



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2018
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445 Tiffany Singh (905) 546-2424 Ext. 1334
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amended application **Zoning By-law Amendment Application ZAR-17-047 by King William Residence Inc., Owner,** for a change in zoning from the Downtown Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone, to permit a mixed use building consisting of two tower elements on a podium with a maximum building height of 94 metres (30 storeys) for lands located at 43-51 King Street East and 60 King William Street, Hamilton, as shown on Appendix “A” to Report PED18013, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED18013, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED18013, be added to Schedules 910, 911, 952 and 953 of Zoning By-law No. 05-200; and,

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- (iii) 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, King William Residence Inc., has applied for a Zoning By-law Amendment, as amended, for a change in zoning from the Downtown Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone to a modified Downtown Prime Retail Streets (D2) Zone, to permit a mixed use building consisting of a 4 (four) storey podium with two (2), 26 storey tower elements for a total maximum building height of 94 metres (30 storeys); containing 1,214 square metres of commercial retail space on the ground floor, and a multiple dwelling with a total of 525 units above. In addition, two (2) levels of underground parking, and four (4) levels of enclosed above grade parking are 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. 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 for new commercial uses at grade, and provides increased density that supports public transit investments in the Downtown.

Alternatives for Consideration – See Page 63

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 subject site is located on the north side of King Street East, north of Gore Park. The subject site is approximately 0.39 ha (3,922.4 square metres) in size and is comprised of two assembled properties and a portion of the public alleyway that runs between 43 King Street East and 60 King William Street, resulting in an irregular L-shaped site having frontage on King Street East (approximately 27.2 m), Hughson Street North

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 3 of 63

(approximately 86.6 m), and King William Street (approximately 64.2 m), and is municipally known as 43-51 King Street East and 60 King William Street, Hamilton (see Appendix “A” to Report PED18013).

The portion of the lands municipally known as 43-51 King Street East were formerly occupied by S.S. Kresge Company Limited which in 1977 changed its name to Kmart. The department store closed down in 1994. The building was then occupied by the Delta Bingo Hall and has been vacant since they closed operations in 2014. 60 King William Street is currently utilized as a surface parking lot.

A demolition permit was issued for the former Kresge building on March 29, 2017, and the building was subsequently demolished on October 27, 2017. On June 5, 2017 a rezoning application for a mixed use building consisting of a six (6) storey podium with two (2) tower elements was submitted. Revised plans were submitted on September 15 and November 10, 2017.

The following is a summary of the three (3) submissions that have been made to date:

Submission 1 – June 5, 2017 (see Appendix “C” to Report PED18013):

- Use - Mixed Use:
 - Commercial ground floor;
 - Office located on second floor; and,
 - 528 residential units (all greater than 50 sq.m. in size) located on second floor to 34th floor.
- Height:
 - Two (2) tower elements proposed at a total height of 105 metres;
 - 25 storeys along King William Street; and,
 - 34 storeys along King Street East.
- Parking:
 - 420 parking spaces;
 - 0.79 spaces per unit parking rate; and,
 - Located within two (2) levels of underground parking and within, five (5) levels of enclosed above grade parking.
- Design:
 - Replicating the façade of the former Kresge building;
 - Six (6) storey podium;

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 4 of 63

- Two (2) tower elements;
- Roof top amenity space located above the fifth level on the north-eastern portion of the subject site;
- Podium setback of 0.5 metres along south, west and north property lines, and no setback from the east property line;
- Tower setback of:
 - 2.5 metres from the south property line (King Street East);
 - 2.9 metres from west property line (Hughson Street North);
 - 4.5 metres from the north property line (King William Street);
 - 4.5 metres from east property line; and,
- Minimum on site tower separation distance of 21.6 metres.

Staff requested the applicant consider lowering the height to generally be no taller than the average height of the escarpment and to consider a design with more active street frontages.

Submission 2 – September 15, 2017 (see Appendix “D” to Report PED18013):

- Use - Mixed Use:
 - Commercial ground floor;
 - Office located on second floor; and,
 - 507 residential units (all greater than 50 sq.m. in size) located on second floor to 30th floor.
- Height:
 - Two (2) tower elements proposed at a total height of 89 metres;
 - 30 storeys along King William Street; and,
 - 30 storeys along King Street East.
- Parking:
 - 376 parking spaces;
 - 0.74 spaces per unit parking rate; and,
 - Located within two (2) levels of underground parking and five (5) levels of enclosed above grade parking.

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- Design:
 - Replicating the two storey façade of the former Kresge building;
 - Six (6) storey podium;
 - Two (2) tower elements;
 - Roof top amenity space located above the fifth level on the north-western portion of the subject site;
 - Podium setback of 2.0 metres along south, west and north property lines, and no setback from the east property line;
 - Tower setback of:
 - 3.5 metres from the south property line (King Street East);
 - 4.0 metres from west property line (Hughson Street North);
 - 6.5 metres from the north property line (King William Street);
 - 4.0 metres from east property line; and,
 - Minimum on site tower separation distance of 16.0 metres.

Planning staff advised the applicant that replicating the two (2) storey portion of the original building was not an acceptable conservation measure, as the approach was considered to be inconsistent with the Standards and Guidelines of Historic Places in Canada and best practices. Instead staff encouraged the applicant to either retain the original façade of the building or provide new construction that reflects technology, material and design ideas from the current era to create an evidently new building that includes materials, proportion and rhythms of the surrounding area for compatibility with the surrounding character.

Further, staff requested the applicant focus heavily on the treatment of the podium design, creating a modern podium design with the use of traditional building material such as brick and awnings, and to increase the glazing for more “eyes on the street” for the retail spaces along King William Street and King Street East. Staff also encouraged the applicant to consider design elements that break-up the frontage along King William Street using both vertical and horizontal articulation to create smaller retail store frontages emulating existing fabric and scale of this character retail street.

With regards to massing, staff requested a consistent four (4) storey podium height along all sides of the building, providing a consistent street wall along King Street East resulting in no setback from the street, and providing a 2.0 metre setback from Hughson Street North and King William Street for increased public realm space. Staff requested that the tower elements be shifted to create larger setbacks from King Street East and King William Street and to increase the separation distance between the two tower

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 6 of 63

elements, to create towers that visually read as separate elements from various angles, increase the sunlight penetration between the tower elements onto King William Street, and reduce the perception of a tall building from a pedestrian level onto King William Street and King Street East. Staff also requested that the design of the podium better address the public realm corners of King William Street and Hughson Street North as well as King Street East and Hughson Street North.

