



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 20, 2015
SUBJECT/REPORT NO:	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 Cannon Street East (Hamilton) (PED15158) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Greg Macdonald Senior Planner (905) 546-2424 Ext. 4283 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-15-006, by Darko Vranich Holdings Inc. (Owner)**, to amend the Downtown Hamilton Secondary Plan from “Low Density Residential” to “Mixed Use” with a site specific policy to permit a 12-storey mixed use building containing commercial uses on the ground floor and a maximum of 100 residential apartments on the upper storeys, at 220 Cannon Street East (Hamilton), as shown on Appendix “A” to Report PED15158, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15158, be adopted by City Council.

- (b) That approval be given to **Zoning By-law Amendment Application ZAC-15-014 by Darko Vrancih Holdings Inc. (Owner)**, for a change in zoning from the

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Downtown Residential (D5) Zone to the Downtown Mixed Use (D3, 470) Zone, Modified, with a Special Exception, to permit a mixed use building containing commercial uses on the ground floor and residential apartments on the upper storeys, at 220 Cannon Street East (Hamilton), as shown on Appendix “A” to Report PED15158, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED15158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (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 upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED].

EXECUTIVE SUMMARY

Darko Vranich Holdings Inc., through their planning consultant, IBI Group, has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a 12-storey mixed use building on the currently vacant subject lands. More specifically, the proposed development would contain ground floor commercial uses and up to 100 residential units on the upper storeys with 64 parking spaces.

The application can be supported as it implements the direction within the Urban Hamilton Official Plan (UHOP) to direct growth to the Downtown Urban Growth Centre of the Urban Structure Plan and the Downtown Mixed Use Area of the Urban Land Use Designation Plan. It is an example of appropriate intensification on the periphery of the neighbourhood on an arterial road. The proposed design provides appropriate building step backs in height in order to transition from the lower density uses to the south. It also serves to maintain the same built form as previously permitted for a 12-storey retirement home on the property through Minor Variance Application HM/A-15:074 and through conditionally approved Site Plan Control Application DA-15-022.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Application:

The applicant has applied for a UHOP Amendment to change the land use designation within the Downtown Hamilton Secondary Plan from “Low Density Residential” to “Mixed Use”. A Site Specific Policy Area is included in the Official Plan Amendment to recognize the proposed height and density. An accompanying Zoning By-law Amendment is proposed to change the zoning from the Downtown Residential (D5) Zone to the Downtown Mixed Use (D3, 470) Zone.

Proposal:

The purpose of the application is to permit a 12-storey mixed use building containing ground floor commercial uses with upper storey residential units (a maximum of 100 units are proposed). The applicant has indicated that the development is intended to function as affordable rental units. Sixty-four parking spaces will be provided and will be located through a combination of underground parking and within the first storey of the building. Appendix “D” is the proposed concept plan (which is consistent with the conditionally approved Site Plan Control Application DA-15-022) and preliminary building elevations (which are also consistent with the approved site plan).

Requested Site Specific Zoning Provisions:

Site-specific provisions within the proposed Zoning By-law would require 0.64 parking space per dwelling unit instead of one parking space per dwelling unit (64 parking spaces are proposed instead of 100 parking spaces required). A maximum height of 38 m instead of 15 m is proposed and the implementing By-law would also permit a reduced minimum façade height for the first two storeys for that portion of the façade at the rear of the building to accommodate the rear parking garage and for the terrace along Cathcart Street. Furthermore, the applicant is proposing to eliminate the requirement for a visual barrier along the lot line. The By-law would recognize the previous Committee of Adjustment approval to permit parking for a retirement home at a rate of one parking space per 3.1 persons accommodated instead of three persons accommodated. That modification is needed in case the final development remains a retirement home pursuant to the conditionally approved Site Plan Control Application DA-15-022 and while this reduction was included as part of approved Minor Variance HM/A-15:074, as the Zoning Application will change the zoning from the D5 Zone to the D3 Zone, it must be recognized in the implementing By-law.

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Chronology:

- July 16, 2014: Development Review Committee Meeting for Formal Consultation Application FC-14-052.
- January 19, 2015: UHOP Amendment Application UHOPA-15-006 and Zoning Application ZAC-15-014 deemed complete.
- February 4, 2015: Development Review Team Meeting for Preliminary Site Plan Review Application PSR-15-022 to permit the development of a 12-storey retirement home (for approximately 197 residents) on the subject lands. The requirement for Minor Variances to address building height, parking and certain setbacks was identified at Development Review Committee.
- February 12, 2015: Design Review Panel meeting to discuss the proposed development of 220 Cannon Street East to be developed for either a 12-storey retirement home or a 12-storey mixed use building (commercial with upper storey apartments).
- February 13, 2015: Notice of Complete Application and Preliminary Circulation for UHOP Amendment Application UHOPA-15-006 and Zoning Application ZAC-15-014 sent to all property owners and residents within 120 m of the subject lands.
- February 18, 2015: Preliminary Site Plan Control Application PSR-15-022 converted to a full Site Plan Control Application (with file number DA-15-022) and subsequent Development Review Team meeting to consider the conditional approval of the proposed development to permit a 12-storey retirement home.
- February 25, 2015: Public Notice sign erected on the subject lands.
- March 3, 2015: DA-15-022 conditionally approved by the Manager of Development Planning, Heritage and Design to permit the construction of a 12-storey retirement home subject to a number of standard conditions and special conditions which include the requirement to obtain a Minor Variance from the Committee of Adjustment to permit an increased building height and reduced setbacks.

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May 14, 2015: Minor Variance Application HM/A-15:074 approved by the Committee of Adjustment (final and binding on June 5, 2015 when no appeals were received) to address setbacks, building height, and parking.

September 23, 2015: Public Notice sign updated with Public Meeting date.

October 2, 2015: Circulation of Public Meeting Notice for UHOPA-15-006 and ZAC-15-014 to all residents within 120 m of the subject lands.

Details of Submitted Applications:

Location: 220 Cannon Street East (Hamilton)

Owner / Applicant: Darko Vranich Holdings Inc.

