

## Site Specific Modifications to the Mixed Use – Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Building Setback from a Street Line  10.5.3 a)	Minimum 3 metres.	<p>A minimum setback of 3 metres for any portion of the building with a height up to 33.8 metres;</p> <p>A minimum setback of 6 metres for any portion of the building with a height greater than 33.8 metres and not exceeding 37.1 metres; and,</p> <p>A minimum setback of 9 metres for any portion of the building with a height greater than 37.1 metres and not exceeding 41.1 metres.</p>	<p>The proposal meets the minimum requirement of 3 metres. However, modifications are being made to the by-law to capture the necessary setbacks with the increase in the height of the building to meet the 45 degree angular plane.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Interior Side Yard  10.5.3 c)	7.5 metres for lots abutting Residential or Institutional Zone or lot containing a residential use.	<p>A minimum 3.0 metres to the portion of the garage wall that protrudes from the grade along the western side of the subject lands.</p> <p>A minimum setback of 14.7 metres for any portion of the building that abuts a residential lot containing a residential use.</p>	<p>The subject lands abut residential properties located to the west at 124 and 128 Donn Avenue that impacts the interior side yard requirement. These properties are zoned "G" (Neighbourhood Shopping Centre) District in the former City of Hamilton Zoning By-law 6593, however contain residential uses.</p> <p>The modification to this regulation is a technical one, requiring a reduced setback of 3.0 metres to the portion of the garage wall that protrudes above grade. The modification does not lose the intent of this regulation to provide an adequate setback as the garage wall will not have any impact on the neighbouring residential properties.</p> <p>The applicant has responded to staff's concerns and proposed a setback in excess of the minimum. To protect any concerns regarding overlook and shadowing, staff are therefore modifying the minimum requirement to 14.7 metres, as proposed by the applicant.</p> <p>Therefore, staff supports this modification.</p>

<p>Minimum Rear Yard</p> <p>10.5.3 b)</p>	<p>7.5 metres.</p>	<p>A minimum setback of 7.0 metres to the garage ramp.</p> <p>A minimum setback of 7.5 metres for any portion of the building with a height up to 12 metres;</p> <p>A minimum setback of 12 metres for any portion of the building with a height greater than 12 metres and not exceeding 15 metres;</p> <p>A minimum setback of 15 metres for any portion of the building with a height greater than 15 metres and not exceeding 18 metres;</p> <p>A minimum setback of 18 metres for any portion of the building with a height greater than 18 metres and not exceeding 21 metres;</p> <p>A minimum setback of 21 metres for any</p>	<p>The garage ramp requires 0.5 metres of relief from the by-law regulation. The intent of this rear yard setback is to reduce overlook and shadowing from a structure on to a residential use. The wall of the garage ramp will not have any affect on the low rise residential uses to the north at a distance of 7.0 metres. Further, the proposed landscaping provides an additional element to shield the wall ramp from view of these residences.</p> <p>Notwithstanding the requirement to reduce the setback to accommodate the garage ramp design, the applicant meets the minimum requirement for the buildings. However, modifications are being made to the by-law to capture the necessary stepbacks with the increase in the height of the building to provide a 45 degree angular plane.</p> <p>Therefore, staff supports this modification.</p>
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		<p>portion of the building with a height greater than 21 metres and not exceeding 24 metres;</p> <p>A minimum setback of 24 metres for any portion of the building with a height greater than 24 metres and not exceeding 27 metres;</p> <p>A minimum setback of 27 metres for any portion of the building with a height greater than 27 metres and not exceeding 30.5 metres;</p> <p>A minimum setback of 30 metres for any portion of the building with a height greater than 30.5 metres and not exceeding 33.8 metres;</p> <p>A minimum setback of 33 metres for any portion of the building with a height greater than 33.8 metres and</p>	
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		not exceeding 37.1 metres; and,  A minimum setback of 37 metres for any portion of the building with a height greater than 37.1 metres and not exceeding 41.1 metres.	
Building Height  10.5.3 d) ii)	Maximum 22 metres.	Maximum 44 metres.	The proposed development is for a 12 storey mixed use multiple dwelling, which complies with the Urban Hamilton Official Plan policies. The proposed increase in height to accommodate the multiple dwelling up to 12 storeys will not result in any potential shadowing or overlook issues on to abutting properties.  Therefore, staff supports this modification.
Building Height - amenity area  10.5.3 d) iv) A.	Total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath.	Total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 40% of the floor area of the storey directly beneath.	Given the proposed building design that includes terracing, the floor plates of the proposal decrease as the building gets taller. At storey 12, the floors are quite narrow and therefore 10% would not allow for a substantial enclosed amenity space on the rooftop. Further, this modification is a request to provide additional amenity area for the residents without compromising the built form.  Therefore, staff supports this modification.

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Building Height - amenity area setback  10.5.3 d) iv) B.	The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath.	The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 0 metres from the exterior walls of the storey directly beneath.	The proposed enclosed amenity areas on the rooftop maintain or enhance the required setback for the portions that front Street Lines or that abut the properties to the west and east (to the north, there is a substantial setback from rooftop and therefore it is not a concern). The 0 metre setback applies to the interior of the site, which maintains the intent of this regulation as the reduced setback does not affect the public realm. This requirement for the 0 metre setback to be interior to the site has been captured in the amending By-law.  Therefore, staff supports this modification.
Building Height - amenity area vertical distance  10.5.3 d) iv) C.	The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.	The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 6.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.	The proposal, through the Sun/Shadow Study, prepared by RWDI, dated April 28, 2023, has demonstrated that there are no adverse shadow impacts on the neighbouring properties and further, as noted above with the location of the setbacks, the height of the enclosed amenity areas will not impact the public realm.  Therefore, staff supports this modification.