

Proposed Site Specific Modifications to the Community Commercial (C3, 906) Zone For The Eastern Portion Of The Site Supported by Staff

Regulation	Required	Modification	Analysis
Permitted Uses Staff Proposed Modification	Artist Studio, Catering Service, Commercial School, Communications Establishment, Community Garden, Craftsperson Shop, Day Nursery, Dwelling Unit, Mixed Use, Emergency Shelter, Financial Establishment, Laboratory, Medical Clinic, Microbrewery, Motor Vehicle Gas Bar, Motor Vehicle Service Station, Office, Personal Services, Repair Service, Restaurant, Retail, Social Services Establishment, Tradesperson’s Shop, Urban Farm, Urban Farmers Market, Veterinary Service	Artist Studio, Commercial Entertainment, Commercial Recreation, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Unit(s), Emergency Shelter, Financial Establishment, Lodging House, Medical Clinic, Microbrewery, Motor Vehicle Service Station, Motor Vehicle Washing Establishment, Multiple Dwelling, Office, Personal Services, Performing Arts Theatre, Place of Worship, Repair Service, Residential Care Facility, Restaurant, Retail, Retirement Home, Social Services Establishment, Tradesperson’s Shop, Urban Farmers Market, and Veterinary Service.	<p>The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types along with supporting uses intended to serve local residents. The “Site Specific Policy – Area A” designation permits additional uses on the site. The permitted uses would be limited to local commercial uses and those permitted by the Site Specific Policy.</p> <p>Therefore, staff support the proposed modification.</p>

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Location of Loading Facilities Staff Proposed Modification	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.	Shall not be located within 3.2 metres of a lot line 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.	The proposed reduction of this setback is not anticipated to result in a significant impact on sound levels and the visual screening requirement will be maintained. Confirmation of noise mitigation requirements will be further addressed through a detailed noise study through a future Site Plan Control application. Therefore, staff support the proposed modification.
Parking for Commercial Uses Applicant Proposed Modification	The number of required parking spaces varies depending on the type of commercial use.	The number of required parking spaces for commercial uses with a gross floor area of 1,100 square metres or less within a multiple dwelling shall be 13.	Staff support the reduction in the parking requirement as the commercial uses can utilize the existing parking spaces on the property. Therefore, staff support the proposed modification.
Parking Spaces for a Multiple Dwelling Proposed by Applicant	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.	Dwelling Unit less than 50.0 square metres in gross floor area: 0.3 per unit. Dwelling Unit greater than 50.0 square metres in gross floor area: 1. 1 – 14 units 0.7 per unit. 2. 15 – 50 units 0.85 per unit. 3. 51 + units 1.0 per unit.	The proposed parking rate is appropriate for the proposed development as commercial uses are located on the subject property and additional commercial uses are located approximately 350 metres to the east. Hamilton Street Railway operated bus route 44 is located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Bellagio Park, Our Lady of the Assumption Catholic Elementary School, and Shannen Koostacin Elementary School are located approximately 500 metres southwest of the site. Therefore, staff support the proposed modification.
Barrier Free Parking	In the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a	In the case of two barrier free parking spaces on opposite sides of a shared 1.5 metre accessibility aisle, each	The proposed modification is consistent with the Council approved regulations for accessible parking space dimensions with an accessibility aisle in By-law No. 24-052.

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Applicant Proposed Modification	minimum length of 5.8 metres.	parking space shall have a minimum width of 3.4 metres.	Therefore, staff support the proposed modification.
Restriction of Residential Uses within a Building Staff Proposed Modification	Restriction of Residential Uses within a Building 1. Notwithstanding Section 10.3.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office, and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.	Restriction of Residential Uses within a Building: 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and, 2. Notwithstanding 1. above, dwelling units(s) shall be permitted in a basement or cellar.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types. The proposed modification fulfills both of these policy objectives while mitigating privacy concerns by restricting the location of dwelling units on the property and within the building. Therefore, staff support these proposed modifications.
Restriction of Residential Care Facility and Retirement Home Staff Proposed Modification	Not applicable.	Residential Care Facility and Retirement Home: 1. Maximum Capacity for Residential Care Facility is 50 residents.	
Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement	Not applicable.	Minimum Side Yard and Rear Yard: 7.5 metres. Maximum Building Height: 22.0 metres.	

