

Proposed Site Specific Modifications to the Mixed Use Commercial (C5, 928) Zone Supported by Staff

Regulation	Required	Modification	Analysis
Section 3 Definition – Stacked Townhouse	Multiple Dwelling – shall mean a building or part thereof containing five or more dwelling units but shall not include a street townhouse dwelling.	“Stacked Townhouse” shall mean a multiple dwelling containing five or more dwelling units divided by common walls preventing internal access between units, with each dwelling unit having at least one exclusive access to the exterior of the building.	The two storey townhouses proposed on the subject lands are considered “Multiple Dwellings”. The modification introduces a definition for “Stacked Townhouse” to apply to the two storey townhouses for the purposes of the site specific development regulations. Staff support the modification.
Section 3 Interpretation – Rear Lot Line	Shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.	The rear lot line are the lot lines opposite to the front lot line.	This is an irregular lot and some of the rear lot lines along the back ends of 1825-1843 Rymal Road East are being interpreted as side lot lines. A revised definition is being included so that all lot lines opposite the front lot line along Rymal Road East are considered rear lot lines. Staff support the proposed modification.
Section 3 Interpretation – Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.	That in addition to Section 3 as it relates to the definition of “Planting Strip”, an enclosed stair structure leading to an underground parking garage may be permitted within a Planting Strip.	The intent of the definition is to ensure planting strips provide a consistent buffer of planting materials with minimal interruption of pavement or structures. The proposal shows one stairwell to the underground parking which encroaches 0.77 metres into the required planting strip. Staff find the stairwell encroachment to be minimal and does not adversely impact the intent of providing an appropriate planting strip buffer. Therefore, staff support the proposed modification.

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Section 4.6 e) Permitted Yard Encroachments	A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser; and	A balcony may encroach into any required yard to a maximum of 1.5 metres.	<p>The site specific permission is requested to recognize that the building is situated at the minimum street line setback to encourage an active street frontage. The request for an additional 0.5 metres for balcony encroachment will allow for additional outdoor amenity space for future residents, while maintaining the street character intended for the area.</p> <p>Therefore, staff support the proposed modification.</p>
Section 5.7.1 a) Parking for Multiple Dwelling Unit, Mixed Use, where the total number of such units is 5 or greater	In PRA 3, 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit.	0.7 parking spaces per unit for residents, plus 0.1 visitor parking spaces per unit	<p>An updated Transportation Impact Study, prepared by Stantec Ltd. dated December 9, 2024, was submitted in support of a reduced parking rate. Transportation Planning staff have no objection to the proposed reduced vehicular parking supply provided various Transportation Demand Management strategies are implemented on the site, including providing an increased supply of short and long term bicycle spaces, which are being implemented through the proposed Zoning By-law Amendment (see below). Other Transportation Demand Management strategies will be further reviewed at the future Site Plan Control stage.</p> <p>Parking Rate Area 3 is a geographically based approach to City of Hamilton, whereby parking standards were developed in mind for people with less access to multimodal transportation and who depend more on private vehicles for transportation. The subject site is located along the western border of Parking Rate Area 3, immediately adjacent to Parking Rate Area 2. The proposed parking rate of 0.7 resident spaces per unit is the midpoint rate between the Area 2 and 3 rates and represents a blended rate between the two areas.</p>

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			<p>The site is on an arterial road with direct bicycle and pedestrian access to the site provided by a multi-use path. The proposal encourages multi-modal transportation and is consistent with the Urban Hamilton Official Plan.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Section 5.7.5 a) i) and ii) Bicycle Parking</p>	No requirement.	<p>Short Term:</p> <p>Multiple Dwellings: In PRA 3, 0.05 per unit.</p> <p>Retail Uses: In PRA 3, 0.20 for each 100 square metres of gross floor area.</p> <p>Long Term:</p> <p>Multiple Dwellings: In PRA 3, 0.60 per unit.</p> <p>Retail Uses: In PRA 3, 0.10 for each 100 square metres of gross floor area.</p>	<p>The current standards do not require short or long term bicycle parking for multiple dwellings or retail uses in this area. The implementing by-law provides short term bicycle parking and encourages active transportation. Transportation Planning requested the proposed modification of 0.5 long term bicycle parking spaces per unit be increased to 0.6 long term spaces per unit.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Section 10.5.1.1 i) Restriction of Residential Uses within a Building</p>	<p>Restriction of Residential Uses within a Building</p> <p>1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade;</p>	Shall not apply.	<p>The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The first floors of the 12 storey mixed use buildings provide retail along the frontage of Rymal Road East. There are residential units that are at the rear of the buildings (located away from Rymal Road East) and the residential units on the ground floor will not detract from the pedestrian experience</p>