In order to move forward with the proposed application, the owner was requested to submit proof of ownership of the portion of the “L” shaped alleyway that runs between 43 King Street East and 60 King William Street at the Site Plan Control Stage.

Lastly, staff asked the applicant to consider creating more family-sized units.

Submission 3 – November 10, 2017 (see Appendix “E” to Report PED18013):

- Use - Mixed Use:
 - Commercial ground floor;
 - Office removed from the second floor; and,
 - 530 residential units (all greater than 50 sq.m. in size) located on second floor to 30th floor.
- Height:
 - Two (2) tower elements proposed at a total height of 92.4 metres;
 - 30 storeys along King William Street; and,
 - 30 storeys along King Street East.
- Parking:
 - 393 parking spaces;
 - 15 barrier free parking spaces;
 - 0.74 spaces per unit parking rate;
 - Located within two (2) levels of underground parking and within five (5) levels of above enclosed above grade parking; and,
 - 484 long-term bicycle parking spaces.
- Design:
 - Four (4) storey podium;
 - Two (2) tower elements;

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 7 of 63

- Roof top amenity space located above the sixth floor on the north-western portion of the subject site;
- Podium setback of 2.0 metres along west and north property lines, and no setback from the south and east property line;
- Tower setback of:
 - 4.0 metres from the south property line (King Street East);
 - 4.5 metres from west property line (Hughson Street North);
 - 6.0 metres from the north property line (King William Street); and,
 - 4.5 metres from east property line.
- Minimum tower separation distance of 16.2 metres;
- New podium design using extensive amounts of brick masonry, traditional window fenestration patterns, awnings and vertical articulations to create smaller store frontages along both King William Street and King Street East; and,
- The podium at King Street East and Hughson Street North contains a notched corner with fenestration opening to the retail space facing the fountain at Gore Park.
- Extending the east-west portion of the existing alleyway to Hughson Street North under the proposed building at ground level and establish easements over a portion of the subject lands to ensure unobstructed access for neighbouring properties using the alleyway.

In order to facilitate the development, the applicant proposes a change in zoning from the Downtown Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone to a modified Downtown Prime Retail Streets (D2) Zone with the following site specific modifications:

- Increased maximum building height;
- Reduced minimum number of on-site parking spaces;
- Maintain the current parking stall dimensions of 2.6 metres in width by 5.5 metres in length;
- Reduced setback for an access driveway from a street line;
- Establish minimum tower stepbacks;

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 8 of 63

- Establish minimum tower separation; and,
- Increased minimum building setbacks.

Chronology:

<u>June 5, 2017:</u>	Zoning By-law Amendment Application ZAR-17-047 received.
<u>June 16, 2017:</u>	Zoning By-law Amendment Application ZAR-17-047 deemed complete.
<u>June 30, 2017:</u>	Notice of Complete Application and Preliminary Circulation was sent to 505 property owners within 120 m of the subject property.
<u>July 7, 2017:</u>	Applicant launched public microsite with application details.
<u>July 13, 2017:</u>	Preliminary proposal presented to Design Review Panel (DRP).
<u>July 24, 2017:</u>	Public Notice Sign posted on site.
<u>September 15, 2017:</u>	Second revised concept site plan and elevations submitted in response to comments.
<u>November 10, 2017:</u>	Third revised concept site plan and elevations submitted in response to comments.
<u>December 6, 2017:</u>	Public Notice Sign updated with Public Meeting date.
<u>December 15, 2017:</u>	Circulation of the Notice of Public Meeting to 505 property owners within 120 m of the subject property.

Details of Submitted Application:

Owner:	King William Residence Inc.
Applicant:	King William Residence Inc.
Agent:	Urban Solutions Planning & Land Development Consultants Inc. (c/o Sergio Manchia)

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 9 of 63

Location: 43 – 51 King Street East and 60 King William Street (see Appendix “A” to Report PED18013)

Property Description: Lot Frontage: 27.2 m (King Street East)
86.6 m (Hughson Street North)
64.2 m (King William Street)

Lot Depth: 86.6 m

Lot Area: 3922.4 sq m (0.39 ha)

Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant – formerly commercial use	Downtown Prime Retail Streets (D2) Zone (southern portion) and Downtown Mixed Use (D3) Zone (northern portion)

Surrounding Land Uses:

North	Mixed Use, Residential and Retail	Downtown Mixed Use (D3) Zone
East	Commercial	Downtown Prime Retail Streets (D2) Zone (southern portion) and Downtown Mixed Use (D3) Zone (northern portion)
South	Public Open Space – Gore Park	Open Space (P4) Zone
West	Commercial – Retail,	Downtown Prime Retail Streets (D2) Zone (southern portion) and Downtown Mixed Use (D3) Zone (northern portion)

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 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 as a non-designated property, and is within the Gore Park Cultural Heritage Landscape. It consisted of a two (2) storey brick commercial building built in 1930 for the S.S. Kresge Company Limited, whom changed their name to the more commonly known Kmart in 1977.

On December 8, 2016, the Owner submitted a Notice of Intention to Demolish and a Cultural Heritage Impact Assessment (CHIA) prepared by Megan Hobson dated February 28, 2017 was submitted. On April 13, 2017 the Hamilton Municipal Heritage Committee (HMHC) considered the submitted CHIA and a recommendation by staff to designate the subject property under the *Ontario Heritage Act*. The HMHC

recommended that Council not designate the subject property. Council adopted the HMHC recommendation and a demolition permit was issued.

The subject property is also located adjacent to a number of properties designated under Part IV of the *Ontario Heritage Act* and considered a “protected heritage property” under the PPS. Further, the subject property is adjacent to a number of other built heritage resources included in the Register as non-designated properties, including 1 King Street East (Gore Park).

As such, a CHIA was required for the Zoning By-law Amendment Application. The previously submitted CHIA and addendum report dated September 14, 2017 were submitted to address deficiencies in the original CHIA as identified in staff’s comments. The Policy and Design Subcommittee of the HMHC also reviewed the revised CHIA at their meeting on October 19, 2017.

Staff are satisfied with the revised shape and form of the proposed building, the articulation of the podium, and the placement of the two towers that reduces shadowing on adjacent cultural resources and maintains the rhythm of the traditional street façade. Also, the inclusion of additional brick on the podium, use of fenestration patterns and awnings, colour variation and vertical articulations used to break-up the podium massing along King William Street, Hughson Street North, and King Street East creates a modern design that is compatible with the surrounding context in scale, proportions and materials. 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.

As the application for a change 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 Hamilton...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:
- 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.”