Agent: IBI Group, c/o John Ariens

Property Description: Area: 0.142 ha
Frontage: 36.82 m (along Cannon Street East)
Depth: 38.66 m (along Cathcart Street)

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Downtown Residential (D5) Zone
<u>Surrounding Lands:</u>		
North	Mixed-Use (ground floor commercial with upper-storey multiple residential)	“H” (Community Shopping and Commercial, Etc.) District
South	Single Detached, Semi-Detached Dwellings and Duplex Dwellings	Downtown Residential (D5) Zone
East	Mixed-Use (restaurant with upper-storey multiple residential)	Downtown Residential (D5) Zone

also attached to row /
townhouse dwellings)

West	Mixed-Use (street townhouse dwellings attached to a commercial building)	Downtown Residential (D5) Zone
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas (Policy 1.1.3.1). The proposal also provides a density and mix of uses that contribute to the efficient use of land; supports active transportation and public transit; and, is an opportunity site for both intensification and redevelopment (Policies 1.1.3.2 and 1.1.3.3). It directly implements Policy 1.3.1(c) which states that “Planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.” Finally, the proposal implements the housing policies of Section 1.4 which contemplates all forms of residential intensification and promotes providing a range of housing options.

Based on the foregoing, the proposal is consistent with the PPS.

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

The subject lands are located within a built-up area, as defined by Places to Grow. The proposal implements Policy 2.2.2.1 in that the proposal is an example of intensification being directed to the built-up area / intensification area, and as a complete community with a diverse mix of land uses, mix of employment and housing types.

Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper-tier and single-tier municipality, will be within the built-up area. The proposed development contributes to meeting this target in that it proposes up to 100 residential units on a vacant property. It implements Policies 2.2.3.6 and 2.2.3.7 in that as an intensification project, the proposal implements the policy focus that Places to Grow places on encouraging intensification throughout the built-up area and by planning for a range and mix of housing.

Downtown Hamilton is also identified as an Urban Growth Centre and therefore the proposal implements Policy 2.2.4.4 and 2.2.4.5 in that the Growth Plan directs substantial population growth to the Urban Growth Centre. The proposal aids in

achieving the goal of 200 people and jobs per hectare as set out in the Growth Plan in that 100 residential units (plus commercial uses) are proposed on a site that is 0.142 ha in size (the City of Hamilton increased this goal to 250 people and jobs per hectare in the UHOP). These density goals are measured over the entirety of downtown Hamilton. The proposed density is approximately 700 units per hectare and this increased density would aid in achieving a goal of increased density across the entirety of downtown Hamilton as not all properties or lands in the downtown are feasible or even designated / zoned to permit a minimum density of 250 units per hectare.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

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

Urban Structure

As noted above, the subject lands are designated "Downtown Urban Growth Centre" on Schedule "E" – Urban Structure of the UHOP. This is considered an Urban Node pursuant to Policy E.2.2.1. The following policies, amongst others, apply:

"E.2.3 Urban Nodes

Urban Nodes are intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding Neighbourhoods. Most Urban Nodes will have access to higher order transit and will exhibit a wide variety of land uses and densities designed and oriented to support and facilitate transit and active transportation. These Urban Nodes shall be designed and planned to provide a recognized sense of place to adjacent neighbourhoods. This Plan sets out a hierarchy of Urban Nodes, including the more intensely developed Downtown Hamilton which acts as a node within the context of the Greater Golden Horseshoe, Sub-Regional Service Nodes which are major centres of retail activity to the City, and Community Nodes which act as focal points to a former local municipality or to a number of neighbourhoods.

E.2.3.1 Downtown Urban Growth Centre

E.2.3.1.1 The Downtown Hamilton area is identified as an Urban Growth Centre in the Province's Growth Plan for the Greater Golden Horseshoe. The

Downtown Urban Growth Centre is identified on Schedule E – Urban Structure.

Function

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.

E.2.3.1.3 The Downtown Urban Growth Centre shall provide services to residents across the City as well as to neighbouring municipalities.

E.2.3.1.5 The Downtown Urban Growth Centre shall serve a regional retail function by providing retail stores and services which appeal to a broad regional market and serve residents across the City and the surrounding area as well as providing day-to-day retail facilities and services to serve Downtown residents.

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.

Scale

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.

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.

E.2.3.1.11 The Downtown Urban Growth Centre shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space.

E. 2.3.1.12 Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans

covering lands within the Downtown Urban Growth, and other policies of this Plan.

Design

- 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.
- 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 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.
- 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 above policies note that within the Downtown Urban Growth Centre (DUGC), a broad range of land uses and densities shall be provided and that this area is the pre-eminent node in the City of Hamilton. The DUGC shall serve both as an employment (i.e. office) and retail centre and function as a residential neighbourhood (as set out in the Secondary Plan). In general terms, this area is planned for the highest residential densities in the City of Hamilton (20% of the intensification target and with minimum planned densities of at least 250 people or jobs per hectare measured across the entire downtown).

The proposed development of a mixed use building implements the DUGC vision and works to contribute toward meeting Hamilton's density targets and the development of downtown as a mixed use centre to draw residents, employees and shoppers from across the City of Hamilton. While the proposed density of approximately 700 units per hectare is greater than the minimum density goal of 250 units per hectare, that is to be measured across the entire DUGC. This is in recognition of the fact that some areas of downtown may not redevelop for higher density uses and are comprised of and planned for low and medium density uses or commercial uses. In addition, some areas, due to their proximity to low to mid rise residential uses, are more constrained by character and context such that significant intensification is not considered to be appropriate.

With regards to design, the development provides a strong pedestrian focus with commercial units directly fronting on the public sidewalk along Cannon Street East (which in turn contains a bike lane). While parking is provided (as per Policy

E.2.3.1.14), it is entirely contained within and under the building, addressing the policy intent that basic levels of parking be provided in underground or above ground structures. Policy E.2.3.1.16 also provides direction to consider reduced parking requirements to encourage higher densities and transit usage. The proposed development includes such a reduction in order to provide increased density and to support transit usage. Based on the above, the proposal meets the intent of the Downtown Urban Growth Centre policy direction.

