



CITY OF HAMILTON
Planning and Economic Development Department
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 13, 2015
SUBJECT/REPORT NO:	Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 98 James Street South (Hamilton) (PED15007) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Edward John Senior Project Manager (905) 546-2424 Ext. 5803 Steve Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY: SIGNATURE:	Jason Thorne General Manager Planning and Economic Development Department

RECOMMENDATION

- a) That approval be given to **Amended Zoning Application ZAR-14-030, by 2203284 Ontario Inc. (Louie Santiguida), Owner**, for a modification in zoning to Hamilton Zoning By-law No. 05-200 from the Downtown Prime Retail Streets (D2) Zone to the Downtown Prime Retail Streets (D2, 467, H56) Holding Zone, Modified, with a special exception in order to permit a 30-storey mixed-use building, accommodating a maximum of 259 residential units, commercial on the first two floors, and a multi-level underground parking facility with a total of 122 spaces, as shown on Appendix "A", on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED15007, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and is in conformity with the Urban Hamilton Official Plan (UHOP) and Downtown Hamilton Secondary Plan.

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- b) That the amending By-law apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol 'H' as a suffix to the proposed Zone. The Holding Provision 'H' shall not be removed until such time as a Record of Site Condition has been submitted to and acknowledged by the Ministry of the Environment, to the satisfaction of the Director of Planning and Chief Planner;
- c) That upon finalization of the implementing By-law, the subject lands within the Durand Neighbourhood Plan be re-designated from "Civic and Institutional" to "Commercial and Apartments".

EXECUTIVE SUMMARY

The purpose of the application is to amend the City of Hamilton Zoning By-law No. 05-200 in order to permit an adaptive re-use of a designated building (James Street Baptist Church), integrating a new 30-storey mixed-use building, including a three-storey podium and an at grade commercial patio. The proposal is for a maximum of 259 residential units, commercial retail on the first two floors, and a multi-level underground parking facility using a parking stacker system accessed by Jackson Street West, providing a total of 122 spaces. A concept plan and elevations of the proposed development have been submitted (see Appendix "C").

The proposal can be supported, as it is consistent with the Provincial Policy Statement (PPS) (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and implements the "Downtown Urban Mixed Use Area" of the Urban Hamilton Official Plan (UHOP) and the "Prime Retail Streets" of the Downtown Hamilton Secondary Plan. It is a form of high density mixed-use development that promotes intensification in an appropriate and sustainable manner.

A Holding Provision is also recommended within the implementing Zoning By-law to restrict development until such time as a Record of Site Condition has been submitted to and acknowledged by the Ministry of the Environment, to the satisfaction of the Director of Planning and Chief Planner.

Alternatives for Consideration – See Page 53

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal (as amended): The purpose of this application is permit a 30-storey mixed-use building, including a three-storey podium. There will be a maximum of 259 residential units, commercial retail on the first two floors, outdoor patio, and a structured multi-level stacked underground parking facility using a parking stacker system, with a total of 122 spaces.

Chronology:

<u>September 13, 2013:</u>	Heritage Permit (HP2013-058) submitted.
<u>January 2, 2014:</u>	Heritage Permit approved by Heritage Sub-Committee.
<u>May 22, 2014:</u>	Presented at Design Review Panel.
<u>August 6, 2014:</u>	Open house and information session.
<u>September 5, 2014:</u>	Submission of Application ZAR-14-030 by 2203284 Ontario Inc. (Louie Santiguida).
<u>September 23, 2014:</u>	Application ZAR-14-030 deemed complete.
<u>September 30, 2014:</u>	Circulation of Notice of Complete Application.
<u>October 9, 2014:</u>	Circulation of Revised Notice of Complete Application.
<u>October 10, 2014:</u>	Public notice sign posted on the subject property.
<u>December 19, 2014:</u>	Notice of Public Meeting mailed to 324 properties.

Details of Submitted Application:

<u>Location:</u>	98 James Street South (Hamilton)
<u>Owner:</u>	2203284 Ontario Inc. (Louie Santiguida)
<u>Agent:</u>	GSP Group

standards to minimize land consumption and servicing costs and accommodate an appropriate mix of residential and commercial uses. The location provides the opportunity to utilize existing infrastructure and services and accommodates a density of development that would minimize land consumption.

With specific regard to the policies of intensification, Policy 1.1.2 identifies that sufficient land shall be made available to accommodate an appropriate range and mix of land uses and that within Settlement areas, this land should be made available through intensification and redevelopment. The proposed mixed-use building would provide both a mixture of commercial uses (restaurant / office / retail) and residential units of varying sizes through the redevelopment of a previous institutional site. The lands are suitably located in order to accommodate the range and density of uses proposed, given that it is within Downtown Hamilton, in an area of varying built form, scale and massing and separated from lower density residential uses, and is adjacent to existing commercial and residential uses, all in accordance with this policy intent.

Policy 1.1.3.2 provides direction on land use patterns and in part, how these land use patterns should be based on densities and a mix of land uses which efficiently use infrastructure, support active transportation and are transit supportive. With regard to the subject application, the proposed mixed-use building located along a transit line and close to a GO Transit Station, in conjunction with the request for reduced parking requirements, is considered to support and promote active transportation and utilization of the existing and comprehensive transit system currently serving the subject lands. The lands are currently serviced through existing infrastructure and as such, would efficiently use available servicing.

The PPS (2014) provides direction to planning authorities to identify and promote opportunities for intensification and redevelopment. In particular, Policy 1.1.3.3 states that the appropriate locations and opportunities identified by planning authorities are to take into account existing building stock and the availability of suitable or planned infrastructure and public service facilities required to accommodate projected needs. As is further discussed in the review of the UHOP, the subject lands have been identified as a “Downtown Urban Growth Centre” and as such are considered well equipped to accommodate intensification.

The development proposal would relate to the existing building stock, adaptively re-using a portion of the previous James Street Baptist Church, as well as, successfully adopting a podium design and use of materials to transition and complement adjacent buildings. The development would also efficiently use existing infrastructure and services within the Downtown, and as such, is considered appropriate and in accordance with the direction contained within Policy 1.1.3.3.

Policy 1.1.3.5 directs municipalities to establish and implement minimum targets for intensification and redevelopment based on local conditions. As discussed in greater

detail in the policy review of the Places to Grow – Growth Plan and UHOP, the local conditions include a comprehensive transit system, a designated Urban Growth Centre with a range of services and uses, existing available infrastructure and a major transit station. The proposed mixed-use development would therefore comply with this intent.

With particular reference to housing, Policy 1.4.3 requires planning authorities to provide an appropriate range and mix of housing types and densities, and to identify intensification targets. These targets have been identified and implemented through the adoption of the Urban Hamilton Official Plan. Downtown Hamilton has been identified as an Urban Growth Centre within the Urban Structure of the Plan, and as such, is planned to accommodate 20% of the overall residential intensification and establishes a density target of a minimum 250 persons and jobs per hectare measured over the entire Urban Growth Centre area.

This emphasis on residential intensification is intended to promote density that efficiently uses land, resources and infrastructure and which supports active transportation and meets the social, health and well-being requirements of current and future residents. The proposed development would contribute to the range and mix of housing types within the Downtown, would provide a density of development that would efficiently utilize land, services and infrastructure, and through the promotion of alternative transportation modes, encourage active transportation.

Given the proximity to services, the development would provide housing options that are considered to be within a complete community, and as such, would meet social, health and well-being needs of existing and future residents.

Cultural Heritage

With regard to Cultural Heritage Policies 2.6.1 and 2.6.3 of the PPS (2014), staff note that significant built heritage resources are to be conserved and that development and site alteration on lands adjacent to a protected heritage property is permitted only where the proposed development has been evaluated and the heritage attributes conserved.

The subject property comprises the former James Street Baptist Church, a property designated under Part IV of the Ontario Heritage Act, subject to a heritage conservation easement agreement with the City, and a “protected heritage property” under the Provincial Policy Statement.

The applicant submitted a Heritage Permit Application (HP2013-058) on September 13, 2013, which included a Heritage Impact Assessment. The Heritage Permit Review Subcommittee recommended approval of the application subject to several conditions related to documentation of the existing building, salvage of features and materials, protection of the remaining façade and review of the plans for the new construction. The approval was issued on January 2, 2014, and as such, is deemed to satisfy the Provincial interest.

Staff also note that 70 James Street South (St. Paul's Presbyterian Church) is subject to a heritage conservation easement held by the Ontario Heritage Trust, and that a number of properties adjacent the lands have been recently placed on the City's Heritage Registry. The easement serves to recognize the provincial heritage value of the property at 70 James Street South and contains provisions protecting the interior and exterior of the building. The terms of the easement require municipal approval for any alterations to the structure through the issuance of Heritage Permit and the City approval of the alterations.

The construction of the proposed development must therefore not have any detrimental impact on the structural integrity of the adjacent protected heritage property (St. Paul's) and protect the remaining portion of the James Street Baptist Church. Should the application be approved, through the Site Plan Approvals process, a construction management plan will be required as a condition of approval. It is considered that these measures will ensure the development is consistent with Policy 2.6.1 and 2.6.3.

Environmental Contaminants

Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Further, Policy 3.2.2 states that contaminated sites shall be remediated as necessary prior to any activity of the site associated with the proposed use, such that there will be no adverse effects. Staff note that the subject proposal entails a change in land use from Community (Place of Worship) to Residential, and that this change in land use triggers the requirement for a mandatory filing of a Record of Site Condition (RSC) under Ontario Regulation 153/04.

The applicant has submitted information prepared by Premier Environmental Services regarding the requirement for a RSC (dated October 24, 2014). Notwithstanding this information, staff are requesting the application of a Holding Provision in order to restrict development until such time as a RSC has been submitted to, and acknowledged by, the Ministry of the Environment to the satisfaction of the Director of Planning and Chief Planner. On the basis of this Holding Provision, staff are satisfied the application is consistent with Policy 3.2.2.

Noise

Policy 1.2.6.1 outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are intended to be developed, in part, for residential purposes and are located adjacent to James Street South and are approximately 64 m from a Canadian Pacific Railway Corridor and 100 m from Main Street West.

The proximity of the proposed sensitive land use to road and rail noise sources triggers the requirement for a noise study. These noise impacts were examined through the submitted noise report prepared by HGC Engineering (July 2014). The findings have been accepted and will be implemented through any future Site Plan Application.

Therefore staff are satisfied that the application is consistent with Policy 1.2.6.1 and based on the above analysis, that the proposed change in zoning for the proposed mixed-use development is consistent with the PPS (2014).

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The Growth Plan is intended to guide decisions on a wide range of issues, including transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection – in the interest of promoting economic prosperity. The vision of the document, in part, is to create urban centres characterized by vibrant and more compact settlement and development patterns, providing a diversity of opportunities for living, working and enjoying culture.

Complete Communities

This vision is to be implemented through the guiding principles contained within the Plan. Of particular note is the concept of “building compact, vibrant and complete communities”, that is, communities that optimize the existing and new infrastructure and services to support compact growth. The development, and in particular its geographical location within the Downtown, would offer the opportunity for future residents to satisfy daily and weekly needs for living and employment opportunities, availability of services, housing, recreation, education and cultural experiences. From this perspective, the proposed development of a high-density mixed-use development, one that efficiently utilizes existing infrastructure, in a location comprehensively serviced by public transit and other services, is considered to satisfy this policy intent.

