

Zoning By-law Site Specific Modifications – Downtown Central Business District (D1, 846) Zone

Provision	Required	Requested Amendment	Analysis
Section 5: Parking (Revised Provisions through By-law No. 24-052)			
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 March of 2021, 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 25 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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Section 5: Parking (Revised Provisions through By-law No. 24-052)			
5.7.4 a) – Minimum Required Number of Electric Vehicle Parking Spaces (Continued)			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. Therefore, the proposed modification can be supported.
5.7.5 a) ii) – Minimum Long Term Bicycle	A minimum of 0.7 long term bicycle parking space per unit.	A minimum of 0.6 long term bicycle parking spaces per unit.	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 regulation. Therefore, the proposed modification can be supported.
Section 6.0: Downtown Zoning General Provisions			
6.0 c) i) – Minimum Stepback from the Building Base Façade Height ** Applicant Requested Modification	3.0 metres at a height of 16.0 metres for the Hunter Street East Building Base Façade Height. 3.0 metres at a height of 7.5 metres for the Catharine Street South Building Base Façade Height.	1.3 metres at a height of 16.6 metres for the Hunter Street East Building Base Façade Height.	The proposed 16.6 metre Building Base Façade Height along Hunter Street East represents a height that is consistent with the Building Base Façade Height of 16.0 metres in the Zoning By-law. The modification includes a reduction to the required stepback from 3.0 metres to 1.3 metres. The reduction in stepback depth will not result in shadow impacts on Hunter Street East.

Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) i) – Minimum Stepback from the Building Base Façade Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>		<p>1.5 metres at a height of 16.6 metres for the Catharine Street South Building Base Façade Height.</p> <p>No minimum stepback shall be required from the hypotenuse of a daylight triangle.</p>	<p>The proposed development will include additional design elements including changes in materiality which in combination with the proposed 1.3 metre stepback will ensure that an appropriately massed built form is achieved that respects street proportions and appropriately defines the building base. The additional design elements and details with respect to materiality will be determined through the Site Plan Control application.</p> <p>The modification does seek to reduce the required stepback from 3.0 metres to 1.5 metres along Catharine Street South. The proposed 16.6 metre Building Base Façade Height along Catharine Street South does represent a departure from the permitted 7.5 metre height permitted in the Zoning By-law; however, the increase in height and reduced stepback will not create an adverse shadow impact on the public realm and design features including canopies will be included which will reflect envisioned scale along Catherine Street South and thereby acknowledge the right-of-way width of Catharine Street South.</p> <p>The proposed modification will allow for a consistent podium height along the entire street frontage and avoid the need for a stepdown in the podium height from Hunter Street East to Catharine Street South.</p>

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Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) i) – Minimum Stepback from the Building Base Façade Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>			<p>The reduced depth is for the southwest corner of the façade with the northwest corner achieving the required 3.0 metre minimum depth. The public realm along Catharine Street South will receive the minimum three hours of sun access between 10 a.m. and 4 p.m. at the equinox required by the policies of the Downtown Hamilton Secondary Plan and therefore the reduction in stepback depth will not create adverse shadow impacts.</p> <p>The proposed development will include design elements, including changes in materiality and canopies, which in combination with the proposed 1.5 metre stepback will ensure that an appropriately massed built form is achieved, and the building base is well defined. The additional design elements and details with respect to materiality will be determined through the Site Plan Control application.</p> <p>The southwest corner of the proposed building is located at the hypotenuse of the daylight triangle and no stepback is being proposed. The overall built form will be appropriately massed to respect the character of the neighbourhood through the establishment of a well defined four storey podium which reflects the general scale of the area.</p> <p>Therefore, the proposed modifications can be supported.</p>

Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) ii) – Minimum Stepback from a Side or Rear Lot Line</p> <p><i>** Staff Requested Modification</i></p>	<p>3.0 metres for any portion of a building exceeding 22.0 metres.</p>	<p>9.5 metres for any portion of a building exceeding 16.6 metres in height from the northerly lot line.</p> <p>8.3 metres for an enclosed noise buffer balcony or 9.8 metres to a wall without an enclosed noise buffer balcony, for any portion of a building exceeding 16.6 metres in height from the easterly lot line.</p>	<p>The proposed modification represents an increase in the minimum required stepback of the building from the northerly and easterly lot lines and reduces the height at which that stepback is required to occur. The increase in the required stepback will reduce privacy/overlook and shadow impacts on the low density residential lands to the east and reduce the overall massing of the proposed development. Furthermore, the increase in stepback to the northerly lot line, together with the width of the existing alley, will ensure there is appropriate separation from the tower element of the proposed building and any future tower that may be developed to the north of the subject lands.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>6.0 c) iii) 2. – Minimum Stepback from a Side or Rear Lot Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>12.5 metres for any portion of a building exceeding 44.0 metres.</p>	<p>8.3 metres for an enclosed balcony or 9.8 metres to a wall without an enclosed balcony, for any portion of a building exceeding 16.6 metres in height from the easterly lot line.</p>	<p>The proposed modification does represent a reduction in the required stepback from 12.5 metres to 9.8 metres to a wall and 8.3 metres to an enclosed balcony for the portion of the building exceeding 44.0 metres in height. As the lower portion of the tower (below 44.0 metres in height) is required to provide a greater stepback, the proposed tower will have reduced privacy and overlook impact on the lands adjacent to the east.</p>

