

**To Amend Zoning By-law No. 05-200**

**Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton**

**By-law Modifications**

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
Front Lot Line	<p>Front Lot Line – shall mean any lot line abutting a street, and:</p> <p>a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line.</p>	Stone Church Road East to be the Front Lot Line	<p>The subject property is a corner lot with frontage on Upper James Street and Stone Church Road East and although Upper James Street has the shorter lot line, Stone Church Road East is to be considered the front lot line, as the main access to the development will be from this frontage. Therefore, staff can support the proposed modification.</p>
Permitted Yard Encroachment	<p>4.6b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or a to a maximum of half the distance of the required yard, whichever is the lesser.</p>	<p>Notwithstanding Section 4.6b), a fire escape or exterior stair may encroach into a required front, side or rear yard.</p>	<p>The proposed stairs are to be utilized as fire escape access from the below grade parking garage.</p>
Parking and Loading Regulations	<p>5.1 LOCATION</p> <p>a) All Uses</p> <p>v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p> <p>5.2 DESIGN STANDARDS</p>	<p>Notwithstanding Section 5: PARKING REGULATIONS, the following shall apply:</p> <p>a. Parking areas may be shared for all uses on Blocks 1 and 2 of Schedule “A”.</p> <p>b. That Section 5.1(a)(v)(c) not apply.</p> <p>c. That Section 5.2(b)(i) be, Minimum 2.8 metres in width and 5.8 metres in length.</p> <p>d. That Section 5.2(b)(ii) be, Maximum 3.4 metres in width and 6.0 metres in length.</p> <p>e. That Section 5.2(h)(i) not apply.</p> <p>f. That Section 5.2(h)(ii) not apply.</p>	<p>5.1(a)(v)(c) – A stairwell to the underground parking is proposed on the south side and adjacent to the right-in / right-out access on Upper James Street. The proposed stairwell is located within the planting strip, but outside of the visibility triangle and therefore, this modification can be supported by staff.</p> <p>5.2(b)(i) – The subject Zoning By-law Amendment application was submitted in 2011 and therefore, predates the new design standards for parking spaces. The proposed modification for a reduction in width of 0.2 metres is only for the underground parking and will still allow for parking to function in a normal manner and therefore, staff can support the proposed modification.</p> <p>5.2(b)(ii) – The proposed regulation shall not apply as it is less restrictive and therefore, can be supported by</p>

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	<p>b) Unless permitted by another regulation in this By-law, parking space sizes shall be:</p> <p>i) Minimum 3.0 metres in width and 5.8 metres in length;</p> <p>ii) Notwithstanding Subsection i) herein, a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure, but shall not apply to an attached or detached garage to a Block Townhouse Dwelling, Duplex Dwelling, Maisonette Dwelling, Semi-Detached Dwelling, Single Detached Dwelling, or Street Townhouse Dwelling.</p> <p>h) In addition to Section 5.1 a) v) and Subsection e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:</p> <p>i) Landscaped Areas or Landscaped Parking Islands with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area or Landscaped Parking Island shall have a minimum width of 2.8 metres</p>	<p>g. That Section 5.2.1(c) not apply.</p> <p>h. That Section 5.6(c) be modified to add:</p> <p>Multiple Dwelling:</p> <p>1 space for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for such unit (excluding 7 spaces from the total required).</p> <p>Retail within a Commercial Mixed-Use Zone:</p> <p>i. 0 spaces where a use is less than 450.0 square metres in gross floor area; and,</p> <p>ii. 1 space for each 50 square metres of gross floor area in excess of 450.0 square metres.</p>	<p>staff.</p> <p>5.2.(h)(i) and (ii) – The subject proposal does contain landscaped areas within the parking areas, however, due to the amount of spaces required, a modification is needed. Since the applicant has made an effort to provide 3.0 metre by 5.8 metre parking spaces on the surface parking areas, staff can support the proposed modification.</p> <p>5.2.1(c) – Two loading spaces are proposed and will be partially screened by the proposed buildings, as well as adjacent to landscaped areas. Therefore, staff can support the proposed modification.</p> <p>5.6(c) - <u>For all uses on the property</u>  Assuming all dwelling units provide a gross floor area greater than 50 square metres:  373 dwelling units x 1 space = 373 required parking spaces for the residential dwelling units.  82 parking spaces required for retail uses.  373 spaces + 82 spaces = a total of 455 required parking spaces (for all residential and commercial uses). Commercial parking provides opportunities for additional visitor parking.  A total of 477 parking spaces provided. The Required Parking standard is under appeal and therefore, not yet final and binding. Since the subject proposal will have a total of 477 parking spaces, staff can support the proposed modification.</p>

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	<p>and a minimum area of 10.0 square metres.</p> <p>5.2.1 LOCATION OF LOADING FACILITIES</p> <p>The location of loading doors and associated loading facilities shall be subject to the following:</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19.</p> <p>5.6 PARKING SCHEDULES</p> <p>Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1, subject to the provisions of Subsection b) herein:</p> <p>Multiple Dwelling (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones)</p> <p>i) Dwelling Units less than 50.0 square metres in gross floor area</p> <p>Minimum 0.3 per unit. Maximum 1.25 per unit.</p> <p>ii) Dwelling Units greater than 50.0 square metres in gross floor area</p>		

