vehicles in order for a vehicle owner to be able to gain access to their vehicle (see Appendix F of Report PED21038). As such, allowing the proposed parking stackers for parking associated with a multiple dwelling and an office use without a parking attendant or valet service will not result in vehicles that cannot be accessed.</p> <p>In respect to the provision for 6.0 metres of unobstructed manoeuvring space, the vehicles while obstructed can be easily accessed through the use of the automated</p> |
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| | | | <p>parking stacker system. A 6.0 metre on-site manoeuvring area is provided for the four stackers that are accessed from the internal driveway that has access directly to Caroline Street North. In respect to the two parking sackers accessed from the rear laneway, approximately 6.0 metres of manoeuvring area is provided, however it is located partially onsite and partially within the private laneway. Therefore adequate manoeuvring space is provided that will allow the proposed parking spaces to be easily accessed.</p> <p>Therefore, the proposed modifications can be supported.</p> |
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| <p>5.2.1 c) – Location of Loading Facilities</p> <p><i>** Applicant Requested Modification</i></p> | <p>A loading door and loading area are not permitted in a required yard abutting a Residential Zone and shall be screened from view by a Visual Barrier.</p> | <p>To permit a loading door and loading area to be located in the rear yard abutting a Residential Zone and to not be required to be screened from view by a Visual Barrier.</p> | <p>As the proposed loading area is to be accessed directly from the private laneway, a visual barrier separating the loading area and loading door from the rear lot line would obstruct access to the loading area.</p> <p>The door for the loading and garage facilities are located at the rear of the property which abuts lands zoned Downtown Residential (D5) Zone to the north. The proposed loading door and loading area are recessed approximately 2.9 metres which will partially buffer the nearby residential property to the north. The loading door and loading area are further separated from the residential building to the north by the existing private laneway and the existing parking associated with the existing multiple dwelling to the north. A separation of approximately 18.9 metres is provided between the loading door and loading area and the adjacent property, which will provide adequate separation and will not negatively impact the existing residential uses.</p> <p>Therefore, the proposed modifications can be supported.</p> |
| <p>5.7 (c) and (d) Short Term Bicycle Parking Spaces</p> <p><i>** Applicant Requested Modification</i></p> | <p>For the proposed Multiple Dwelling and Commercial uses a total of 10 short term bicycle parking spaces are required on-site.</p> | <p>To not require any short term bicycle parking spaces on site.</p> | <p>The proposed building is to be located in proximity to the Caroline Street North and King Street West lot lines and therefore does not provide sufficient spaces on-site in which to provide the required 10 short term bicycle parking spaces.</p> <p>The applicant is proposing to provide a total of 10 short term bicycle parking space along Caroline Street North that are partially on the subject lands but are predominantly within the City boulevard. As the By-law requirement requires the 10 short term bicycle parking</p> |

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| | | | <p>spaces to be provided on-site, the proposed short term bicycle parking spaces located within the boulevard would not meet this By-law requirement. As such a modification to not require any short term bicycle parking spaces on-site is required. However, the short term bicycle parking needs of the subject lands will be addressed in an alternative manner. An encroachment agreement will be required for the proposed short term bicycle parking spaces provided within the City boulevard which will be secured at the Site Plan Control stage.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>5.7 (e) Long Term Bicycle Parking Spaces</p> <p>** Staff Recommended Modification</p> | <p>A multiple dwelling requires a minimum number of long term bicycle parking at a rate of 0.5 per dwelling unit.</p> | <p>To increase the minimum bicycle parking ratio for a multiple dwelling from 0.5 per dwelling unit to 1.0 per dwelling unit.</p> | <p>The applicant has identified in their proposed design that they will be providing 123 long term bicycle parking spaces. As some of the parking necessary to facilitate the proposed development will not be provided on-site but instead provided by way of Cash-in-Lieu of Parking an increase beyond the minimum number of long term bicycle parking spaces was deemed to be appropriate by staff. Therefore, to ensure that the increase in the minimum number of long term bicycle parking spaces is provided, staff propose a modification to increase the minimum number of long term bicycle parking spaces required per multiple dwelling unit from 0.5 per dwelling unit to 1.0 per dwelling unit.</p> <p>Therefore, the proposed modification can be supported.</p> |
| Section 6.0: Downtown Zones General Provisions | | | |
| (b) i) Stepback – Caroline Street | Minimum 3 metre stepback beyond | To not require a stepback along the | The proposed development establishes distinctive materials between the lower portion of the building (4 th |

