

Zoning By-law Site Specific Modifications – Transit Oriented Corridor Mixed Use Medium Density (TOC1) – Zone

Provision	Required	Requested Amendment	Analysis
Section 4: General Provisions			
<p>4.8 (b) – Location of an Accessory Buildings</p> <p><i>** Applicant Requested Modification</i></p>	<p>Accessory buildings shall not be permitted within a front or flankage yard.</p>	<p>An accessory building shall be permitted within a front or flankage yard.</p>	<p>A community garden and proposed accessory structure are being proposed in the north east corner of the subject lands and located in the front yard between the building and Main Street West and the flanking side yard between the building and Dow Avenue.</p> <p>The proposed structure that is intended to be preserved is the historical façade of the existing church. This façade will be reestablished as a free-standing archway structure located in the north east corner of the subject lands. The value in preserving the historical façade is achieved by having the structure be publicly visible between the building and the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>4.8 (g) – Maximum height of an Accessory Building</p> <p><i>** Applicant Requested Modification</i></p>	<p>All Accessory Buildings shall have a maximum height of 4.5 metres.</p>	<p>A maximum accessory building height of 9.7 metres.</p>	<p>The modification of a maximum 9.7 metre height is reflective of the existing height of the historical façade that is intended to be preserved.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>4.27 c) and 11.1.1.1 Location of a Community Garden and Additional Permitted Use</p> <p>** Applicant Requested Modification</p>	<p>A Community Garden is not a permitted use for lands zoned (TOC 1) Zone and a Community Garden shall only be permitted within a rear yard.</p>	<p>A Community Garden shall be included as a permitted use and to permit a Community Garden in a front or flankage yard.</p>	<p>There is an existing Community Garden on the subject property. The proposed development incorporates a new Community Garden in the north east corner of the subject lands. The proposed modification facilitates the continuation of the Community Garden as a benefit to the community.</p> <p>The intent of the regulation is to limit the location of a Community Garden to a rear yard. The proposed Community Garden is in a similar location to the existing Community Garden to preserve the community benefit as part of the proposed development. In order for the Community Garden to serve its intended purpose it needs to be in a location that is publicly accessible and therefore needs to be located between the building and the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Section 11: Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone</p>			
<p>11.1.1 – Permitted Uses</p> <p>** Staff Recommended Modification</p>	<p>No existing requirement for the front façade of the existing Grace Lutheran Church be re-established on-site.</p>	<p>To require that the front façade of the existing Grace Lutheran Church be re-established on-site.</p>	<p>The modification is ensure that the front façade of the existing Grace Lutheran Church is re-established on the subject property. The re-establishment of the existing front façade will preserve this heritage feature on the subject lands.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.1.1 i) 1. – Restriction on Permitted Use</p> <p>** Applicant Requested</p>	<p>Finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</p>	<p>To permit a finished floor elevation of any dwelling unit to be a minimum of 0.5 metres above</p>	<p>A minimum finished floor elevation of 0.5 metres above grade is being requested with respect to the proposed ground floor units that face Dow Avenue and Cline Avenue South. The intent and purpose of requiring a minimum finished floor elevation of 0.9 metres for a dwelling unit, is to avoid rear lotting and ensure buildings</p>

<i>Modification</i>		grade.	<p>are designed with front porch conditions facing the street.</p> <p>The ground level units proposed along both Dow Avenue and Cline Avenue South will be intended to front onto the street and will include a front porch.</p> <p>Finally, the intent of the ground floor units along Dow Avenue and Cline Avenue South is to provide a development scale that is reflective of the neighbourhood which is dominated by low rise dwellings accessed at grade. The proposed modification for a 0.5 metre finished floor elevation will assist in achieving a built form that will be reflective of the scale of development for the area.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) ii) – Building Setback from a Street Line</p> <p><i>** Applicant Requested Modification</i></p>	Maximum 4.5 metres, except where a visibility triangle is required for a driveway.	<p>Maximum 13.3 metres for Main Street West</p> <p>Maximum 4.5 metres for Cline Avenue South and Dow Avenue.</p>	<p>The proposed modification to increase the maximum setback from a street to 13.3 metres is to address the north east corner of the proposed development.</p> <p>Due to the angle of Main Street West relative to the side streets of Dow Avenue and Cline Avenue South, the subject lands narrow to a tight angle at the intersection of Main Street West and Dow Avenue. The tight angle presents difficulties with maintaining the maximum setback of 4.5 metres along the entire frontage.</p> <p>In addition, a larger setback is required in order to facilitate the establishment of both a community garden and proposed accessory structure in the north east</p>