Downtown Mixed Use Area Designation Policies

As also noted above, the subject lands are designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others apply:

“E.4.4 Downtown Mixed Use Designation

The area designated Downtown Mixed Use is the historic downtown of Hamilton. Its boundaries coincide with the Downtown Hamilton Secondary Plan, it 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.

Function

E.4.4.1 The range and breadth of commercial uses are intended to serve a broad regional market and also provide day-to-day retail goods and services to Downtown residents.

E.4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial development shall be designed and oriented to enhance the streetlife of the Downtown.

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.

Permitted Uses

E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices including major offices,

personal services, live work units, artist studios, financial establishments, and restaurants;

- b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
- c) arts, cultural, entertainment, and recreational uses;
- d) accommodation, such as hotels, motels, conference and convention centres; and,
- e) residential uses.

E.4.4.5 Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.

Scale

E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.

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.

E.4.4.9 Permitted uses shall be located in both single and mixed use buildings.

Design

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.

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.

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.”

The Downtown Mixed Use Area land use designation applies to the entirety of downtown Hamilton (as per the boundary of the Downtown Hamilton Secondary Plan). Within this area, a range of uses and services are promoted including a full range of commercial and residential uses to provide accommodation, employment and shopping opportunities for all Hamiltonians. Higher density forms of development are specifically encouraged (subject to the Downtown Hamilton Secondary Plan). Both single and mixed use buildings are permitted. The proposed development provides both the residential and commercial components required to achieve a sense of place and vibrancy of the street life at all times of day. The proposed building is located close to both adjacent streets with the commercial component having direct access to Cannon Street East sidewalks.

The design of the building incorporates massing techniques both at the front of the building, along Cannon Street East to improve the pedestrian realm; and, at the rear, to provide a transition to lower density residential uses. As per Policy E.4.4.14, reduced parking requirements shall be considered. Due to proximity to transit, bike lanes, and the general pedestrian focus of Downtown Hamilton a reduced parking ratio has merit. A more detailed review of the proposal is discussed within the review of the Downtown Hamilton Secondary Plan as noted in Policy E.4.4.5. However, based on the above, the proposal serves to implement the general intent of the Downtown Mixed Use Area land use designation.

Residential Intensification Policies

As detailed within Section 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.

The following Residential Intensification policies are applicable to the evaluation of the proposed development:

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.
- B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
- a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.
 - b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.
 - c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.
- 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.”

The Residential Intensification policies note that residential intensification shall generally be distributed throughout the built-up area and that of this residential intensification, 20% should be directed to the Downtown Urban Growth Centre component of the Urban Structure Plan.

The proposed 12-storey mixed use building responds to and builds upon, the existing mixed use character of the area. Cannon Street East, in this area, is characterized by a range of single use and multi-use buildings, containing a range of commercial and residential uses with multi-residential upper storeys (mostly in two to three-storey buildings). While this portion of Cannon Street East does not provide a continuous commercial edge or substantive multi-storey high rise development, there are existing high rise buildings in the general area both to the northwest of the subject lands on Ferguson Avenue North and approximately one block to the south between Wellington Avenue North and Cathcart Street.

The proposed building design includes a three-storey podium along Cannon Street East, such that the predominant pedestrian scale of the front of the building is consistent with the streetscape character of Cannon Street East. The remaining floors of the residential tower are stepped back 3 m front the front lot line and podium. At the rear, a two-storey terrace (on top of the parking garage) is provided with an outdoor amenity area. The terrace's width is approximately 14 m in order to provide a substantive step back to the residential tower to ensure the compatible integration with the surrounding area (i.e. transition in height to the two and a half storey dwellings to the south). It is also proposed that the apartment units will be affordable rental units, which is important in providing for both a range of dwelling types and tenures. The proposal contributes to implementing the mix of land uses envisioned within the Urban Structure on a site with comprehensive transportation options and where municipal infrastructure exists. Based on the above, the proposed development meets the residential intensification evaluation criteria in Policy B.2.4.1.4.

Urban Design (from UHOP)

The UHOP policies provide guidance with respect to urban design. Considerable emphasis has been placed upon the importance of good urban design when considering proposals for residential intensification. The following general urban design policies contained within Section B.3 of the UHOP apply to all developments (a more

specific discussion on the urban design policies within the Downtown Hamilton Secondary Plan is contained in that section of this Report).

The general urban design policies note goals to create transit supported communities that are compatible and enhance the existing environment. The urban design goals also 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. The following additional policies should be reviewed:

“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;
- 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.

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;

- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
 - c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.
- B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- 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.
- B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- 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.

B.3.3.10.1 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.”

The proposed development implements the intent of the Urban Design policies from Section B.3.3 of the UHOP. In this regard, new development must address compatibility with the surrounding area. Placement of the building has been logically planned to provide both a transition in scale and appropriate step backs to the upper storeys. By providing a 3 m step back from Cannon Street East and a 14 m step back from the southerly lot line to the residential tower, the proposal serves to both address the existing character of Cannon Street East (which does contain mixed use development with minimal to no front yard setbacks) while respecting the existing lower scale and density character of the interior of the neighbourhood to the south.

The Built Form policy direction from Policy B.3.3.3.5 is implemented in that primary building facades face Cannon Street East with glazing to each commercial unit being included. As already noted no surface parking is proposed. All parking will be within the building either within the first storey or underground.

Noise and Vibration

As the proposed development constitutes the introduction of a sensitive land use (i.e. residential) in proximity to major roads, a Noise Assessment was submitted. The following policies must therefore be reviewed:

“B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The conclusions of the Noise Assessment is that due to the proximity of the development to a major road, noise warning clauses as well as the provision for certain building materials (i.e. upgraded windows) must be implemented. No other sound attenuation measures (i.e. berms or noise walls) are required. The noise warning clauses and notification to the Building Division of building material requirements are addressed through the Site Plan process. Therefore, the proposal complies with the Noise and Vibration Policies of Section B.3.6.3 of the UHOP.

