



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 17, 2017
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 15 Queen Street South, Hamilton (Ward 2) (PED17166)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Tiffany Singh (905) 546-2424 Ext. 1334
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-17-004 by 2491034 Ontario Inc., Owner**, for a modification to the Downtown Prime Retail Streets (D2) Zone to permit a mixed use building with a maximum building height of 78 metres (23 storeys) for lands located at 15 Queen Street South, Hamilton, as shown on Appendix “A” to Report PED17166, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED17166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix “B” to Report PED17166, be added to Schedule “909 and 951” of Zoning By-law No. 05-200;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The Owner, 2491034 Ontario Inc., has applied for a Zoning By-law Amendment to modify the Downtown Prime Retail Streets (D2) Zone to permit a mixed use building with a maximum building height of 78 metres (23 storeys) containing a place of worship

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and retail on the ground floor, parking on the second to fourth floors and a multiple dwelling with 212 units within a 19 storey tower component above. In addition, one level of underground parking is proposed.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. Finally, the proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an alternative housing form for the neighbourhood, and provides services that support development of a complete community.

Alternatives for Consideration – See Page 36

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The site was formerly occupied by All Saints Anglican Church and an accessory rectory. An earthquake led to the removal of the bell tower for the church structure in 1999. Further structural decline of the church led to the rectory becoming the main worship space.

In 2010 a proposal for the construction of a 12 storey, 120 unit multiple dwelling and a church were proposed on the site. A Minor Variance application (HM/A-02:203) was approved by the Committee of Adjustment for the following:

1. a minimum of 69 parking spaces; whereas the By-law requires a minimum of 87 parking spaces; and,
2. a maximum building height of 38 m; whereas a maximum building height of 22 m is permitted.

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The decision was appealed to the Ontario Municipal Board (OMB). The OMB (File Number PL100430) dismissed the appeals and authorized the proposed variances subject to two conditions:

- a) a maximum of 110 dwelling units; and,
- b) a maximum of 68 units with a floor area in excess of 50 square metres.

In the summer of 2016, a demolition permit was issued for both the church and rectory buildings and the buildings were subsequently demolished. On December 15, 2016 a rezoning application for a 23 storey mixed use building was submitted, which is the subject of this Report.

Proposal

The subject site is located on the southeast corner of King Street West and Queen Street South, located in the Central Downtown Hamilton neighbourhood. The subject site is rectangular in shape, approximately 0.21 ha (2,150 sq.m.) in area, and is municipally known as 15 Queen Street South, Hamilton (see Appendix “A” to Report PED17166).

The applicant proposes to redevelop the former church site with a 23 storey mixed use building. The retail space will be located on the ground floor on the northwest corner of the subject site closest to the King Street West and Queen Street South intersection. The place of worship (for All Saints Church) is proposed on the ground floor with the main pedestrian entrance located off King Street West. The 212 unit multiple dwelling is proposed within the 19 storey tower component, with the main pedestrian entrance located off Queen Street South. In addition, an outdoor amenity area is proposed on the roof of the podium. Lastly, one level of underground parking, and a four level enclosed above ground parking structure are proposed consisting of a total of 195 parking spaces (see Appendix “C” to Report PED17166).

In order to facilitate the development, the applicant proposes modifying the Downtown Prime Retail Streets (D2) Zone with the following site specific modifications:

- Increased maximum building height;
- Reduced minimum number of parking spaces;
- Maintain the current parking stall dimensions of 2.6 metres in width to 5.5 metres in length;
- Reduced percentage of ground floor façade glazing;

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- Increased percentage of glazing for the second and third storey façades; and,
- Increase in the number of exterior cladding materials for the first three (3) storeys.

Chronology:

<u>July 14, 2016:</u>	Preliminary proposal presented to Design Review Panel (DRP).
<u>December 15, 2016:</u>	Application for Zoning By-law Amendment received.
<u>January 3, 2017:</u>	Zoning By-law Amendment Application ZAC-17-004 deemed complete.
<u>January 11, 2017:</u>	Notice of Complete Application and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property.
<u>January 18, 2017:</u>	Public Notice Sign posted on site.
<u>April 6, 2017:</u>	Applicant Public Open House.
<u>June 15, 2017:</u>	Revised concept site plan and elevations submitted in response to comments.
<u>September 20, 2017:</u>	Public Notice Sign updated with Public Meeting date.
<u>September 29, 2017:</u>	Circulation of the Notice of Public Meeting to 583 property owners within 120 m of the subject property.

Details of Submitted Application:

Owner:	2491034 Ontario Inc.
Applicant:	2491034 Ontario Inc.
Agent:	GSP Group Inc. (c/o Brenda Khes)
Location:	15 Queen Street South (see Appendix “A” to Report PED17166)

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Property Description:	<u>Lot Frontage:</u>	48 m
	<u>Lot Depth:</u>	40 m
	<u>Lot Area:</u>	2,150 sq m (0.215 ha)
	<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant – formerly a place of worship	Downtown Prime Retail Streets (D2) Zone

Surrounding Land Uses:

North	Commercial use – Retail Restaurant	Downtown Prime Retail Streets (D2) Zone
East	Multiple Dwellings – 3 and 4 storey walk-up rental apartment buildings and a municipal parking lot (future park - King Street West General Open Space)	Downtown Prime Retail Streets (D2) Zone / Open Space (P4) Zone
South	Commercial, retail, restaurants (Hess Village), residential	Downtown Mixed Use (D3) Zone
West	Private Club – Scottish Rite	Mixed Use (TOC1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced

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growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

With respect to Cultural Heritage, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.3 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property is currently included in the City’s Inventory of Buildings of Architectural and / or Historical Interest. It consisted of the historic All Saints Anglican Church and Rectory before it was demolished.

The subject property was added to the Municipal Register of Properties of Cultural Heritage Value or Interest by Council on July 9, 2009. Council later rescinded their decision and removed the subject property from the Register on August 13, 2009.