Intensification

In managing growth, Policy 2.2.2 directs significant growth to the built-up areas through intensification, reducing dependence on the automobile through mixed-use transit-supportive design that further supports the development of a complete community. With regard to intensification, Policy 2.2.3 identifies that in general, intensification is to be encouraged and further, that intensification should in particular be focused within urban growth centres and major transit station areas. The intensification of the proposed lands, given its location within the Downtown, and coupled with the requested parking reduction, is considered to achieve these objectives.

More specifically, Downtown Hamilton is identified as an “Urban Growth Centre” as defined by the Growth Plan. Furthermore, the Hunter Street GO Station (considered a major transit station) is within 70 m of the subject lands. In accordance with Policy 2.2.4.4 such areas are therefore planned for investment focal points for a broad range of

uses, serve as higher density employment areas and accommodate a significant share of population and employment growth. Similarly, Policy 3.2.3.2a) notes that transit infrastructure should in fact shape growth and planning for high residential and employment densities that ensure the efficiency and viability of existing and planned transit service levels. The development would increase residential population in the area, as well as, introduce a number of employment opportunities within the proposed commercial units. The uses are expected to take significant advantage of existing transit infrastructure, in line with this Policy intent.

Density Target

Policy 2.2.4.5b) sets a minimum gross density target of 200 persons and jobs per hectare to be achieved by at least 2031 within Downtown Hamilton which is identified as an Urban Growth Centre (UGC) within the UHOP. As noted within the UHOP discussion of this Report, this minimum target was subsequently increased by the City of Hamilton through the adoption of the UHOP to 250 persons and jobs per hectare, in recognition of the area's ability to accommodate intensification and the objective of increasing the residential population within the Downtown. The 250 persons and jobs per hectare is to be measured across the entire UGC, in recognition of the fact some areas may not redevelop is comprised of existing low, medium, and high density residential uses and other areas, due to their proximity to low to mid rise residential and commercial uses, are more constrained by character and context, such that significant intensification is not appropriate.

Furthermore, areas in proximity to higher order transit stations (generally 500 m) are identified as "Major Transit Station Areas", which, according to Policy 2.2.5, are to be designed to achieve increased densities that support the viability of existing and planned service levels and to provide access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter pick-up/drop-off areas. As discussed above, the introduction of 259 residential units at this location, combined with commercial (retail/office) uses, would support the viability of existing transit service levels, and as such, would support this policy intent.

Cultural Heritage

The proposal is in conformity with Policy 4.2.4.5 in that the development would allow for the conservation of cultural heritage resources and the preservation of attributes of both the former James Street Baptist Church, through the approval of the Heritage Permit and subsequent Heritage Impact Assessment.

The proposed redevelopment is consistent with the Growth Plan in that it is located within the Downtown Urban Growth Centre; will assist considerably in achieving the UGC minimum density target; is within 100 m to a higher order transit station; and, will achieve a density that will support the viability of existing and planned service levels contributing to the development of a complete community.

The James Street South segment in the vicinity of the subject lands, unlike other more traditional streets of the downtown which are more consistent in character and mid-rise built form, benefit from being more transitional in nature, such that the potential for contemplating high rise development is appropriate.

The development is particularly well situated to provide access to various transportation modes and services within the downtown core. Therefore, staff are satisfied that the development conforms with the Places to Grow – Growth Plan.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the Urban Hamilton Official Plan (UHOP). The Ontario Municipal Board approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the UHOP are now in effect, including all the policies directly relevant and referenced below. The following UHOP policies, amongst others, are applicable to the application for a modification in zoning:

Downtown Urban Growth Centre

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” - Urban Structure Plan, and designated “Downtown Mixed Use Area” on Schedule “E-1” - Urban Land Use Designations.

With regard to the Urban Structure, and pursuant to Policies E.2.3.1.2 and E.2.3.1.6, (detailed in full below) the “Downtown Urban Growth Centre” in terms of its function, shall be the pre-eminent node, providing a range of uses and housing types.

“Policy E.2.3.1.2 The *Downtown Urban Growth Centre* shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a range of uses appropriate to its role as the City's pre-eminent node.

Policy E.2.3.1.6 The *Downtown Urban Growth Centre* shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including *affordable* housing and *housing with supports*, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.”

The scale of these uses are directed through policies E.2.3.1.9 and E.2.3.1.10 (detailed in full below), which indicate that lands within the Downtown Urban Growth Centre shall be the focus of density growth, requiring a minimum 250 persons and jobs per hectare and are to accommodate approximately 20% of the City's total overall residential intensification target.

“Policy E.2.3.1.9 The *Downtown Urban Growth Centre* shall generally have the higher density within the City with a minimum overall density of 250 persons and jobs per hectare. Overall density in excess of this target may be achievable and warranted. Increases to this density target shall be considered as part of a review of the Downtown Hamilton Secondary Plan. The density targets shall be evaluated based, in part, on the results of the Downtown Office Strategy and the impacts on existing infrastructure and transportation networks.

Policy E.2.3.1.10 It is anticipated that the *Downtown Urban Growth Centre* will accommodate approximately 20% of the City-wide *residential intensification* over the time period of this Plan which equates to a range of 5,000 to 6,000 dwelling units.”

The manner in which intensification is to be accommodated is contemplated in a number of the design related Policies of Section E.2.3. As raised through policies E.2.3.1.13 and E.2.3.1.14, there is a strong focus upon the pedestrian environment and an emphasis upon active transportation and transit. It is considered that the building and subsequent density proposed would place a focus on accommodating a suitable pedestrian environment, one that would encourage active transportation based on the de-emphasis on parking, the site’s location relative to “live-work-play” opportunities and a design emphasis on street activity, consistent with these policies detailed below:

“Policy E.2.3.1.13 The *Downtown Urban Growth Centre* shall be designed with a strong pedestrian focus to create a comfortable and animated pedestrian environment.

Policy E.2.3.1.14 The *Downtown Urban Growth Centre* shall be designed to accommodate all modes of transportation with a focus on transit and *active transportation* including pedestrian and cycling trips within the Downtown and between the Downtown and the surrounding Neighbourhoods.”

E.2.3.1.15 identifies that although parking remains a consideration for development, it acknowledges that this should increasingly be located in underground or above ground structures, in order to maximize the efficient use of land as it states:

“Policy E.2.3.1.15 Parking shall continue to be provided within the *Downtown Urban Growth Centre* to serve the needs of residents, employees, and consumers, and shall increasingly be provided in underground or above ground structures where feasible.”

Furthermore, Policies E.2.3.1.14 and Policy E.2.3.1.16 collectively emphasize that all forms of transportation are to be encouraged and that reduced parking standards shall be contemplated to encourage a broader range of uses and densities to support transit.

“Policy E.2.3.1.14 The *Downtown Urban Growth Centre* shall be designed to accommodate all modes of transportation with a focus on transit and *active transportation* including pedestrian and cycling trips within the Downtown and between the Downtown and the surrounding Neighbourhoods.

Policy E.2.3.1.16 Reduced parking requirements shall be considered to encourage a broader range of uses and densities and to support transit.”

The proposed development is considered to balance these parking and transportation policy objectives, through a combination of an underground parking structure, bicycle parking and overall density of development that would support the existing and extensive transit system. In support of the application, a Parking Study prepared by Paradigm (August 2014) and subsequent addendum (dated November 2014) was submitted. A number of innovative options were discussed within the report, in addition to the above noted car and bike parking. This included unbundling the parking such that it is sold separately from the unit, subsidized transit passes for all unit owners of the building for two years, as well as, securing three car share spaces within walking distance of the subject lands. Should the application be approved, these innovative ideas would be secured through the subsequent Condominium and Site Plan Approvals process.

Residential Intensification

As detailed within B.2.4, Residential intensification is a key component in successfully redeveloping and transforming targeted areas of the City, and is pivotal in achieving the growth targets and balanced growth strategy of the UHOP. In general, intensification creates livable, vibrant, compact communities, facilitates and enhances the node and corridor structure of the City, and makes efficient use of the City's public transit network and other infrastructure.

However, it is also clearly articulated within the UHOP, that for intensification to make a positive contribution to the City, careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage resources. In particular, intensification must represent good planning and not cause unacceptable impacts.

With particular regard to the Residential Intensification policies, criteria in which to evaluate proposals outside of the Neighbourhoods Designation are contained within Policy B.2.4.1.4 which states:

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

Balance

As noted in the above policy, acknowledgement for the need for a balanced approach in the assessment of intensification projects is required, understanding that there is potential for competing objectives that need to be evaluated accordingly. In this regard, it is considered that the proposal represents an infill mixed-use development that balances the need to secure a desirable design component, functionality, amenity and compatible integration and respect for the character of the existing area, in line with this policy intent. This is evaluated under the following separate headings.

Character

The character of the area can be described as eclectic, one in part derivative from the fact it is at the intersection of two streets (Jackson Street West and James Street South) and that development/redevelopment has and is occurring within the vicinity of the subject lands. Jackson Street West contains a mixture of uses including office and institutional uses, with these uses provided in buildings with varying forms, typologies, styles and setbacks. The adjacent church (St. Paul’s Presbyterian) is a mid-19th century building in the Gothic Revival style, whereas immediately adjacent the subject lands is a five-storey office building (Bell Canada building).

James Street South, similarly, houses a variety of different uses, predominately retail and service related with a number of notable larger scale uses, including the six-storey YMCA building and the GO rail station and rail line. James Street South provides a more continuous but still varied built edge and a wider right of way. Immediately to the south of the subject lands is the property at 100 James Street South, which is a low profile, single-storey commercial building with continuous frontage along James Street

South. This typology is interspersed with larger building typologies as referenced above, but contributes clearly to the distinct fabric and character of the street.

Jackson Street West is a relatively narrow street compared to James Street South, providing two travel lanes and parallel parking on one side. Staff note that from all principal vantage points from the site, taller buildings punctuate the skyline and frame the vistas, such that the addition to the existing streetscape of a point tower, would not be discordant with the Downtown character of this area. Indeed, unlike more traditional streets within the downtown, that are characterized by a consistent low to mid-rise built form, it is considered that this segment of James Street South is therefore well suited for the contemplation of taller buildings.

It is noted that the taller buildings that do exist along James Street South and the adjacent areas, vary in terms of their height, form and setback from the street. However, staff do note that there is a pattern of built form characterized particularly along James Street South, and to a lesser extent along Jackson Street West, of a continuous built edge. The proposal is considered to respect and build upon this pattern of development through maintaining the continuous built edge on both street frontages.

The retention of the James Street Baptist Church façade and the decision to setback the point tower approximately 14 m from James Street South would ensure the balance and form of buildings along James Street South is protected, and similarly, while there is a minimal setback for the tower along Jackson Street West, the emphasis on the vertical and horizontal elements of the podium provide distinction between the tower and the base.

Furthermore, the development responds accordingly to the character of the area, repeating both in structural rhythms and materiality the character of the James Street Baptist Church and adjacent structures. It would retain the existing façade along James Street South, and provide a reinforced built edge along Jackson Street West, which is considered to enhance the pedestrian experience.

The topography of the site changes substantially at the south end of the site where the grade drops significantly towards Hunter Street. The break and low point of the street is defined by the rail track with the subsequent grade changes beyond the tracks reflected in changes in the building typology, with height of ground floor elevations larger in response to the grade increases towards the Escarpment. The development of the tower at this location in part takes advantage of this topography, as the overall height as read from King Street is lessened due to the change in grade towards the Escarpment.

