

Site Specific Modifications to the Zone

Regulation	Required	Modification	Analysis
6.0 c) i) Minimum Stepback from Building Base Façade Height	A minimum stepback of 3.0 m shall be required from the building base façade height of 22 metres.	No minimum stepback shall apply where the required stepback is measured to the hypotenuse of a daylight triangle.	The purpose and intent of the regulation is to require variations in the building façade in order to improve the public realm surrounding the proposed building. The proposed modification is only for the portion of the building where the stepback would be measured at the hypotenuse of the daylight triangle. The 3.0 m stepback will be required on all other portions of the building. Therefore, the requested modification is considered minor and can be supported by Staff.
6.1.1.1 i) 1. A. Restricted Uses: Parking Facility	Parking shall only be contained within a building.	In the case of a Parking Facility developed after the effective date of this By-law, a maximum of five parking spaces shall be permitted to be located outside of a building. All other parking spaces shall be contained within a building.	The purpose and intent of the regulation is to not permit surface parking along the public realm in order to improve the pedestrian experience. The proposed modification would only allow five of the proposed parking spaces to be outside of a building (all other parking spaces would be required to be located within the building as per the existing regulation). The proposed modification meets the intent of the By-law because the parking spaces would be screened by structures (the registered heritage building at the corner of George Street and Queen Street North and the proposed multiple dwelling at Main Street West and Queen Street North) and not visible to the public realm. Since the proposal maintains the intent of the regulation, Staff are in support of the modification.

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6.1.3 a) i) Building Setback from a Streetline	Maximum 4.5 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access.	The modification is to permit a maximum setback of 6.0 m along George Street and 4.7 m along all other streets for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access.	The purpose and intent of the regulation is to create a continuous building façade close to the street and to discourage uses such as surface parking along a public road. The subject lands have a registered heritage building on-site which is proposed to be maintained as part of this development. Therefore, the change in the setback maximum is required to recognize the location of the current building located at the intersection of George Street and Queen Street North. Therefore, Staff are in support of the proposed modification.
6.1.3 a) ii) Building Setback from a Streetline	Notwithstanding Section 6.1.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	A maximum setback of 8.5 metres for that portion of a building providing an access driveway to a garage.	The purpose and intent of the regulation is to keep buildings close to the street to maintain street presence. Staff are of the opinion that the proposed increase in the setback for the driveway access is minor in nature and there is no negative impact to the façade treatment on Queen Street South. Therefore, Staff are supportive of the proposed modification.
Sections 6.1.3 c) iv) Built Form for New Development	Notwithstanding Section 6.1.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.	A driveway with a maximum width of 7.7 metres shall be permitted for ingress and egress.	The proposed modification to the proposed driveway width to go from 7.5 metres to 7.7 metres is considered minor in nature. Therefore, Staff are supportive of the proposed modification.
Schedule “F” – Special Figures	Maximum Building Height shall be 44 metres and 22 metres.	Maximum Building Height for a portion of the subject lands shall be 78 metres.	The purpose and intent of the application is to identify a maximum building height on the subject lands. As part of the proposal, the submission confirmed that the proposed increase in height would not be higher than the height of the Niagara Escarpment as per the Downtown Secondary Plan. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design

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			<p>Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have negative impacts and is lower than the height of the Niagara Escarpment. Therefore, Staff are in support of the proposed modification.</p>