

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

Regulation	Required	Modification	Analysis
Permitted Yard Encroachments	N/A	A stairwell to a parking garage may encroach into a required rear yard to a maximum of 3.0 metres.	<p>The encroachment into the rear yard permits a partially enclosed stairwell that provides access to the above ground parking structure. This encroachment is not anticipated to create any overlook or privacy issues.</p> <p>Therefore, staff supports this modification.</p>
Parking Space Location	<p>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>a) Shall not be located within 3.0 metres of a street line.</p>	Shall not apply.	<p>The subject site contains existing aisles for the existing multiple dwelling located within 3.0 metres of a street line and the existing condition is proposed to remain. The proposed development does not propose parking spaces or aisles within 3.0 metres of a street line.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Parking Space Location (Continued)	b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and, 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.		
Parking Space Design Standards	A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	A minimum 1.1 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.	The proposed landscape strip requirement allows for sufficient space for a visual barrier to provide screening of the parking for adjacent residential uses to the south and west. Therefore, staff supports this modification.
Parking Space Design Standards	In addition to Section 5.1 a) v) and Subsection 5.2 e),	Shall not apply.	The proposed development includes 129 at grade parking spaces within a parking structure with 166 underground parking spaces.

Regulation	Required	Modification	Analysis
<p>Parking Space Design Standards (Continued)</p>	<p>The following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot:</p> <p>i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained; and,</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres.</p>		<p>These regulations are intended to apply to surface parking areas and as there is no surface parking proposed the landscaped areas are not required.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Parking Space Design Standards (Continued)</p>	<p>iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2 h) i), up to a maximum of 10% of the required parking spaces.</p>		
<p>Multiple Dwelling Regulations</p>	<p>Not applicable.</p>	<p>The 12 storey multiple dwelling existing at the date of passing of this by-law shall be deemed to comply.</p>	<p>The existing multiple dwelling has been deemed to be in compliance with Zoning By-law No. 05-200 as it was established under the Former City of Hamilton Zoning By-law No. 6593. The proposed development includes 381 parking spaces for 364 units.</p>

Regulation	Required	Modification	Analysis
Multiple Dwelling Regulations (Continued)			<p>This results in approximately 1.05 spaces per unit, which exceeds the minimum parking requirement of 1.0 space per unit greater than 50.0 square metres in gross floor area in a building with 51 or more units in Zoning By-law No. 05-200. The proposed development will remove outdoor amenity space, which include an outdoor pool and basketball court. However, each of the units in the existing multiple dwelling units will have access to private outdoor patios with a minimum area of 9.0 square metres. This exceeds the minimum amenity area requirement of 6.0 square metres for each dwelling unit more than 50 square metres in area in Zoning By-law No. 05-200.</p> <p>Therefore, staff supports this modification.</p>
Building Setback from a Street Line	<ul style="list-style-type: none"> i) Minimum 3.0 metres; ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access; iii) Notwithstanding Section ii) above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage. 	Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 metres in height.	<p>An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.</p> <p>Staff analysis found that the public realm created by the grade-related units will be integrated with the surrounding neighbourhood. The proposed 2.5 metres setback from the street line supports this design.</p>

<p>Building Setback from a Street Line (Continued)</p>	<p>iv) Section ii) above shall not apply for any portion of a building that exceeds the requirement of Section 11.3.2.f) ii) and iii) below.</p>		<p>A Site Plan prepared by KNYMH Inc. dated June 9, 2023, was submitted in support of the development. The Site Plan illustrates setbacks to existing residential dwellings to the west and south along with landscape areas. Further design details, such as landscaping and building material will be addressed through the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>
<p>Minimum Rear Yard</p>	<p>7.5 metres.</p>	<p>5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 metres in height and 30.0 metres for a portion of a building greater than 12.5 metres in height and 2.0 metres for a stairwell.</p>	
<p>Minimum Interior Side Yard</p>	<p>7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.</p>	<p>7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 metres in height and 3.0 metres for a stairwell.</p>	
<p>Building Height</p>	<p>i) Minimum 11.0 metres; and, ii) Maximum 22.0 metres.</p>	<p>Maximum 35.0 metres.</p>	<p>An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Building Height (Continue)	iii) In addition to Section i) above and notwithstanding Section ii) above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.3.2 b) and c) above, when abutting a Residential or Institutional Zone, a maximum of 22.0 metres.		