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Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) iii) 2. – Minimum Stepback from a Side or Rear Lot Line (Continued)</p> <p><i>** Applicant Requested Modification</i></p>			<p>Additionally, the applicant has demonstrated that adequate sun access will be maintained for the lands to the east.</p> <p>The proposed modification will not have an adverse impact on the potential development of the adjacent lands to the east or the balance of the lands on the north side of Hunter Street East.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 6.1: Downtown Central Business District (D1) Zone			
<p>6.1.1.1 i) 1. B. – Ground Floor Parking</p> <p><i>** Applicant Requested Modification</i></p>	<p>Parking Facilities, with the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.</p>	<p>Parking Facilities, with the exception of an access driveway to the parking garage facility, the ground floor of the facility which faces any street shall only be used for permitted uses and bicycle parking storage, other than parking.</p>	<p>The proposed development includes motor vehicle parking spaces on the ground floor. The majority of the ground floor parking is buffered with commercial or with the residential lobby. A small portion of the Hunter Street East frontage is buffered by an internal bicycle storage area, as per Appendix “D” attached to Report PED24112, and therefore requires a modification to the requirement. Staff feel that this is an appropriate location for bicycle parking storage.</p> <p>There is insufficient space to the east of the proposed access driveway and the internal driveway ramps to provide adequate space for an additional commercial unit or an alternative permitted use. Therefore, the proposal represents an alternative means through which to buffer the ground level parking from the public realm.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
<p>6.1.3 b) ii) – Maximum Building Height</p> <p><i>** Applicant Requested Modification</i></p>	44.0 metres	92.5 metres or 190.2 metres above sea level, whichever is the lesser.	<p>The subject lands are located within proximity to existing local transit, existing regional transit, and a future light rail transit corridor, and therefore constitute an appropriate location for intensification. The increase in height will not exceed the height of the Niagara Escarpment and the site-specific modification will ensure that the building height does not exceed the 190.2 metres above sea level that has been identified in the Downtown Hamilton Secondary Plan for the height of the Niagara Escarpment. The proposed tall building will be separated from the low density residential neighbourhood to the south by approximately 70 metres with both Hunter Street East and the elevated rail corridor located between the proposed building and the low density residential neighbourhood. Appropriate transition will therefore be provided to the neighbourhood to the south.</p> <p>For the lands to the east, appropriate setbacks of the tower from the adjacent lands will be established which will protect the privacy of the adjacent lands and will not result in adverse shadow impacts.</p> <p>The applicant has demonstrated that the proposed increase in height will not result in adverse shadow impacts on the public realm and on any primary gathering space. Additionally, the applicant has demonstrated that the proposed increase in height will not result in adverse wind impact on the public realm or adjacent lands uses.</p>

Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
6.1.3 b) ii) – Maximum Building Height (Continued) <i>** Applicant Requested Modification</i>			Therefore, the proposed modification can be supported.
6.1.3 e) – Maximum Lot Coverage <i>** Applicant Requested Modification</i>	85%	91%	The intent of restricting development to a maximum 85% lot coverage is to ensure that adequate space is maintained for storm water management. The applicant has adequately demonstrated that storm flows will be controlled and has demonstrated that the City’s design criteria limiting 100-year post-development flows to the two-year pre-development discharge rate have been met. The increase in maximum lot coverage will not result in an adverse impact on storm water management. Therefore, the proposed modification can be supported.

Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
Percent of Two and Three Bedroom Units <i>** Staff Requested Modification</i>	N/A	A minimum of 16.8% of the dwelling units shall be units with two or more bedrooms, and a minimum of 1.0% of the dwelling units shall be units with three or more bedrooms.	The policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan require that development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates a percentage of two- and three-bedroom units and the proposed modification will ensure that these units are established and maintained. Therefore, the proposed modification can be supported.