With particular reference to the low profile building that exists at 100 James Street South, staff note that this particular site is subject to a natural light easement in favour of the subject lands. In order respect this light easement, the southern wall of the proposed building has been designed to include substantial glazing and restored glass

windows from the original church. This will not only provide a unique lighting experience within the building, but builds upon the intent to respect the character of the area and the pattern of development established by the previous elevation of the church (note: the owner of 100 James Street South is currently exploring and marketing development options for this site, including adding additional storeys to this building).

The proposed increased height, while significant, is not a departure from this part of the Downtown Core, compatible and in-keeping with similar building heights in the wider context, as noted in the applicants Planning Justification Report at the following addresses:

“Pigott Building (18 storeys), the commercial towers at 1 and 10 MacNab St., 1 King Street and the apartment buildings at 155 Park Street, 100 Bold Street, 133 James Street S and Landmark place (43-storey building and 127 m high) at 100 Main St E” (Page 14 of the Planning Justification Report).

It is noted that the properties identified above, represent a cluster of taller buildings characteristic of the area south of King Street West. This is in contrast to areas north of King Street West, particularly along James Street North, which are instead characterized by a mid-rise, relatively homogenous built form and consistent built edge.

Contextually, it is therefore considered that a 30-storey tower at the height proposed would not be an incongruent addition to the existing streetscape, and subject to careful consideration of design techniques to ensure successful transition with adjacent structures, would maintain and enhance the neighbourhood character.

It is noted that as a highly glazed point tower, the treatment of height is different to several of the existing tall buildings within the vicinity, which instead are more typical masonry structures. The combination of the podium tower design at the corner location, with the additional high level of glazing, however, remains in-keeping with the general fit of the area, representative of the transition of typology that exists as one travels away from the downtown along James Street South.

The more immediate context, as noted above, is varied, with heights ranging from 5 to 6 storeys (Bell office building and the YMCA) and the two-storey height of the adjacent church (St. Paul's) and two-storey office building to the south. However, the development is considered to successfully transition to the additional height through provision and reinforcement of a podium and point tower design. The design approach maintains a human scale along Jackson Street West and through retention of the existing Church façade and substantial setback of the tower, integrates and complements the character of James Street South.

The tower itself, would provide a contemporary approach to materials, utilizing coloured panels that provide a gradation of green and blue in order to reference characteristics of

the escarpment and Bay area. Collectively, and as discussed in greater detail in the design portion of this Report, it is considered that the development relates to the existing character of the area and builds upon desirable patterns and built form.

Range of Dwelling Types and Tenures

The proposed development would provide a maximum 259 condominium units ranging in size and number of bedrooms. The Durand Neighbourhood consists of a wide range of dwelling types and tenures, including grade-oriented lower density singles, semis and townhouses, to larger rental and condominium high-rise developments. As such, the proposed development is considered to contribute to the current range of dwelling types and tenures.

Compatibility

Compatibility includes matters such as shadowing, overlook, noise, traffic and other nuisance considerations. With particular regard to this policy, the development must be compatible in terms of use, scale, form and character such that it would exist in harmony with the context of the street.

Compatibility as defined by the UHOP, should ensure development is 'mutually tolerant' to the existing area. On this basis, the development, which is clearly different to the form and scale of its immediate surroundings, has been designed such that the proposed building respects its setting.

The development would, as further detailed in the Urban Design and Cultural Heritage Resource portion of this policy review, provide innovative and urban design techniques in order to address aspects related to character, cultural heritage resources, scale, bulk and massing. It would relate to the existing pattern and form of development through appropriating the key reference points and datum lines particularly in reference to the Jackson Street West context. The adjacent Bell Canada building clearly forms one such reference point, with the proportions of the podium intended to harmonize and transition between the original height of the church and the Bell building.

Coloured panels have also been proposed within the point tower, in order to establish a relatable 'colour field' of greys, blues and greens intended to assist in mitigating the building mass. In this manner, the colouration in the tower responds to the greater context, with the greys matching the Bell Canada building to the west, while the greens and blues relate to the escarpment and bay area.

The retention of the front portion of the James Street Baptist Church, in addition to the re-use of materials and salvaged portions, serve further to complement the character of the area and create a proposal compatible and in harmony with the existing streetscape. Along James Street South, the entire façade is maintained, with the modern point tower significantly setback to conserve and respect the remaining portion of the church. The previous footprint and proportion of the church as it stood along Jackson Street West

have also been referenced and enhanced through the re-use of the stone to clad the podium pillars and through maintaining a clear transition between the podium and Church.

The transition of built form from the Bell building to the proposed development, from a pedestrian perspective, is considered to be assisted through the design, which through the podium and change in material of the tower, reinforces the massing and forms of the adjacent buildings. Collectively, this design approach is considered integral to maintaining the compatible integration of the development with the surrounding area in terms of scale, form and character.

With regard to functional impacts, the proposed uses would support the surrounding area, providing residential densities and commercial uses that would provide housing and employment opportunities and assist in the creation of complete communities. The proposal is not considered to create any traffic related concerns, and through the submitted shadow, wind and visual assessments, it has been demonstrated that the proposal would have minimal negative impacts. These studies are discussed in greater detail in the following sections of this Report.

With regard to parking, this is discussed in detail under a separate heading, but for the purposes of this policy, is considered to avoid any incompatibility with the existing area.

Planned Urban Structure

As discussed earlier, the Urban Structure identifies the subject lands as within the Downtown Urban Growth Centre, which is intended to accommodate approximately 20% of the total overall residential intensification target. Given the built-up nature of the Downtown, this growth is anticipated to be achieved through higher density infill residential intensification. At a maximum of 259 units, the proposal would contribute to achieving the overall policy intent of the Urban Structure and in particular, the minimum 250 persons and jobs per hectare density target, which is to be measured over the entire Urban Growth Centre boundary area (as opposed to property by property). Currently, it is understood that the UGC is approximately \pm 200 persons and jobs per hectare.

Infrastructure and Transportation Capacity

With regard to infrastructure and transportation capacity, it is noted that the lands are located along a potential Rapid Transit Line (James Street South) as per Appendix “B” - Major Transportation Facilities and Routes of the UHOP, and within walking distance of both the Hamilton GO Centre, the MacNab Street HSR terminal and the proposed new GO Centre (LIUNA Station). Furthermore, Schedule “C” - Functional Road Classification designates James Street South as minor arterial with the planned capacity to accommodate additional traffic demands.

With regard to servicing capacities, no specific concerns were raised by engineering staff who confirmed that there is a 1200 mm diameter combined sewer in the westerly half of the James Street South allowance which is recommended for storm servicing. There is also an existing 150 mm diameter watermain on Jackson Street West and a 300 mm diameter watermain on James Street South. It was however identified that through the Site Plan Approval process, a second connection for water may be recommended from James Street South watermain in order to ensure security of supply.

Through the Site Plan process, the applicant will also be required to clarify the foundation methods for the future high-rise building and address the manner in which it is to be underpinned. Given the close proximity of the existing municipal infrastructure, an Encroachment Agreement may be required if underpinning is proposed within the road allowance.

Finally, given that James Street South is a Minor Arterial, a 15 ft by 15 ft (12.19 m x 12.19 m) daylight triangle from the limits of the intersection of James Street South and Jackson Street West will be required. It is noted however, that a dedication of this extent would potentially be encumbered by the existing James Street Baptist Church. As such, while this will be reviewed at Site Plan stage, it is likely that a reduction to the full road widening dedication will be recommended.

Based on the above, staff consider there to be sufficient infrastructure and transportation capacity to facilitate and accommodate the proposal.

Based on the above, it is the position of staff that the proposed development appropriately implements the Urban Structure of the Plan and is in conformity with the residential intensification policies of the UHOP.

Downtown Mixed Use Area

As detailed above, the site is Designated Downtown Mixed Use Area on Schedule E-1 – Urban Land Use Designations. The designation is intended to have a full range of retail, service commercial, institutional, cultural, entertainment, and office uses as well as a range of residential uses. The proposed development, given its mix of uses, would secure this overall policy intent.

Policy E.4.4.3 in particular recognizes the importance of residential density to secure the planned intent of the area, one that seeks to create ‘a vibrant people place’, as it states:

“Policy E.4.4.3 Increasing the number of people who work and live the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.”

While the existing by-law provisions applicable to the subject lands would facilitate additional dwelling units (and therefore population), it is the opinion of staff that opportunity to appropriately increase the density at this location exists, and has been

demonstrated through the application of a high-density mixed-use building, consistent with Policy E.4.4.8 which seeks to encourage such uses:

“Policy E.4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including *affordable* housing, that may be integrated with business uses including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.”

In particular, in terms of the scale and design requirements of this designation, it is noted that heights are to be set out in the Secondary Plan, and that higher density forms of housing are to be encouraged. The policies of the Downtown Secondary Plan will be discussed later in this Report.

Policies E.4.4.10 to E.4.4.13 focus on particular design requirements and are therefore discussed later in this Report under the heading – Urban Design.

Finally, in recognition of the key locational advantages available within this designation, particularly the range of services and transit, further support to the consideration of reduced parking requirements is highlighted in Policy E.4.4.14, which states:

“Policy E.4.4.14 Reduced parking requirements shall be considered in recognition of the high level of transit service to the area designated Downtown Mixed Use.”

Given the policy emphasis on this matter, staff are satisfied that contemplation of reduced parking requirements is desirable in order to achieve the City’s related policy goals pertaining to the creation of sustainable and active communities. A more fulsome and detailed review of the parking issue is discussed later in the Analysis and Rationale section of this Report.

Urban Design

Various sections within the Official Plan provide policy guidance with respect to urban design. Considerable emphasis has been placed upon the importance of urban design in securing appropriate residential intensification, particularly when it concerns infill development that must respect and be compatible with the existing character of an area. Specific policies identifying these pertinent considerations will be reviewed in the following section.

In support of the proposed design, the application included the submission of an Urban Design Brief prepared by McCallum Sather Architects Inc. and GSP Group Inc., which has been reviewed by staff.

As noted above, there are specific design policies related to the Downtown Mixed Use Area. Policy E.4.4.10 notes that these areas are to be designed as pedestrian-focused areas with a high level of pedestrian comfort and amenities.

In particular it states:

“Policy E.4.4.10 The Downtown Mixed Use area shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities. Buildings shall generally be situated close to and oriented to the street. Retail buildings shall have storefronts and other active uses opening onto the sidewalk. On the *pedestrian predominant streets*, new *development* shall enhance pedestrian comfort and street activity and where possible increase the built block face. New *development* in other areas of the Downtown Mixed Use area should create a comfortable pedestrian environment.”

The proposed building is to be designed as a point tower with a podium that includes the retention of a portion of the James Street Baptist Church (see Appendix “C”). The block face would in general achieve the policy intent of street oriented development, while maintaining the integrity and footprint of the church orientation onto James Street South. There will be activity along the street with respect to the proposed patio and commercial space, with the impact of the access to the garage limited, due to its location at the far west portion of the site.

Access and openings to the public and private spaces are well articulated, easily defined and welcoming. Furthermore, the activity encouraged through the design of the building, and the intent to ensure it interacts with both public frontages, would ensure the pedestrian experience is enhanced, providing natural surveillance, animation and connectivity at the intersection.

