

Site Specific Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone

Regulation	Required	Modification	Analysis
Building Setback from a Street Line	Minimum 3.0 metres.	Minimum 0.5 metres.	<p>The boulevards along Rymal Road West and Upper Paradise Road, with this reduced setback, continue to provide sufficient space for an appropriate public realm. Further, given that there are no direct connections or access points from the ground floor residential units to the street, there will not be any conflicts or privacy issues arising from this reduced setback. The proposal animates the frontages of both roads through the design and landscaping and allows for a comfortable pedestrian environment despite the reduced setback.</p> <p>Therefore, staff supports this modification.</p>
Minimum Interior Side Yard	7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.	<p>1.6 metres to the portion of the parking structure located above grade;</p> <p>5.5 m to the 1st, 2nd, 3rd, and 4th storeys;</p> <p>13.6 metres for the 5th, 6th, and 7th storeys;</p> <p>20.5 metres for the 8th storey;</p> <p>25.0 metres for the 9th and 10th storeys;</p> <p>26.6 metres for the 11th storey;, and,</p> <p>29.3 metres for the 12th storey.</p>	<p>The purpose of this regulation is to provide for an appropriate transition between developments and to address privacy and overlook issues. The proposal addresses this existing condition by providing a 5.5 m setback to the first through fourth storeys, and the setbacks increase with each further increase in height of the proposed building. Given the changes in grade, there is a technical reduction in the setback to 1.6 m to accommodate the garage wall that protrudes above grade.</p> <p>Staff further note that the front yard setback of the existing single detached dwelling on the abutting lands is over 50 m from Rymal Road West. Considering this setback in relation to the proposed development, there is a separation distance of over 14 m between the proposal and the existing single detached dwelling. Given this distance, the intent of the setback provision is maintained.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Finished Floor Elevation of Dwellings Units	The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.	Not applicable.	<p>In addition to other design measures, elevated finished floors provide a clear physical delineation between the public realm (i.e. the sidewalk and street) and the private space of the residential dwelling unit, to extend the sense of ownership and privacy. The ground floor units fronting Rymal Road West and Upper Paradise Road do not have direct connections to the street. The applicant has noted that given the definition of “grade” and the significant grade differential between the north and south portions of the site, relief from this regulation is requested to allow for flexibility during the detailed design stages in addressing the grading challenges on this site. Landscape treatments to further distinguish the private residential uses from the public realm will be addressed at the Site Plan Control stage. Therefore, the intent of this provision, to create separation and privacy, is maintained in this proposal.</p> <p>Therefore, staff supports this modification.</p>
Number of Small Parking Spaces	A maximum of 10% of the required number of parking spaces shall be permitted to be 2.6 m x 5.5 m provided that they are clearly identified as being reserved for the parking of small cars only.	Maximum of 16 small car spaces provided that they are clearly identified as being reserved for the parking of small cars only.	<p>The minimum number of required parking spaces for the proposal is 118 spaces and the maximum number of spaces permitted is 206 (1.25 spaces per unit). The small car parking provision is based on the minimum parking requirement and therefore a maximum of 12 small car only parking spaces would be permitted for this proposal.</p> <p>The applicant has provided a total of 198 parking spaces (1 space per unit plus 0.2 spaces per unit for visitor parking), and the proposed 16 small car parking spaces represents 8% of the total which represents less than 10% of the proposed total number of parking spaces and thus meets the intent of the zoning by-law.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Building Height	Maximum 22 metres.	Maximum 40 metres.	<p>The proposed development is for a 12 storey multiple dwelling, which complies with the Urban Hamilton Official Plan. The proposed increase in height to accommodate the multiple dwelling up to 12 storeys meets the 45 degree angular plane and will not result in any potential shadowing or overlook issues on to abutting properties.</p> <p>Therefore, staff supports this modification.</p>
Balcony encroachment	1.0 metres.	1.5 metres.	<p>The balconies that are proposed to encroach into the side yard are located on the second storey at the north east corner of the subject lands where there are no abutting residential buildings. The residential building located on the abutting lands to the east are setback over 50 m from Rymal Road West.</p> <p>A setback of 4.0 m from the side lot line will be maintained. Additionally, enhanced landscaping will be proposed within the side yard (i.e. larger deciduous trees), which will be further reviewed at the future Site Plan Control stage. The encroachment is minimal and continues to meet the intent of the Zoning By-law.</p> <p>Therefore, staff supports this modification.</p>