The subject site is located in Downtown Hamilton and will contribute to the density target for this identified urban growth centre (Policy 2.2.3.2). It should be noted that the Growth Plan defines *major transit station areas* as, “the area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the

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area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined 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 approximately 100 metres away from 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 proposed high density development will contribute to the density targets for this identified *major transit station area* (Policy 2.2.4.3). The proposed mix of uses and reduced parking standards are supported by Policy 2.2.4.9. Lastly, the proposed high density development is transit-supportive, and the inclusion of 484 secured bicycle parking spaces supports active transportation (Policy 2.2.4.10). As such, the application conforms to the Growth Plan (2017) and, in particular, the policies relating to intensification, mixing of uses, and efficient use of transit infrastructure.

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” along King Street East and “Specialty Commercial” along King William Street on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan. Further, the subject property is identified as being within the Gore and Lister Development Permit Sub-Areas on Map B.6.1-6. 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.
- 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.

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- 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.
- 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 a total of 525 units, the proposal would provide for a density of 1,338.4 units per gross 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.

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In regards to Policy E.2.3.1.13, the proposal will encourage pedestrian activity along King Street East and King William Street through the creation of a multiple dwelling, and the re-establishment of street-oriented commercial uses.

The proposal supports transit, walking and cycling in the Downtown and adjacent neighbourhoods by proposing a reduced parking requirement, and 484 long-term bicycle parking spaces, which is generally encouraged in the Downtown. Additionally, parking will be developed in one (1) level underground area and within four (4) enclosed above grade floors accessed from Hughson Street North.

Pedestrian Predominant Streets

King Street between Wellington Street 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;
- 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; and,
- h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:
 - i) accommodate anticipated pedestrian volumes;

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- 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 East. The proposed building will be built to the streetline along King Street East and the access driveway to the parking and loading areas is located off the Hughson Street North frontage along the west property line (item (b)). The proposal includes commercial at grade with significant fenestration facing directly onto King Street East (item (c)) with no residential use at grade (item (d)). No on-street parking is proposed along King Street East, as all parking will be provided within one (1) level of underground parking and four (4) floors of enclosed above grade parking (item (e)). The podium and overall building height proposed will be greater than two (2) storeys (item (f)). The existing 6.0 metre sidewalk along King Street East 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.4.4.2 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 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

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- 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; and,
 - e) residential uses.”

The additional commercial space located at grade will add to the function and vibrancy of the Downtown (E.4.4.2). The proposal will increase the number of people who reside and work in the Downtown, which will enhance the daytime and nighttime activity levels of the core (E.4.4.3). The proposed multiple dwelling and street level commercial 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 podium will provide a 2.0 metre setback along King William Street and Hughson Street North (see Appendix “C” to Report PED18013). This will contribute to the enhancement of the streetscape and facilitate pedestrian activity and enjoyment connecting to the existing 6.0 metre wide sidewalks along King Street East. The proposal will provide a higher density form of housing with commercial on the ground floor as encouraged in Policy E.4.4.8. Increases in density and heights are further evaluated in the analysis of the Downtown Hamilton Secondary Plan policy requirements section of this Report (E.4.4.7 and E.4.4.9).

The proposed podium design creates a consistent smaller-scale commercial environment along King William Street through the use of contrasting curtain walls, fenestration patterns, and vertical and horizontal articulations that help break-up the massing and enhance this intimate pedestrian environment. The podium design along King Street East will provide a more expansive commercial store front (similar to the former Kresge building) with less vertical articulations than used on King William Street. The fenestration pattern and notched corner element at the Hughson Street North and King Street East intersection will enhance the existing pedestrian environment and create a seamless interface with the water fountain element of Gore Park by directing ones attention to this prominent cultural landscape when entering and exiting the building. Also, the notched corner is a nod to the former Kresge building design (E.4.4.10).

The proposed podium would have a consistent four (4) storey height on all sides with an additional two (2) storey podium for amenity space near the corner of King William Street and Hughson Street North, with stepbacks of 6.0 metres and 8.0 metres respectively. The north tower (Tower A) will be stepped back an additional 4.0 metres from the podium along King William Street and 3.0 metres from the easterly property line. Similarly, the south tower (Tower B) will be stepped back 4.0 metres from the podium along King Street East, and 4.5 metres from Hughson Street North (E.4.4.11).

Collectively the setbacks, stepbacks, horizontal and vertical articulation used on the podium, positioning of the slender tower elements, as well as the use of glazing will reduce the effect of the building massing at the street level (see Appendix “D” to Report PED18013).

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 0.74 parking spaces per unit in recognition of the adjacency to existing public transit and also in anticipation of the future LRT system. In addition, the proposal will accommodate active transportation by including 484 long-term indoor bicycle parking spaces (E.4.4.13). 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;

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 20 of 63

- 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 proposal would enhance the neighbourhood character (item b)) along all three street frontages by restoring the former expansive commercial frontage along King Street East, a pedestrian predominant street building upon the existing small-scale commercial environment along King William Street, and creating a wider public realm space along Hughson Street North. Further, the notched corner expression angled towards Gore Park at the King Street East and Hughson Street North intersection creates a connection with this significant cultural landscape. Lastly, the subject site is located within a Heritage Character Zone and the proposed podium would have a traditional main street presence through the use of brick, fenestration patterns and articulation that will complement the existing historic context and is similar in height to the surrounding context, which ranges between three (3) to four (4) storeys, while still providing modern tall buildings.

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 commercial uses at grade along King Street East and King William Street, which will strengthen and unify these two important commercial corridors 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 low to mid - rise development and the streetscapes on King Street East and King William Street. The form and height of the proposed buildings will be greater than existing buildings in the immediate surroundings. However, staff are of the opinion that with the stepbacks, setbacks, and articulation of the proposed tower components, and podium design elements included in the proposed design, the building would represent an appropriate integration of a tall building that is compatible with this block. Also, with respect to building height, the immediate surrounding context has generally a low to mid-rise profile, but is in an area that contains a number of existing and approved taller buildings ranging from 15 to 36 storeys in height.

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

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residential development downtown, higher densities, the support of transit, and reduced automobile use through supporting active transportation such as walking 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.

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 King Street East, Hughson Street North, and King William Street by re-establishing a commercial use at grade; increasing the public realm space along Hughson Street North and King William Street; and, redeveloping a surface parking lot.

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Collectively these changes will contribute to the character of both King William Street and King Street East by creating a continuous street wall and animating it by encouraging new street level commercial uses.