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			<p>along Rymal Road East. Further, the residential units are afforded privacy as they are not located along the street.</p> <p>Therefore, staff support these proposed modifications.</p>
<p>Section 10.5.3 a) ii) Building Setback from a Streetline</p>	<p>Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;</p>	<p>Maximum 5.1 metres for multiple dwellings, except no maximum for townhouses and stacked townhouses.</p>	<p>The intent of a maximum setback from a streetline is to ensure an active and consistent streetscape. The purpose of removing the maximum setback requirement is to allow for the townhouse dwellings located to the rear of the site. The mixed use buildings are articulated along the street frontage, however due to the curve in the street, an increased setback of 5.1 metres is provided for the east corner of Building B. All other mixed use buildings are proposed between the minimum and maximum setback of the zoning by-law, being between 3 and 4.5 metres.</p> <p>Therefore, staff support these proposed modifications.</p>
<p>Section 10.5.3 b) Minimum Rear Yard</p>	<p>i) 7.5 metres</p> <p>ii) Notwithstanding Section 10.5.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.5.3 a) shall apply.</p> <p>(NOT FINAL & BINDING: By-law No. 24-137, July 12, 2024)</p>	<p>5 metres for townhouses and stacked townhouses; and,</p> <p>7.5 metres for multiple dwellings, except:</p> <ul style="list-style-type: none"> 12 metres for any portion of a building greater than 12 metres in height; 22 metres for any portion of a building 	<p>The introduction of the rear setback combined with stepbacks, address the concern with overlook and privacy with existing residential uses on adjacent properties to the north.</p> <p>Architectural Drawings, prepared by Chamberlain Architect Services Limited dated October 18, 2023, include elevations that illustrate a progressive stepback starting at the fifth floor. These stepbacks keep the majority of building outside of the 45 angular plane with the exception of mechanical penthouses.</p>

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		greater than 22 metres in height; and, <ul style="list-style-type: none"> 28 metres for any portion of a building exceeding a height of 30 metres in height. 	Therefore, staff supports these modifications.
		Underground parking stairs may be permitted within the rear yard.	The proposed amending by-law provides an additional clarification for a stairwell within the rear yard. Staff support the modification.
Section 10.5.3 d) Building Height	ii) Maximum 22.0 metres; and, iii) In addition to Section 10.5.3d i) and notwithstanding Section 10.5.3d ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.	Maximum 44.0 metres; and, Subsection iii) shall not apply.	The proposed building height of 43.3 metres (12storeys) can be supported, as the development meets the criteria for height above six storeys. As discussed in Appendix D attached to Report PED25062, the proposed development provides a mix of unit sizes, incorporates sustainable building and design principles, does not cause adverse shadow impacts, provides stepbacks from existing residential uses, and provides an appropriate stepback from the street. The intent of Section 10.5.3 d) is to encourage a building height that is sympathetic to neighbouring Residential and Institutional land uses. The stepbacks introduced into the minimum rear yard above support the removal of this regulation. Therefore, staff supports these modifications.

Proposed Site Specific Modifications to the Mixed Use Commercial (C5, 928) Zone Not Supported by Staff

Regulation	Required	Modification	Analysis
Section 5.7.4 a) Minimum Electric Vehicle Parking Rate Schedule Multiple Dwelling	100% of all parking spaces. (NOT FINAL & BINDING: By-law No. 24-052, April 10, 2024)	No electric vehicle parking spaces shall be required.	The City's zoning standards for Electric Vehicle parking are not yet in force and effect. Staff are not in support of the proposed modification. Should the regulations be approved by the Ontario Land Tribunal, the proponents will be required to conform with the Zoning Regulations in effect or seek other remedies in accordance with the <i>Planning Act</i> .
Minimum Electric Vehicle Parking Rate Schedule All Other Uses	50% of all parking spaces. (NOT FINAL & BINDING: By-law No. 24-052, April 10, 2024)	No electric vehicle parking spaces shall be required.	