Height

Contextually, the site offers the opportunity to explore the possibility of a taller building, with the surrounding area and notable vistas from vantage points around the site, framed by taller buildings that harmoniously exist within the existing streetscape. However, the immediate context, is of a lower scale, and as such, requires careful consideration of design techniques in order to appropriately and sensitively transition between the built forms, in order to protect character and amenity.

Although the considerable height of the building is evident at 30 storeys, staff consider it to retain a pedestrian scale as the podium design permits less building mass at street level, with the taller tower significantly stepped back from James Street South. The proposed setbacks and corner location of the site also provides the opportunity to address the materiality of the point tower’s elevations. Through incorporating a significant amount of glazing within the north, east and south elevations, the massing of

the tower is 'lightened'. The west elevation, which is constrained by the proximity of the Bell Canada building, while accounting for less glazing, provides architectural interest through the incorporation of coloured panels and balconies.

Given that the development is to be situated on a relatively large corner property, is not adjacent lower density residential uses, and incorporates a tower and podium design that affords a substantial setback from James Street South, the accommodation of height, whilst significant, is appropriate and in-keeping with the character and context of this portion of James Street South.

Both a wind and shadow study were included in support of the application and have confirmed, based on this design, that the impact in shading and wind effects along James Street South, with its north/south orientation as a point tower, is within acceptable levels. In addition, the podium above the entry of Jackson Street West provides cover to pedestrians and gives the opportunity for lighting to improve both safety and atmosphere along the street. While final design treatment will be secured through Site Plan Approval, staff are satisfied that the proposal will protect and enhance pedestrian amenity and comfort.

"Policy E.4.4.11 Building mass shall consider the pedestrian nature of the area designated Downtown Mixed Use. Massing techniques such as stepped back or terraced floors may be required.

Policy E.4.4.12 Streetscape plans shall provide details for upgraded streetscape treatments, especially on *pedestrian predominant streets*."

With regard to the massing and upgraded streetscape treatments highlighted in Policy E.4.4.11 and E.4.4.12, the podium design is considered to successfully balance the pedestrian scale of the development with the additional height of the point tower. Furthermore, the mixed-use nature of the building, in addition to its orientation towards the street, is considered to provide ample opportunity at the Site Plan Approval stage to secure high quality and upgraded streetscape treatments that enhance the pedestrian experience on both James Street South and Jackson Street West.

Complete Streets/Sense of Place

It is noted that Policy E.4.4.13 focuses on the objective of complete streets that successfully accommodate the automobile, transit, pedestrians, bicycles and other forms of active transportation. While this is a global policy direction, informing larger projects such as Streetscape Master Plans, the individual merits of the proposed development are considered relatable to the larger outcome and intent of this direction.

The building will accommodate a mixture of uses, parking spaces for both cars and bicycles, with the former located entirely below grade, and a block face along Jackson Street West and to a lesser extent James Street South (as a result of the existing

setback of the church), that will ensure the various forms of activity and uses are programmed sensitively in order to successfully integrate into the streetscape.

“Policy E.4.4.13 Streets within the Downtown Mixed Use area shall be designed to accommodate the automobile, transit and *active transportation*, including pedestrian and bicycle trips within the Downtown and from the surrounding Neighbourhoods. Along *pedestrian predominant streets*, sidewalk widths shall be maximized where possible and a broad range of sidewalk activities, permitted where space allows, to promote sidewalk cafés, sidewalk kiosks, street vendors, and performers.”

In addition to the specific design policies within the Downtown Mixed Use area, Section B.3.3 outlines more general design principles, which are to be used to guide and inform development proposals throughout the City. It must be noted that as stated in the preamble to this policy section:

“Policy B.3.3 The overall future growth and land use vision for the City is based on the development of a nodes and corridors system and is described in Chapter E – Urban Systems and Designations. The transformation of identified node and corridor areas into higher density, mixed use nodes and corridors with enhanced pedestrian environments supported by transit represents a departure from the existing character of some of these areas. In other places, the development of a node or corridor requires protecting existing built form character. Therefore, the following policies must be read in context with the function, scale, and design intent described in the policies of Chapter E – Urban Systems and Designations and other policies of this Plan.”

The above direction confirms that the application of the policies contained under the Urban Design section cannot be reviewed in isolation, and instead, must be read in conjunction with the presiding policy intent as articulated within Chapter E. The presiding policy intent in the Downtown Mixed Use area is, as discussed earlier, a focus of increased population and improved pedestrian and transit supportable development. It is with this understanding, that the following policies have been assessed.

“Policy B.3.3.1.4 Create communities that are transit-supportive and promote *active transportation*.

Policy B.3.3.1.2 Provide and create quality spaces in all public and private *development*.

Policy B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.”

The proposed building is reflective of the Urban Design Goals. The building will be ‘transit-supportive and promote active transportation’ (Policy B.3.3.1.4). It achieves this policy intent, firstly, through taking advantage of its geographical location. It would introduce a significant increase in the residential population accommodated within the site and therefore the numbers of individuals maximizing the benefits of the site’s walkable access to a comprehensive and integrated transit system.

Secondly, through appropriate design techniques, the building creates an accessible and connected sense of place. The building will be street oriented, incorporating a podium design that reinforces the pedestrian experience. It would also introduce a commercial patio, retail and commercial uses, visible and secure bicycle parking, lighting and entrance ways, all which will serve to enhance and encourage activity between both the public and private spaces, and add vitality and movement along both street frontages.

Finally, the building would promote the use of other modes of transportation through providing limited on-site parking of vehicles and increased access to safe and covered bicycle parking. On this basis, the above discussed policies are considered to be adequately addressed.

The building would, in accordance with B.3.3.1.5, be ‘compatible’ with the character of the area, which is a diverse and eclectic mix of historic and newer buildings, varying in form, height and density - a character that is reflective of its urban downtown location. As previously discussed, the incorporation of podium and tower effectively transitions from the lower scale development adjacent the site, to the tower that has been appropriately scaled and designed in order to minimize its bulk and prominence.

“Policy B.3.3.1.5 Ensure that new *development* is *compatible* with and enhances the character of the existing environment and locale.”

As detailed in the Urban Design brief, the proposal would represent a form of intensification that makes ‘appropriate and innovative’ use of buildings and sites in order to reflect the form and function of the existing neighbourhood. In particular, the retention of the front portion of the James Street Baptist Church, juxtaposed against a modern point tower that is tied together through a podium design incorporating the materiality and reference points of the church, is consistent with Policy B.3.3.1.8, which states:

“Policy B.3.3.1.8 Promote *intensification* that makes appropriate and innovative use of buildings and sites and is *compatible* in form and function to the character of existing communities and neighbourhoods.”

A number of specific design requirements and guidelines are raised within Policies B.3.3.2.3 to B.3.3.2.5. These policies are detailed below:

- “Policy B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
 - c) recognizing and protecting the cultural history of the City and its communities;
 - d) conserving and respecting the existing built heritage features of the City and its communities;
 - e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
 - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
 - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
 - h) respecting prominent sites, views, and vistas in the City; and,
 - i) incorporating public art installations as an integral part of urban design.”

As discussed within the Urban Structure review of this Report, and in particular in response to Policy B.2.4.1.4, the development is considered to respect and build upon desirable patterns and character of the existing context. The eclectic and varied range of building forms and scales constitute and contribute to the overall character of this area, in which the proposed development is considered to both sensitively respond to and appropriately build upon. The proposal responds sensitively to its immediate context and the site’s history through the retention of a portion of the James Street Baptist Church and reference to existing datum lines of surrounding structures.

It would foster a sense of community pride through the adaptive re-use of a built heritage building, incorporating the front façade of the former James Street Baptist Church, as well as showcasing a number of salvaged materials and pieces of the former church. This includes aspects such as the presentation of stained glass windows within the glazed atrium and the reuse of stonework for external cladding on the proposed pillars. This is coupled with the significant height of the point tower, which would provide a wider recognition to this locale, creating a landmark building that serves to emphasize the typography of its Downtown location.

The building would provide both public and private spaces that would contribute to the community identity and ambience of the community, including a retail terrace at the corner of James Street South and Jackson Street West, and would respect the views and vistas of the area, as detailed in the submitted Visual Impact Assessment (discussed in more detail later in this Report under separate heading).

“Policy B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and Construction of buildings and landscaping.”

The proposed building, in accordance with the above direction, would provide a range of uses in a building form that is pedestrian scaled and logically planned in terms of the location of principal entrances and the provision of uses. Retail uses along both James Street South and Jackson Street West allows the church’s remaining east tower to be repurposed and adaptively re-used. The entry to the retail from James Street South connects the development to the street life and provides an important node connecting the GO Station to the balance of James Street South and North.

It is considered that the proposal will provide uses and a built form that will better define the scale and character of this transitional portion of James Street South. Indeed, unlike other, more stable portions of James Street that are characterized by a consistent built

form and continuous built edge, it is noted that at this location a greater variety of form and character exist. The proposed development would therefore serve to better contribute and enhance the visual cohesiveness of the street.

With regard to Jackson Street West, several points of access are proposed, providing a terrace, café, commercial space and the entry into the Condominium. This increase in activity along Jackson Street West assists in improving the overall connectivity and safety of the site and the cohesiveness of the urban fabric. The entrances are clearly articulated and define and distinguish between the proposed uses, through differences in both form and material, permitting ease of access, and improving the navigability of the site.

It is noted that through the Site Plan Approval process, additional emphasis on further enclosing the podium along Jackson Street West will be secured, and following discussions with the applicant, it has been confirmed that they are supportive of this approach. This process will also review in detail matters pertaining to landscaping, planters and other aspects which will further secure improvements to the public and private spaces.

The building would stitch the existing urban fabric together through the successful integration of a modern point tower, podium and historic heritage façade. The use of materials, as discussed earlier, would include stone cladding from the previous church walls and colouration in the point tower, which collectively relate and respect the surrounding context.

This development would serve to create a continuous animated street edge along both James Street South and Jackson Street West, with the latter providing considerable openings and glazing in which to create a safe and inviting pedestrian environment. The use of the transitional element of the podium would not only mitigate the additional height, but would provide a continuous street edge that is human scale, vibrant and pedestrian friendly.

The tower has been significantly setback from the James Street South frontage, which has appropriately framed and reinforced the view corridor north and south along James Street South, maintaining strategic vistas of the Escarpment and Bay area.

“Policy B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;
- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;

- f) providing pedestrian-scale lighting;
- j) creating places and spaces which are publicly visible and safe.”

As will be reviewed in detail at the Site Plan stage, the proposed development offers the opportunity to integrate pedestrian and active transportation activities such as cycling, while minimizing traffic conflicts through the location of the parking access at the rear of the property.

Both the Jackson Street West and James Street South elevation would offer accessible and visible access points from the public realm, with the space and uses programmed to ensure they are easily navigated and safe. The introduction of substantial glazing, covered entranceways and activity to the street in particular, would also assist in supporting natural surveillance and safety within the public spaces.

More specific and complimentary design techniques have also been employed to address compatibility and enhance the character of the area. The building design blends traditional and contemporary materials and finishes. Architecturally, the podium provides physical connection to the rehabilitated east tower of the James Street Baptist Church, showcasing examples of the original stained glass reclaimed from the church. Similarly, the podium will be materially distinguished from the tower, offering a more solid and defined base clad with limestone, compared to the lighter and predominately glazed tower. It is considered that this approach successfully transitions between the heights of the existing buildings adjacent the property, and building upon the definition of space already established along both street frontages.