However, the subject property is also located adjacent to properties designated under Part IV of the *Ontario Heritage Act* and considered a “protected heritage property” under the Provincial Policy Statement. Further, the subject property is adjacent to a number of other built heritage resources included in the Register as non-designated properties.

As such, a Cultural Heritage Impact Assessment (CHIA) was prepared by McCallum Sather dated December 9, 2016. A revised CHIA dated June 15, 2017 was submitted to address deficiencies in the CHIA identified in staff’s comments. The Policy and Design Subcommittee of the Hamilton Municipal Heritage Committee also reviewed the revised CHIA at their meeting on July 17, 2017.

Staff are satisfied with the general shape and form of the proposed building, the inclusion of additional brick on the podium and additional fenestration patterns reflecting the horizontal proportions of the adjacent buildings along King Street West and Queen Street South. Further refinement of the design will be reviewed at the Site Plan Control stage. As such, it has been demonstrated that the heritage attributes of adjacent protected heritage properties and lands containing cultural resources will be conserved.

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As the application for a modification in zoning complies with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,
- consistent with the Provincial Policy Statement (PPS).

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the policies of the recently released Growth Plan for the Greater Golden Horseshoe, 2017 apply to any planning decision. The Growth Plan supports mixed use intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*....This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to *major transit station areas* and other *strategic growth areas*, including *urban growth centres*, and promoting transit investments in these areas.”

The following policies, amongst others, are applicable to the proposed development:

- “2.2.3.2. Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:
- b) 200 residents and jobs combined per hectare for each of the Downtown Brampton, Downtown Burlington, Downtown Hamilton, Downtown Milton, Markham Centre, Downtown Mississauga, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill Centre/Langstaff Gateway, Vaughan Metropolitan Centre, Downtown Kitchener, and Uptown Waterloo urban growth centres;
- 2.2.4.3. Major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:
- b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit;
- 2.2.4.9. Within all major transit station areas, development will be supported, where appropriate, by:

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- a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels;
- b) fostering collaboration between public and private sectors, such as joint development projects;
- c) providing alternative development standards, such as reduced parking standards; and,
- d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

2.2.4.10. Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

It should be noted that the Growth Plan defines *major transit station* areas as, “the area within an approximate 500 metre radius of a transit station, representing about a 10-minute walk”. The subject site would be considered within a “major transit station area” pursuant to the Growth Plan, given that it is located at an intersection that is an existing B-Line transit stop and is planned to have a future Light Rail Transit (LRT) stop. As such, the application conforms to the Growth Plan (2017) and, in particular, the policies relating to intensification, mixing of uses, efficient use of transit infrastructure, and providing a diverse range of housing stock.

Urban Hamilton Official Plan

The subject property is identified on Schedule “E” - Urban Structure as being within the “Downtown Urban Growth Centre” and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations. The subject property is also designated “Prime Retail Streets” on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply to the proposed development:

Urban Structure

“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 broad range of uses appropriate to its role as the City’s pre-eminent node.

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- 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.
- E.2.3.1.8 The Downtown Urban Growth Centre shall function as a major transit hub for the City with a GO rail station and higher order transit systems extending out from the Centre.
- 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.
- 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.2.3.1.15 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.

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

Concerning the foregoing policies, the proposal is within the City’s primary urban node which supports a range of residential densities and uses. At 212 units, the proposal would provide for a density of 984 units per hectare. Density however, is determined on an area wide basis for the Downtown as a whole rather than for individual development sites. The proposal is consistent with Policy E.2.3.1.9 to encourage the City’s highest densities in the Downtown to make this area more vibrant and livable by providing for a significant housing development in the core, and supporting planned transportation infrastructure investments as per Policy E.2.3.1.8. It should be noted that as-of-right 110 units are permitted, which would result in a density of approximately 510 units per hectare (Committee of Adjustment and OMB Decision).

In regards to Policy E.2.3.1.13, the proposal will encourage pedestrian activity along King Street West and Queen Street South through the creation of a multiple dwelling, new street-oriented commercial uses and the re-establishment of the former community use (place of worship).

The proposal supports transit, walking and cycling in the Downtown and adjacent neighbourhoods by proposing a reduced parking requirement, which is generally encouraged in the Downtown. Additionally, parking will be developed in an underground area and also within an enclosed above grade area of the podium.

Pedestrian Predominant Streets

King Street between Wellington and Queen Street, has been identified as a Pedestrian Predominant Street in Table E.4.3.1: Pedestrian Predominant Streets.

“E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to pedestrian predominant streets:

- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.
- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
- c) Each building or store front shall face onto the pedestrian predominant street with the main entrance of each building or store and substantial fenestration facing on to the street.

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- d) Notwithstanding Policy E.4.6.9 Mixed Use – Medium Density Designation, residential uses shall not be permitted on the ground floor of a building facing on to a pedestrian predominant street. (OPA 64)
- e) On-street parking shall be provided where feasible and appropriate.
- f) A minimum height of two storeys shall be encouraged.
- h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:
 - i) accommodate anticipated pedestrian volumes;
 - ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;
 - iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,
 - iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.”

With regards to item (a), the podium component will create a continuous street wall along King Street West. With a right-of-way widening along the King Street West frontage being dedicated to the City, the proposed building will be built to the streetline and the access driveway and loading are located along the Queen Street South frontage towards the south limit of the property (item (b)). The proposal includes retail and community use at ground level facing directly onto King Street West (item (c)) with no residential use at grade (item (d)). No on-street parking is proposed along King Street West, but lay-by parking will be provided along Queen Street South (item (e)). The podium and overall building height proposed will be greater than two (2) storeys (item (f)). The existing sidewalk along King Street West will be maintained, however details regarding the sidewalk design and landscaping will be reviewed at the Site Plan Control stage (item (h)).

Land Use

The general function and uses of the Downtown Mixed Use Area are set out in the following policies:

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

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 residential uses.”

