

Zoning By-law Site Specific Modifications – Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone

Provision	Required	Requested Amendment	Analysis
Section 3: Definitions			
<p>3.0 – Building Height</p> <p><i>** Applicant Requested Modification</i></p>	<p>Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.</p>	<p>Any portion of a building designed to provide roof top enclosed amenity space shall not be considered as a storey, provided the floor area does not exceed 25% of the floor area of the storey directly beneath, the structure shall be setback a minimum of 2.9 metres from the exterior walls of the storey directly beneath, and shall not exceed the total building height of 44.0 metres.</p>	<p>After a review by staff, it was determined that the proposed modification is not necessary to facilitate the proposed rooftop amenity space. As the Zoning By-law does not measure height in storeys, the rooftop amenity space would be permitted as long as the space does not exceed the maximum permitted height, which is consistent with the existing definition. If the building height does not exceed 44 metres, the proposed modification is not required.</p> <p>Therefore, the proposed modification is not supported by staff.</p>

Provision	Required	Requested Amendment	Analysis
<p>3.0 – Building Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>	<p>Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.</p>		
Section 5: Parking Regulations			
<p>5.2 a) – Design Standards</p> <p><i>** Applicant Requested Modification</i></p>	<p>A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.</p>	<p>Notwithstanding Section 5.2 a), no landscape strip containing a visual barrier shall be provided along the westerly lot line where the parking area abuts a Residential Zone.</p>	<p>At grade parking currently exists along the westerly lot line with no landscape strip containing a visual barrier. The proposed ground floor plan generally recreates this existing condition therefore introducing limited new impacts to adjacent properties. Furthermore, enhanced screening measures will be implemented through a Site Plan Control application.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
<p>5.7 c) – Bicycle Parking</p> <p><i>** Applicant Requested Modification</i></p>	<p>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</p> <p>i) Residential Uses (Multiple Dwelling) - 5</p> <p>ii) Commercial Uses (Other commercial uses) - 5</p>	<p>Notwithstanding Section 5.7 c), 5 short-term bicycle parking spaces shall be provided in each and every building.</p>	<p>The requested modification represents a limited departure from the requirements of Zoning By-law No. 05-200. Staff are of the opinion that the proposed design can be modified to include the additional five required short term bicycle parking spaces. Given the Downtown location of the proposed development and in close proximity to cycling lanes, staff are not supportive of reducing the short term bicycle parking spaces. In addition, Transportation Planning is not supportive of reducing the existing bicycle parking requirements of Zoning By-law No. 05-200.</p> <p>Therefore, the proposed modification cannot be supported by staff.</p>
<p>5.7 e) – Bicycle Parking</p> <p><i>** Applicant Requested Modification</i></p>	<p>Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:</p>	<p>Notwithstanding Section 5.7 e), 0.44 long-term bicycle parking spaces per dwelling unit shall be provided.</p>	<p>The requested modification represents a limited departure from the requirements of Zoning By-law No. 05-200. Based on a rate of 0.44 long term bicycle parking spaces per dwelling unit, approximately 56 long-term bicycle parking spaces will be required. When applying the existing rate of 0.5 long term parking spaces per dwelling unit, 64 long term bicycle parking spaces are required. Given the Downtown location of the proposed development and in close proximity to cycling lanes, staff are of the opinion that the long term bicycle parking space requirement can be accommodated on the subject lands. Additionally, the proposed mixed use building provides approximately 296.1 square metres of commercial gross floor area.</p>

Provision	Required	Requested Amendment	Analysis
<p>5.7 e) – Bicycle Parking (Continued)</p> <p><i>** Applicant Requested Modification</i></p>	<p>i) Residential Uses (Multiple Dwelling) - 0.5 per dwelling unit</p> <p>ii) All Commercial Uses - 5</p>		<p>As such, no long term bicycle parking spaces are required for the commercial component of the proposal under Zoning By-law No. 05-200. Staff are supportive of providing amenities that encourage alternative transportation options. In addition, Transportation Planning is not supportive of reducing the existing bicycle parking requirements of Zoning By-law No. 05-200.</p> <p>Therefore, the proposed modification cannot be supported by staff.</p>
Section 6: Downtown Zones			
<p>6.2.3 b) ii) – Regulations</p> <p><i>** Applicant Requested Modification</i></p>	<p>Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.</p>	<p>Notwithstanding Section 6.2.3 b) ii), the following regulation shall apply:</p> <p>ii) Maximum Building Height</p> <p>1. 44.0 metres</p>	<p>Increases in height to 12 storeys are supported by policy B.6.1.4.16 of the Downtown Hamilton Secondary Plan on lands identified as “Low-rise 2” – Maximum Building Heights Map B.6.1-2. The applicant has submitted a Shadow Study, prepared by Adesso Design Inc., dated May 2024 and a Pedestrian Wind Assessment, prepared by RWDI, dated December 2023 as required by the Urban Hamilton Official Plan. Staff are satisfied that the proposed increase in height is compatible with the surrounding context, streetscape and is sympathetic to the existing cultural heritage resources.</p> <p>Therefore, the proposed modification can be supported.</p>