It is considered that in particular, the fenestration design, the re-use of salvaged materials, the use of limestone to complement the materiality of the church, as well as adjacent buildings such as the Bell Canada building and the structural columns which are intended to repeat the rhythm of buttresses of the original church, collectively assist in complementing the massing patterns and character of the surrounding context typified by the bold vertical lines and massing of the Bell Canada building and the vertical emphasis and massing of St Paul's Church. This approach responds accordingly to Policy 3.3.2.6 d) which states:

“Policy 3.3.2.6 d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context;”

An important component of design is the protection of amenity and the minimization of detrimental impacts upon neighbouring buildings and public spaces. This is raised within Policy B.3.3.3.2 which states:

“Policy B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.”

Transition

The proposed development is required to transition from the scale of the adjoining structures to that of the proposed height of the 30-storey building. The buildings immediately adjacent the development range from single storey to six storeys in height.

Notwithstanding the considerable difference in height, it is considered that the proposed development successfully transitions this height through the design of a point tower and podium. The podium height of three storeys is reflective of the height of the former church, and thus maintains the continuity along the Jackson Street West frontage. Similarly, continuity along the James Street South frontage is maintained through both the retention of the James Street Baptist Church façade and through incorporating a setback to the tower of 14.4 m from James Street South.

This in particular assists with the transition to the adjacent two-storey building at 100 James Street South, as well as the street in general, with the character of the former church allowed to remain distinct and separate to that of the point tower. Although the setback is minimal along Jackson Street West, the design incorporates substantial glazing and continuation of datum lines through banding of the podium to create a successful transition in scale. The tower itself also incorporates a substantial amount of glazing that, in addition to its setback and point design, adds a level of transparency that further minimises its massing and overall impact upon the surrounding context.

The proposal is able to take advantage of its corner location, maximizing the ability to significantly enhance and articulate three of its four elevations. Particularly important is the treatment of the north and south elevations, as they will be the principal elevations facing the Escarpment and Bay area. Both these elevations will be highly articulated through the use of glazing and coloured panels, responds to the datum lines and massing of immediately adjacent structures, incorporating a podium with a substantial setback to the tower from the principal James Street South frontage, ensuring prominent views towards the Bay and Escarpment are enhanced and protected.

Privacy

Given the context of the site and the range of uses, which include predominately commercial and office uses, it is not considered that the proposed development would result in a loss of privacy to neighbouring properties.

Shadowing/Sunlight

In support of the development, studies on the potential wind and shadowing impacts were conducted. The study demonstrated that through the proposed narrow building

design, the impact of shadowing upon the public realm and adjacent amenity areas can be mitigated to acceptable levels. There are no residential amenity areas, residential building façades or public open spaces affected by the added shadows in March or June.

In particular, the sun/shadow analysis identified that the narrow tower design results in shadows that, whilst are longer, minimize the loss of sunlight to public streets, properties and open spaces.

Wind

With regard to wind, the Pedestrian Level Wind Study prepared by Gradient Wind Engineering identified that despite some areas of moderate wind activity, most areas surrounding the development will ‘be calm and acceptable’ for the intended pedestrian uses. The areas of highest exposure would be at the intersection of James Street South and Jackson Street West during the winter months. However, the predicted comfort classes maintain that this would remain conducive to strolling in comfort. Of particular note, no areas of the study site at grade were found to experience conditions too windy for walking and which could be considered unsafe for elderly persons.

Recommendations for screening and plantings were recommended for the grade level terrace, which is situated at the northeast corner of the site in order to further improve and achieve the sitting guideline threshold during the summer and shoulder months. It is considered that these design options can be reviewed and secured through Site Plan Approval.

Vistas and Views

Urban Design Policy B.3.3.5 recognizes the importance of views and vistas and how they form part of the overall character of an area and sense of place and identity. The policy identifies existing significant vistas, which in regard to the subject proposal, would include the Niagara Escarpment and the Downtown Skyline. The potential impact upon these views has been assessed through a visual analysis. It is noted that the requirement for a visual analysis is also contained within the policies of the Downtown Secondary Plan, and as such, review of this analysis is discussed in further detail under that section.

Finally, in terms of specific site design, the following policy, amongst others, has been considered.

“Policy B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;

- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

While many of these objectives will be secured at the Site Plan stage, it is noted that the development provides principal entrances and façades that address street frontages, incorporates substantial glazing, and locates access to the underground parking at the rear of the property.

Based on the above review, staff are satisfied that careful consideration has been given to the proposed development, such that the final design represents an innovative and balanced approach to achieving a mixed use, high density development, in conformity with the urban design considerations contained within the UHOP.

Cultural Heritage Resources

The wise use and management of significant cultural heritage resources is a key Provincial and City interest. Cultural heritage resources are recognized and protected through various policies of the UHOP, and are considered integral to the successful growth of Hamilton. It is noted that downtown areas are historical centres and typically contain a high concentration of cultural heritage resources and the City shall conserve these properties and areas of cultural heritage value.

“Policy B.3.4.3.1 The City includes several downtown areas that are historical centres of the community and typically contain a high concentration of *cultural heritage resources* and associated historical streetscapes, including buildings, such as town halls, landmark institutional buildings, commercial terraces, churches, railway stations, parks, and distinctive residential areas. These downtowns are generally located within the *Downtown Urban Growth Centre* and the Community Nodes associated with the downtowns of the former municipalities of Ancaster, Dundas, Stoney Creek, and Waterdown. The City shall define downtown boundaries through secondary planning processes or other detailed planning initiatives.

Policy B.3.4.3.2 Within these downtown areas, the City shall *conserve* individual *cultural heritage properties* and areas of heritage value, including streetscape features, traditional circulation patterns, and important views, and ensure that new *development* respects and reflects the design of surrounding heritage buildings.”

The subject property comprises the former James Street Baptist Church, a property designated under Part IV of the Ontario Heritage Act, subject to a heritage conservation easement agreement with the City, and a “protected heritage property” under the Provincial Policy Statement.

The subject lands are also immediately adjacent to several important cultural heritage resources, including: 70 James Street South (St. Paul’s Presbyterian Church), a designated property under the Ontario Heritage Act and subject to a heritage conservation easement agreement with the Ontario Heritage Trust; 100 James Street South and 17 Jackson Street West (Bell Canada building), non-designated properties included in the *Register of Property of Cultural Heritage Value or Interest* with the latter a candidate for designation in 2020. A number of other protected heritage properties are in close proximity to the subject lands.

The impacts to the cultural heritage resource, the former James Street Baptist Church, have been addressed through a Heritage Permit Application which included a Heritage Impact Assessment (HIA). A number of conditions have been attached to the approval of Heritage Permit HP2013-058 (Appendix “E”), related to documentation prior to demolition of the rear portion of the existing building, salvaging of architectural features to be incorporated into the new development, and the development of a Conservation Plan for the restoration of the remaining portion of the building.

The potential shadow impacts to the adjacent cultural heritage resources have been addressed through the Sun-Shadow Analysis in the accompanying Urban Design Brief, did not raise any concern, and any potential vibration impacts due to construction to the on-site and adjacent cultural heritage resources will be addressed as part of the Construction Management Plan, that will be required as part of Site Plan Approval.

The following policy provides direction for new and redeveloped buildings adjacent heritage resources:

- “Policy B.3.4.3.3 New *development* or *redevelopment* in downtown areas containing heritage buildings or *adjacent* to a group of heritage buildings shall:
- a) encourage a consistent street orientation in any new building forms;
 - b) maintain any established building line of existing building(s) or built form by using similar setbacks from the street;
 - c) support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;
 - d) encourage building heights in new buildings that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established

- cornice lines of *adjacent* buildings or other horizontal architectural forms or features; and,
- e) reflect the character, massing, and materials of surrounding buildings.”

The street orientation will remain the same, with the retention of the principal façade along James Street South and the new façade along Jackson Street West. It is noted that the building line will be different along Jackson Street West; however, design treatments have been incorporated in order to respect the previous building footprint. This includes a clear transitional separation between the portion of James Street Baptist Church that is to remain and the new podium and point tower.

As previously discussed, the additional building height incorporates a stepped back portion in order to transition the height and create a podium that provides a continuous street wall. Finally, the massing of the podium and use of materials including limestone and cladding consisting of reclaimed material from the church, is considered to reflect the character of the area.

With respect to the proposed design, staff note Policy B.3.4.3.4 which states that the City shall encourage the use of contemporary architectural styles, built forms and materials, which respect the heritage context. As detailed in the Urban Design Brief, the proposed modern point tower and podium is considered to successfully integrate important rhythms and materiality of the church.

The structural columns in particular, will respond to the previous buttresses of the church, especially given that they will be clad with material reclaimed from the former church. Furthermore, the banding of the podium and incorporation of the glazed separation between the retained façade and the podium, is intended to respect the original footprint and elevations of the former church.

“Policy B.3.4.3.4 The City shall encourage the use of contemporary architectural styles, built forms, and materials which respect the heritage context.

Policy B.3.4.3.5 Where alterations are proposed to *built heritage* resources within the Downtown areas, the following principles shall be followed:

- a) maintain the basic relations of the horizontal divisions of the building;
- b) maintain original façade components and materials wherever possible;
- c) replicate the original parts and materials wherever possible; and,
- d) remove elements that are not part of or hide the original design.”

Policy B.3.4.3.5 also identifies that where a significant built heritage resource is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:

- preserving and displaying of fragments of the former buildings' features and landscaping; and,
- displaying graphic and textual descriptions of the site's history and former use, buildings, and structures.

The development will display a number of stained glass windows within the design of the podium, which were successfully salvaged through the demolition process in accordance with the Conservation Management Plan prepared and submitted by the applicant. In addition, the principle of providing graphic and textual descriptions of the site's history within the new building, will be explored through the site plan process.

Travel Demand Management

The City of Hamilton is actively engaging the development community to integrate Travel Demand Management (TDM) in all current and future development applications. Staff are currently working on a draft document, however, to date, this document has no formal status and has not been adopted by Council. The importance of this approach and the ability to contemplate such measures, has however been recognized within the UHOP and in particular Policy C.4.2.4.1, which states:

“Policy C4.2.4.1 *Transportation demand management* measures may include:

- a) provision of *active transportation* features including secure bicycle storage facilities and pedestrian and cycling access to the road network facilities;
- b) supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate; and,
- c) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 – Transportation Master Plan.”

The proposed development will incorporate a number of innovative and encouraged TDM strategies. This includes a provision for all unit owners of subsidized transit passes for two years, the securing of three off-site Car Share spaces, bicycle storage and the unbundling of parking spaces, such that they are an optional extra to the cost of the unit. The latter point is of considerable note, as it provides the opportunity for future

residents to identify the additional cost savings associated with car-free living, providing additional incentives to those potentially already considering the option.

Staff consider that the site and proposed development collectively represent an ideal opportunity to take full advantage of the TDM approach. While it is acknowledged that many of these techniques are somewhat untested in the Hamilton market, staff are confident and believe there is significant justification to consider that these strategies will be successful. As detailed in the above policy, these strategies will be secured through the Condominium and Site Plan Approval processes.

Downtown Hamilton Secondary Plan

The subject lands are designated “Prime Retail Streets” in the Downtown Hamilton Secondary Plan – Map B.6.1-1 Land Use Plan, is identified as a “Mobility Street” - Map B.6.1-5 Streets, Gateways and Public Spaces and falls within the “3-6 storeys” on Map B.6.1-4 Building Heights.