Downtown Hamilton Secondary Plan

The subject lands are designated "Low Density Residential" in the Downtown Hamilton Secondary Plan – Map B.6.1-1 Land Use Plan, is identified as being within Area A (Beasley) on Special Downtown Residential Policy Areas Map B.6.1-3 and falls within the "4 Storeys" height limitation on Map B.6.1-4, Building Heights.

A mixed use building containing commercial uses and multiple residential apartments is not permitted within the "Low Density Residential" designation. The applicant has applied for an Official Plan Amendment to redesignate the subject lands to "Mixed Use".

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 implement a number of these objectives, providing public realm improvements through the elimination of a vacant lot with streetscape improvements that add vitality to the area, as well as, providing an attractive downtown living option. These objectives are translated into a number of specific policy directions and that the policies, amongst others that are applicable to the proposal, are discussed below.

Existing Land Use Designation

As noted above, the subject lands are designated "Low Density Residential" in the Downtown Hamilton Secondary Plan. This designation permits single detached, semi-detached and row house (street townhouse) built forms. A mixed use building containing commercial and apartment units is not permitted within this designation and therefore an Official Plan Amendment is required to redesignate the subject lands to

“Mixed Use”, with further site specific provisions to recognize the building height and density.

Proposed Land Use Designation

The applicant has applied to re-designate the subject lands to "Mixed Use". In this regard, the following policies are those that apply to the “Mixed Use” designation:

"B.6.1.9.5 Policies for Mixed Use Areas

- a) Mixed Use Areas are intended to serve as a buffer between intensive commercial activities and the residential areas within and around the Downtown.
- b) Mixed Use Areas shall accommodate commercial uses that are compatible with and shall not detract from residential development.
- c) Residential development in Mixed Use Areas shall conform to the Medium Density Residential designation policies.
- d) Signage shall be designed and located in a manner that respects the architectural integrity of the host building and is compatible with the residential environment. Signage in these areas shall be non-flashing, shall be restricted to the building face, and shall exclude stand-alone structures for signs."

The proposed mixed use building would serve as a buffer between more intensive commercial activity along both sides of Cannon Street East and the residential neighbourhood to the south. While the nature of the proposed commercial uses is not yet identified, as it is functionally separate from the residential tower and lobby access, it would not detract from the residential portion of the development and would not have access from Cathcart Street or the residential neighbourhood. This implements the intent of Policy B.6.1.9.5(b). Finally, the range of uses permitted in the Downtown Mixed Use (D3) Zone are those that would not detract from residential development in that they include a range of retail and service oriented uses that would complement the daily or weekly shopping, employment or business needs of local residents. Proposed signage would be directly on the north building facade directly above each commercial unit. Therefore, it is evident that the "Mixed Use" designation would be the appropriate designation for the proposed development. The proposed Official Plan Amendment will include a policy to permit the form of development to be high-rise and not mid-rise pursuant to Policy B.6.1.9.5(c). The appropriateness of this modification is discussed below as Policy B.6.1.9.5 notes that the residential component of development shall

conform to the "Medium Density Residential" designation policies, which include the following:

"B.6.1.9.4 Medium Density Residential Designation

The following policies apply to lands designated Medium Density Residential on Map B.6.1-1 - Downtown Hamilton - Land Use Plan:

- a) The Medium Density Residential designation permits stacked townhouses, low rise apartment and mid rise apartment built forms.
- b) Medium Density Residential development shall achieve an urban character by:
 - i) street oriented buildings restoring traditional downtown character;
 - ii) an absence of direct driveway accesses to individual units; and,
 - iii) open space in new development provided in the form of parkettes and internalized semi-private open spaces within courtyards formed by buildings.
- c) Surface parking areas in the Medium Density Residential areas shall be located at the rear of the property or in an underground structure. There shall be no surface parking in the front yard adjacent to the street.
- d) The relationship between buildings and the street shall be reinforced by:
 - i) minimizing the shadowing of adjacent sidewalks and generation of wind impacts; and,
 - ii) ensuring that the ground levels of buildings have windows and doors that face the street.
- e) The design of new developments shall have consideration for light, view and privacy of adjacent buildings and areas. Existing patterns of streets, lanes, blocks and private or public open space shall be respected."

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Pursuant to Policy B.6.1.5.7, the proposed 12-storey building would generally be considered a high rise built form (mid-rise is six to eight storeys and high-rise is 12-15 storeys in Policy B.6.1.5.7). Although the Downtown Hamilton Secondary Plan permits an increase in building height without an Official Plan Amendment, the combination of density and building heights warrant a detailed and fulsome review against all applicable policies of the Secondary Plan.

Policy B.6.1.9.2 states that for a mid-rise form of apartment, a density of 300 units per hectare is permitted. Nevertheless, it would be prudent to recognize the proposed height and density of the development with a Site Specific Policy to note that on the proposed lands to be designated “Mixed Use”, a high rise form of apartment with an approximate density of 705 units per hectare is permitted.

As the “Mixed Use” designation pursuant to Policy B.6.1.9.5(c) directs that the residential component of a mixed use building shall conform to the “Medium Density Residential” designation policies, these density accommodations should be considered. However, it also must be noted that the policy is meant to apply only to lands designated “Medium Density Residential” whereas it is proposed that the subject lands be designated “Mixed Use”.

With regards to the remaining “Medium Density Residential” designation policies, the design of the building incorporates a two to three storey podium, as well as, step backs from Cannon Street East and from the southerly lot line, which provides an innovative design such that the podium, not the tower would be dominant at the streetline. Therefore, staff are of the opinion that the proposed building satisfies the characteristics of a form of development consistent with the intent of the Medium Density Residential policies. In addition, the proposal does achieve an urban character in that the proposal is a street-oriented building; it has no direct driveway access to individual units (all parking is within the building or underground); and, it does provide semi-private open spaces on an open terrace. It also includes windows and doors that face the street.