The proposal would complement the surrounding heritage character of adjacent buildings along King Street East and King William Street (item b)) with the use of brick, colour variation, vertical articulations, fenestration patterns, and awnings that reflect the horizontal proportions of the adjacent buildings. Also, the tower elements are stepped back from the podium along both King Street East and King William Street to reduce the massing at the street level, minimize the impacts of shadowing and maximize light to adjacent properties and the public realm (see Appendix “E” to Report PED18013).

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 East (“B” Line). As noted, the proposal also includes a reduced parking rate to support transit usage.

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 commercial use. As such, the property was subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment. The applicant has submitted their findings to the Ministry of Environment and Climate Change (MOECC), but has yet to receive an acknowledgement that the Record of Site Condition (RSC) has been filed appropriately satisfying MOECC. As such, a Holding Provision is required as the provision of an acknowledgment letter from the MOECC for the RSC is a requirement.

Noise Policies

The following Noise policies are relevant to the proposal:

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 24 of 63

“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:

- 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 a major arterial road (King Street East) and is within 400 m of a truck route (King Street East). 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. A Noise Study has not been submitted for staff’s review. However, given the particular context of this site, a Noise Study shall be submitted at the Site Plan Control Stage, noise warning clauses must be included on all future purchase and / or lease agreements and that any noise control measures recommended be implemented at the Site Plan Control stage.

Downtown Hamilton Secondary Plan (Volume 2)

The subject property is included in the Downtown Hamilton Secondary Plan. The subject property is designated “Prime Retail Streets” (along King Street East) and “Specialty Commercial” (along King William Street) on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan. Further, the subject property is identified as being within the Gore and Lister Development Permit Sub-Areas on Map B.6.1 – 6. 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

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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;
- 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 multiple dwelling and commercial uses are permitted. Also, increased density is proposed through site coverage and building height while locating the taller tower components furthest from the streets, and still achieving a tower separation

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 26 of 63

(Policy B.6.1.5.6 and B.6.1.5.9.a)). The provision of an outdoor amenity 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 supporting of studies addressing the items in Policy B.6.1.5.9. In reviewing the proposed tall building development, staff assessed the relationships to other tall buildings, including the cumulative effect of multiple towers in the Gore Park vicinity, with regards to shadowing of public spaces, sky view access, wind conditions, and effects on the prominence of Gore Park and the public realm.

With regards to sun-shadow impacts (Policy B.6.1.5.9.b)), Graziani + Corazza Architects Inc. prepared a sun shadow analysis (September 13, 2017) and a revised submission dated October 18, 2017 reflecting the modified design to demonstrate the sun shadow created by the location, massing and height of the proposed 30 storey towers on adjacent public open spaces and sidewalks. Staff agree that the configuration of the towers (94 metres excluding mechanical penthouse) with setbacks, stepbacks, and its north – south orientation, slender floor plates, and tower separation mitigates the creation of significant additional shadows on the public realm when compared to the current as-of-right permission of 22.0 metres. While the proposed development does shadow some public streets beyond the as-of-right permission, there are no public areas impacted by more than four hour intervals of shadowing, which is in fact the same amount of shadowing an as-of-right condition would create and on the same areas (north and south sidewalks along King William Street between Hughson Street North and John Street North. There is some shadowing that would occur on the future John / Rebecca Park beyond the as-of-right permission. It is expected that shadowing on John / Rebecca Park will occur at 4:00 pm during the September – March months only and when the sun itself is setting between 4:00 pm – 7:00 pm. Further, the proposal would result in no more than two hours of shadowing on a vibrant street, which is consistent with the draft Tall Building Guidelines. The guidelines state that there should be a minimum of five hours of sunlight throughout the day on March 21st / September 21st on Vibrant Streets (includes King Street East and James Street North). Furthermore, although King William Street has not been identified as a Vibrant Street in the draft Tall Building Guidelines, the proposed development would allow for approximately 6.2 hours of sunlight access on the north sidewalk along King William Street between James Street North and John Street North on March 21st / September 21st. The as-of-right built form would allow for just an hour more sunlight access (7.2 hours of sunlight).

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) dated May 19, 2017. An addendum letter was prepared by RWDI dated September 11, 2017 and again on October 17, 2017 in response to the modified design to the towers proposed. Based on

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 27 of 63

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. However, it was found that the northwest corner of the podium closest to the intersection of Hughson Street North and King William Street would experience a significant increase of wind speeds. The increase of wind activity created by the proposed development may be mitigated by the incorporation of a 3.0 metre wide wrap around canopy of the podium along the corner of King William Street and Hughson Street North. An increase in wind activity was also found along Hughson Street North closest to King Street East and may be mitigated by the incorporation of 3.0 metre tall wind screens with 20% - 30% porosity along the western edge of the rooftop terrace. Lastly, there are areas within the proposed podium rooftop amenity space that may experience less desirable wind conditions in the summer months. The use of wind screens along the perimeter of the entire outdoor amenity space as well as planters can be employed to control wind speeds to a desirable rate. The applicant 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 Graziani + Corazza Architects Inc. dated September 11, 2017. Staff are of the opinion that the proposed podium component would provide an enhanced pedestrian environment along King Street East, Hughson Street North, and King William Street through the development of the proposed podium which will introduce carefully articulated commercial spaces that will add to the existing traditional commercial street character of these corridors and further animate these significant established commercial corridors.

From a built form perspective, the subject site is an appropriate location for the proposed towers. It is located in the centre of the Downtown, on a street that has a 20.1 metre right-of-way and is adjacent to or nearby a number of other tall buildings that are completed, under construction or approved. The tower elements have been designed to effectively be a tall building, but feel like a mid-rise building from a pedestrian perspective at grade. The design of the podium helps achieve a compatible building with the surrounding low and mid-rise urban form (Policy B.6.5.12). It is staff's opinion that from a distance the tower elements will draw attention to the City structure of the downtown, and visually create a gateway with other existing and approved towers on the south side of King Street East, emphasizing the prominence of Gore Park.

As described previously, the proposed development is transit-supportive and supports active transportation (Policy B.6.1.6.3).

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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; and,
 - g) Eliminating expanses of blank walls along street frontages.”

Concerning item a) above, the inclusion of commercial uses at grade, a reduced setback from the streetline along King Street West, a 2.0 metre setback along Hughson Street North and King William Street, and a podium height that relates to the adjacent buildings located along King Street East and King William Street (4-6 storeys), will animate the streets, allow for more public realm space (Hughson Street North and King William Street) and contribute to the creation of a positive pedestrian environment connecting King William Street with King Street East and Gore Park.