The proposal will increase the number of people who reside in the Downtown which will enhance the daytime and nighttime activity levels of the core. The proposed multiple dwelling, street level commercial and place of worship uses are consistent with the uses permitted in Policy E.4.4.4.

“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.”
As noted, density and height are addressed as policy requirements in the Downtown Hamilton Secondary Plan, however, higher density housing forms such as the subject proposal are particularly encouraged in order to achieve the higher density targets envisioned for the Downtown. Based on Secondary Plan policies, an increase in building height above that shown on Map B.6.1-4 – Downtown Hamilton – Building Heights, is subject to a comprehensive review of urban design requirements such as a wind assessment, sun-shadow study, and impact of views on streetscapes. This review is discussed in greater detail in the Downtown Hamilton Secondary Plan section.

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

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 proposed development will provide a 4.0 metre right-of-way widening on the south side of King Street West at the intersection, tapering down to a 2.0 metre wide right-of-way widening at the east end of the subject lands (see Appendix “C” to Report PED17166). This will contribute to the enhancement of the streetscape and facilitate pedestrian activity and enjoyment along this section of King Street West at a proposed LRT stop. Also, the proposed building would feature a step-back of 2.7 metres from King Street West and 1.0 metre from Queen Street South between the roof of the podium (above the fourth floor) and the tower to reduce the effect of the building massing at the street level (see Appendix “D” to Report PED17166).

The proposal complies with the City’s Travel Demand Management objectives and it has been developed on the basis of a reduced parking rate of 0.75 parking spaces per unit in recognition of the direct adjacency to existing public transit and also in anticipation of the proposed LRT system. In addition, the proposal will accommodate active transportation by including 106 long – term indoor bicycle parking spaces and 20 short - term bicycle parking spaces at grade. With regards to Policy E.4.4.14, the subject site is on a pedestrian predominant street and a modified parking requirement is recommended as previously discussed.

Residential Intensification

The following Volume 1 policies pertain to residential intensification:

- “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.”

With respect to the above, the proposed design is for a modern high-rise development with existing low-rise heritage brick buildings surrounding the subject site to the east, south and west. Compatibility with the existing character of the area is achieved as the proposed design is in alignment with the multiple dwellings to the east and the podium will incorporate the use of brick and is similar in height to the surrounding context which ranges between 3-4 storeys on the south side of King Street West. As such, the proposal would maintain and enhance neighbourhood character (item (b)) by redeveloping a vacant site with active commercial retail and community uses at grade, fronting onto a pedestrian predominant street, and directly adjacent to a future LRT stop with residential above. The podium will create a continuous street wall along both King Street West and Queen Street South, while the tower component will be setback 1.0 metre from Queen Street South and 2.7 metres from King Street West respecting the existing surrounding built form and street proportions. Lastly, the subject site is located on the edge of a Heritage Character Zone and the proposed development would

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provide a transition in design from the cultural heritage resources to the east to more modern design regulations that are applicable to the west.

The proposal would contribute to the range of dwelling types in the Downtown (item (c)) by providing high-rise multiple dwelling units directly adjacent to existing and planned transportation infrastructure and in close proximity to amenities and services.

The proposal would allow for compatible integration of a new mixed use building (item (d)) by re-establishing the former community use (place of worship) and contributing retail at grade along King Street West, which will strengthen and unify this important retail area of the Downtown. The scale and massing of the proposed development has been designed to ensure that this high - rise building is compatible with adjacent lower to mid - rise development and the streetscapes on King Street West and Queen Street South. The form and height of the proposed building will be more than existing buildings in the immediate surroundings. However, staff are of the opinion that with the step-backs, setbacks, and design elements included in the proposed design, the building would represent an appropriate integration of a tall building into this block. Also, with respect to building height, the immediate surrounding context has generally a low-rise profile despite existing height permissions, but is in an area that contains a number of taller buildings ranging from 8 to 26 storeys in height as well. Through an evaluation of the submitted sun / shadow study, prepared by McCallum Sather (December, 2016), it has been determined that the proposed development does shadow some public streets beyond the as-of-right permission. However, there are no public areas impacted by more than two hour intervals of shadowing and no more than four hours of shadowing on a vibrant street, which is consistent with the draft tall building guidelines, which state that there should be a minimum of five hours of sunlight throughout the day on March 21st and September 21st on Vibrant Streets (includes King Street West). There are approximately twelve hours of sunlight on these days.

Achieving the planned urban structure (item e) has been examined under the UHOP policies and the proposal would be consistent with these policies by encouraging residential development downtown, higher densities, the support of transit, and reduced automobile use through pedestrian activity and cycling.

The proposal in terms of infrastructure and transportation capacity (item (f)) would be appropriate. In particular, existing infrastructure for water and wastewater services are available to service the property. With respect to transportation, the proposal would provide support for the future LRT, and existing transit, bicycling and pedestrian infrastructure which are also important elements of the City's Downtown Transportation Strategy.

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Urban Design

The following Volume 1 urban design policies, amongst others, are applicable to the proposal.

- “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.”

With respect to the foregoing policies, the proposal would support pedestrian activity along both King Street West and Queen Street South by re-establishing a community use and adding retail at grade, which would contribute to the character of the street by animating it and encourage new street level retail along King Street West.

The proposal would complement the surrounding heritage character of adjacent buildings along King Street West and Queen Street South (item (b)) with the use of brick on the podium and additional fenestration patterns to reflect the horizontal proportions of the adjacent buildings along King Street West and Queen Street South. Also, the tower component steps back from the podium to reduce the massing at the street level, minimize the impacts of shadowing and maximize the light to adjacent properties and the public realm (see Appendix “E” to Report PED17166).

Integrated Transportation Network

“C.4.2.4. Transportation Demand Management measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new development plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 – Policy Goals.

C.4.2.4.1 Transportation demand management measures may include:

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

C.4.2.5 Public transit shall be an integral component of planning for new development and development of residential uses and all new commercial, employment, institutional and mixed use centres within the urban areas of the City. Accordingly, new secondary plans shall include provisions for safe, convenient, accessible and direct access to the public transit network via active transportation.”

