

## Zoning By-law Site Specific Modifications – Mixed Use Medium Density (C5, 897) Zone

Provision	Required	Requested Amendment	Analysis
Section 4: General Provision			
4.6 d) – Porch, Deck, Canopy Encroachment  ** Applicant Requested Modification	A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.	To permit a porch, deck, stairs or canopy to encroach a maximum of 2.5 metres into the required setback from Mount Albion Road.	The proposed four storey buildings include individual stairs for the units, and partially below grade patios that encroach into the Mount Albion Road setback. The proposal will maintain landscaped areas between the property line and the proposed stairs and between the patios, in addition to street trees within the boulevard. The proposed modification will maintain adequate landscaping and will maintain the streetscape character of the area.  Therefore, the proposed modification can be supported.
4.19 – Visual Barrier  ** Applicant Requested Modification	Where a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres, and to a maximum of 2.5 metres where a visual barrier consists of a fence or wall and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:	For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metre existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 4.19.	There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres for a visual barrier.  To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres would require permission from the adjacent property owner.  In addition, removing and replacing the fence could adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.

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<p>4.19 – Visual Barrier</p> <p>** Applicant Requested Modification <b>(Continued)</b></p>	<p>A visual barrier shall consist of the following:</p> <ul style="list-style-type: none"> <li>a) A wall, fence;</li> <li>b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;</li> <li>c) Earth berms; or,</li> <li>d) Any combination of the above.</li> </ul>		<p>No sensitive uses such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead the parking and driveway access for the adjacent existing multiple dwellings are located in this area. Therefore, the proposed 0.8 metre reduction in height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Section 5: Parking (Existing Provisions)</p>			
<p>5.2 a) i) - Parking Abutting a Residential Zone</p>	<p>Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p>	<p>Notwithstanding 2 b) i) A), above for the lot line shared with 30 and 40 Harrisford Street.</p> <p>A minimum 1.5 metre wide landscape strip and a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.</p>	<p>This modification is to recognize the existing 1.0 metre high fence along the northerly property line as being sufficient to satisfy the requirement for a Visual Barrier. Please see further rationale included for provision 5.2.1 c), below.</p>

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5.2 a) i) - Parking Abutting a Residential Zone <b>(Continued)</b>	A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.		
5.2.1 c) – Location of Loading Facilities  ** Applicant Requested Modification	<p>The location of loading doors and associated loading facilities shall be subject to the following:</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>A loading space may be in a yard abutting a Residential Zone for the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with 5.2.1 c).</p>	<p>There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres for a visual barrier.</p> <p>To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres, permission from the adjacent property owner would be required. In addition, removing and replacing the fence could adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.</p> <p>No sensitive uses such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead the parking and driveway access for the adjacent multiple dwellings are in this area. Therefore, the proposed 0.8 metre reduction in the height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p>

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5.2.1 c) – Location of Loading Facilities  ** Applicant Requested Modification <b>(Continued)</b>			<p>The proposed loading space will be located at the rear of Building A and will be used for both the residential units and commercial uses. The location of the loading space adjacent to a Residential Zone is not anticipated to have any adverse visual impacts as it is setback from the northerly lot line and buffered from view by existing landscaping and the existing board-on-board fence. In respect to noise impacts, the Environmental Noise Study did not include an evaluation of the loading area impact on the surrounding area, and while the loading area is setback approximately 36 metres from the existing residential building to the north, an evaluation of the potential impacts and if required any implementation of mitigation measures would need to be undertaken. An updated Environmental Noise Study and implementation of any noise mitigation measures is required as a condition of Holding Provision.</p> <p>Therefore, the proposed modification can be supported.</p>
<b>Section 5: Parking (Revised Provisions through By-law No. 24-052)</b>			
5.7.4 a) - Minimum Required Number of Electric Vehicle 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 applications were submitted in April of 2022, before Council approved the new parking regulations through By-law No. 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 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 125 Electric Vehicle Parking Spaces based on the current provision of parking.</p>