Respecting item b), compatibility with existing adjacent structures and streetscapes, the design, scale and massing is intended to create a transition that is compatible with adjacent low to mid-rise development along King Street East and King William Street. This is achieved by maintaining a continuous street wall along all street frontages with the podium component that relates to adjacent existing buildings. Also, tower setbacks from the podium are provided to create slender tower components. Lastly, a continuation of commercial uses at ground level with residential uses located above will be compatible with the existing surrounding uses.

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With regards to item c), the proposed development will eliminate a vacant site in the downtown along a major commercial 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 windows along all 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;
- 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 rooftop of the podium located along the east and southern side of the building accessible to 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.

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- 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.
 - iv) New driveway access shall be at the rear of the property, and not on the public street. Laneway 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 East, with a residential use above. The proposal does not include any surface parking and driveway access would be located off Hughson Street North mid-block, furthest from either the King William Street or King Street East intersection. The proposed podium will maintain the traditional building line with no setback from the property line along King Street East, with access at the street level, and ground floor doors and windows.

Specialty Commercial

“B.6.1.8.8

King William Street

- g) Streetscape improvements shall be undertaken along King William Street as outlined in Section B.6.1.10 – Enhancing Street and Public Spaces. The street design shall incorporate generous sidewalks, special paving and extensive planting.
- h) New mixed-use development shall be achieved through the redevelopment of parking lots and the conversion of industrial and warehouse buildings for residential and commercial use. Conservation of the existing heritage character is a priority in all development.

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Adaptive reuse is to be the primary redevelopment initiative for existing buildings.

- i) New buildings shall be located along the street line. The height of new buildings and additions shall be consistent with the traditional street wall established by existing buildings and, therefore, shall maintain a height of three to four storeys at the street line, with the potential for decorative building elements stepped back from the street line when higher than four storeys. Increases above this height shall conform to Policies B.6.1.5.9 through B.6.1.5.12 – General Land Use Policies.
- j) Buildings shall incorporate ground level pedestrian access to include the following: uses open to the public/accessible from ground level including doorways and windows; and, where possible, servicing from the rear of the property.
- k) Signage shall be designed and located to respect the architectural integrity of the host building. Awning signs shall be encouraged.”

The proposed building will include a 2.0 metre setback from the property line along King William Street and Hughson Street North, allowing for generous sidewalks and increased public realm area for the smaller scale commercial units along King William Street for outdoor patios, plazas, and special landscaping treatment (item g)).

With regards to item h), the proposed mixed use development includes the redevelopment of an existing surface parking lot (60 King William Street) and a vacant site (43-51 King Street East).

The podium has been designed to create a consistent four (4) storey street wall, consistent with the surrounding context along King William Street, and will include similar decorative design elements from surrounding existing commercial uses, creating cohesion with the existing character of the street (item i)). Additional height will be adequately stepped back 4.0 metres from the four (4) storey podium along King William Street.

Significant fenestration, contrasting commercial curtain walls, awning signage, and the use of vertical and horizontal articulations along the four (4) storey podium will provide a continuous small-scale commercial environment to the north and west and help define the ground level pedestrian accesses (item j) and k)).

In staff’s opinion, the proposal would allow for a continuous intimate commercial environment and public realm space along King William Street.

“B.6.1.11.4 Gore Development Permit Sub-Area

- a) The Gore DPA describes the area immediately surrounding Gore Park as shown on Map B.6.1-6 - Downtown Hamilton - Development Permit SubAreas. For over 150 years ‘The Gore’ has been the most important open space and public gathering place in Downtown Hamilton. The park, the adjacent sidewalks and streets define the open space. The surrounding buildings form the “walls” of The Gore. New development and redevelopment shall maintain the historic role and character of this space.
- c) The following policies apply to building alterations, development and redevelopment projects for the Gore area:
 - I. Buildings shall be located along the front property line in order to provide a consistent frame for Gore Park and to retain the traditional building line. To that end, encroachments into the road allowance for outdoor dining areas may be permitted subject to applicable agreements.
 - II. Limited articulation of the front facades may be permitted in order to create sheltered areas at ground level or to allow for incorporation of architectural design element provided that the sense of enclosure is maintained and that the articulation does not detract from the retention of the traditional building line.
 - III. Buildings shall be constructed to the side lot line in order to maintain the sense of enclosure and avoid gaps in the streetscape. The City may permit upper storeys of the building to be stepped back or terraced from side lot lines providing that the sense of enclosure is maintained, that resulting building design harmonises with adjacent structures and that no adverse wind conditions are created.
 - IV. The height of new buildings and additions shall be consistent with the traditional street wall defined by existing buildings as a height of three to six storeys at the street line.
 - V. Permitted heights may be increased provided that the upper storeys are stepped back or terraced so as to achieve the following:

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1. Additional height shall not result in adverse shadow or wind impacts on the King Street sidewalks as compared with the impact of a six-storey building.
 2. Permitted heights may be increased for decorative building elements such as towers of cupolas provided the increase does not result in any of the adverse effects noted above.
 3. Sun shadow impacts shall be measured on December 21st for the target areas of the north sidewalk on King Street East.
- d) Buildings shall incorporate ground level pedestrian access to uses open to the public, windows and doorways that allow views into the building from the street and loading and services facilities at the rear of the structure.
- e) To maintain the architectural and heritage character of The Gore, the facades of new buildings and additions facing Gore Park shall:
- I. Utilize traditional materials of stone, wood or brick. Other materials may be used provided that the resulting building design maintains a harmonious relationship with adjacent buildings; and,
 - II. Reflect or complement the traditional patterns of fenestration, masonry units and decorative features of the upper storeys.
- f) Design and location of signage shall respect the architectural integrity of the host building. Awning signage shall be encouraged.
- g) The Gore area is part of the larger Downtown Community Improvement Area. The approved Community Improvement Plan shall be implemented to support enhancements to public spaces and the facades of historic structures.”