The Secondary Plan is established on six principles as detailed in Policy B.6.1.3. These can be summarized as follows: Public realm improvements; strengthen connections; make downtown living attractive; build on existing strengths; recognize value of modest improvements and pursue carefully designed major projects.

The proposed development is considered to secure a number of these objectives, providing considerable public realm improvements through the provision of uses and streetscape improvements that adds vitality to the area, as well as, providing an attractive housing option that builds upon the existing heritage value of the area, and site in particular.

These objectives are translated into a number of specific policy directions. Those policies, amongst others that are applicable to the application for a Zoning By-law Amendment, are discussed below.

James Street South is designated “Prime Retail Streets”. Policy 6.1.8.7 subsequently focuses on securing mixed-use buildings, oriented toward the street and providing an enhanced and vibrant streetscape.

“Policy 6.1.8.7 Prime Retail Streets
James Street and King Street, east of Catharine Street, and west of Bay Street, have been designated as Prime Retail Streets as shown on Map B.6.1-1 - Downtown Land Use Plan. Gore Park, the most significant public open space in Downtown Hamilton is located between these areas. King Street and James Street, North and South are the historical core of the Downtown shopping district and future retail *development* shall be encouraged to locate along these

streets. The following policies shall apply to lands designated Prime Retail Streets on Map B.6.1-1 – Downtown Hamilton - Land Use Plan:

- a) Ground floors shall predominantly be occupied by street oriented commercial uses. Upper floors of buildings along King and James are designated for mixed uses such as office commercial, residential and live/work arrangements.
- b) Buildings shall generally be built close to the street line and shall maintain the traditional building line and height at the street to provide an uninterrupted building line at the street level.
- d) The following are to be provided for *development* proposals within the Prime Retail Streets area:
 - i) Access to buildings shall be at the street level. Ground floor façades shall have doors and windows open to the street.
 - ii) Buildings shall be built at the streetline with no setback from the property line.
 - iii) Accessory surface parking shall not be accommodated along the street frontage.
 - iv) New driveway access shall be at the rear of the property, and not on the public street. Alleyway access at the rear shall be utilized.”

The proposed development would satisfy the objectives of this policy intent. Pedestrian access to the building will be at street level, with doors and windows open to the street. The ground floor will be occupied with street oriented commercial uses, including an outdoor patio, the new portions of the building will be built to the property line and the vehicular access will be to the rear of the property accessed from Jackson Street West, with all vehicular parking provided underground.

It is noted that although modifications to the by-law are requested with respect to the amount of glazing along each frontage, the amount and orientation of all openings and fenestration is considered to ensure each frontage appropriately relates and ‘opens’ to the street.

With respect to the identification of James Street South as a “Mobility Street”, the intent, as per Policy B.1.10.2, is to secure safe movement for pedestrians and cyclists, understanding the key traffic and transit roles of these streets. The intended function of this street is supported through the proposal. The mixed-use building will encourage significant increases in pedestrian and cycling traffic, through the increased density,

addition of ground floor commercial uses and the de-emphasis on private vehicular movements.

“Policy B.6.1.10.2 Policies for Streets

- a) The Downtown Transportation Master Plan is the primary policy document for vehicular traffic (including cars, public transit and cyclists), parking, and pedestrian systems in the Downtown. All plans and improvement programs for Downtown streets including street reconstruction and public improvements must conform to this Secondary Plan and the Downtown Transportation Master Plan.
- b) *Development* and *redevelopment* of the Downtown shall support the use of public transit.
- d) Walking accounts for more daily trips in Downtown Hamilton than any other mode of transportation. All streets in Downtown Hamilton shall provide a safe pedestrian realm through appropriately designed sidewalks, provision of *urban braille*, landscaping, seating areas, transit shelters and other amenities. The extent to which these amenities can be incorporated may vary from street to street.
- i) Approximately half of all motor vehicle trips in the Downtown are through trips with the origin and destination of the trip outside the Downtown. The streets that primarily accommodate this type of traffic, in addition to local trips and trips starting or ending in the Downtown have been identified as Mobility Streets in Table B.6.1.14.1 – Mobility Streets. The key traffic and transit roles of these streets shall be reflected in designs for public improvements. Mobility Streets shall accommodate either one-way or two-way traffic movements and shall provide safe movement for pedestrians and cyclists.

The following streets are Mobility Streets:

1. Bay Street;
2. James Street;
3. Main Street;
4. King Street;
5. York Boulevard/Wilson Street;
6. Cannon Street;
7. Queen Street;
8. Wellington Street; and,
9. Hunter Street.”

The spaces created are safe and well defined through the proportions of the building (podium and tower), the manner in which the building and uses are programmed, and the maintaining of the existing setback of the church along James Street South. Collectively, they encourage a pedestrian scale that enhances the streetscape.

According to Building Heights Map B.6.1-4, a height of between three and six storeys is identified. Policy B.6.1.5.6 which addresses height, encourages density to be achieved by complete coverage rather than building height.

“Policy B.6.1.5.6 It is the intention that density of *development* be achieved through complete site coverage rather than through building height in accordance with this Plan. All new *development* in the Downtown shall be a minimum of two storeys in height and subject to height limitations as shown on Map B.6.1-4 – Downtown Hamilton - Building Heights and in the specific policies.”

However, Policy B.6.1.5.9 permits additional height to be contemplated, where certain criteria have been satisfied, as it states:

“Policy B.6.1.5.9 Building heights may be increased above that shown on Map B.6.1-4 – Downtown Hamilton - Building Heights, provided the upper storeys are massed, stepped back, or terraced in order to ensure that the additional height, above that permitted shall not result in: increased sun shadow impacts on public sidewalks or public spaces, and shall address the following:

- a) coverage of the site, in accordance with this Plan, is achieved;
- b) sun shadow impacts on public side-walks or public spaces;
- c) wind impacts on public sidewalks; and,
- d) impacts on streetscapes and views of streetscapes, landmark structures or heritage buildings from the public sidewalks.”

And further through Policy B.6.1.5.11 and Policy B.6.1.5.12:

“Policy B.6.1.5.11 The City may permit an increase in height above the permitted height to accommodate decorative building elements such as towers or cupolas subject to the consideration for sun shadow, wind, and views listed above.

Policy B.6.1.5.12 Proposed increases in height must demonstrate design consideration for the surrounding urban form.”

The policies of the Secondary Plan ensure that additional heights proposed above and beyond those heights identified in Map B.6.1-4 are subject to careful consideration from a design and amenity perspective and demonstration of design consideration for the surrounding urban form. The policies also maintain the preference for full utilization and build out of the site to ensure a conducive pedestrian experience and efficient use of the lot fabric.

The proposal responds to the surrounding built form, respecting both scale and massing, as well as, cultural heritage components. The site, while able to contemplate a taller building as a result of the surrounding context that includes a mixture of mid to high-rise development, responds to the datum lines and massing of immediately adjacent structures, incorporating a podium with a substantial setback to the tower from the principal James Street South frontage.

As discussed in detail in previous and subsequent sections of this Report, through supporting documentation (including but not limited to the Urban Design Report; Sun Shadow and Wind Assessment; Heritage Impact Assessment and Visual Impact Assessment) the proposed design of the building is considered to sufficiently satisfy the above policy intent. The building represents complete and efficient coverage of the site, with the development of a slender tower further reducing impacts from shadowing and wind. The impact upon the streetscape has been evaluated in detail and notwithstanding the 30-storey height, is considered to fit in with the context and character of the area.

The Secondary Plan also provides detailed Urban Design guidance. In particular Policy B.6.1.7.9 states:

“Policy 6.1.7.9 New *development* in the Downtown, and *redevelopment*, shall address the urban design principles in this plan, and particularly, the following:

- a) Achieving a comfortable and intimate pedestrian environment;
- b) Ensuring that new *development* is *compatible* with existing adjacent structures and streetscapes in terms of design, scale, massing, setbacks, height, integration with the built form, and use;
- c) Eliminating street level parking lots and vacant properties along major streets;
- d) Creating a sense of place through the incorporation of public art and interpretive media;
- e) Providing “eyes on the street” and an interesting pedestrian experience by ensuring that the ground floors of all buildings have windows and doors opening onto the street or public

- laneways where appropriate. Entrances are to be provided at grade;
- f) Ensuring barrier-free access from grade level;
 - g) Eliminating expanses of blank walls along street frontages; and,
 - h) Preparation of streetscaping plans for streets identified in Tables B.6.1.14.1 – Mobility Streets and B.6.1.14.2 – Secondary Streets of Section B.6.1.14 - Tables.”

As discussed throughout this Report, the development is considered to enhance the pedestrian experience through the combination of uses and design of a continuous built wall, is compatible in terms of scale, massing and height, and provides natural surveillance through the increased provision of glazing along the façades. The elevations are well articulated and provide a plan for the streetscape that facilitates continued pedestrian activity and mobility, and represents a considerable build out of the site with no proposed surface parking areas.

Vistas and Views

Policy 6.1.5.10 identifies that a visual impact analysis may be required for developments that exceed height maximums. Given the significant increase in height beyond that contemplated within the Secondary Plan, the applicant conducted a Visual Impact Analysis.

“Policy B.6.1.5.10 Proponents may be required to submit a sun/shadow analysis, wind impact analysis or a visual impact analysis as part of the approval documentation for proposals that exceed height limitations.”

The impact analysis identified several strategic views, including views to and from the Escarpment and views along James Street South and Jackson Street West. In order to provide an accurate assessment, the analysis included digital 3D modelling, illustrating the general massing of the proposed building with photographs overlaid to highlight site context. Staff consider the analysis to be comprehensive and compelling in determining that whilst the building will have a clear discernable impact, the impact will be harmonious with the existing context, will protect and preserve strategic views, and responds accordingly to the existing character.

This is largely achieved through the substantial setback of the tower from James Street South. The views north to the Bay and south to the Escarpment would not be interrupted from the tower, and instead through the design and location is considered to successfully frame and harmoniously fit with the existing streetscape and respect important vistas.

This important design consideration is made more meaningful in combination with the site's corner location. This provides the opportunity to ensure three of the four building elevations are significantly glazed and well articulated, further enhancing strategic views from outside of the site.

Finally, with regard to the component of cultural heritage and its role within the Secondary Plan, it is clear that substantial weight has been given to this key theme. This consideration has, however, been evaluated in detail in the preceding section and as such, staff are satisfied that the approach and sensitivity given to this adaptive re-use of an important cultural heritage resource, and those existing adjacent the proposal, is such that it satisfies the policies of the Secondary Plan.

Durand Neighbourhood Plan

The site, in recognition of its previous use, is identified as "Civic and Institutional" within the Durand Neighbourhood Plan and further identified as a "Heritage District" in recognition of the James Street Baptist Church and surrounding buildings.

The proposed mixed use development would therefore require a re-designation to "Commercial and Apartments" to reflect the proposed development. The policies of the Durand Neighbourhood Plan recognize the importance of this location with respect to the provision of commercial opportunities and residential densities in which to serve the Downtown, as such, the new designation is considered appropriate. Unlike other designations in the Neighbourhood Plan, there are no maximum densities prescribed to this designation, and as such, no further amendment to the Neighbourhood Plan would be required.

Policy F.1.2.8 of the UHOP permits amendments to a Neighbourhood Plan provided they are evaluated against Policies F.1.1.3 and F.1.1.4. which state:

"Policy F1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

Policy F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.