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5.7.4 a) - Minimum Required Number of Electric Vehicle Parking Spaces <b>(Continued)</b>			<p>The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing from the proposed development concept.</p> <p>Staff are of the opinion that, given the circumstances, 25% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force zoning regulations do not have an Electric Vehicle Parking Space requirement.</p> <p>Therefore, the proposed modification can be supported.</p>
5.7.5 a) - Minimum Required Long-term Bicycle Parking	<p>Residential</p> <p>0.7 long-term bicycle parking spaces per dwelling unit.</p> <p>Non-Residential</p> <p>In PRA 1 and PRA 2, 0.15 for each 100 square metres of gross floor area.</p>	<p>0.6 long-term bicycle parking spaces per dwelling unit.</p> <p>0.15 for each 100 square metres of gross floor area for all other uses.</p>	<p>Similar to the justification for the reduction of Electric Vehicle Parking Spaces above, staff are of the opinion that, given the circumstances, 0.6 long-term bicycle parking spaces per unit is appropriate and supportable as it constitutes an increase over the existing in-force zoning regulation.</p> <p>Therefore, the proposed modification can be supported.</p>
5.7.5 a) - Minimum Required Short-term Bicycle Parking	<p>Residential</p> <p>0.1 short-term bicycle parking spaces per dwelling unit.</p> <p>Non-Residential</p> <p>In PRA 1 and PRA 2, 0.2 for each 100 square metres of gross floor area.</p>	<p>0.05 short-term bicycle parking spaces per dwelling unit.</p> <p>0.2 for each 100 square metres of gross floor area for all other uses.</p>	<p>Similar to the justification for the reduction of Electric Vehicle Parking Spaces above, staff are of the opinion that, given the circumstances, 0.05 short-term bicycle parking spaces per unit is appropriate and supportable as it constitutes an increase over the existing in-force zoning regulation.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
<b>Section 10.5: Mixed Use Medium Density (C5) Zone</b>			
<p>10.5.1.1 i) 1. – Finished Floor Area Elevation</p> <p><i>** Applicant Requested Modification</i></p>	<p>The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</p>	<p>To not require a minimum finished floor elevation for dwelling units above grade for units that do not front a street line for the lands included in Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure.</p> <p>To not require a minimum finished floor elevation for dwelling units above grade for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure.</p>	<p>Building A of Block 1 as shown on the Concept Plan attached as Appendix “D” to Report PED24093 does not include any ground floor dwelling units. Should dwelling units be proposed on the ground floor they will be required to conform to the minimum 0.9 metre minimum finished floor elevation requirement if they front a street line.</p> <p>The portion of the ground floor of Building B of Block 2 that fronts Greenhill Avenue consists of indoor amenity space and therefore a 0.9 metre finished floor elevation height is not required to separate the public realm and the dwelling units, and therefore the privacy and enjoyment of the residents of the units will be protected.</p> <p>With respect to the two four storey multiple dwellings fronting onto Mount Albion Road, each unit is two storeys in height with the lower unit located partially below grade. Based on the nature of the lower unit it would not maintain a 0.9 metre finished floor elevation above grade. The walk down nature of the lower units, along with the proposed street trees, and on-site landscaping, will create a separation between the sidewalk in the public realm and the dwelling units, and will help to protect the privacy and enjoyment of the residents of the units.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 a) i) – Minimum Building Setback from a Street Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>A minimum 3.0 metres for a building with residential units on the ground floor facing a street.</p>	<p>The required minimum setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.</p>	<p>Special Figure No. 40 of Schedule “F” – Special Figures will establish reduced minimum setbacks for the proposed buildings from a street line.</p>

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<p>10.5.3 a) i) – Minimum Building Setback from a Street Line</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>Building B, Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure, includes indoor amenity within the portion of the ground floor facing Greenhill Avenue and therefore the proposed setback reduction from 3.0 metres to 1.0 metre will maintain adequate separation and buffering between a sensitive land use and the public realm.</p> <p>The two four-storey multiple dwellings proposed fronting onto Mount Albion Road will be setback 2.5 metres. Additionally, the units facing Mount Albion Road will be separated vertically with the lower units having a walk down design and the upper units having a walk-up design. The units will also incorporate a porch and landscaping to provide additional privacy and separate the public/private realm. Therefore, the proposed 0.5 metre reduction in setback will not impact the ability to provide adequate separation and buffering between a sensitive land use and the public realm.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>Additional Street Line Setback</p> <p><b>** Staff Requested Modification</b></p>	<p>N/A</p>	<p>Minimum setbacks for the upper portion of the proposed building shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figure.</p> <p>A maximum encroachment of 1.5 metres shall be permitted project into the required stepback above a height of 13.5 metres.</p>	<p>The built form of Building A, Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure, is in the form of a long building with the upper floors having a building length of approximately 77 metres along Greenhill Avenue. The building length exceeds the maximum recommended building length of 60 metres in the City Wide Corridor Planning Principles and Design Guidelines that represent a best practice. The maximum length of a building is intended to minimize the canyon effect and a substantive building wall.</p> <p>To break up the perceived massing of Building A, to minimize the canyon effect and to minimize creating a substantive building wall, an 11.5 metre long portion of Building A is proposed to be recessed from the balance of the building façade. This portion of the building massing will have an 8.8 metre setback from the Greenhill Avenue street line for the portion of the building above the third storey.</p>