With regards to shadow and wind impacts, due to the location of the building close to Cannon Street East, shadowing of the sidewalk is unavoidable due to the orientation of the existing street and with buildings located close to the sidewalk. On this basis, staff note that even a two-storey building would shade the sidewalk at the same times as the proposed building. Shadowing of outdoor amenity areas for surrounding uses would not occur based on the building step backs, proximity to streets, and relative slender nature of the tower. A wind study was not required for the development as the detailed design of the building was already reviewed and accepted through the Site Plan Control process. With regard to privacy, the 14 m setback to the building face from the southerly lot line, along with a parapet wall and amenity area landscaping would minimize overview on abutting properties to the south (the dwelling to the south does not have outdoor rear amenity area, only parking).

Therefore, based on the above, the proposal would implement the intent of the "Mixed Use" designation (and the accompanying applicable "Medium Density Residential" land use designation policies) subject to the above noted Site Specific Policy Area to recognize that a high rise form of development at a density of approximately 700 units per hectare is permitted within the "Mixed Use" designation.

Specific Residential Precinct Policies

As earlier noted, the subject lands are located within Area A (Northeast Residential - Beasley Precinct) on Map B.6.1-3 - Downtown Hamilton - Special Downtown Residential Policy Areas. The following policies would apply to the proposed development:

"B.6.1.9.6 Specific Residential Designation Precincts

The following policies apply to three residential precincts within the Downtown that contain significant tracts of vacant land. The three precincts are depicted on Map B.6.1-3 – Downtown Hamilton - Special Downtown Residential Policy Areas and the following policies must be read in conjunction with the other residential policies in this Section.

- a) Area A Northeast Residential Precinct This area is adjacent to the Beasley Neighbourhood and is currently dominated by surface parking lots. Over time, these parking lots shall be removed and replaced with low-to-mid-rise residential development, with commercial and retail on the ground floor. New development should have an urban form featuring street oriented buildings that restore the traditional character of the Downtown area. The following policies apply to Area A Northeast Residential Precinct:
 - i) Surface parking shall be located at the rear of buildings, with access through a common mid-block driveway / alley system. Direct driveway access from the street to individual units shall be strongly discouraged.
 - ii) Required open space within new private development maybe provided in the form of new parkettes and internalized semi-private open spaces within courtyard areas created by new buildings.
 - iv) The following policies shall apply to building alterations or the redevelopment of a site:

1. The height of new buildings and additions shall below-to-mid rise, in accordance with Map B.6.1-4 – Downtown Hamilton - Building Heights, in order to maintain and enhance pedestrian comfort at street level.
2. Building height may be increased above the normally permitted height, provided the project is massed as to achieve a compatible relationship with adjoining buildings and public spaces.
3. Signage shall be designed and located to respect the architectural integrity of the host building and to be compatible with a residential environment."

The Secondary Plan defines mid-rise as being six to eight storeys in height. With regards to the redevelopment policies (B.6.1.9.6(iv)), building height can be increased above the normally permitted height (without an Official Plan Amendment) if the building is massed to achieve a compatible relationship with adjoining buildings and public spaces. This test must be considered in conjunction with the other applicable secondary plan policies. In this regard, there is no adjoining public space and the proposed building step backs provide an appropriate massing such that the greater height is located along Cannon Street East away from the residential neighbourhood (which itself enjoys a 3 m step back to the tower from the three-storey podium). Signage would be located only along Cannon Street East on the building façade above each individual commercial unit. However, while the policies do permit an increase above the normally permitted height, as it is still intended that the lands be developed for low to mid-rise forms of development, it would be prudent to include within a Site Specific Policy as part of the Official Plan Amendment to redesignate the lands to "Mixed Use" to note that the form of development will be high-rise, not mid-rise.

There is no area-specific policy direction within the Northeast Residential Precinct that addresses minimum or maximum density. However, as the built form is appropriate for the site context at the periphery of the neighbourhood on an arterial road with transit availability, it is considered that the proposed density is also appropriate at this location.

While the subject lands do not contain a commercial parking lot, they are vacant and have been used for parking. The policy direction for this area is that these underutilized properties be replaced with low to mid rise residential development with commercial uses on the ground floor. The proposal generally implements this policy direction and includes the desired street oriented building along Cannon Street East. It also implements policy direction for surface parking to be at the rear of the building and not along the street (no surface parking is proposed).

Based on the concept plan submitted, semi-private open space (accessible to all residents of the building, not divided into individual amenity areas) is provided on a terrace on top of a two-level parking garage.

Therefore, based on the above, the proposal would meet the intent of the Northeast Special Residential Precinct.

Building Height

According to Building Heights Map B.6.1-4, a maximum height of four storeys is identified. In addition to the above discussed policy direction for the Northeast Special Residential Precinct, the Downtown Hamilton Secondary Plan contains general Policy B.6.1.5.6 which addresses height and encourages density to be achieved by complete coverage rather than building height.

“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, Policies B.6.1.5.9 and B.6.1.5.12 permit additional height to be contemplated, where certain criteria have been satisfied, as it states:

“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.

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

A 12-storey height was previously approved through Minor Variance Application HM/A-15:074. However, the Committee of Adjustment decision will be superseded by the proposed change in zoning to a new zone. Therefore, the same increase in height must be included as a zoning modification within the proposed Downtown Mixed Use (D3) Zone. The proposal meets the intent of the policy direction that sites are developed with complete coverage (rather than for example with one tall building surrounded by surface parking).

The proposed building design provides a more slender upper storey building mass than the larger base podium. This includes both a building step back of 3 m from Cannon Street East to the taller portion of the building, and a 14 m setback through a two-storey parking garage with terrace on the south side of the property. There are no sun shadow impacts on public spaces and in regards to sidewalks, at this location based on the configuration of the street pattern, even a two-storey building would provide sidewalk shadowing. Finally, with regard to consideration for the surrounding urban form, while the building is taller than the immediate surroundings, other taller buildings do exist only a block to the south and in a location more interior to the neighbourhood than the subject lands. Combined with the innovative building design that provides for a two-storey rear terrace with a 14 m setback to the tower from the abutting dwelling to the south, ample design consideration for the surrounding urban form has occurred. Therefore, based on the above, the staff are satisfied the intent of the policy direction to permit increased height without an Official Plan Amendment have been satisfied and can be supported.