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Home, or Social Service Establishment Regulations Staff Proposed Modification		Minimum Landscaped Area: 10% of the Total Lot Area.	
Building Setback from a Street Line Staff Proposed Modification	1.5 metres.	Minimum 3.0 metres for a building with residential units on the ground floor facing a street.	
Minimum Building Setback from a Rear Lot Line Staff Proposed Modification	6.0 metres; and 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.	13.0 metres, except 16.0 metres for any portion of a building greater than 14.0 metres in height; 20.0 metres for any portion of a building greater than 17.0 metres in height; 24.0 metres for any portion of a building greater than 20.0 metres in height; 28.0 metres for any portion of a building greater than 23.0 metres in height; 32.0 metres for any portion of a building greater than 26.0 metres in height; and, 36.0 metres for any portion of a building greater than 29.0 metres in height.	<p>The introduction of the rear setback, rear stepbacks, and interior side yard setback have been proposed by staff in order to address the concern with overlook and privacy with existing residential uses on adjacent properties to the west and south from the proposed height. Therefore, these modifications have been evaluated together.</p> <p>Architectural Drawings, prepared by RAW Design Inc. dated September 2023, include elevations that illustrate a progressive stepback starting at the fifth floor. These stepbacks keep the building outside of the 45 angular plane. The applicant proposed a maximum building height of 32.5 metres without any stepback requirements. To address privacy concerns staff propose a progressive minimum stepback from the rear property line.</p>
Minimum Building Setback from an Interior Side Lot Line	1.5 metres; and 3.0 metres abutting a Residential or Institutional Zone or lot containing a	29.0 metres abutting a Residential or Institutional Zone.	To address privacy concerns with residential uses to the west, staff require an interior lot line setback of 29.0 metres. The interior side yard setback has been increased proportionally from 7.5 metres by the height above 22.0 metres.

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Staff Proposed Modification	residential use.		
<p>Maximum Building Height</p> <p>Applicant Proposed Modification</p>	14.0 metres.	<p>32.5 metres.</p> <p>In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:</p> <ol style="list-style-type: none"> 1. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath; 2. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls 	<p>The proposed building height of 32.5 metres (ten storeys) can be supported, with the modifications proposed by staff, as the development meets the criteria for height above six storeys. As discussed in Appendix “F” to Report PED24131, the proposed development provides a mix of unit sizes, incorporates sustainable building and design principles, does not cause adverse shadow impacts, provides setbacks from existing residential uses, and an appropriate setback from the street.</p> <p>Therefore, staff supports these modifications.</p>

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		<p>of the storey directly beneath; and,</p> <p>3. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.</p>	
<p>Maximum Total Gross Floor Area for Commercial Uses</p> <p>Staff Proposed Modification</p>	<p>10,000.0 square metres.</p>	<p>Not applicable.</p>	<p>The policies within the “Site Specific Policy – Area A” require that the site shall have no maximum floor area.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Lot Area</p> <p>Staff Proposed Modification</p>	<p>10,000.0 square metres.</p>	<p>16,000.0 square metres.</p>	<p>The policies within the “Site Specific Policy – Area A” permit a maximum lot area of 1.6 hectares.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Number of Dwelling Units.</p> <p>Applicant Proposed Modification</p>	<p>Not applicable.</p>	<p>230.</p>	<p>The amended “Site Specific Policy – Area A” policies within the Rymal Road Secondary Plan for this property require that a maximum density of 160 units per net residential hectare is established in the implementing zoning by-law.</p> <p>Therefore, staff support the proposed modification.</p>

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Minimum Façade Height Applicant Proposed Modification	Not applicable.	Minimum 4.5 metre façade height for any portion of a building along a street line.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. Architectural drawings, prepared by RAW Design Inc. dated September 2023, were submitted, and include elevations that illustrate the front façade. Staff have reviewed the drawings and found that the design appropriately addresses the street. Therefore, staff support the proposed modification.
Built form for New Development Staff Proposed Modification	For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.	The minimum width of ground floor façade facing the front lot line shall be greater than or equal to 30.0 metres.	The proposed development only occupies a portion of the site and the remained of the site contains an existing commercial development. The 30.0 metre requirement represents greater than 40% of the portion of the site proposed to be redeveloped. Therefore, staff support the proposed modification.

Proposed Site Specific Modifications to the Community Commercial (C3, 906) Zone For The Eastern Portion Of The Site Not Supported by Staff

Regulation	Required	Modification	Analysis
Building Setback from a Street Line Applicant Proposed Modification	Minimum 1.5 metres.	1.0 metres.	The proposed development contains commercial space on the ground floor along the street line. The modification is not required to implement the proposed design. Therefore, staff do not support the proposed modification.
Maximum Gross Floor Area	Not applicable.	19,500 square metres.	The subject lands are located within “Site Specific Policy – Area A”, which does not permit a restriction on the floor area of commercial uses.

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Applicant Proposed Modification			Therefore, staff do not support the proposed modification.
Maximum Residential Floor Area	Not applicable.	18,500 square metres.	The intent of this proposed modification is to restrict the amount of residential development, which is also controlled by the regulation of the number of dwelling units.
Applicant Proposed Modification			Therefore, staff do not support the proposed modification.