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Additional Street Line Setback  <b>** Staff Requested Modification (Continued)</b>			<p>In addition, the setbacks outlined in Special Figure No. 40 of Schedule “F” – Special Figures are included to ensure that the setbacks of the upper storeys of Building A, Block 1, from Greenhill Avenue and the recessed portion of the building facade are implemented. These additional setbacks of the upper storey will break up the perceived mass of the building to ensure that the building better reflects the existing and planned street proportions.</p> <p>The modification to allow a 1.5 metre encroachment is to facilitate a cantilevered portion of the building on the fifth through eight storeys.</p> <p>Therefore, the proposed modifications can be supported.</p>
10.5.3 b) – Minimum Rear Yard Setback  <b>** Applicant Requested Modification</b>	7.5 metres.	The required setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.	<p>The subject property has multiple lot lines fronting a street, and based on the definition of front lot line, Harrisford Street is considered to be the front lot line for the subject property whereas Mount Albion Road is deemed to be the rear lot line.</p> <p>Mount Albion Road, while considered to be the rear lot line, does not function in that capacity nor would the proposed reduction from 7.5 metres to 2.5 metres adversely impact any abutting land uses.</p> <p>Therefore, the proposed modification can be supported.</p>
10.5.3.c) – Minimum Side Yard Setback	7.5 metres	In addition to the required 7.5 metres, the required setback shall be in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.	<p>The proposed modification is to ensure that the upper storeys of the proposed development are adequately setback to ensure that the adjacent land uses are not impacted by privacy/overlook or shadow impacts.</p> <p>The proposed 14 metre maximum setback represents the distance between the northeast corner of Building B and the southwest corner of the adjacent property at 232 Mount Albion Road.</p>



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10.5.3.c) – Minimum Side Yard Setback <b>(Continued)</b>			<p>As Building B, Block 2 of Special Figure No. 40 of Schedule “F” – Special Figures is not oriented directly towards 232 Mount Albion Road, the proposed setback will not result in adverse overlook impacts. Additionally, a Sun Shadow Study was undertaken and demonstrated that adequate sun access will be maintained for the adjacent lands.</p> <p>For Building A, Block 1 of Special Figure No. 40 of Schedule “F” – Special Figures, the building massing will maintain a 19.5 metre setback and abuts the surface parking area of the adjacent lands, therefore the proposed setback will not result in adverse overlook impacts. Additionally, a Sun Shadow Study was undertaken and demonstrated that adequate sun access will be maintained for the adjacent lands.</p> <p>Therefore, the proposed modification can be supported.</p>
10.5.3 d) i) – Minimum Building Height  <i>** Applicant Requested Modification</i>	A minimum 7.5 metre façade height for any portion of a building along a street line.	A minimum 5.0 metres façade height for any portion of a building along the Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17 metres of the Harrisford Street Line.	<p>A portion of the proposed building design includes a roof top outdoor amenity area above the ground floor along the westerly side of the development along Harrisford Street. The overall building height of Building A along Harrisford Street will be greater than 7.5 metres, however the specific portion of the building upon which the roof top outdoor area amenity is located will have a height of 5.0 metres.</p> <p>Harrisford Street is a local road and the built form along the street varies in both height and setbacks and therefore there is not an existing established built form from which the proposed 5.0 metres height would result in an incompatible built form for the surrounding area.</p> <p>Therefore, the proposed modification can be supported.</p>