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| <p>North</p> <p><i>**Applicant Requested Modification</i></p> | <p>Building Base Façade Height of 11.0 metres along Caroline Street North</p> | <p>Caroline Street North façade.</p> | <p>floor and below) and the upper portion of the building (6th floor and above), with the 5th floor in having its own distinct treatment. The change in materials between the 4th and 5th floors occurs at a height of 16.06 metres and the change between the 5th and 6th floors occurs at a height of 19.65 metres.</p> <p>In addition to the 5th floor having a distinctive design treatment, the 5th floor also maintains a 7.2 metre stepback from the King Street West lot line and is therefore recessed further back from King Street West than the floors above (6th through 16th) which cantilever over the 5th floor terrace with a stepback of 2.8 metres from King Street West.</p> <p>The material of the lower portion of the building is reflective of the material style of buildings along King Street West and the height is reflective of the height of the building that currently exists on site.</p> <p>Architectural elements including cornice lines further breaks up the massing of the proposed building creating a transition between the lower portion of the building and the upper portion of the building.</p> <p>The distinct design of the 5th floor along with the recessed stepback from King Street West, in conjunction with the difference in design between the lower and upper floors and architectural elements allow for the building to properly frame the street and reflect the massing and scale of the area without providing a physical stepback along the Caroline Street North (westerly) façade.</p> |
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| | | | Therefore, the proposed modification can be supported. |
| <p>(b) (ii) Stepback – Easterly Side</p> <p><i>** Partially Applicant Requested Modification</i></p> <p><i>** Modified by Staff to clarify the portions of the building permitted to be 1.7 metres and what must remain at 3.0 metres.</i></p> | <p>Minimum 3.0 metre stepback for any portion of a building exceeding 22.0 metres in height from a side lot line.</p> | <p>For any portion of a building exceeding 22.0 metres in height a minimum 3.0 metre stepback from a side lot line is required, except for the portion of the building setback less than 13.2 metres from the front lot line and 5.8 metres from the rear lot line then a minimum 1.7 metre stepback from a side lot line is required.</p> | <p>The middle portion of the easterly wall of the building, which constitutes the majority of the easterly wall, will provide the required 3.0 metre stepback. The stepback will be provided above the 4th floor at a height of 16.06 metres and therefore does not exceed the 22.0 metre height.</p> <p>A portion of the easterly wall includes a stepback of 1.7 metres. Staff has modified the By-law to ensure that those portions of the building stepped back 1.7 metres will not include transparent windows. Therefore, the reduction in stepback will not create privacy and overlook concerns for any future development of the adjacent lands.</p> <p>There is currently an existing restaurant located on the lands immediately to the east of the subject property. The proposed reduction in stepback for the portions of the building exceeding 22.0 metres in height will not create negative privacy overlook impacts on the existing restaurant.</p> <p>As outlined in the Policy Implications and Legislative Requirements section of Report PED21038 a Sun Shadow Impact Study was submitted with the application for Zoning By-law Amendment and demonstrated that shadows from the proposed development will not impact the property to the east until 2 p.m. at the Equinox and therefore will provide a minimum of three hours of sun between 10:00 a.m. and</p> |

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| | | | <p>4:00 p.m.</p> <p>If a tall building is developed on the property to the east the proposed development may be impacted by the resulting shadows due to the reduced stepback. As part of the Site Plan Control and Draft Plan of Condominium applications prospective purchasers / tenants must be advised of this potential future impact.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>Restriction on Easterly Facing Windows</p> <p>** Staff Recommended Modification</p> | No existing provision. | <p>For the portion of the building exceeding 22.0 metres in height but not greater than 44.0 metres, with a stepback of less than 3.0 metres from the easterly side lot line, no windows are permitted facing the easterly side lot line except for windows that are translucent.</p> | <p>The absence of clear glass windows on the portion of the easterly facing wall, that is stepped back less than 3.0 metres, forms part of the justification for the reduction in the required stepback above 22.0 metres. Therefore, to ensure that easterly facing windows, within the portion of the building that is less than 3.0 metres, are not clear glass windows, a modification is required to prohibit windows except for windows that are translucent (frosted).</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>(b) (ii) Stepback – Rear</p> <p>**Applicant Requested</p> | Minimum 3.0 metre stepback for any portion of a building exceeding 22.0 metres in height from | To not require any stepback for any portion of a building exceeding 22.0 metres, but | <p>There is an existing private laneway located immediately to the north (rear) of the subject lands and the existing multiple dwelling located to the north is stepback approximately 16.0 metres from the rear lot line of the subject property. Furthermore, the existing multiple</p> |

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| <p><i>Modification</i></p> | <p>a rear lot line.</p> | <p>not greater than 44.0 metres, in height from a rear lot line.</p> | <p>dwelling located to the north of the subject lands is setback approximately 17.0 metres from the Caroline Street North lot line and therefore only approximately 4.0 metres of the existing multiple dwelling lines up with the proposed building. Therefore, not requiring a 3.0 metre stepback will not have negative privacy overlook impacts.</p> <p>Furthermore, as outlined in the Policy Implications and Legislated Requirements section of Report PED21038, a Sun Shadow Impact Study was submitted with the application for Zoning By-law Amendment and demonstrated that a minimum of three hours of sun will be provided on the south façade of the building to the north between 10:00 a.m. and 4:00 p.m. at the Equinox.</p> <p>Therefore, the proposed modification to not require a 3.0 metre stepback for the portions of the building exceeding 22.0 metres in height will not create negative privacy overlook and sun shadow impacts.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>Building Height for rooftop amenity area. ** Staff Recommended Modification</p> | <p>An enclosed roof top amenity is considered part of the building in respect to overall calculation for building height.</p> | <p>To not include an enclosed or partially enclosed amenity area or the access to a rooftop amenity area to be considered part of the building in respect to the</p> | <p>The proposed modification to allow enclosed rooftop amenity area to not be considered part of the building in respect to the overall calculation for building height is consistent with other zones in the City of Hamilton Zoning By-law 05-200.</p> <p>Therefore, the proposed modification can be supported.</p> |