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	<p>Minimum 1 – 14 units 0.7 per unit. 15 – 50 units 0.85 per unit. 51+ units 1.0 per unit. Maximum 1.25 per unit.</p> <p>Retail within a Commercial and Mixed Use Zone</p> <p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p>		
Mixed Use Medium Density (C5) Zone Regulations	<p>10.5.3 REGULATIONS</p> <p>a) Building Setback from a Street Line i) Minimum 3.0 metres for a building with residential units on the ground floor facing a street; ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access; iii) Notwithstanding Section 10.5.3 i), a maximum 6.0 metres for that portion of a building providing an access driveway to a grage and, iv) Section 10.5.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5.3g)ii) and iii).</p>	<p>Notwithstanding Section 10.5: Mixed Use Medium Density (C5) Zone, the following shall apply:</p> <p>a. Notwithstanding Section 10.5.3 a)i), the minimum Building Setback from a Street Line for Block 2 of Schedule “A” shall be 2.9 metres.</p> <p>b. Notwithstanding Section 10.5.3 a)ii), the mixed use building located within 4.5 metres of the Street Line, except where 6.5 metres is provided abutting the hypotenuse of the daylight triangle.</p> <p>c. Section 10.5.3(c) as it relates to the minimum interior side yard, be</p>	<p>10.5.3(c) - A minimum setback of 4.5 metres provided to the northerly lot line of the property known as 1367 Upper James Street containing a residential use is proposed. The proposed 4.5 metre setback includes a 2.0 metre walkway and a 2.5 metre landscape area. An additional 3.0 metres is proposed to the 2<sup>nd</sup> and 8<sup>th</sup> storey of the proposed mixed-use building. There are no shadow impacts and therefore, staff can support the proposed modification.</p> <p>10.5.3(d)(iii) – This regulation is not yet final and binding and does not apply. Staff can support the proposed modification.</p> <p>10.5.3(g)(iii) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification.</p>

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	<p>c) Minimum Interior Side Yard 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.</p> <p>d) Building Height</p> <p>i) Minimum 7.5 metre façade height for any portion of a building along a street line; ii) Maximum 22.0 metres; and,     iii) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</p> <p>g) Built form for New Development</p> <p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <p>iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.</p>	<p>4.5 metres abutting a Residential or Institutional zone or a lot containing a residential use.</p> <p>d.That Section 10.5.3(d)(iii) not apply.</p> <p>e.That Section 10.5.3(g)(iii) not apply.</p> <p>f.That Section 10.5.3(g)(iv) not apply.</p> <p>g.That Section 10.5.3(g)(vii) not apply.</p> <p>h.That Section 10.5.3(g)(viii) not apply.</p> <p>i.That Section 10.5.3(h)(i) not apply.</p> <p>j.That Section 10.5.3(h)(iii) not apply.</p> <p>k.That Section 10.5.3(j) not apply.</p>	<p>10.5.3(g)(iv) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification.</p> <p>10.5.3(g)(vii) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification.</p> <p>10.5.3(h)(i) and (iii) - Assuming all dwellings will provide a gross floor greater than 50 square metres, 235 units x 6.0 square metres = 1,410 square metres of amenity area is required. 1,500 square metres of amenity area proposed (located on 2<sup>nd</sup> storey rooftop and balconies). Staff can support the proposed modifications.</p> <p>10.5.3(j) – A minimum setback of 4.5 metres provided to the northerly lot line of the property known as 1367 Upper James Street containing a residential use is proposed. The proposed 4.5 metre setback includes a 2.0 metre walkway and a 2.5 metre landscape area. An additional 3.0 metres is proposed to the 2<sup>nd</sup> and 8<sup>th</sup> storey of the proposed mixed-use building. In addition, the proposed right-in / right-out access on Upper James Street is adjacent to the existing 6.0 metre driveway at 1367 Upper James. There are no shadow impacts and therefore, staff can support the proposed modification.</p>

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	<p>iv) In addition to Section 10.5.3g)i), ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</p> <p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. within the ground floor façade that is set back is closest to a street; and,</li> <li>2. shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol> <p>h) Minimum Amenity Area for Dwelling Units and Multiple Dwellings</p> <p>On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:</p> <ol style="list-style-type: none"> <li>i) An area of 4.0 square metres for each dwelling unit less than 50 square metres; and,</li> <li>ii) An area of 6.0 square metres for each dwelling unit more than 50 square metres.</li> <li>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</li> </ol>		

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Maximum Height Permitted	10.5.3(d)(ii) Maximum 22.0 metres.	The maximum height permitted on the subject lands shall be 35.0 metres (8 storeys) for Block 1 and 17.0 metres (4 storeys) for Block 2	<p>The proposed development will add a higher density mixed-use development including retail space and residential homes in low to mid rise buildings adjacent to a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on a major arterial (Upper James Street) and minor arterial roadway (Stone Church Road East).</p> <p>A Shadow Impact Study was submitted, which showed the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. The proposed development was reduced in building height from 12 storeys to 8 storeys. Density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This will minimize the effects of shadowing and overview on existing properties in adjacent neighbourhoods.</p>