The proposal provides Transportation Demand Management measures, such as secure bicycle storage facilities within the building and short - term visitor bicycle parking at grade and is accessible to existing and planned LRT public transit facilities along King Street West (“B” Line). As noted, the proposal also includes a reduced parking rate to support transit usage.

“C.4.2.11 The City shall encourage new development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.”

The proposed development is adjacent to the “B” Line Corridor for transit and is well served by sidewalks along King Street West and Queen Street South.

Housing

The following Housing objectives are applicable to the proposal:

“B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.

B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

The proposed multiple dwelling would provide a large supply of dwelling units at a higher density that offers downtown living close to transit, jobs, and amenities and contributes to a range of units.

Environmental Site Conditions

The following Environmental Site Condition policies are relevant to the proposed development:

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.

B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of

subdivision, and site plan approvals where a Record of Site Condition is necessary.”

Concerning the above, the subject property is recognized as a potentially contaminated site due to its former use as a community use. As such, the property was subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone the Risk Assessment (RA) process and has received the Certificate of Property Use (CPU) from the Ministry of Ontario Environment and Climate Change (MOECC). As such, no holding provision is required as the provision of the CPU fulfills the Record of Site Condition requirement. This CPU information must be registered on title and provided to the Building Department for their records.

Noise Policies

The following Noise policies are relevant to the proposal:

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Concerning the above, staff note the proposed development is located along both a minor arterial road (Queen Street South) and major arterial road (King Street West) and is within 400 m of a major arterial road and a truck route (King Street West and Main Street West). Therefore, a noise assessment is required for the proposal. The noise assessment should address both indoor noise levels for the arterial roads as well as the outdoor rooftop amenity area located above the fourth storey podium. An Environmental Noise Impact Study, prepared by dBA Acoustical Consultants Inc. dated December, 2016, was submitted and reviewed by staff. Planning staff required that noise levels from Main Street West also be evaluated. An addendum report was submitted on April 24, 2017. Staff are satisfied with the addendum report for rezoning purposes, but require that a noise warning clause be included on all future purchase and or lease agreements and that all noise control measures recommended in the report be implemented at the Site Plan Control stage.

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Downtown Hamilton Secondary Plan (Volume 2)

The subject property is included in the Downtown Hamilton Secondary Plan which establishes principles, land uses, development standards, and provisions for urban design, heritage and transportation to guide the development and redevelopment of land in the Downtown. The subject property is designated “Prime Retail Streets” on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply:

“B.6.1.5.3 In addition to the land uses described in Section B.6.1.5 – General Land Use Policies, the following uses shall be permitted throughout the Downtown:

- a) public uses including schools;
- b) social service facilities; and,
- c) places of worship.

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.

B.6.1.5.7 Building height limitations fall into three ranges:

- a) Low rise - 2 to 4 storeys;
- b) Mid rise - 6 to 8 storeys; and,
- c) High rise - 12 to 15 storeys.

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;

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- b) sun shadow impacts on public sidewalks 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.

B.6.1.6.3 New development and redevelopment shall be at a scale and density that supports public transit in the Downtown. It is a priority to provide public transit in the planning area and pedestrian access to public transit through: a) providing transit routes into and within Downtown Hamilton; b) ensuring transit accessibility is incorporated into street redesign; c) providing direct access between buildings and the public streets to transit stops; and, d) providing pedestrian scaled distances to transit stops within the Downtown.”

The proposed place of worship, multiple dwelling and retail uses are permitted. Also, increased density is proposed through site coverage and building height while locating the taller building component further from the streets (Policy B.6.1.5.9.a)). The provision of an open space rooftop area on the podium is supported in the Downtown Hamilton Secondary Plan.

The proposed development is considered a high rise building (Policy B.6.1.5.7), and additional height has been sought through the submission of studies addressing the items in Policy B.6.1.5.9. With regards to sun-shadow impacts (Policy B.6.1.5.9.b)) McCallum Sather prepared a sun shadow analysis (December 2016) to demonstrate the sun shadow created by the location, massing and height of the proposed 23 storey building on adjacent public open spaces and sidewalks. Staff agree that the configuration of the 23 storey (78 metres excluding mechanical penthouse) building with step-backs, and its north – south orientation mitigates the creation of significant additional shadows on the public realm when compared to the current as-of-right permission of 38.0 metres (OMB Decision). While the proposed development does shadow some public streets beyond the as-of-right permission, there are no public areas impacted by more than two hour intervals of shadowing. It is expected that this shadowing on public areas will occur at 4:00 pm during the winter months only and when the sun itself sets between 4:30 – 6:00pm.

With regards to wind impacts (Policy B.6.1.5.9.c)), the applicant’s wind assessment was prepared by Rowan Williams Davies & Irwin Inc. (RWDI). A new report was prepared by Gradient Wind Engineering Inc. dated June 22, 2017 in response to revisions

requested by staff. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate, and experience with similar developments in Hamilton, it is expected that wind conditions over all pedestrian sensitive grade-level locations within and surrounding the subject site will be acceptable for the intended uses during all seasonal periods. It was found that the southeast corner of the proposed podium rooftop amenity space may experience less desirable wind conditions in the fall going into the winter months. Should the applicant include seating in this area, they will be expected to implement the wind mitigation recommendations outlined in the report, which will be reviewed in detail at the Site Plan Control Stage.

With respect to streetscape impacts and views (Policy B.6.1.5.9.d)), the applicant submitted a Visual Impact Study prepared by GSP Group Inc. dated December, 2016. Staff are of the opinion that the proposed development would provide an enhanced pedestrian environment along King Street West through the development of the proposed podium which will add community and retail uses that will animate this corner. Staff are of the opinion that the proposed additional height does not negatively impact any significant views of the adjacent heritage buildings more than as-of-right permissions would create from adjacent public sidewalks.