With regards to density, there are no minimum or maximum density policy provisions within the “Mixed Use” designation, or for high rise residential forms of residential apartments (only for low and medium rise apartments). However, the general residential policies of the Secondary Plan note that for lands within the “Medium Density Residential” designation that a density of 300 units per ha shall be accommodated for a mid-rise apartment building. The “Mixed Use” designation requires that the residential component shall conform to the “Medium Density Residential” policies which generally do not contemplate a high-rise apartment. Therefore, a Site Specific Policy Area is included as part of the Official Plan Amendment to recognize the form and density of the proposal. The proposed density is considered appropriate for the area in that it is on the periphery of the neighbourhood in proximity to transit and other commercial businesses within close walking distance.

Downtown Hamilton Secondary Plan Urban Design Policies

In addition to urban design policies that apply throughout the City of Hamilton that were identified and discussed in the UHOP policy review section of this Report, the

Downtown Hamilton Secondary Plan also contains more specific urban design policies. The following policies would apply:

- "B.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;
 - 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."

The proposed development addresses the applicable urban design principles. By providing street oriented commercial uses with direct pedestrian connections to Cannon Street East an intimate pedestrian environment is achieved along with "eyes on the street". This is particularly the case in this development as the tallest portion of the building is stepped back 3 m from the three-storey podium along Cannon Street East. It also eliminates street level parking lots and vacant properties along a major street in that all of the proposed parking will be internal to the building. Barrier-free access directly from the sidewalks is proposed to both access the residential tower from Cathcart Street and each commercial unit along Cannon Street East. Through improvements to the design achieved in part through the review of the project by the Design Review Panel and urban design staff, there will be no blank walls along the street frontages.

Therefore, based on the above, the proposed development, subject to an Official Plan Amendment from "Low Density Residential" to "Mixed Use", implements the general intent of the UHOP and the Downtown Hamilton Secondary Plan.

Beasley Neighbourhood Plan

Following adoption of the Downtown Hamilton Secondary Plan, as per Policy 6.2.3.3.1, policies applying to this Planning Area presently contained in the following plans are no longer in effect: Central Neighbourhood Plan, Central Area Plan, Durand Neighbourhood Plan, Corktown Neighbourhood Plan and Beasley Neighbourhood Plan.

RELEVANT CONSULTATION

The following Departments and Agencies submitted the following comments:

Operations and Waste Management Division (Public Works Department) has advised that there are no comments on the proposed Official Plan and Zoning By-law but that due to the design of the building with internal waste storage, the property would likely be ineligible for municipal waste collection.

Forestry and Horticulture Section (Public Works Department) has advised that there are no municipal tree assets being impacted by the development, so a Tree Management Plan would not be required. Forestry staff have also reviewed and approved a landscape plan through DA-15-022 that will include street tree plantings along Cathcart Street.

Recreation Division (Community Services Department) has advised that the subject property is within 175 m walking distance to Beasley Community Park, within 500 m walking distance to J.C. Beemer and Tweedsmuir Neighbourhood Parks, and within 575 m walking distance to the McLaren Parkette. These parks are undersized according to current parkland standards. In addition, it is noted that there is a large neighbourhood parkland deficiency of -4.37 ha (2009) in the Beasley Neighbourhood. It is recommended that private amenity space be provided for residents onsite. In this regard, a private amenity area has been provided on a second level terrace (and through traditional individual balconies).

Traffic Engineering Section (Public Works Department) has reviewed a Traffic Impact Study. This study has been approved by Traffic Engineering staff and through the review of Site Plan Control Application DA-15-022, suggested site revisions including visibility triangles at the northeast and northwest corners of the building have been provided as well as room to queue in front of the garage door without blocking the municipal sidewalk. The traffic study noted that the development would not impact surrounding intersections and that certain existing intersection movements that already experience delay would not be substantially impacted as these impacts already exist due to traffic volumes on Cannon Street East. No other improvements to municipal infrastructure are required other than stop sign controls and appropriate parking signage.

Hamilton Municipal Parking System (HMPS) (Planning and Economic Development Department) has advised that should the development of the building proceed as a retirement home or for seniors housing (i.e. seniors rental accommodation) that sufficient parking has been provided but that should other use of the building be entertained, parking may be more limited. However, HMPS have advised that existing one hour street parking along Cathcart Street should remain for short term visitor parking and overflow demand if the proposed 64 parking spaces are insufficient for demand. Further discussion on the amount of parking available is contained in the Analysis and Rationale for Recommendation section of this Report as part of the review of the required Zoning By-law modifications.

Hamilton Street Railway (HSR) has advised that the No. 3 Cannon Bus Route runs in front of the subject lands and that direct connections to the street are beneficial to improve transit. HSR commented that mixed land uses also contribute to transit viability and that intensification of sites along transit routes is encouraged to accommodate a range of transportation options.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to approximately 218 property owners and tenants within 120 m of the subject property on February 13, 2015, requesting public input on the application. A Public Notice sign was also posted on the property on February 25, 2015. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act*.

To date, no written correspondence has been received from local residents. The applicant has also consulted directly with the Beasley Neighbourhood Association (BNA), who corresponded to the applicant that the Beasley Neighbourhood Association supports the proposal. The BNA also attended the related Minor Variance Application meeting and expressed a desire that the Minor Variance to reduce parking should address all uses, not just for a retirement home.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (i) and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) Subject to a redesignation from "Low Density Residential" to "Mixed Use" and the creation of a site-specific policy area, the proposal implements key policies of the UHOP with respect to the Downtown Hamilton Urban Growth Centre and Downtown Hamilton Mixed Use Area which identify the

downtown as a key location for residential and commercial growth as well as meeting key policies within Special Residential Neighbourhood A with respect to redevelopment of vacant lands and parking lots on lands on the periphery of the neighbourhood along an arterial road; and,

- (iii) The design of the proposed building implements key urban design policies that promote a transition in scale; the use of innovative building step backs and terracing; and providing an animated streetscape along Cannon Street East. It is an appropriately scaled residential intensification project compatible with the surrounding neighbourhood.
2. The subject lands are currently vacant and have been since at least the late 1990s. Prior to this time, four single detached dwellings were located on the lands but these were demolished between the 1950s and the 1990s. Since that time the lands have been paved and used as parking.