Policy F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) the impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) the impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service."

In this regard, the proposed amendment does not conflict with these policies, as it implements a form of development at a location consistent with that contemplated within the "Downtown Urban Mixed Use Area" designation of the UHOP and "Prime Retail Street" Designation of the Secondary Plan, implementing the City's vision. The impacts of the proposed changes have been evaluated as part of the policy review and staff are satisfied they meet the presiding policy intent.

Based on the above, staff are satisfied that the proposed development conforms to the policy framework and objectives of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan and Durand Neighbourhood Plan.

Transit Oriented Development Guidelines

The Council approved TOD guidelines (August 2010) require density and a compact urban form, and promote clustering of mixed uses and higher densities within 400 m of a transit station area. It also strongly promotes supporting parking reductions in these areas in order to encourage alternative forms of transportation and reduce dependence on driving as the principal method of transportation.

On this basis, the proposed location (within 400 m of a transit station), and form of development (high density mixed-use) would be consistent with the general intent of the TOD guidelines.

Site Plan Guidelines

The council adopted Site Plan Guidelines (SPG) provide important guidance with respect to site and building design. Many of the guidelines reflect sentiments and policy direction contained within the UHOP policy framework.

In particular, emphasis within urban areas should be on continuous built lines, framing the street and providing active and pedestrian friendly environments, as the SPG states:

“Within urban areas, spatial enclosure of streets is encouraged by orienting building mass towards the street. All or a part of the main building mass should be located close to the street to maximize the amount of building façade and activity along the street to enclose and animate the street space.”

The proposed development would successfully achieve this intent, providing a clear pedestrian scale along the street, through the use of structures and uses which interact with the adjacent thoroughfares.

Design Review Panel (DRP)

The proposal was presented to DRP on May 22, 2014. The DRP’s mandate is to provide design advice to staff and the proponent. The Panel noted the level of attention to detail in an effort to integrate the existing and remaining portion of the church.

The Panel noted that the careful weaving of uses and their relationship and role within the overall composition was commendable, as was the reuse and treatment of historical and significant elements. The Panel indicated that the project required appropriate architectural massing and respect for the existing context.

The applicant responded to these suggestions through the current application, providing clear separation and transition from the existing church and the new modern tower. The applicant provided substantial rationale and justification for the massing and location of the tower, and identified a number of design techniques and materiality to address concerns raised.

It is intended that the application will be further reviewed by the DRP at the Site Plan stage in order to continue to address and implement design solutions.

Zoning By-law 05-200

The lands are currently zoned Downtown Prime Retail Streets (D2) Zone. The proposed range of uses are currently permitted, however, given the scale of modifications to the proposed height and parking regulations, the proposal has progressed by way of rezoning as opposed to minor variance. The review of these modifications are discussed in the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

Agencies/Departments Having no Comment or Objections

- Corridor Management (Public Works)
- Recreation Planning (Public Works)
- Niagara Escarpment Commission

- Hamilton Conservation Authority
- Urban Forestry (Public Works)

Hamilton Municipal Parking System (Planning and Economic Development)

Hamilton Municipal Park System (HMPS) staff did not support the original rezoning application given that the development proposed only 98 spaces for the 259 units, which would be deficient by upwards of 95 parking spaces based upon the existing zoning requirements.

They noted that all technical parking methodologies in the parking study submitted did not support the parking reduction, and further, that the study did not provide any quantitative data to prove that the parking reduction is appropriate.

In response to this concern, the applicant provided additional information through the provision of an addendum study prepared by Paradigm, dated November 2014.

Planning staff note that the additional information provided further options and information, which were reflective of the TDM approach. This included provision of subsidized transit passes to future unit owners, unbundling the parking, car share spaces and greater bicycle storage. It is clear that the proposal represents one of the first high-density developments that embrace innovative solutions to travel demand and, as discussed within this Report, is ideally located in which to allow such strategies to be successful and meaningful.

As detailed in the policy review section of this Report, the subject lands are in a location where alternative transportation modes are to be strongly encouraged. While there is minimal empirical information that all travel demands could be satisfied through the provision of vehicular parking alone, the combination of alternative methodologies are considered both compelling and desirable at this particular location. As such, Planning staff consider the proposed holistic approach to TDM to be in principle supportable. However, based on the concerns expressed by HMPS staff, additional parking spaces were requested in order to address the significant shortfall.

In response to this request, the applicant formally amended the proposal, in order to provide for an additional level of underground parking. This would bring the total number of parking spaces to 122 (an increase of 24 spaces). It is noted that although HMPS staff continue to have reservations, the additional spaces, in the opinion of Planning staff, is considered an acceptable solution, one that balances all policy objectives.

Finally, HMPS raise concerns over the proposed public layby shown on Jackson Street West. It is noted that this would result in the displacement of three highly utilized parking meters. It is not considered that this layby is integral to the operation of the

proposal, albeit that several benefits for the building with respect to loading would be achieved if the layby were to be constructed. As such, staff are satisfied to further review the issue at the Site Plan stage. In the event that the parking spaces are removed to accommodate the layby, then the applicant will be required to provide the City with financial compensation for the loss of on-street parking revenue.

Transportation, Energy and Facilities (Public Works)

Transportation, Energy and Facilities staff are, in principle, supportive of the proposed parking reduction, but consider that TDM measures need to be established and secured in order to mitigate potential adverse effects. A number of suggestions were raised, including additional bicycle parking, Car Share and Bike Share provisions, one year transit passes for all occupants and exploring of temporary parking/hoteling of cars. These alternative strategies are discussed in detail in the following parking analysis in the Analysis and Rationale Section of this Report. It is considered that should the development embrace these TDM strategies, any potential significant adverse impacts would be mitigated.

Urban Renewal, Planning and Economic Development

The subject lands are within the Downtown Hamilton Community Improvement Project Area, and as such, are eligible to financial incentives offered through the City's Downtown and Community Renewal Community Improvement Plan. It is noted that the proposal would implement many Downtown objectives, including increasing Downtown residents in a mixed-use development, providing an active streetscape, supported by and supportive of transit, as well as the preservation of the remaining portion of James Street Baptist Church.

Concerns were raised with respect to the original parking reduction request, however, Planning staff are of the opinion that the revised plan satisfactorily addresses this concern.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 324 individuals within 120 m of the subject lands on September 30, 2014. An amended notice, providing additional time for comment was circulated October 9, 2014. Following this circulation, eight letters were received, which included representation from the Durand Neighbourhood Association and Ontario Heritage Trust.

Prior to submitting the application for a change in zoning, the applicant also hosted an open house on August 6, 2014, which included a questionnaire (see Appendix "F") and presented to the Heritage Permit Sub-Committee on August 12, 2014.

The following concerns were raised in response to the Notice of Complete Applications and Preliminary Circulation:

- The approval of the initial demolition permit, and the absence of a public process;
- Significant parking deficiency, overly expensive parking rates and insufficient details on the proposed stacking system for the cars (one submission contained a number of detailed exhibits including comparison of adjacent parking lots);
- Impact of construction techniques and shadowing on adjacent heritage buildings (particularly St. Paul's Church) which benefits from a heritage easement; and,
- Height out of character for the area.

These concerns are discussed in detail in the Analysis and Rationale Section of this Report.

The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed modification in zoning has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It conforms to the Urban Hamilton Official Plan and in particular the Downtown Urban Growth Centre Designation and the Prime Retail Streets Designation of the Downtown Secondary Plan; and,
 - (iii) The proposed development is considered an innovative, adaptive re-use of a heritage building, which successfully balances intensification and compact urban design which is both compatible and respectful of the existing character of the area.
2. The proposed development is for a 30-storey mixed-use building, including a three-storey podium. There will be a maximum of 259 units, commercial retail on the first two floors, and a structured multi-level stacked underground parking facility with a total of 122 spaces (see Appendix "A"). A concept plan and elevations of the proposed development have been submitted (see Appendix "C").
3. In terms of context, the site is adjacent to a two-storey office building located to the south, a designated church (St. Paul's Presbyterian Church) to the north, and a five-storey office building (Bell Canada building) situated to the west and the

YMCA to the east. Reflective of its downtown character, a number of taller buildings exist within the wider context including the Pigott Building (18 storeys) at 36-40 James Street South and Commerce Place (16 storeys) located at the corner of King Street East and James Street South.

4. The proposed mix of uses are currently permitted within the existing Downtown Prime Retail Streets (D2) Zone, however, given the scale of modifications to the proposed height and parking regulations, the proposal has progressed by way of rezoning as opposed to minor variance.

In evaluating the planning merits of the proposed development, given that the range of uses proposed are currently permitted as of right, there are three principal issues with respect to the application, that of height/built form, parking and heritage/design. Each one of these issues will be discussed separately, albeit that the issue of height and design are in many ways related.

Height/Built Form

As discussed within the preceding policy review, it is clear that the Hamilton Downtown area, given its access to the comprehensive transit system and wide variety of services, should be a focus for intensification. Increased residential densities have the ability to promote and preserve the vitality of the downtown. Commercial uses would benefit from the consumer demand both during the day and evening, assisting with job creation and economic growth. Increase in residential densities also take advantage of existing and available infrastructure and services, reducing dependence on the automobile and promoting complete communities, whereby people can live, work and play within their community. However, as also detailed throughout the policy framework, intensification must be appropriate and respect the character of an area and be compatible.

Indeed, while it is clear that density within the UGC is to be strongly encouraged, it is recognized that development must also be cognisant of the fine urban grain. On this note, it is considered that the subject lands are within a transitional portion of James Street South, one that is uniquely appropriate and benefits from conditions that do not exist universally in the UGC. Accommodating density in appropriate locations such as this minimizes the pressure upon more stable areas, where significant density increases could have a destabilising effect on the character and context.

Given the historic nature of Downtown Hamilton, the existing lot fabric provides challenges with respect to the manner in which increased density can be accommodated. In the absence of large lots or substantial land assembly, significant intensification is therefore limited unless it is accommodated through additional height. Given the context of the Downtown, and in particular this location, tall buildings already exist and interact harmoniously within the

streetscape. As such, on this basis, significant increases in height may be contemplated, provided careful consideration of compatibility, character, design and protection of amenity is reasonably taken.

The issue of design and in particular, character, will be discussed in greater detail under a separate heading; however, with regard to the impact upon amenity, the applicant provided the following studies – pedestrian level wind assessment, a sun/shadow study and a visual impact assessment.

Wind

The pedestrian level wind assessment reviewed wind conditions and concluded that despite some areas of moderate wind activity, most of the tested pedestrian areas at grade along Jackson Street West and James Street South will be calm and acceptable for the intended pedestrian activities on an annual and seasonal basis. Furthermore, no areas of the study site were found to experience conditions too windy for walking or that could be considered unsafe for elderly persons.

Additional design options were recommended for the patio area, which included plantings and glazed screening. It is considered that this can be reviewed and secured at Site Plan Approval stage.

Shadowing

The sun/shadow study was comprised of computer modelling based on the City's documents and best practices. It reviewed the existing and proposed conditions for different times of the year and at different times of the day. The criteria for assessment involved reviewing adjacent residential amenity areas, public open spaces, sidewalks and the face of residential buildings. The study concluded that as a result of the narrow building design, access to sunlight is protected, and minimal shadowing of neighbourhood streets, properties and open spaces will result.