Therefore, based on the foregoing, the proposal complies with the policies which allow for the consideration of an increase in building height. Further, the design includes articulation such as step-backs to consider views of the Scottish Rite building located to the west of the subject lands, and the increase in height and density will support public transit investments in the downtown.

General Urban Design Policies

- “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;
 - d) Creating a sense of place through the incorporation of public art and interpretive media;

- e) Providing “eyes on the street” and an interesting pedestrian experience by ensuring that the ground floors of all buildings have windows and doors opening onto the street or public laneways where appropriate. Entrances are to be provided at grade;
- f) Ensuring barrier-free access from grade level;
- g) Eliminating expanses of blank walls along street frontages.”

Concerning item (a) above, the inclusion of retail and community uses at grade, a reduced setback from the streetline along King Street West, and a podium height that relates to the adjacent buildings located along King Street West and Queen Street South (3 – 4 storeys), will animate the street and the intersection of Queen Street South and King Street West, contributing to the creation of a positive pedestrian environment.

Respecting item (b), compatibility with existing adjacent structures and streetscapes, it is noted that this site has already been identified as an appropriate location for a 12 storey (38.0 metre) building (Committee of Adjustment and OMB Decision). The design, scale and massing of the proposed building is intended to create a transition that is compatible with adjacent low to mid-rise development along King Street West and Queen Street South. This is achieved by maintaining a continuous street wall along both King Street West and Queen Street South with the podium component to relate to adjacent existing buildings and providing step-backs from the streetline, creating a more slender tower component. Lastly, a continuation of retail and community uses at ground level with residential uses located above will be compatible with the existing surrounding uses.

With regards to item (c), the proposed development will eliminate a vacant site in the downtown along a major commercial retail strip. All parking is being provided either below grade or within the enclosed podium component above grade. Although the incorporation of public art has not been included, this will be reviewed further at the Site Plan Control stage.

The proposal includes significant windows along both street frontages with entrances at grade, providing barrier-free access and facilitating “eyes on the street” behaviour, creating social interaction and animation of the street.

“B.6.1.7.14 New development and redevelopment shall integrate roof design and function with the surrounding buildings and public spaces. This shall be achieved through:

- a) Integrating the roof function, shape, surface materials, and colours with the building’s overall design concept;

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- b) Encouraging the size and placement of roof top mechanical equipment in discrete and unobtrusive locations to protect or enhance views of the Downtown from other buildings and the public street;
- c) Developing rooftop terraces, gardens, and associated landscape areas for climate enhancement and for storm water management; and,
- d) Incorporating best practices and appropriate technology to reduce energy consumption and improve air quality.”

The rooftop mechanical equipment is screened from view from any abutting street, and is designed to look like an additional floor to the building with glazing and spandrel panels to integrate with the building’s overall design. An outdoor amenity space is included on the fourth floor podium rooftop located along the east and southern side of the building for residents.

Prime Retail Streets

“B.6.1.8.7 The following policies, amongst others, apply to lands designated “Prime Retail Streets” in the Downtown Land Use Plan:

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

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- iv) New driveway access shall be at the rear of the property, and not on the public street. Alleyway access at the rear shall be utilized.”

The proposed development would comply with the above-noted policies by providing street-oriented commercial uses along King Street West, with a residential use above. The proposal does not include any surface parking and driveway access would be located off Queen Street South, furthest from the intersection. The proposed podium will maintain the traditional building line with no setback from the property line, with access at the street level, and ground floor doors and windows.

Downtown Hamilton Secondary Plan Review (Draft – May, 2017)

A review of the Downtown Hamilton Secondary Plan is currently underway and a review of the draft policies has been conducted. The updated Downtown Hamilton Secondary Plan Review is expected to be presented to Planning Committee in late 2017. The policies and discussion below is informative, not determinative, for the purpose of assessing the application.

Under the draft updated Downtown Hamilton Secondary Plan the subject site is designated Downtown Mixed Use, identified as a Pedestrian Focus Street, and is located within the Prime Retail Streets Character Area. In addition, a maximum building height of 12 storeys would be permitted as-of-right with a discretionary building height increase of up to 30 storeys without an amendment to the Secondary Plan, subject to the following:

- “6.1.5.10 Notwithstanding Policy 6.1.5.9 above, for lands identified on Map B.6.1-3 – Discretionary Building Heights, increases in height may be permitted for areas identified, without an amendment to this Plan, subject to the following:
- a) A Zoning By-law amendment;
 - b) Demonstrating how the proposed building and site design relate to the existing and / or planned context of the area;
 - c) Taking into account the relationship of the site to topography and other buildings in the area;
 - d) Providing high quality, comfortable and usable publicly accessible open space areas;
 - e) Demonstrating how any net increase to sun shadow impacts on public sidewalks, public spaces and private amenity areas will be mitigated;

- f) Demonstrating how any net increase to wind impacts on public sidewalks, public spaces and private amenity areas will be mitigated;
- g) Impacts on streetscapes and views of streetscapes, landmark structures or heritage buildings from public sidewalks or public spaces;
- h) Meeting the other principles and objectives of the Downtown Hamilton Secondary Plan;
- i) Impacts to on-site or adjacent cultural heritage resources;
- j) In order to demonstrate the urban design and heritage considerations above, proponents shall be required to submit a sun/shadow study, wind impact study, visual impact assessment, traffic impact study, infrastructure and servicing study, and urban design brief as part of a *development* application; and,
- k) In addition to Policy B.6.1.5.19 (j) above, applicants may be required to submit a cultural heritage impact assessment as part of development applications that exceed height maximums.

6.1.5.11 In addition to Policy B.6.1.5.9 and Policy B.6.1.5.10 above, maximum building heights within the Downtown shall be no greater than the height of the Escarpment. Given that the elevation increases gradually towards the Escarpment, it is likely that buildings may be taller the farther away they are from the Escarpment.”

