

## Site Specific Modifications to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone

| Provision  | Required  | Requested Amendment  | Analysis  |
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| <b>Section 5: Parking (Revised Provisions through By-law 24-052)</b>                 |   |  |   |
| 5.7.4 a) -<br>Minimum<br>Required<br>Number of<br>Electric Vehicle<br>Parking Spaces | A minimum of 100% of all residential parking spaces, excluding visitor parking spaces, and a minimum of 50% of parking spaces for any other use are required. | A minimum of 25% of all provided parking spaces, excluding visitor parking spaces. | <p>The subject <i>Planning Act</i> applications were submitted in December of 2022, well before Council approved the new parking regulations through By-law 24-052, which included the requirement for Electric Vehicle Parking Spaces. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the subject <i>Planning Act</i> applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The applicant has committed to providing 25% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in approximately 44 Electric Vehicle Parking Spaces based on the current provision of parking. The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing significantly from the proposed development concept.</p> |

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| 5.7.4 a) -<br>Minimum Required Number of Electric Vehicle Parking Spaces  |            |  | <p>Staff are of the opinion that, given the circumstances, 25% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force regulation does not have an Electric Vehicle Parking Space requirement.</p> <p>Therefore, the proposed modification can be supported.</p>  |
| Section 11.4: Transit Oriented Corridor Mixed Use High Density (TOC4) Zone  |            |  |   |
| <p>11.4.3 a) – Building Setback from a Street for Upper Storeys</p> <p><b>** Staff Recommended Modification</b></p> | N/A        | <p>To require a minimum setback of 4.9 metres from a street line, for any portion of a building exceeding a height of 19.6 metres.</p> | <p>The design of the proposed development includes a stepback of the proposed tower from the building base (podium), which breaks up the massing of the proposed building. The proposed modification ensures that the proposal incorporates a clearly defined building base with a 3.4 metres stepback of the tower from the building base (podium). The policies of the Urban Hamilton Official Plan require that new development be massed to respect existing and planned street proportions and inclusion of a minimum setback for the tower will ensure that the proposed massing respects street proportions.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>11.4.3 b) – Minimum Rear Yard</p> <p><b>** Staff Recommended Modification</b></p>                                | 7.5 metres | <p>To require a minimum setback of 17.5 metres.</p>  | <p>The subject property is in an area of transition from an industrial and commercial area to a mixed-use commercial/residential area. Additional mid-rise and tall buildings are therefore anticipated in the future and an increase in the minimum required rear yard setback is appropriate to ensure that there is an adequate separation between the proposed tall building and any future tall buildings.</p>   |

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| 11.4.3 b) – Minimum Rear Yard<br><br><b>** Staff Recommended Modification (Continued)</b> |   |  | Furthermore, the proposed setback helps buffer the proposed mixed-use building from the existing commercial uses to the north.<br><br>Therefore, the proposed modification can be supported.  |
| 11.4.3 c) – Minimum Interior Side Yard<br><br><b>** Staff Recommended Modification</b>    | 7.5 metres abutting a Residential Zone or Institutional Zone. | A minimum easterly side yard setback of 13.6 metres.<br><br>A minimum easterly side yard setback of 20.5 metres from any portion of the building exceeding a height of 19.6 metres.<br><br>A minimum westerly side yard setback of 3.0 metres. | As the proposed development is for a sensitive land use policy 6.7.13 f) of the Centennial Neighbourhood Secondary Plan requires a minimum setback of 70 metres from lands designated Industrial. The minimum 13.6 metre easterly side yard setback is required to ensure that the building is located outside the minimum 70.0 metre setback.<br><br>There is an existing stationary noise source (automated car wash) immediately west of the subject property. A Noise Impact Study prepared by dBA Acoustical Consultants Inc. dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024, was undertaken which determined that the proposed development will be able to comply with the applicable provincial noise criteria. The Noise Study analysis was based on a 3.0 metre setback from the westerly side lot line for the building base. |

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| <p>11.4.3 c) – Minimum Interior Side Yard</p> <p><b>** Staff Recommended Modification (Continued)</b></p> |             | <p>A minimum westerly side yard setback of 18.0 metres from any portion of the building exceeding a height of 19.6 metres, except for an enclosed stairwell.</p> | <p>Additionally, the proposed 3.0 metre westerly side yard provides pedestrian access to surface parking and short-term bicycle parking, landscaping and provides a buffer between the proposed sensitive use and the existing commercial uses to the west. Therefore, a modification to require a minimum 3.0 metre setback from the westerly side lot line is recommended.</p> <p>The proposed design includes stepbacks of the tower from the easterly and westerly facades which assists in establishing a clearly defined building base and clear separation between the building base and the tower. Furthermore, these setbacks accommodate outdoor amenity area (roof top terraces) for the proposal. The proposed 20.5 metre setback from the easterly side lot line and 18.0 metre setback from the westerly lot line above a building height of 19.6 metres will ensure that the proposed building is appropriately massed and has clearly defined podium and tower elements.</p> <p>Therefore, the proposed modifications can be supported.</p> |
| <p>11.4.3 d) ii) – Maximum Building Height</p> <p><b>** Applicant Requested Modification</b></p>          | 40.0 metres | 57.5 metres  | <p>The proposed height of 57.5 metres facilitates the 17 storey building, which complies with the maximum permitted building height of the Centennial Neighbourhood Secondary Plan for the lands.</p> <p>The proposed increase in height will not result in adverse shadow impacts on the public realm and will not have a shadow impact on future sensitive lands uses that may be development on the adjacent lands.</p>  |

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| <p>11.4.3 d) ii) –<br/>Maximum<br/>Building Height</p> <p><b>** Applicant<br/>Requested<br/>Modification<br/>(Continued)</b></p> |   |   | <p>The rooftop patio will maintain at least three hours of sun access.</p> <p>The proponent must demonstrate that wind impacts have been appropriately mitigated through a revised wind study and implement any required wind mitigation measures as a condition of Holding. Therefore, the proposed increase in height will not create adverse wind impacts.</p> <p>There are no adjacent sensitive land uses to be impacted by overlook/privacy impacts. Appropriate setback and stepbacks have been incorporated into the zoning regulations to ensure that the proposed increased height will not result in overlook impacts on any future sensitive lands uses on the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p> |
| <p>11.4.3 g) x) -<br/>First Storey<br/>Height</p> <p><b>** Applicant<br/>Requested<br/>Modification</b></p>                      | <p>The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.</p> | <p>The first storey shall have a minimum height of 3.6 metres and a maximum height of 5.0 metres.</p> | <p>The proposed increase in the first storey height is to accommodate a broader range of commercial uses that are permitted within the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone. A 5.0 metre first storey height will help to accommodate mechanical ventilation systems and other equipment that are typically associated with uses such as Restaurants, Catering Services, and Beverage Making Establishments, and therefore will allow such uses to more easily be established within the proposed commercial spaces.</p> <p>Therefore, the proposed modification can be supported.</p>   |

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| Two and Three Bedroom Units<br><br><i>** Staff Requested Modification</i> | N/A      | A minimum of 39 percent of the dwelling units shall be units with two or more bedrooms and an additional 3.9 percent of the dwelling units shall be units with three or more bedrooms. | <p>The policies of the Urban Hamilton Official Plan require that development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates a generous percentage of two and three bedroom units and the proposed modification will ensure that these units are established and maintained.</p> <p>Therefore, the proposed modification can be supported.</p> |