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February 5, 2015

City of Hamilton
City Hall, 71 Main Street West, Hamilton, ON, L8P 4Y5
Planning Division, Planning and Economic Development Department

905.546.2424 extension 4281
Steve.Robichaud@hamilton.ca

RE: Peer Review Memo - Tivoli Condominium Proposal-108 James Street North, Hamilton.

Submitted Without Prejudice

Dear Steve,

We are pleased to submit this report summarizing the results and recommendations associated with our peer review of the aforementioned development proposal, submitted to the City of Hamilton by 150735 Ontario Ltd. (Diamante Investments Ltd), referred to henceforth as 'the applicant'.

The contents of this memo are informed by:

- (1) In-person observations and analysis of the site and surrounding context during a site visit on November 29, 2014.
- (2) Our review of applicable background policy documents, provided by yourself:
 - a. Urban Hamilton Official Plan
 - b. City of Hamilton Downtown Secondary Plan
 - c. City of Hamilton Draft James Street North Mobility Hub Study, June 2014. Prepared by Brook McIlroy, Inc.
 - d. Downtown Prime Retail Streets (D2) Zoning Regulations
 - e. Figure 1 - Schedule F "Maximum Building Heights" of Zoning By-law 05-200.
 - f. Site Plan
 - g. Existing Survey
 - h. Building Elevations
- (3) Our review of other applicable policy documents:
 - a. Provincial Policy Statement, 2014
 - b. Places to Grow Growth Plan for the Greater Golden Horseshoe, 2006
 - c. City of Toronto Tall Buildings Design Guidelines
 - d. City of Vancouver General Policy for Higher Buildings
 - e. City of Vancouver View Protection Guidelines
 - f. City of Ottawa Urban Design Guidelines for High-Rise Housing.
- (4) Our working session with City of Hamilton Planning Staff on November 29, 2014. The session included a presentation and collaborative review of the proposed development.
- (5) Our review of the following documents submitted by the applicant:
 - a. Planning Justification Report, 108 James Street North. Prepared by GSP Group
 - b. Pedestrian Wind Assessment. Prepared by RWDI Consulting Engineers & Scientists
 - c. 108 James Street North, Parking Study. Prepared by Paradigm Transportation Solutions Ltd.
 - d. Noise Impact Study. Prepared by RWDI Consulting Engineers & Scientists

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- e. Urban Design Report – Sun/Shadow Review and Visual Impact Assessment, Tivoli Condos – 108 James Street North. Prepared by Making Sustainable Architecture
- f. Heritage Impact Assessment, Tivoli Theatre (108 James St. N). Prepared by Making Sustainable Architecture

1 Structure of this Report:

This report has been structured to reflect the categories of analysis that you requested of us in your letter, dated October 30, 2014. As such, this report is not intended to be a comprehensive urban design analysis of the proposed development, but rather to support the City's own review.

2 Overview of the Proposed Development:

The proposal is for a 22-storey condominium tower located at 108 James St. North and 115 Hughson St. North in Hamilton. The proposed development consists of commercial spaces on the first three floors with approximately 106 condo units on the 4th to the 22nd floors. The proposal includes the preservation of the Tivoli Theatre. The interior features of the Tivoli Theatre are designated under the Ontario Heritage Act. The site also contains a single detached dwelling fronting Hughson Street North. The applicant proposes to demolish this structure to provide surface parking for the proposed residential component of the redevelopment.

The main entrances to the proposed development are all located along James Street North, on the west side of the development.

The proposal was presented to the City's Development Review Panel (DRP) in May, 2014. A zoning by-law amendment application was subsequently filed by the applicant in December, 2014.

3 Response to Context:

3.1 Fit and Transition in Scale: Best practice design holds that tall buildings, such as the proposed development, should be designed to fit within the existing and planned context and provide an appropriate transition in scale down to lower scaled buildings, through: (1) horizontal separation distance between a proposed tower and the existing street such that the tower does not disrupt the view of the street-wall from the perspective of someone standing on the street; (2) use of an angular plane to locate the tower such that its visual impact is mitigated from the view of a pedestrian standing on the street. On James Street North, between King Street and Murray Street, the existing context includes a 3-storey street wall formed primarily by century-old brick faced buildings.

The proposed development includes a 3-storey podium designed to align with the height and frontage of the existing street wall. However, a proposed 19-storey tower is setback only 1.92m from the proposed podium, which does not adequately separate the tower visually from the street wall. Balconies along the street frontage occupy the step back area, reducing the visual sense of the tower stepping back from the street edge. The resulting impact is that the tower dramatically disrupts the consistency and character of the street wall.