The above material was submitted as part of this Zoning By-law Amendment application and reviewed by staff as mentioned previously. Staff are of the opinion that the proposed additional height does not create any significant undesirable impacts in terms of shadowing, wind, views, traffic or servicing than as-of-right permissions would create. Draft Policy 6.1.5.11 adds a new element to the analysis required for additional height proposed in the Downtown Hamilton Secondary Plan area. The proposed 23 storey (78 metres excluding mechanical penthouse) building would be no greater than the height of the Escarpment. Further, the subject site is located far enough from the Escarpment that the additional height proposed will respect and not challenge the visual prominence of the Escarpment.

Therefore, the proposal is consistent with the direction of the draft Downtown Hamilton Secondary Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Downtown Prime Retail Streets (D2) Zone, which permits a wide range of commercial uses, places of worship, as well as multiple dwellings. As per the OMB Decision (PL100430), the following would be permitted:

- Maximum building height of 38.0 metres;
- Minimum parking of 69 spaces;
- Maximum of 110 dwelling units; and,
- Maximum of 68 dwelling units shall have a floor area in excess of 50 square metres.

In order to implement the proposed development, the applicant has applied to modify the existing zoning with site specific provisions reflecting a reduced percentage of ground floor glazing, increased percentage to the second and third floor glazing, an increase to the number of cladding materials for the first two storeys, increase in maximum building height, a reduced parking rate, and maintain the currently permitted parking stall dimensions. An evaluation of the proposed modifications is included in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Strategic Planning Section, Public Works Department;
- Health Protection, Public Health Services Department;
- Growth Management, Planning and Economic Development Department;
- Hamilton Street Railway;
- Operations Support, Public Works Department;
- City Wide Services, Community and Emergency Services Department;
- Tax Administration / Banking Section, Corporate Services Department;
- Hydro One Networks Inc.;
- Bell Canada;
- Canada Post; and,
- Alectra Utilities (formerly Horizon Utilities Corporation).

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 15 Queen Street South, Hamilton (PED17166)
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The following Departments and Agencies have provided comments on the application:

Transportation Management, Public Works Department have no objections to the subject rezoning application. Transportation Management noted that a road widening along King Street West and a 12.19 x 12.19 metre daylight triangle at the corner of Queen Street South and King Street West are required. A Council motion made on June 14, 2017 permitted a reduced 5 x 5 metre daylight triangle and lay-by parking along the Queen Street frontage.

Further, a Transportation Demand Management Report (December, 2016), prepared by R.J. Burnside and Associated Limited was submitted and revised (June, 2017). Transportation Planning staff are satisfied with the revised report and the provision of both short-term and long-term parking as identified on the revised concept site plan (see Appendix “C” to Report PED17166).

Corridor Management, Public Works Department have reviewed the application and have no concern with the rezoning application. Further, a traffic impact study was not required. Staff acknowledged the Council motion from June 14, 2017, permitting lay-by parking on the Queen Street South frontage and note that the permitted lay-by parking may be as narrow as 2.7 metres wide with extra width included within the municipal sidewalk. They also noted concern regarding sight lines for the vehicular ramp to and from the underground parking and existing hydro / street lighting poles that are located within the existing sidewalk will be addressed. These design details and verification of minimum sightlines will be reviewed further at the Site Plan Control stage.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a permit must be obtained from Corridor Management. Should long-term occupancy be required (3 months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Site Plan Control.

Further, any new or change in a residential access requires an access permit from the Public Works Department. The applicant must also remove all, if any, abandoned accesses and restore the boulevard at their expense. All access works within road allowance must be completed by a contractor bonded by the City of Hamilton.

Hamilton Light Rail Transit has advised that the proposed development is adjacent to the Main / King / Queenston B-Line LRT corridor. Metrolinx has identified the development of this rapid transit line in Hamilton linking McMaster University, Downtown and Eastgate Square as a top transit priority in the Regional Transportation Plan. The subject site is located at an intersection with an LRT stop and, this development should contribute to a positive pedestrian environment and be consistent with the urban design policies detailed in the UHOP.

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The right-of-way widths of King Street West and Queen Street South at this location are below the maximum right-of-way widths (45.720m and 36.576m respectively) identified in the UHOP. In order to construct the B Line LRT Corridor in this area, LRT staff recommended that the following road widenings be dedicated to the City as a condition of development approval:

- A 4.0m road right-of-way widening on the south side of King Street West at the east limits of Queen Street South tapering down to a 2.0m right of way widening at the east side of the subject lands.
- A 5.0m by 5.0m daylight triangle taken from the widened limit of the intersection of King Street West and Queen Street South.

All building setbacks are to be taken from the widened right – of – way limits on King Street West and the daylight triangle. No portion of the underground structure or above ground structure is permitted to encroach into the King Street West road right-of-way and the daylight triangle as widened. Further, the engineering drawings for the LRT alignment on King Street West adjacent to the subject lands have not been finalized to date. The road widening dedication requirements may change as our engineering drawings are advanced into a more detailed design.

Lastly, the construction of the LRT guideway on King Street West will require that all vehicle access, parking and stopping for this site be on Queen Street South only and not King Street West. All utility connections and municipal servicing should be from Queen Street South and not King Street West. This will reduce any future disruption to the LRT service and traffic lanes on King Street West.

Design details and road widening dedications will be further refined at the Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department has no concerns with the subject rezoning application. Forestry has advised that there are no municipal tree assets located on site. A detailed Landscape Planting Plan prepared and signed by a Registered Landscape Architect will be required at the Site Plan Control stage.

Recreation Planning, Public Works Department have no concerns with the subject rezoning application. They note that Ward 2 has a Neighbourhood and Community Park deficiency based on population per parkland requirement (2010). Further, the proposed development is located within the Central Neighbourhood (Planning Unit 6704), which is consistent with the neighbourhood park deficiency, but has met community park land requirements.

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The proposed development includes a mix of individual private balconies, podium rooftop terrace and an indoor common space, which will allow for passive recreation. However, the applicant is encouraged to consider providing active recreation opportunities. Design details regarding the programming of the provided amenity spaces will be further refined at the Site Plan Control stage.