While the Development Permit System has not been implemented, the policies for DPAs continue to be applied to development applications. It is staff’s opinion that the proposed development meets the above Gore Development Permit Sub-Area policies that aim to maintain the historic role and prominence of The Gore by:

- creating a podium that is built to the street line and adjacent shared property line (item a), item c) i.) and c) iii));
- using awnings and horizontal articulations creating the sense of enclosed sheltered spaces (item c) ii) and f));

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 34 of 63

- providing a 4 storey podium maintaining a traditional street wall (item c) iv));
- including ground level pedestrian accesses along all frontages, with the parking and loading entrance being located as far as possible from either King William Street or King Street East (item d);
- There will be no increased shadow impacts on the north side of King Street East on December 21st (item c) v)). Furthermore, the additional proposed height has been articulated to mitigate shadow and wind impacts as fully evaluated in the analysis of Policy B.6.1.5.9 described earlier in this Report. Further, there will be no increased shadow impacts on the north side of King Street East on December 21st (item c) v));
- including significant use of brick that will create a harmonious relationship with adjacent buildings framing the north side of the park (item e) I));
- reflecting adjacent horizontal and vertical cues through the use of horizontal and vertical articulations, colour variations in brick masonry, and fenestration patterns (item e) II)); and,
- designing a notched corner at the King Street East and Hughson Street North intersection with openings to the commercial space directly angled towards the fountain in Gore Park. This design element will enhance the relationship of this site with the adjacent public space by directing views to the most prominent component of the park (item g)) and is reminiscent of the former Kresge building design.

“B.6.1.11.5 Lister Development Permit Sub-Area (Lister DPA)

The Lister DPA is a specialty retailing and urban entertainment area shown on Map B.6.1-6 - Downtown Hamilton - Development Permit Sub-Areas. Redevelopment in this area should contribute to the existing street façade and uses . All proposals for development or redevelopment within the Lister DPA shall be subject to the policies in this section.

- b) New mixed-use *development* is encouraged through loft conversions of existing industrial and warehouse buildings and through new buildings on existing vacant lots/surface parking lots.
- c) The height of new buildings and additions shall be consistent with the traditional street wall established by existing buildings and, therefore, should maintain a height of three to four storeys at the street line, with the potential for decorative higher building elements stepped back from the street line.”

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 35 of 63

It is staff's opinion that the proposed development meets the above Lister Development Permit Sub-Area policies that aim to maintain the specialty retail and urban entertainment area of King William Street by:

- Redeveloping a vacant site and surface parking lot into a mixed use development containing commercial at grade (item b)); and,
- Providing a four (4) storey podium that will maintain the traditional street wall established by the adjacent existing buildings (item c)).

“B.6.1.11.5

- f) The following policies shall apply to building alterations or the redevelopment of a site:
- i) The building shall be situated along the front property line in order to provide an uninterrupted building line.
 - ii) The height of new buildings and additions at the street line should be low-to-mid rise in order to maintain and enhance pedestrian comfort at street level.
 - iii) The permitted height may be increased above the normally permitted height, provided the upper storeys are stepped back or terraced so as to achieve the following:
 1. The additional height above the normally permitted height shall not exceed the preferred sun access as prescribed in the Downtown Hamilton Sun/Shadow Study.
 2. The additional height above the normally permitted height shall not result in increased wind impacts on the public sidewalks.
 3. The additional height should not result in a height and scale that dominates the landscape and skyline, including views from the Gore Park area.
 4. The additional height shall incorporate the use of reflective materials to minimize the scale and massing of the building.
 5. Sun shadow impacts are measured on March 21st for the target areas of the north sidewalk on King William Street and the west sidewalk on James Street North.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 36 of 63

- g) The building shall incorporate ground level pedestrian access that shall include the following: uses open to the public / accessibility from ground level including doorways and windows. Where possible, residential service areas should be designed to integrate with commercial retail / service space.
- h) Despite the foregoing, residential uses may be permitted on the ground floor of a building where required to accommodate residential lobbies and service areas. Where possible, residential service areas should be oriented away from the front building façade.
- i) Signage shall be designed and located to respect the architectural integrity of the host building. Awning signs shall be encouraged.”

It is staff’s opinion that the proposed development meets the above Lister Development Permit Sub-Area policies as follows:

- The building will be situated along the front property line of King Street East, creating an uninterrupted building line with adjacent buildings (item f i));
- The height of the new podium will be four (4) storeys and mid-rise in scale maintaining a similar height to adjacent buildings and enhancing the pedestrian experience at street level (item f ii));
- The additional height proposed with the two tower elements are stepped back achieving the following:
 - Maintains the minimum preferred sun light access as described in the Downtown Hamilton Sun / Shadow Study (item f)iii) 1.);
 - Wind impacts generated from the proposed development will not result in undesirable conditions on the surrounding public sidewalks (item f)iii) 2.);
 - The additional height sought will integrate with the urban fabric already built around Gore Park creating a gateway to the most prominent part of the park for motorists travelling west along King Street East, while the tower stepbacks will diminish the appearance of the towers and reduce any obstruction of sky views from the pedestrian level. Further, the proposed tower elements are proposed to be 26 storeys (94 metres) in height and will not visually dominate the skyline of the escarpment (item f iii) 3.);

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 37 of 63

- Glazing is proposed on the modern tower elements, further minimizing the scale and massing of the proposed development (item f) iii) 4.); and,
- As mentioned earlier, on March 21st the proposed development would allow for approximately 6.0 hours of sunlight access on the King William Street sidewalks between James Street North and John Street North; whereas an as-of-right built form would allow for just over an hour more sunlight access (item f) iii) 5.);
- Ground level pedestrian access is provided along all three street frontages to the commercial spaces of the proposed development (item g);
- The residential lobby entrance is well integrated into the design of the building, and is located away from the front building façade with access being provided off of Hughson Street North (item h); and,
- The concept renderings of the proposal includes awnings that could be used for signage. This finer detail element will be addressed at Site Plan Control stage.

Therefore, staff are of the opinion that the proposal complies with the UHOP and Downtown Hamilton Secondary Plan.

Downtown Hamilton Secondary Plan Review (Draft – October, 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 Q1, 2018. 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. In addition, a maximum building height of 30 storeys would be permitted as-of-right, subject to the following:

- “6.1.4.10 For lands identified on Map B.6.1.2 - Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys, may be permitted without an amendment to this Plan, subject to the following:
- a) meeting the principles, objectives and policies of this Plan, in particular, Policy 6.1.4.9 and Policies B.6.1.4.24 through B.6.1.4.32.

- b) demonstrating how the proposed building and site design relate to the *existing* and/or planned context of the area;
- c) demonstrating how the proposed building and site relate to topography, the Niagara Escarpment, and other buildings in the area;
- d) demonstrating how any net new increase to sun shadow impacts on public sidewalks, public spaces, and private amenity areas will be mitigated;
- e) demonstrating how any net new increase to wind impacts on public sidewalks, public spaces, and private amenity areas will be mitigated;
- f) demonstrating how any impacts on streetscapes and views of streetscapes, landmark structures or *cultural heritage resources* from public sidewalks or public spaces will be mitigated;
- g) demonstrating how the proposed development mitigates impacts to on-site or *adjacent cultural heritage resources*; and,
- h) in order to demonstrate the considerations listed above, proponents may be required to submit all of the following studies, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, as part of a *development* application:
 - i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study
 - iii) Visual Impact Assessment;
 - iv) Traffic Impact Study;
 - v) Infrastructure and Servicing Study;
 - vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief;
 - viii) Planning Justification Report.