| | | overall calculation for building height. | |
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| <p>(c) iii) 1. Stepback Rear Lot Line</p> <p><i>** Applicant Requested Modification</i></p> <p><i>** Modified by Staff to restrict the reduction in the stepback to a mechanical penthouse and indoor amenity area.</i></p> | <p>Minimum 12.5 metre stepback for any portion of a building exceeding 44.0 metres in height from a rear lot line.</p> | <p>Minimum 5.3 metre stepback for any portion of a building exceeding 44.0 metres in height, used for a mechanical penthouse, from a rear lot line.</p> <p>Minimum 11.2 metre stepback for any portion of a building exceeding 44.0 metres in height, used for an indoor amenity area, from a rear lot line.</p> | <p>The reduction in the rear yard stepback from 12.5 metres to 5.3 metres pertains is for the stepback to the mechanical penthouse and the site specific By-law modification will restrict the modification for reduction in the stepback to a mechanical penthouse only. Therefore as the 5.3 metre stepback is only for a mechanical penthouse it would not contain windows that would create overlook impacts onto any adjacent property nor on any future tall building developed on lands located to the rear of the subject property.</p> <p>The reduction in the rear yard setback from 12.5 metres to 11.2 metres pertains to the stepback for an indoor amenity area located on the top floor. As the modification for reduced stepabck is limited to indoor amenity space the 1.3 metre reduction in stepback will not result in any negative overlook impacts on the adjacent lands nor on any future tall building development on lands located to the rear of the subject property.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>(c) iii) 2. Stepback Side Lot Line</p> <p><i>** Applicant Requested Modification</i></p> | <p>Minimum 12.5 metre stepback for any portion of a building exceeding 44.0 metres in height from a side lot line.</p> | <p>Minimum 1.7 metre stepback for any portion of a building exceeding 44.0 metres in height, used for a mechanical</p> | <p>The proposed 1.7 metres stepback for the portion of the building exceeding 44.0 metres in height is for a mechanical penhouse and will be restricted in the By-law modification to only permit the reduction in the stepback for a mechanical penthouse. Therefore as the 1.7 metre stepback is only for a mechancial penthouse it would not contain windows that would create overlook impacts</p> |

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| <p><i>** Modified by Staff to restrict the reduction in the setback to a mechanical penthouse..</i></p> | | <p>penthouse, from the easterly side lot line.</p> | <p>onto any adjacent properties nor any future tall building development on the lands located to the east of the subject property.</p> <p>Therefore the proposed modification can be supported.</p> |
| <p>(e) i) – Ground Floor Glazing</p> <p><i>** Applicant Requested Modification</i></p> | <p>A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors.</p> | <p>A minimum of 30% of the area of the ground floor façade shall be comprised of clear glazed windows and doors.</p> | <p>The intent of the minimum glazing requirement is to ensure that there is an active streetscape along the pedestrian oriented street. The building that presently exists on site has very little ground floor glazing with only two small windows on the Caroline Street North frontage and five small windows and a small doorway along the King Street West frontage.</p> <p>A reduced amount of glazing is necessary for the proposed podium level to be consistent with the style and character of the area, in which the existing building façade for both the existing building and the building located at the north west corner of Caroline Street North and King Street West have limited ground floor windows facing Caroline Street North.</p> <p>The active uses at the ground level are primarily focused at the front of the building along King Street West in which the amount of glazing has been substantially increased from what exists today. Therefore, the proposed minimum 30% ground level glazing represents an improved situation.</p> <p>A minimum 30% ground level glazing modification is required in part due to the fact that a significant portion</p> |

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| | | | <p>of the ground level of the building along Caroline Street North consists of parking and other utility elements in which windows would not be appropriate. While the treatment of both façades is important, providing an increased amount of glazing on the King Street West frontage improves the pedestrian experience along a very heavily travelled pedestrian route.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>(e) iii) – Ground Floor Height</p> <p><i>** Applicant Requested Modification</i></p> | <p>A maximum ground floor height of 4.5 metres in height.</p> | <p>A maximum ground floor height of 6.5 metres in height.</p> | <p>The first floor of the existing building on-site is elevated above grade due to the basement level being partially above grade. In order to establish grade oriented commercial while providing a development that is reflective of the size and scale of the existing development a higher ground floor height is required. As a difference in ground floor height between the existing building and the buildings to the west along King Street West represents the existing situation, the proposed modification to establish a similar scale of development will be compatible with the existing streetscape character of the area.</p> <p>The increase in ground floor building height is also required to accommodate the proposed parking stacker system. For the vehicle at the bottom of the stacker to be able to ingress and egress the parking stacker space without obstruction there needs to be sufficient clearance above the ground level for the two other vehicles in the stacker to be raised up.</p> <p>Therefore, the proposed modification can be supported.</p> |