Design Review Panel

The proposal was presented to the City's Urban Design Review Panel (DRP) on July 14, 2016, prior to making a formal Zoning By-law Amendment application. The mandate of DRP is to provide design advice to staff and the proponent.

The Design Review Panel noted a number of recommendations with respect to the original design that were discussed with the applicant and staff which are summarized as follows:

- “1. The podium needs to be redesigned to fit better into the context – both in terms of its height and materials.
2. Remain modern but articulate the elevation to reflect the existing building design patterns. You may look at the scale of the buildings on King Street and use similar materials.
3. Use the podium to be more active incorporating offices and residential uses.
4. Encourage more or all of the parking to be underground.
5. Retail should be located along the primary retail street and the church on the other street.
6. Reducing the tower floor plate and further setting back the building from King Street and Queen Street.
7. Podium setback should match the existing setbacks on both streets – and even more to allow for landscaping.
8. The tower should have a more elegant, thinner profile (even if that means granting more height) and it should be pushed as far from the Scottish Rite as possible (while still respecting internal lot-line setback).
9. Tower floorplate should be around 650 to 700 sq.m. (density can be made up with additional height).
10. Panel agreed that the Church should have its own expression and massing, and should be double height space- at least 7 or 8 metres floor to ceiling. It would relate well to the Scottish Rite and may be better located on King Street. Panel recommend enlarging the lightwell.
11. Landscape features should be further articulated. Panel suggested adding green roof to the top of the tower.
12. Panel suggested providing street trees and improving street furnishing.
13. Consider any potential for animation of the street.

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14. Wind impact, shadow impact, and justification for the increased height should be submitted to the panel for the future review.”

With regards to the design of the podium (point 1), the applicant reduced the height of the podium from five to four storeys providing a transition in height from 3 storeys to the east to 5 storeys to the west (Scottish Rite). The corner of the podium at the Queen Street South and King Street West intersection was carved out to increase the views of the Scottish Rite from the east to west and provide a defined entrance to the retail component located at the corner. In terms of material the design has been revised to include additional brick on the podium and additional fenestration patterns in an attempt to reflect the horizontal proportions of the adjacent buildings along King Street West.

The applicant responded to point 2, 6, 8, and 9 by setting back the tower component from the podium 2.7 metres from the north, 5.35 metres from the east, 9.75 metres from the south, and 1.0 metre from the west (from the Scottish Rite) making the tower component appear more slender at the northeast and southwest corners. In terms of material, brick has been incorporated with the predominance of glass to unify the tower component with the podium and surrounding context while remaining a modern building. By choosing not to stepback the tower component any further away from the west side, but instead to increase the stepback from the south side, it mitigates shadow impacts on the Scottish Rite property.

The podium will include retail uses along King Street West closest to Queen Street South (northwest side) and a place of worship on the northeast side also fronting on to King Street West. These uses will activate the ground floor of the proposed development and create a consistent street wall along King Street West further animating this important pedestrian predominant street (point 3, 5 and 13). Further the place of worship component will be double in height than the retail component creating a more defined space and entrance within the podium (point 10).

Parking will be located in one level of underground and within the four above grade floors of the podium. The parking above grade will now be wrapped with retail, place of worship, and lobby space at grade and with residential units on floors 2-4, reducing any visibility from the street of the vehicular parking areas (point 4).

The applicant has identified landscaping opportunities within the terrace on the podium rooftop facing Queen Street South that will include a combination of hardscaped and planted materials for use by building residents; and, at-grade landscaping features or plantings surrounding the place of worship, retail and residential lobby entrances (point 11 and 12). These matters will be examined further at the Site Plan Approval stage.

As already discussed in the Policy Implications and Legislated Requirements – Downtown Hamilton Secondary Plan section of this report, a Wind Impact Study and a

Sun Shadow Analysis were submitted as part of the formal Zoning By-law Amendment application for staff to review and staff are satisfied that the studies comply with the applicable Municipal requirements.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 583 property owners within 120 m of the subject property on January 11, 2017. A Public Notice sign was posted on the property on January 18, 2017, and updated on September 20, 2017, with the Public Meeting date. A public consultation meeting hosted by the applicant was also held on April 6, 2017. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, one (1) letter of support and no letters of objection have been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017), in terms of intensification and the development of complete communities;
 - (ii) The application complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is compatible with existing land uses and heritage buildings in the immediate area and represents good planning by, among other things, establishing a high-rise building that has been effectively designed and massed to respect the existing low-rise surrounding context, providing for the development of a complete community, re-establishing a community use (place of worship) and enhancing the commercial retail environment along King Street West, making efficient use of existing infrastructure within the urban boundary, and supporting transportation infrastructure investments.

2. Zoning By-law No. 05-200

The following site specific modifications to Hamilton Zoning By-law No. 05-200 are required to implement the proposal (see Appendix “B” to Report PED17166):

Maximum Building Height

The maximum building height for this site is noted as 22 metres on Schedule F – Figure 1 of By-law No. 05-200. However, as mentioned earlier, an OMB decision permitted a maximum height of 38.0 metres. As discussed in the UHOP policy section of this Report, staff are satisfied with the additional material that was provided for consideration of a building height increase. This included a review of site coverage, sun / shadow study, wind study, and visual impact study. As such, staff are satisfied that the applicant has met the required policies of the UHOP to permit the additional building height and are supportive of the increase in height to 78 metres (23 storeys) excluding mechanical penthouse.

Minimum Number of Residential Parking Spaces

A residential parking rate of 1.0 space per dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces is required. Based on 212 proposed residential units (no unit less than 50 square metres in size) a total of 212 parking spaces is required. A rate of 0.75 spaces per unit is proposed, for a total of 159 resident parking spaces as no visitor parking is required. Also, there is no parking requirement for the place of worship and retail uses in Zoning By-law No. 05-200 for the Downtown area.