Visual Impact Assessment

As previously discussed, a visual impact assessment was submitted in order to address a number of UHOP and Secondary Plan policies. The assessment evaluated the impact of the building from numerous strategic locations, including from the Escarpment, along James Street South and from Jackson Street West. The assessment concluded that the proposed building would protect significant views and vistas, taking into account the size and placement of the building. Staff have reviewed the assessment in detail and concur with this position.

Parking

The original development proposed a maximum 259 dwelling units and a total of 98 underground parking spaces. The spaces are to be sold separately from the

units and are to be designed with stacking technology which will maximize the area available for parking through minimizing the space required for manoeuvring. Essentially, within the cost of the space, the condominium will be providing a valet service such that residents who pay for a space will not operate the stacking technology, but instead collect and drop off their vehicles with the 'valet' services provided.

The proposed parking to unit ratio currently required under the existing zoning is one space per unit, unless the unit is 50 sq m or less in gross floor area, wherein 0.3 spaces per unit is required. The development would have 161 units greater than 50 sq m, which would require 161 spaces and 98 units 50 sq m or below, which would require 32 spaces, for a total of 193 required spaces. The development originally proposed 98 spaces (ratio 0.37 per unit), which would constitute 95 spaces less than that required in the existing by-law. In support of this significant reduction, the applicant provided a parking study prepared by Paradigm.

The parking study appropriated a number of methodologies in consideration of this reduction. This included a review of the existing zoning by-law regulations, parking demand estimates from the Institute of Transportation Engineers, a review of vehicle ownership from Transportation Tomorrow Survey, an empirical study of parking lots in the area, and finally a review of TDM strategies. The report concluded that in the absence of TDM strategies, there remained a potential parking deficiency. Significant weight was therefore attributed to these strategies, emphasising that not only would it resolve the parking deficiency issue, but would similarly, provide a considerable upside from an environmental, economic and social perspective.

In terms of comparison, staff note that parking ratios between 0.7 and 1.0 space/unit represent the average parking provision contemplated on various multiple dwelling projects recently approved both within the Downtown and areas such as Locke Street and King Street West in Dundas. However, it is noted that there are several key differences with respect to this application which makes a reduction in parking appropriate.

This site provides significant opportunity with respect to transit availability. The site would be within 300 m of two major transit stations – the HSR on MacNab Street and the GO station on Hunter Street. Furthermore, comprehensive bus service is available within the immediate location (along James Street North and South, King Street East and Main Street East and West) and from the MacNab Street Bus Terminal - the latter providing significant access to all local routes. In addition, there are a number of Car Share and Bike Share spaces all within short 150 m of the site.

Additionally, the site is within walking distance of a number of services, shops and employment opportunities that could substantially minimize the demand for private car ownership.

Staff note that the existence of these alternative transportation options does not necessarily ensure they will be utilized. However, through the Condominium and Site Plan processes, subsidized transit passes will be required to be provided to all owners of the units for a period of two years. Furthermore, three additional Car Share spaces will be introduced within proximity to the proposal (currently in discussions to be within the parking lot at City Hall).

This is considered to provide significant encouragement to those residents within the building to explore alternative options, and certainly, are made more enticing, given the fact that parking will be at a premium in terms of cost and provided on a limited basis. It is the combination of this 'carrot and stick' approach that for this particular location, is considered both appropriate and desirable.

It is also noted that given the site and surrounding context, the opportunity for a reduction in car trips for those who continue to own a vehicle is likely to occur. The parking requirements for those residents who only infrequently utilize their vehicle is likely to be more flexible, allowing consideration of longer term off site parking in one of the existing lots within 800 m of the site or other TDM options such as Car Share, more plausible.

However, notwithstanding this, staff remained concerned with the amount of proposed parking and requested the applicant increase the amount of parking provided such that it, in the very least, satisfied the ITE Parking Estimated Demand for high rise apartments in the central urban area. The estimated demand based on this methodology is 0.45 space per unit. In response to this request, the applicant has agreed to provide 24 additional spaces through an additional level of underground parking. This would increase the total number of spaces to 122 (0.47 spaces/unit).

It is considered that this, in combination to the above strategies, better balances the demand for parking and the desire to encourage alternative forms of transportation.

Finally, through the Condominium Agreement, warning clauses regarding the significant limitation in parking within the building and the restriction of on-street parking permits for those unit owners/renters will be required. These warning clauses will be registered on title, ensuring each owner/tenant is fully aware of the parking issues associated with the development.

Heritage/Design

The proposal represents an adaptive re-use of a heritage property following its partial demolition. Through the combination of a Heritage Impact Assessment and an Urban Design Brief, the proposed development is considered to successfully balance the presiding policy framework and ultimately create a landmark building that reflects and promotes the historical cultural resources of the City, integrating successfully a new modern designed development with the conservation of the remains of the former church.

The development will establish a well-defined built form edge along Jackson Street West and James Street South, encouraging activity along the street through combination of the proposed uses and façade articulation. The podium is appropriately proportioned to reflect the adjacent built forms and to provide a human scale at street level.

The point tower is adequately setback 14 m from James Street South and has a floor plate such that the shadows created would be slender and fast moving. Views will be minimally affected as a result of the slender tower, which also includes an alternating floor plate in order to create modulation and visual interest in the façade. Horizontal and vertical elements contribute further to this visual interest and would be combined with complementary materials and colours. It is considered that this, in addition to other design measures, will ensure the development is both compatible and in character with the existing area.

On this basis, staff are satisfied that the proposed design sufficiently addresses the sites context, is attractive and appropriately proportioned. It is noted that further review of detailed design elements will occur through the site plan process.

By-law modifications

In addition to the height and parking modifications, a number of design and setback related modifications are also required (see Appendix “B”). Predominately the required modifications to setbacks, heights of storeys and window openings pertain to recognizing the front portion of the James Street Baptist Church, which is to be re-adapted into the new proposal.

Height

There will be a provision permitting the height of the building to a maximum of 106 m. The issue of the height and the rationale for this increase has been discussed in detail within this Report. Staff are satisfied that the modification is appropriate and are supportive of the modification.

Parking

The proposed parking ratio will be reduced to 0.47 spaces per unit, which on the basis of 259 units shall require a total of 122 spaces. Similar to the discussion of height, given that this has been reviewed in detail through this Report, staff on this basis, are supportive of the reduction.

Number of units

In order to ensure certainty, the implementing by-law stipulates that the maximum number of units is to be 259.

Glazing

The development would require a reduction to 31% of windows and doors along James Street South and 37% along Jackson Street West for the ground floor facades, whereas 80% is required in the by-law. As noted, the existing portion of the church is responsible for the reduction required along James Street South, and partially along Jackson Street West. However, the amount of glazing along the Jackson Street West façade is also affected by the existing church façade, and the need to accommodate access driveway to the underground parking, and the proposed bicycle parking. It is noted that a considerable amount of glazing is otherwise introduced along the Jackson Street West façade and that the policy intent with respect to this provision will therefore be maintained.

Furthermore it is noted that through City Initiative CI-14-A, staff presented on September 3, 2014 a housekeeping amendment to reduce the standard provision of 80% to 60% in order to better reflect the intent of the by-law. This was approved by Planning Committee and Council but has subsequently been appealed and is therefore not currently in effect.

Setback

It is noted that relief is sought with respect to the ground floor setback from a street. The existing by-law provision stipulates a maximum setback of 0.5 m, with the intent of securing a consistent built edge that would assist with the pedestrian scale of development.

The request is for this to be increased to 6.5 m along the Jackson Street West frontage. Staff are supportive of this modification on the basis that the general intent of the provision is being maintained. The setback is to the proposed entrance to the building with the remaining portion of the building cantilevered over the ground floor such that it would be consistent with the by-law. The pillars of the podium would maintain the structure and proportion of the ground floor setback notwithstanding that it is unenclosed.

Furthermore, as discussed within this Report, areas of the unenclosed podium will be sought to be enclosed and or programed through the Site Plan Approval process, in order to achieve other urban design objectives.

Finally, in order to secure the proposed setback of the tower along James Street South, the distance of 14 m has been included within the amending by-law for that portion of the building above 24 m in height.

Height of Storeys

The existing By-law regulates the individual minimum and maximum heights of each storey. The development would require modifications to these heights from the required 4.5 m maximum on the ground floor storey and 4.0 m maximum for the 2nd and 3rd storey to 7.4 m and 6.6 m respectively.

Staff are supportive of these modifications on the basis that they are required to accommodate the existing James Street South façade that is to remain, and to provide the opportunity to provide continuity in the design and datum lines of the podium as the continue to the newer option of the building along Jackson Street West. As discussed through the design review of this report, these heights add to the transition and compatibility of the development with adjacent buildings and maintain the intent of the by-law provision of creating pedestrian scaled elevations.

It is noted that additional modifications are being requested in order to ensure the development is constructed as proposed. This includes a limitation on the height, number of units and ensuring the podium and setback for the tower are prescribed.

5. The Public Consultation section of this Report noted that seven letters were received. The letters expressed concern over parking, construction impacts, the partial demolition of the church and height. A review of the comments from the public is discussed below.

Parking

The issue of parking is considered one of the most significant issues with respect to the merits of this development. This issue has been discussed in detail within both the policy review and analysis section of this Report. There was, however, several questions raised through the circulation regarding the cost, functionality and implications of the parking approach, which will be addressed in the following section.

No empirical information was submitted with the application that accurately depicts existing car ownership and household demographics for condominiums in the Durand neighbourhood. However, as detailed within this discussion topic

throughout the Report, the proposal in question is building upon anticipated and encouraged behavioural changes with respect to car ownership and particularly parking and other parking options available. The site, given it's proximity to transit and other services, represents an ideal candidate to explore the role of TDM in holistically creating a sustainable, active and complete community.

In terms of specific operation of the stacking system, it is understood that this will be a valet service with no unit operators individually operating the system. The pick-up will be scheduled and organized through the valet system. Additional details and servicing requirements will be addressed at the Site Plan stage.

Construction Impacts

Should the application be approved, it will be subject to Site Plan Approval. Through this process, conditions regarding a construction management plan will be recommended. The plan will include the requirement for pre and post construction surveys on adjacent properties, particularly the heritage property at 70 James Street South (St. Paul's Presbyterian Church and the remainder of James Street Baptist). It is considered that this approach will ensure no detrimental construction impacts on the integrity of adjacent structures will occur.

Heritage Permit Process

This Report has addressed in detail the chronology of the process, which resulted in the partial demolition of the Heritage Resource located upon the subject lands.

Height

Similar to the discussion on parking, this Report has carefully outlined the policy background and detailed analysis of the proposed height. Staff are of the opinion that the height proposed has been designed such as to satisfy the balance of policy objectives, is compatible and will harmoniously integrate with the character of the site's existing context.

In conclusion, staff consider the development to represent a significant opportunity to consider innovative and sustainable measures in which to accommodate increased residential and employment uses within the Downtown. The proposed concept will satisfy numerous policy objectives contained within local and Provincial documents, facilitating the sensitive adaptive re-use of a cultural heritage resource, which is both compatible with the area and respectful of the existing character.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the existing Downtown Prime Retail Streets (D2) Zone which permits a number of commercial and residential related uses.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
- 2.3 Enhance customer service satisfaction.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.
- 3.3 Improve employee engagement.
- 3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Concept Plan
- Appendix “D”: Public Correspondence
- Appendix “E”: Heritage Permit
- Appendix “F”: Questionnaire from Open House

:EJ/th