6.1.4.11 A Zoning By-law Amendment shall be required for any development proposal that seeks to increase height greater than 12 storeys, unless otherwise permitted by the Zoning By-law regulations existing at the time of adoption of this Secondary Plan, in accordance with the following:

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- a) building height shall be no greater than the height of the top of the Escarpment; and,
- b) Policies B.6.1.4.10 a) through h) shall apply.

6.1.4.12 The siting, massing, height, and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site.”

The subject site would be permitted a maximum building height of 30 storeys as identified on proposed Map B.6.1-2. Under this plan the proposed development would be permitted.

The following proposed policies would apply as the proposed development is for a tall building:

“Tall Buildings

6.1.4.13 The following policies shall apply to tall buildings:

- a) a tall building is any building that is greater than 12 storeys in height;
- b) new tall buildings shall be no greater than the height of the top of the Escarpment;
- c) a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.13 through B.6.1.4.17 shall also apply to other typologies of a tall building;
- d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm and contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;
- e) a tower is defined as the storeys above the building base; and,
- f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building will have a distinctive presence in Hamilton’s skyline.

- 6.1.4.14 The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals.
- 6.1.4.15 In addition to Policy B.6.1.4.14 above, it is not the intent of the Downtown Hamilton Tall Building Guidelines to limit creativity. Where it can be demonstrated that an alternative built form achieves the intent of the Downtown Hamilton Tall Building Guidelines, alternative built forms may be permitted.
- 6.1.4.16 Tall building development shall require transition to low-rise and mid-rise built form adjacencies through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.25 through B.6.1.4.27 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.
- 6.1.4.17 Not every site in the Downtown can accommodate a tall building or is a suitable site for a tall building. Where sites are suitable for tall buildings, the following shall apply:
- a) the building base shall be designed to:
 - i) fit harmoniously within the context of neighbouring street wall heights. Where there is no consistent street wall height context for the area, the street wall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
 - ii) reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions should be suitable for sitting and standing, with higher standards applied to parks and open spaces and Pedestrian Focus Streets; and,
 - iii) minimize shadows, in accordance with Policies B.6.1.4.28 through B.6.1.4.32 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar programs.
 - b) the building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar programs;

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- c) tall building development that occurs in the Downtown shall provide setbacks from the lot line to the building face of the tower. These lot line tower setbacks shall ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the existing and / or planned context. Providing adequate space between towers will:
 - i) enhance the ability to provide a high-quality, comfortable public realm;
 - ii) protect development potential of other sites within blocks;
 - iii) provide access to sunlight on surrounding streets, parks, open spaces, school yards and other public or civic properties;
 - iv) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
 - v) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces and views between towers for occupants of tall buildings;
 - vi) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties; and,
 - vii) provide appropriate transitions to adjacent lower-scale planned context, built heritage resources, and cultural heritage landscapes.
- d) as building heights increase, greater setbacks may be required from the tower to the lot line to achieve the intent of Policy B.1.4.17 c); and,
- e) the following studies may be required, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:
 - i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study
 - iii) Visual Impact Assessment;
 - iv) Traffic Impact Study;
 - v) Infrastructure and Servicing Study;

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- vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief;
 - viii) Planning Justification Report.
- f) development proposals that do not meet the intent of Policy B.6.1.4.17 c), of this Plan, present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building development.”

With regards to proposed Policy 6.1.4.17 c) the proposal for the subject site has been evaluated by considering cumulative impacts, through a comprehensive review of the existing and approved tall buildings in the nearby surrounding area (see Table 1 below), staff are of the opinion that the cumulative effect of the proposed additional height:

- Will enhance the public realm creating a gateway to Gore Park and extend the existing commercial environment to the west connecting to the future John / Rebecca Park;
- Maintain the current development potential of other adjacent sites;
- Will increase shadowing on some public streets, but no public area will be impacted by more than four-hour intervals of shadowing, which is a similar situation that an as-of-right built form would create;
- Will provide residents of the towers with access to natural light and a reasonable level of privacy;
- Does not negatively impact any significant pedestrian-level views of the adjacent heritage buildings or cultural landscapes more than as-of-right permissions would create from adjacent public sidewalks;
- Will increase wind activity on the pedestrian sidewalks along Hughson Street North, but can effectively be mitigated through the mechanisms as described earlier; and,
- Will provide an appropriate transition to the lower-scale built heritage resources that are adjacent to the site with an effectively designed and scaled four (4) storey podium.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 43-51 King Street East and 60 King William
Street, Hamilton (Ward 2) (PED18013) – Page 43 of 63**

Table 1 – Nearby Existing, Under Construction, and Approved Tall Buildings

ADDRESS	COMMON NAME	STOREYS	APPROX. HEIGHT (m)	STATUS
4 Hughson St. S.	HSBC	10	40	Built
130 King St. E.	Crowne Plaza	11	44	Built
112 King St. E.	Royal Connaught Hotel	13	50	Built
1 James St. S.	First Ontario	15	59	Built
22 Main St. W.	Piggott Building	18	64	Built
44 James St. N.	William Thomas	21	67	Under Construction
1 King St. W.	CIBC	16	81	Built
21 King St. W.	CIBC	16	81	Built
119 King St. W.	Ellen Fairclough Building	20	92	Built
43 – 51 King St. E. & 60 King William St.	King William Residence	30	94	Proposed
100 King St. W.	Stelco Tower	25	104	Built
82-114 King St. W.	Royal Connaught Residences	36	117	Under Construction
100 Main St. E.	Landmark Place	43	130	Built

Therefore, after evaluating the impacts of the proposal collectively with existing and approved tall building development nearby, it is staff's opinion that the proposed 30 storey development still complies with the policies which allow for the consideration of an increase in building height. The revised design includes setbacks, stepbacks, vertical and horizontal articulations and tower placement configurations that are sensitive to the surrounding heritage context and the increase in density at this particular location will support the surrounding commercial environment and public transit investments in the downtown. Furthermore, the material identified in draft Policy 6.1.4.17 e) was submitted as part of this Zoning By-law Amendment application and reviewed by staff as mentioned earlier in this Report. Staff are of the opinion that the proposed height does not create any significant undesirable impacts in terms of shadowing, wind, views, cultural heritage, or servicing than the current as-of-right permissions would create.