The proposal is to build a 12-storey building with 407 sq m of ground floor commercial uses (up to six possible individual commercial units). These commercial units would have direct access to Cannon Street East. Up to 100 residential apartments are proposed on the upper floors (although the second floor is devoted to parking). The design of the building incorporates a three-storey podium (the base of the building) that frames Cannon Street East and Cathcart Street. The third floor of the podium and the remaining upper storeys would contain the residential units. The upper storeys of the tower above the podium (the middle of the building) would then be subsequently stepped back 3 m from the podium along Cannon Street East and 14 m from the rear two-storey terrace and parking garage. The terrace is proposed to provide outdoor amenity area for the residents. The outdoor amenity area on the terrace is located at the third floor level (on the roof of the second floor parking area). The terrace is 14 m in depth and thus ensures that the tower would be setback at least 14 m from the southerly property line that abuts a residential dwelling. The top of the tower includes wrap around windows on the corner units to differentiate from the middle of the tower.

Access to the residential lobby, as well as to the parking garage entrance is from Cathcart Street (the west side of the building). Internal parking of 64 spaces is proposed, split between a level of underground parking, a partial level of parking on the ground floor but behind the commercial units, and a level of parking on the second floor.

3. The proposal was presented to the City of Hamilton's Design Review Panel (DRP) on February 12, 2015. The DRP's mandate is to provide design advice to staff and the proponent. At the meeting, the feedback from the panel was positive. Overall, the DRP were supportive but identified the importance of the

step backs as an integral component of any future building. Certain suggestions were made to improve the design and these were predominantly to provide greater architectural articulation on the sides of the tower; to enhance the sides and rear of the two-level parking garage and terrace at the rear of the building; to either step the tower back from Cathcart Street or improve the delineation of the podium versus tower at that location; and, to consider increasing the podium height along Cannon Street East from two to three storeys in height.

The above noted matters were included as part of the conditional approval of Site Plan Control Application DA-15-022 and will be incorporated into any site plan approvals for a mixed use multiple dwelling. The improvements included the introduction of differing construction material for the podium base; increased glazing on the sides of the upper floors of the tower; an increase in the podium height to three storeys; glazing and other architectural improvements to the sides and rear of the parking garage; the inclusion of landscaping along the edges of the terrace to maintain privacy on abutting dwelling (as well as clear glass at the top of the terrace or aesthetics). Based on these improvements, staff are satisfied that the proposed building will be both architecturally pleasing and that it will fit in with the character of the area as it provides appropriate step backs to the tower from the podium and from the tower to abutting lower density development.

4. As noted in the background section of this Report, a 12-storey building is permitted on the subject lands. Concurrent with the proposed Official Plan Amendment and Zoning By-law Amendment to allow for a mixed use building (commercial and multiple residential), the applicant submitted a Site Plan Control Application (initially via a Preliminary Site Plan Review Application) in 2015. That Site Plan Control Application was to allow for a 12-storey retirement home on the subject lands. The subject lands are currently zoned Downtown Residential (D5) Zone. This zone permits grade oriented residential uses such as single and semi-detached dwellings, street townhouses and duplex dwellings. It also permits a range of institutional uses such as educational establishments, emergency shelters, long term care and residential care facilities and retirement homes.

The Site Plan Control Application, and a subsequent Minor Variance Application to permit an increase in height from 15 m to 37.8 m; a 0 m side yard setback for the first three storeys instead of 0.9 m and 1.2 m; a rear yard setback of 0 m instead of 7 m; and, 64 parking spaces instead of 66 parking spaces was to permit the construction of a retirement home. Should the Official Plan and Change in Zoning Applications be approved to permit a 12-storey mixed use building, the applicant would then have the flexibility to finalize the construction of the building for either use (subject to amending the Site Plan Control Application to update the plans to reflect the mixed commercial and residential use instead of

a retirement home). This is because the same range of institutional uses is also permitted in the proposed Downtown Mixed Use (D3) Zone as the existing Downtown Residential (D5) Zone.

5. A 12-storey building with the same design as the current proposal is already permitted within the existing Downtown Residential (D5) Zone. Minor Variance Application HM/A-15:074 permitted such a building (as a retirement home) with the following Minor Variances:

- A maximum height of 37.8 m instead of 15 m;
- A minimum 64 parking spaces for a retirement home for 197 residents instead of 66 parking spaces;
- A 0.0 m rear yard setback instead of 7 m; and,
- A 0.0 m side yard setback for the first three storeys instead of 0.9 m on one side and 1.2 m on the opposite side.

The above noted Minor Variances are specific to a retirement home but would only be in effect for a retirement home in the existing Downtown Residential (D5) Zone. However, as the proposal is to rezone the lands to the Downtown Mixed Use (D3) Zone to permit a mixed use building (the (D3) Zone also permits a retirement home), these variances would no longer be applicable if the proposed Zoning Application was successful. It also should be noted that the previous variances for setbacks would no longer be needed as the (D3) Zone does not contain requirements for any setbacks from a side or rear lot line. As such, the applicant has requested that the implementing zoning By-law reflect the previous Committee of Adjustment approvals.

6. In addition to the Rezoning of the lands from the Downtown Residential (D5) Zone to the Downtown Mixed Use (D3) Zone, a number of site-specific modifications are necessary.

Modification to Height

Building height requirements within Downtown Hamilton are not set out in specific zones but rather in a site-specific map for all of Downtown Hamilton in Zoning By-law No. 05-200. On this schedule to the Zoning By-law, for the subject lands, a maximum height of 15 m is permitted whereas approximately 38 m is proposed. However, Minor Variance Application HM/A-15:074 has already been approved by the Committee of Adjustment in May 2015. That application permitted an increase in height from 15 m to 37.8 m. As noted above, the Minor Variance permission would not carry forward to the Downtown Mixed Use (D3) Zone. Therefore, the implementing By-law requires a modification to allow for a 38 m building height (rounded up from 37.8 m for design flexibility).