			<p>corner of the subject lands.</p> <p>Finally, the majority of the façade along Main Street West and along both Dow Avenue and Cline Avenue South will comply with the maximum 4.5 metre setback and therefore will ensure that the development contributes towards achieving an active pedestrian environment.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) – Building Setback from a Street Line (above the 12th storey)</p> <p>** Staff Recommended Modification</p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway.</p>	<p>To require a minimum setback of 9.3 metres from the Main Street West street line for those portions of the building exceeding 36.0 metres in height.</p>	<p>The proposed modification is to provide a minimum 9.3 metre setback from the Main Street West street line for those portions of the building exceeding 36 metres in height, or above the 12th storey. A 9.3 metre setback is required to ensure that the proposed building does not encroach into the 45 degree build to plane from 80% of the Main Street West road allowance.</p> <p>Maintaining the 45 degree build to plane will ensure that adequate sun access to the public realm is maintained, and the massing of the building façade will be compatible with the character of the area.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 a) – Building Setback from a Street Line (Cline Avenue South and Dow Avenue)</p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway.</p>	<p>To require the following minimum easterly and westerly flanking yard setback from Dow Avenue and Cline Avenue South;</p>	<p>The proposed modification to provide a series of setbacks for the upper floors is to ensure that building massing along Dow Avenue and Cline Avenue South is appropriately massed.</p> <p>A 5.0 metre setback is required above the second storey to create a two storey massing for the ground floor units and by extension a two storey base for the portion of the</p>

<p>** Staff Recommended Modification</p>		<p>5.0 metres above the 7.8 metres;</p> <p>6.5 metres above the 16.5 metres; and,</p> <p>14.3 metres above the 22.0 metres, except for an enclosed stairwell.</p>	<p>building along Dow Avenue and Cline Avenue South. Providing a two storey base provides a building massing that reflects the existing low rise scale of development that dominates Dow Avenue and Cline Avenue South.</p> <p>A 6.5 metre setback above the fifth floor ensures that the principal massing along both Dow Avenue and Cline Avenue South is stepped back. Stepping back the massing will assist with transitioning the building from the existing low rise residential dwellings that dominate Dow Avenue and Cline Avenue South and ensure that the building massing along these streets adheres to the 45 degree build to plane from 80% of right of way of Dow Avenue and Cline Avenue South.</p> <p>A 14.3 metre setback above the seventh floor is to setback the 15 storey tower from the street lines of Dow Avenue and Cline Avenue South. This setback will ensure that only the top floors of the proposed 15 storey tower will encroach into the 45 degree build to plane from 80% of the right of way of Dow Avenue and Cline Avenue South, while the majority of the tower will comply. As the proposed tower is oriented to be perpendicular to both Dow Avenue and Cline Avenue South and will not be abutting the rear amenity area of any adjacent lands to the east or west, the encroachment of the upper portions of the tower will not create negative overlook impacts or shadow impacts and will limit the scope of the building massing that encroaches into the 45 degree build to plane.</p> <p>An exception to the 14.3 metre easterly and westerly</p>
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<p>11.1.3 b) – Minimum Rear Yard</p> <p>** Staff Recommended Modification</p>	7.5 metres.	<p>To require the following additional minimum rear yard setbacks:</p> <p>14.5 metres above the 13.5 metres;</p> <p>17.5 metres above the 18.0 metres; and,</p> <p>33.5 metres above the 22.0 metres, except for an enclosed stairwell.</p>	<p>The proposed modifications are to provide a series of setbacks for the upper floors to ensure that building massing along the rear facade is appropriately massed.</p> <p>A minimum 7.5 metre rear yard setback is required. The existing Zoning Provision also requires an equivalent increase relative to building height for those portions of the building above 11.0 metres in height. For the portions of the building that run parallel to Dow Avenue and Cline Avenue South, setbacks in the rear facade are included above the fourth floor and sixth floor. The proposed setbacks facilitate an angular plane that is consistent with the current requirement for an equivalent setback increase relative to building height. The 14.5 metre rear yard setback above the fourth floor and 17.5 metre rear yard setback above the sixth floor is to ensure that the proposed setbacks will be achieved.</p> <p>An additional 33.5 metre rear yard setback for the portion of the building above the seventh floor ensures</p>