Proposed Site Specific Modifications to the Community Commercial (C3, 907) Zone For The Western Portion Of The Site Supported by Staff

Regulation	Required	Modification	Analysis
Permitted Uses Staff Proposed Modification	Artist Studio, Catering Service, Commercial School, Communications Establishment, Community Garden, Craftsperson Shop, Day Nursery, Dwelling Unit, Mixed Use, Emergency Shelter, Financial Establishment, Laboratory, Medical Clinic, Microbrewery, Motor Vehicle Gas Bar, Motor Vehicle Service Station, Office, Personal Services, Repair Service, Restaurant, Retail,	Artist Studio, Commercial Entertainment, Commercial Recreation, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Units(s), Emergency Shelter, Financial Establishment, Lodging House, Medical Clinic, Microbrewery, Motor Vehicle Service Station, Motor Vehicle Washing Establishment, Multiple Dwelling, Office, Personal Services, Performing Arts Theatre, Place of Worship, Repair Service, Residential Care Facility, Restaurant, Retail, Retirement Home, Social Services Establishment,	The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types along with supporting uses intended to serve local residents. The “Site Specific Policy – Area A” designation permits additional uses on the site. The permitted uses would be limited to local commercial uses and those permitted by the Site Specific Policy. Therefore, staff support the proposed modification.

Regulation	Required	Modification	Analysis
	Social Services Establishment, Tradesperson’s Shop, Urban Farm, Urban Farmers Market, Veterinary Service	Tradesperson’s Shop, Urban Farmers Market, and Veterinary Service.	
Parking for Commercial Uses Applicant Proposed Modification	Various rates depending on the proposed use.	Minimum 1 parking space for each 24.0 square metres of gross floor area, except for a Motor Vehicle Service Station (oil and lube service station only) or a Motor Vehicle Washing Establishment, 0 parking spaces are required.	The existing buildings on the site were developed under the regulations of the General Commercial “C3-301” Zone, Modified, in the Former Township of Glanbrook Zoning By-law No. 464. The Zoning By-law Amendment proposes to bring the subject lands into Hamilton Zoning By-law No. 05-200 and these regulations recognize the existing buildings on the site.
Building Setback from a Street Line Applicant Proposed Modification	Maximum 4.5 metres, except where a visibility triangle is required for a driveway access.	Maximum 25.0 metres for a commercial use existing at the date of the passing of this by-law.	Therefore, staff support the proposed modifications.
Building Setback from a Street Line Staff Proposed Modification	1.5 metres.	Minimum 3.0 metres for a building with residential units on the ground floor facing a street.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The proposed modification fulfills both of these policy objectives while mitigating privacy concerns by restricting the location of dwelling units on the property and within the building.
Restriction of Residential Uses within a Building Staff Proposed Modification	Restriction of Residential Uses within a Building 1. Notwithstanding Section 10.3.1, a Dwelling Unit(s), Mixed Use shall only be	Restriction of Residential Uses within a Building: 0. The finished floor elevation of any dwelling unit shall be a	Therefore, staff support the proposed modification.

Regulation	Required	Modification	Analysis
	permitted above the ground floor except for access, accessory office, and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.	minimum of 0.9 metres above grade; and, 2. Notwithstanding 1. Above, dwelling units(s) shall be permitted in a basement or cellar.	
Restriction of Residential Care Facility and Retirement Home Staff Proposed Modification	Not applicable.	Residential Care Facility and Retirement Home: 1. Maximum Capacity for Residential Care Facility is 50 residents.	
Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment Regulations Staff Proposed Modification	Not applicable.	Minimum Side Yard and Rear Yard: 7.5 metres. Maximum Building Height: 22.0 metres. Minimum Landscaped Area: 10% of the Total Lot Area.	
Maximum Density	Not Applicable.	0 units per net hectare.	

Regulation	Required	Modification	Analysis
Staff Proposed Modification			<p>implementing zoning by-law. The eastern portion of the property will contain all the proposed units.</p> <p>Therefore, staff support the proposed modification.</p>
Maximum Total Gross Floor Area for Commercial Uses Staff Proposed Modification	10,000.0 square metres.	Not applicable.	<p>The policies within the “Site Specific Policy – Area A” require that the site shall have no maximum floor area.</p> <p>Therefore, staff support the proposed modification.</p>
Maximum Lot Area Staff Proposed Modification	10,000.0 square metres.	16,000.0 square metres.	<p>The policies within the “Site Specific Policy – Area A” permit a maximum lot area of 1.6 hectares.</p> <p>Therefore, staff support the proposed modification.</p>

Proposed Site Specific Modifications to the Community Commercial (C3, 907) Zone For The Western Portion Of The Site Not Supported by Staff

Regulation	Required	Modification	Analysis
Maximum Floor Area Applicant Proposed Modification	Not applicable.	2,500 square metres.	The subject lands are located within “Site Specific Policy – Area A”, which does not permit restriction on the floor area of commercial uses. The current “C3-301” Zone contains restrictions on the amount of gross floor area. These restrictions are not permitted within “Site Specific Policy – Area A” and have not been carried forward.
Maximum Floor Area for Motor Vehicle Service Station or Motor Vehicle Washing Establishment Uses Applicant Proposed Modification	Not applicable.	1,360 square metres.	Therefore, staff do not support these proposed modifications.