As discussed in the UHOP Policy Section of this Report pertaining to building height policies, this increase in height can be supported as it conforms with the UHOP policies that permit an increase in height without an Official Plan Amendment if certain design elements are incorporated into the development. Through the approved design of the building, which incorporates a design such that the main height of the tower is both stepped back from the street and substantially setback from existing dwellings to the south, the impact of the height increase is minimal and limited to the Cannon Street East streetscape, where taller buildings on the periphery of the neighbourhood would be more appropriate. Shadowing would not occur into private amenity areas of surrounding dwellings.

Modifications to Address Façade Height

The Downtown Mixed Use (D3) Zone requires that the minimum façade height of a building along a street be at least 7.5 m. This minimum façade height is achieved along Cannon Street East and a portion of Cathcart Street (the westerly side façade). For the main portion of the westerly side façade of the building, the façade height is greater than 7.5 m. However, the side of the two-level parking garage with terrace is approximately 6.4 m in height (as shown on Page 5 of Appendix “C”). Therefore, a modification to permit a reduced façade height is required. The implementing By-law has been structured to only allow the reduction in façade height for the portion of the building that contains the parking garage and terrace. The reduction can be supported as the reduction will only apply to a small portion of the façade width and in an area where a façade height reduction is important to ensure that the side of the building at that location is relatively short, so as to provide a transition in height from the abutting dwelling to the tower, 14 m to the north.

Modifications to Address Parking

The proposed development will contain 64 parking spaces within the building. For a multiple dwelling, one parking space per unit is required within Zoning By-law No. 05-200. Therefore, if 100 apartment units are provided, 100 parking spaces would be required, and as only 64 parking spaces are proposed, a modification to permit a parking ratio of 0.64 parking spaces per unit would be required. A Minor Variance has already been approved to permit 64 parking spaces for a 197 resident retirement home instead of 66 parking spaces. This approval must also be included in the proposed By-law as the previous reduction granted was for a retirement home in the (D5) Zone, not the (D3) Zone.

The applicant has also provided a Parking Justification Study as part of the Traffic Impact Study. This Report notes that based on the 2011 Transportation Tomorrow Survey (TTS) that car ownership for an apartment building in this area

is expected to be generally 63% of units owning a car. However, Institute of Transportation Engineers (ITE) Parking Generation notes that parking demand would be less, at 0.45 parking spaces per unit being needed to meet demand. The report notes that under either evaluation framework, sufficient parking is being provided. It also should be noted that an existing bike share station is located one block to the west on Cannon Street East with dedicated bike lanes immediately in front of the building. The Cannon Street bus route is also located in front of the building. In the UHOP and Downtown Hamilton Secondary Plan, policy direction is to consider reduced parking requirements, particularly within the Downtown Hamilton Growth Centre (Downtown Mixed Use Area).

In addition, the applicant has indicated that the apartment building is proposed as rental tenure, which generally decreases car ownership rates. For this form of tenure, the applicant has advised staff that parking spaces will not be provided to any individual unit, rather, they would be rented separately. This means that if a perspective tenant doesn't own or use a car and doesn't need a parking space, that parking space would be available to rent for another tenant. This is an example of decoupling of parking from the actual unit rentals. Therefore, if all of the parking spaces in the building were rented and a perspective tenant in the building wanted to rent an apartment but had a car, they would not likely chose to rent in this building.

The applicant has also endeavoured to provide bicycle storage within the common rooftop amenity area. Securing this bicycle parking space, as well as requirements for warning clauses to be included in any rental or lease agreements, will be secured through the Site Plan Control stage of development. This is because the applicant will be required to amend the conditionally approved Site Plan Control Application DA-15-022 so that the approval reflects the proposed mixed commercial and multi-residential development, rather than a retirement home.

Based on the above, staff are satisfied that the amount of parking proposed strikes a reasonable balance in both providing a level of parking to meet basic demand while still being such that the reduction will support transit and other active means of transportation.

Modification for Visual Barrier

The Zoning By-law requires in the (D3) Zone that a visual barrier be provided along a lot line that abuts the Downtown Residential (D5) or Downtown Multiple Residential (D6) Zone. The abutting lands to the south of the subject lands are zoned (D5) and therefore, a visual barrier is required along that lot line. As the proposed building extends directly to the southerly lot line, no visual barrier has been provided there. The side wall of the two-storey parking garage and terrace

will function the same as a visual barrier. However, as a wall of a building does not meet the definition of a visual barrier within Zoning By-law No. 05-200 (which requires either a fence or planting strip) a modification is required to eliminate the requirement for such a barrier. This modification can be supported as a visual barrier along the southerly lot line would serve no purpose against the wall of a two-storey parking garage and terrace feature.

7. The Downtown Mixed Use (D3) Zone is subject to Site Plan Control. In this regard, Site Plan Control Application DA-15-022 (220 Cannon Street East, Hamilton) has already been conditionally approved to permit a 12-storey retirement home on the subject lands. The building form for this building is exactly the same as the proposed mixed commercial and residential building. Should the proposed Official Plan Amendment and Zoning By-law Amendment be successful and the applicants wish to finalize the construction of the building for commercial and residential uses instead of as a retirement home, the above noted Site Plan Application would need to be amended to note that the approval would now apply to a mixed use building instead. However, the range of required conditions of approval would be consistent, which include the review and final approval of site grading and servicing; water and waste water assessments; landscape plan approval; finalization of a Record of Site Condition; final approval of a Noise Assessment; and, approval of a Construction Management Plan and Foundation Support Plan.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands 220 Cannon Street East could be developed for the range of uses permitted within the Downtown Residential (D5) Zone. These uses include ground oriented residential uses and a range of institutional uses. However, more specifically, the lands would continue to be permitted to be developed for a 12-storey retirement home for up to 197 residents based on the approval of Minor Variance Application HM/A-15:074 and Site Plan Control Application DA-15-022.

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.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment
- Appendix “D”: Concept Plan and Elevations

GM/th