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<p>10.5.3 d) ii) – Maximum Building Height</p> <p>** Applicant Requested Modification</p>	<p>22.0 metres.</p>	<p>12.0 metres; and,</p> <p>Building height exceeding 12.0 metres shall be permitted where shown with Special Figure No. 40 of Schedule “F” Special Figures.</p>	<p>The proposed maximum building height of 38.0 metres is to establish two 12-storey buildings. There are existing buildings of a similar height already existing in the immediate neighbourhood, including on the lands immediately adjacent to the north, and near the south of the subject lands along Mount Albion Road. The proposed increase in building height complies with the criteria under policy E.3.5.8 of the Urban Hamilton Official Plan for increasing the maximum height of Medium Density Residential Areas from six storeys to 12 storeys including: providing an adequate range of unit sizes, not creating adverse shadow impacts, providing a transition in scale from adjacent neighbourhoods, and stepping the buildings back from the street.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 g) v) 2. – Minimum Building Height for Commercial Development</p> <p>** Applicant Requested Modification</p>	<p>A minimum building height shall be 6.0 metres.</p>	<p>A minimum building façade height of 5.0 metres shall apply to any portion of a building along Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17.0 metres of the Harrisford Street line, for the lands included in Block 1 of Special Figure No. 40.</p>	<p>A portion of the proposed building design includes a roof top outdoor amenity area above the ground floor along the westerly side of the development along Harrisford Street. The overall building height of Building A along Harrisford Street will be greater than 6.0 metres, however the specific portion of the building upon which the roof top outdoor amenity area is located will have a height of 5.0 metres.</p> <p>Harrisford Street is a local road and the built form along the street varies in both height and setbacks and therefore there is not an existing established built form from which the proposed 5.0 metres height would result in an incompatible built form for the surrounding area.</p> <p>Therefore, the proposed modification can be supported.</p>

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<p>10.5.3 g) vii) – Principal Entrance</p> <p>** Applicant Requested Modification</p>	<p>A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. Within the ground floor façade that is setback closest to a street; and,</li> <li>2. Shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol>	<p>Dwelling units with independent entrances provided from outside the building may have principal entrances located in the interior of the lot with indirect access to the public sidewalk for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figure.</p>	<p>Building B of the proposed development is oriented perpendicular to Greenhill Avenue with indoor amenity space facing Greenhill Avenue. The principal entrance of Building B is oriented towards the interior of the site with indirect access to the public sidewalk. The principal entrance for the residential lobby for Building A is oriented towards Greenhill Avenue along with the commercial entrances and will have direct access.</p> <p>Additionally for the two four-storey multiple dwellings along Mount Albion Road, the proposal includes multiple individual entrances half of which are oriented towards Mount Albion Road with direct access, while the other half are oriented towards the interior of the site with indirect access.</p> <p>Overall, the proposed development will have adequate street animation and street presence and it will be easily accessible from the public sidewalk.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>10.5.3 j) – Visual Barrier</p> <p>** Applicant Requested Modification</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.</p>	<p>There is an existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street which serves as a visual barrier but does not conform to the minimum height requirement of 1.8 metres.</p> <p>To remove the existing board on board fence along the northerly lot line shared with 30 and 40 Harrisford Street and replace it with a new fence with a minimum height of 1.8 metres would require permission from the adjacent property owner. In addition, removing and replacing the fence could potentially adversely impact a row of existing trees located on the adjacent lands in proximity to the shared property line.</p>

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<p>10.5.3 j) – Visual Barrier</p> <p><b>** Applicant Requested Modification (Continued)</b></p>			<p>No sensitive uses, such as private amenity areas are located immediately adjacent to the subject property on the lands at 30 and 40 Harrisford Street, and instead parking and driveway access for the adjacent multiple dwellings are in this area. Therefore, the proposed 0.8 metre reduction in height of the visual barrier will not negatively impact the adjacent lands at 30 and 40 Harrisford Street.</p> <p>Should the existing 1.0 metre high board on board fence be removed at a future date, any replacement fencing would be required to meet the standard height requirement for a visual barrier.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Percent of Two and Three Bedroom Units</p> <p><b>** Staff Requested Modification</b></p>	<p>N/A</p>	<p>A minimum of 30 percent of the dwelling units, shall be units with two bedrooms, and a minimum of 5 percent of the dwelling units, shall be units with three or more bedrooms.</p>	<p>The policies of the Urban Hamilton Official Plan require that “Medium Density Residential” development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates 192 two bedroom units and 28 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>