3.2 Building in a Heritage Context: There is a special responsibility when building in a context that includes cultural heritage resources (designated or not). While not formally designated, the area surrounding the applicant's site includes properties that collectively constitute a character area. Any proposed intervention should provide a rationale that: articulates the heritage attributes of the area and their collective character; and, provides a contemporary interpretation of these attributes in a way that contributes to the overall character of the area.

Generally speaking we would expect that a new building façade should be able to reference the historical context and articulate a design that contributes to the area. It is not clear how the proposed building design understands or contributes to the corresponding design and articulation of contextual

properties. For instance, there is no relationship to the pattern or rhythm of windows, frames or vertical datum lines that typically characterise the adjacent street wall.

4 Building Form and Articulation:

Given that towers are not anticipated by the existing policy framework in this area, there are limited policies to direct their location, massing, and design (e.g. setback, tower separation, etc.). Should a tower be considered for this area, the design should have regard for policy precedents for tall building guidelines, which may include without limitation:

4.1 Tower Spacing: Best practice holds that a high-rise building (a tower) located on a mid-block site should have setbacks from the side property line (typically of at least 12.5m, to secure a total spacing of at least 25m) between the proposed development and a future tower located on adjacent properties. In a context where there already exists a pattern of tower spacing greater than 25m, proposed developments should match that spacing. Adequate tower separations aim to minimize negative impacts on the public realm and neighbouring properties by reducing shadowing, wind speeds at ground level, and blockage of sky view. Such setbacks also consider that the articulation of the tower should avoid 'blank walls', which may result from compliance to zoning and/or building code regulations limiting the amount of glazing when constructed close to the property line.

4.2 Tower Placement: In a lower scaled context such as this, a tower should be located away from the street, to reduce its visual and physical impact, and allow the base building (podium) to be the primary defining element for the site and streetscape. To do so, apply a tower stepback of at least 3m (including balconies) from the face of the base building (podium).

4.3 Tower Articulation: The articulation of towers should reflect design excellence, innovation and sustainability. There should not be any blank walls; instead, a well-designed combination of glazing, fenestration, balcony placement, and other components of the tower design should contribute visual interest and respond to solar orientation and the differing facing conditions within the adjacent context.

4.4 Sunlight and Sky View: Towers should be located and designed to protect access to sunlight and sky views within the surrounding context of streets, and other shadow sensitive areas. For instance, through a generous tower setback, such that a Sun/Shadow Study demonstrates how the proposed building limits shadowing of neighbouring streets.

4.5 Balconies: The design of balconies should seek to minimize impacts on the overall building floor plate size and shadows on the public realm, while contributing to usability, comfort, and building performance.

4.6 Tower Top: The tower top should be designed to contribute to the quality and character of the city skyline. Whether intended to be a signature element of the tower design or more subtly to integrate with the overall tower design, in all cases roof-top mechanical and telecommunications equipment as well as signage should be well-integrated into the total building design.

5 Pedestrian Realm:

5.1 Streetscape and Landscape Design: The design of the streetscape fronting the building on public streets should reflect high-quality, sustainable components and design strategies, deployed between the building and the adjacent street. For instance, organized to reinforce the location and design of building features such as the main entrance as well as to provide visual interest through colour, texture, and shade, where appropriate.

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The current design does not propose any soft landscaping, street trees or other supportive streetscape elements. Similarly, the proposed concrete sidewalk surface does not contribute through colour, texture, or pattern, visual interest or support for the prominence of the marquee and theatre entrance.

5.2 Sidewalk Zone: The design and configuration of the sidewalk zone should provide adequate space between the front of the building and the adjacent street curb to safely and comfortably accommodate pedestrian movement, streetscape elements, and activities related to the uses at grade.

The current design proposes to narrow the public sidewalk to 2.5m in front of the development, to accommodate a retail café spill out zone. This negatively impacts pedestrian movement, while visually reducing the prominence of, and access to, the primary entrance to the theatre and condo.

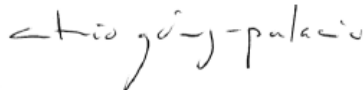
Conclusions:

Given the scale and visual presence, if built as proposed, the development has the potential to significantly impact the character and skyline of downtown Hamilton. As such, a high level of design responsibility should be assumed. The current design proposes blank walls (on two sides) and minimum articulation and contextual response on the frontages that face a public street – which are not a positive contribution to their surroundings.

Notably, the proposed tower is not in keeping with what would typically be considered acceptable design, by tall building guidelines in other cities. Part of this is a result of the site constraints, limiting opportunities for setbacks and stepbacks. Assembling a larger property would probably mitigate several of these issues. Without policies for tall buildings, approval of this proposed development could set a precedent that otherwise would not meet best practices applied in similar jurisdictions.

Should you have any questions regarding the content of this review, please do not hesitate to contact me directly at (416) 849-6832.

Sincerely,



Antonio Gomez-Palacio
Principal

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