			<p>that the proposed 15 storey tower is restricted to the front portion of the property. The proposed setback also ensures that only the top 2.5 storeys of the tower will encroach into the build to plane. The proposed modification for a 33.5 metre setback will ensure that the massing of the proposed tower will be appropriately setback from the existing institutional use to the south and will ensure that the proposed tower will not create negative overlook impacts on the adjacent lands. An exception to the 33.5 metre rear yard setback above the seventh floor is permitted to facilitate an enclosed stairwell located within the proposed eighth floor terrace. This exception is for a portion of the building that is small in scale and will contain no habitable space.</p> <p>Furthermore, the enclosed stairwell is stepped back from the edge of the seventh floor. Therefore, this exception will not create negative overlook impacts, shadow impacts, or contribute to the perceived massing of the proposed building.</p> <p>The inclusion of modifications for setbacks of the upper floors will ensure that the building massing is appropriately implemented to transition to the adjacent property to the south and reduce privacy overlook to the adjacent lands. The setbacks of the upper floors will also reduce the massing of the building along Dow Avenue and Cline Avenue South by reducing the length of the building for those upper floors. Therefore, the proposed modification can be supported.</p>
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<p>11.1.3 d) ii) – Maximum Building Height</p> <p><i>** Applicant Requested Modification</i></p>	<p>22.0 metres.</p>	<p>47.0 metres.</p>	<p>The proposed modification is seeking to increase the maximum building height from 22.0 metres to 47.0 metres.</p> <p>The subject lands are along an arterial road, at the periphery of the neighbourhood, and along a higher order transit route and future light rail rapid transit route. The only portion of the proposed building that will exceed the existing maximum building height of 22.0 metres is the proposed tower located towards the northerly portion of the property along Main Street West. The tower will be oriented perpendicular to the side streets of Dow Avenue and Cline Avenue south, and thereby reducing the perceived massing of the tower from the adjacent local roads. The proposed height for those portions of the building along Dow Avenue and Cline Avenue South will not exceed the current maximum building height of 22.0 metres.</p> <p>The proposed 47.0 metre building height for the 15 storey tower will be massed to respect the 45 degree build to plane along Main Street West, will generally be consistent with the 45 degree build to plane along Dow Avenue and Cline Avenue South, and consistent with the build to plane from the rear lot line. Through the use of setbacks and stepbacks the proposed development will appropriately transition to the adjacent lands, and will achieve an appropriate balance between promoting intensification along a major arterial road and higher order transit route, while being compatible with the existing character of the area.</p>
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<p>11.1.3 d) iii) – Building Height</p> <p>** Staff Recommended Modification</p>	<p>Any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement, when abutting an Institutional Zone, to a maximum of 22.0 metres.</p>	<p>Shall not apply</p>	<p>The proposed modifications to establish minimum rear setbacks for those portions of the building above the fourth storey, sixth storey and seventh storey are generally achieving the intent of this By-law provision to provide adequate transition to the adjacent lands and to minimize privacy overlook and shadow impacts.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 g) v) – Maximum number of Driveways and Maximum Driveway Width</p> <p>** Applicant</p>	<p>A maximum of one driveway with a maximum width of 6.0 metres shall be permitted for ingress and egress.</p>	<p>A maximum of two driveways, and to permit a maximum width of 7.5 metres for the Dow Avenue driveway.</p> <p>No driveway shall</p>	<p>The propose development includes two driveway accesses, one from Dow Avenue which serves as a utility access for loading and garbage collection and one from Cline Avenue South that serves as the access driveway for the underground parking levels. The access on Dow Avenue is proposed to be increased in width from 6.0 metres to 7.5 metres serve for loading and service vehicles and a wider driveway width is</p>

<i>Requested Modification</i>		be permitted from Main Street West.	<p>required to ensure that larger vehicles can safely enter and exit the site.</p> <p>No modification is proposed for the Cline Avenue South access.</p> <p>The restriction for driveway access to Main Street West is to ensure that no direct access is provided to Main Street West which will protect pedestrians along Main Street West and avoid conflicts with existing and future public transit.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>11.1.3 i) – Visual Barrier and Planting Strip</p> <p>** Applicant Requested Modification</p> <p><i>and</i></p> <p>** Staff Recommended Modification</p>	A visual barrier shall be required along any lot line abutting an Institutional Zone.	<p>To permit a gate to be established within the visual barrier along the southerly rear lot line.</p> <p>To require a 3.0 metre wide Planting strip along any lot line abutting an Institutional Zone, except for a walkway to a gate.</p>	<p>A visual barrier is required along the rear lot line. The applicant is proposing to include a gate to allow connectivity with the institutional use to the south. The inclusion of a gate in the visual barrier will not have any significant impact on the effectiveness of the visual barrier to provide a buffer between the proposed development and the adjacent institutional use. The visual barrier will continue to be effective at protecting the lands to the south with respect to privacy overlook.</p> <p>Any direct access to the lands to the south can only be provided with the consent of the adjacent property owner. This modification does not give authorization to access the adjacent lands nor require the adjacent property owner to provide such an access.</p> <p>A 3.0 metre wide planting strip is proposed to provide additional buffering, and provide additional screening to</p>

			<p>enhance the privacy on the adjacent lands and thereby reduce overlook on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
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