The subject site is directly along the future LRT line with a stop being proposed at the intersection of Queen Street South and King Street West. Therefore, the proposed development is well suited for a reduced residential parking requirement. In addition, the applicant will be providing 106 secured indoor bike parking spaces for residents and 20 short – term outdoor bike parking spaces to further encourage alternative modes of transportation for residents, visitors and patrons.

Lastly, based on information collected from the Transportation Tomorrow Survey a parking rate of 0.66 space per unit for any unit greater than 50 square metres would be considered reasonable for this type of development located in the downtown core. As the development proposes a greater rate of 0.75 parking spaces per unit, staff are supportive of this parking modification.

Minimum Number of Barrier Free Parking Spaces

A barrier free minimum parking rate of 1 space and 3% of the total number of required parking spaces is required for a total of 7 spaces; whereas a rate of 1 space and 2% of the total number of required parking spaces is proposed for a total of 4 spaces.

Similar to the discussion above, the subject site is in close proximity to the future LRT and a proposed stop. The development will contain accessible entrances to all uses at grade. Therefore, the demand for accessible parking spaces will be reduced and the proposed barrier free parking rate is justifiable. As such, staff are supportive of the reduced barrier free parking rate proposed.

Parking Stall Dimensions

A motion from Planning Committee directed Planning staff to investigate the feasibility of increasing parking stall size for the City of Hamilton's Zoning By-law No. 05-200. City Initiative CI-16-D – proposes, among other things, that the Commercial and Mixed Use (CMU) Zoning include revised parking stall dimension requirements to increase the standard width from 2.5 metres to 2.8 metres, and reduce the standard length from 6.0 metres to 5.8 metres. As these changes are before Council for approval the applicant has requested to include a modification for a minimum parking stall size of 2.6 m x 5.5 m.

As this application was submitted and under review before any recommendations to Council regarding the City initiated changes to parking dimension had been made, staff are supportive of this request to maintain the currently inforce regulations for parking stall sizes for lands within the Downtown zones.

Glazing

A minimum of 60% glazing is required at grade, whereas a minimum of 50% is proposed. The intent of this regulation is to provide a pedestrian oriented retail environment and “eyes on the street”, through the use of windows and entrances should be clear glazing. These glazing requirements are derived from the Downtown Heritage Character Zone Design Guidelines to ensure that development in the D2 Zone enhances the existing built environment.

Loading and garage doors are proposed along the Queen Street South frontage as the site is constrained and to maintain a continuous street wall on King Street West. As such, a reduced amount of glazing of 50% is proposed along Queen Street South at grade. However, staff are of the opinion that there are sufficient windows to maintain the intent of providing “eyes on the street” has been maintained. With regards to King Street West, the entire street wall at grade is glazed meeting the glazing requirements.

Conversely, a maximum of 70% of glazing to be provided for the second and third floor is proposed, whereas a maximum of 40% is permitted. The intent of this requirement is to provide for a system of symmetrically placed window units

and avoid a single glazing unit that comprises this entire allotment within the façades. The upper level openings can use clear, opaque or spandrel glazing.

The increase in glazing proposed for the second and third storey is required as the proposal includes residential units and a stairwell wrapping the perimeter of both the King Street West and Queen Street South frontages on the upper three (3) levels of the podium, requiring more natural light. Further, the design of the proposed glazing will be symmetrically designed creating clean vertical lines with the ground floor, while breaking up the glazing appropriately with the use of brick and spandrels. While this allows additional glazing, staff are of the opinion that the intent of this zoning provision is maintained.

Minimum Number of Exterior Cladding Material

Similar to the glazing requirements, there are requirements limiting the number of exterior cladding material allowed for the first three storeys of a new development to be no more than two types of material. The proposal includes the use of brick, concrete, metal and glass resulting in four (4) types of cladding material for the first three (3) storeys. This cladding requirement is derived from the Downtown Heritage Character Zone Design Guidelines to ensure that new development is compatible with surrounding heritage buildings with the predominant use of brick.

Although the proposed development will include four types of cladding material on the podium component, the use of brick will have a strong presence along both the Queen Street South and King Street West façades. Further the use of brick is carried up from the podium and incorporated into the façade treatment of the proposed tower component. As mentioned earlier, this approach was reviewed through the submission of a CHIA and staff support the proposed zoning modification.

3. Development Engineering has reviewed Application ZAC-17-004, and the associated Functional Servicing Report (FSR) prepared by MTE Consulting Inc., dated December 9, 2016, which was submitted as part of the subject application. Development Engineering staff are generally satisfied with the proposal and requested minor revisions to the FSR report with respect to Fire Flow requirements. The Wastewater Generation Assessment calculation is satisfactory and the design details will be reviewed as part of the Site Plan Control stage. With regards to the stormwater strategy for this site, the applicant will have to control the storm flow within the site in accordance with the City's standards. As per the existing storm sewer catchment area map, the site has split drainage. As such, the City could provide a service connection to the existing 375 mm diameter storm sewer on Queen Street South and the 675 diameter combined sewer on King Street West. Lastly it is noted that a

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Geotechnical Report will be required as part of Site Plan Control. Further, the applicant will also be required to submit a detailed grading plan, water hydraulic analysis, construction management plan, wastewater generation report, site serving plan, and storm water management quantity and quality control as conditions of the future Site Plan Control application.

4. To date, no letters of concern have been received from the public in response to the preliminary circulation of the Zoning By-law Amendment application.
5. To date, one (1) letter of support has been received in response to the preliminary circulation of the revised Zoning By-law Amendment application (see Appendix “E” to Report PED17166) from the All Saints Anglican Church, who would occupy the place of worship space on the ground floor should the proposed development be approved and ultimately built.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the applicant could develop the lands for a mixed use development including a place of worship, commercial retail, and a multiple dwelling with 110 units within a 12 storey building in accordance with the Downtown Prime Retail Streets (D2) Zone (Committee of Adjustment and OMB Decision).

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 05-200 Amendment – Proposed By-law
- Appendix “C”: Concept Site Plan
- Appendix “D”: Concept Elevations
- Appendix “E”: Correspondence From Public

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