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Lastly, 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 30 storey (94 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 complies with the direction of the draft Downtown Hamilton Secondary Plan (dated October, 2017).

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

The subject property is currently zoned Downtown Prime Retail Street (D2) Zone for the portion of the lands fronting onto King Street East and Downtown Mixed Use (D3) Zone for the portion of the lands fronting onto King William Street, to which both zones permit a range of commercial uses and also permit a multiple dwelling, but restricts the size and scale of development to a maximum height of 22 metres.

In order to implement the proposed development, the applicant has applied to modify the existing zoning by rezoning the portion of the property fronting onto King William Street from the Downtown Mixed Use (D3) Zone to a site specific Downtown Prime Retail Streets (D2) Zone. Site specific modifications to the Downtown Prime Retail Streets (D2) Zone for the entire site are required for the following:

- Increased maximum building height;
- Reduced minimum number of on-site parking spaces;
- Maintain the current parking stall dimensions of 2.6 metres in width by 5.5 metres in length;
- Establish a minimum number of bicycle parking spaces;
- Establish minimum tower setbacks;
- Establish minimum tower separation; and,
- Increased minimum building setbacks.

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:

- Alectra Utilities (formerly Horizon Utilities Corporation).

The following Departments and Agencies have provided comments on the application:

Transportation Management, Public Works Department has advised that a widening of the public right-of-way of up to 3.0 metres is required along King William street and up to 1.37 metres along Hughson Street North. A daylight triangle of up to 12.19 metres by 12.19 metres is required at the intersection of King Street East and Hughson Street North, and a up to 4.57 metre by 4.57 metre daylight triangle at the intersection of King William Street and Hughson Street North. Public right-of-way and daylight triangle dedications are implemented at the Site Plan Control stage. The City's Official Plan contains policies that would permit the acceptance of lesser dedications for the public right-of-way or for daylight triangles where, in the opinion of the City, constraints including but not limited to, the nature of existing development, topographic and/or natural features, cultural heritage and design features or other constraints make it impractical. If the applicant proposes any reductions, the applicant will be required to submit a Right of Way Impact Assessment to be evaluated by the City as part of the Site Plan Control stage.

A minimum sidewalk width of 3.5m shall be required through the right of way and a sidewalk through the site with a minimum width of 1.5m is required. The required sidewalks and any transportation measures that are required as part of the Transportation Demand Management Options Report that must be submitted by the applicant will be implemented as part of the Site Plan Control Application.

Health Protection, Public Health Services Department has advised that if the development is to use a cooling tower for air conditioning or other cooling needs the cooling tower needs to be registered with Public Health Services prior to operating and must comply with Hamilton Cooling Tower Registry By-law No. 11-078.

Corridor Management, Public Works Department has advised that they have reviewed the Transportation Impact Study (TIS) dated April 2017, but noted that the TIS does not reflect the most up to date concept plan and therefore the TIS should be updated. Also, Corridor Management identified the following discrepancies and data that could not be verified:

- 1) No records have been found of pre-consultation with Corridor Management staff regarding scope of work to develop the TIS.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 46 of 63

- 2) The scope of the TIS was limited to five (5) intersections whereas the scope should include an additional eight (8) intersections.
- 3) Unclear if a minimum one (1) hour field observation during peak hour was undertaken at each affected intersection to verify that traffic volumes reflect actual demand.
- 4) Analysis of existing traffic conditions for the AM and PM peak hours do not appear to conform to City guidelines. The TIS indicates some existing traffic operations may have been evaluated using optimized signal timings which is contrary to City of Hamilton TIS guidelines which requires existing signal timing. It is also unclear if the evaluated background traffic operations and total traffic operations used optimized or existing signal timings.
- 5) The existing speed limit on each road is 50 km / h, whereas the TIS lists and analysed some intersections / link with speed limits of 40 km / h which will create erroneous results in the existing, future background and total calculations for levels of service.
- 6) The TIS states existing transit service frequency “at better than 30 minutes”, with tables identifying between 10-30 minutes for the AM and PM peaks, while the schedules on the website indicate service frequency to be approximately 12-15 minutes. These are to be confirmed for the AM and PM peaks and incorporated into any findings in the revised TIS.
- 7) For the TIS, 2011 Transportation Tomorrow Survey data was used to estimate the travel modal split, trip distribution and assignment. This data could not be verified as the query criteria was not provided, and needs to be provided in the updated / revised TIS to enable the City to duplicate the results.
- 8) Corridor Management is having difficulty recreating the future site trip generation volumes provided in the TIS using Land Use Code for the Retail / Commercial component.
- 9) The TIS used trip generation estimates using residential condominium / townhouses rather than high-rise residential condominium / townhouses which is for buildings with three (3) or more levels.
- 10) The TIS should include several development approvals in the area in respect to traffic growth, specifically 10 James Street North, 46 James Street North, 112 King Street East, and 121-125 King Street East.

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- 11) The anticipated future traffic patterns associated with the LRT were taken into consideration, however the analysis does not represent the approved lane configuration. The study illustrates two (2) westbound lanes after the LRT is established whereas the most up-to-date plan for the LRT shows only one (1) westbound through / right turn lane. This discrepancy will significantly alter the future capacity analysis.
- 12) The future capacity of King Street East and Hughson Street North was analysed as a signalized intersection whereas this is intended to be removed and there will be no northbound through vehicle movement permitted north of the south branch of King Street East. As there is to be no northbound through vehicle traffic on Hughson Street North this will result in some alternate vehicular travel patterns on the roads surrounding this property.
- 13) The TIS did not review the viability of the site access with regards to its limited trip distribution road network, with King Street East having one lane of westbound traffic and Hughson Street North having no northbound through traffic through Gore Park.
- 14) Typically for development of this size and anticipated traffic volumes more than one (1) driveway access would be anticipated.
- 15) Collision and safety analysis was not reviewed.
- 16) The TIS recommends one inbound and one shared left / right lane, however Hughson Street North is one-way northbound which does not allow for an outbound left turn movements.

Corridor Management has also advised that there are currently properties fronting onto King Street East that utilize the “L” shaped alleyway that runs from John Street North to King William Street. Acceptable rear access to the properties fronting King Street East is to be maintained.

Corridor Management recommends that no private infrastructure be approved within any potential daylight triangle until utility requirements such as gas, water, fibre wire, hydro, LRT, amongst others are determined.

Corridor Management has advised that a driveway access width of 7.5m is required at the property line and 5.0m by 5.0m visibility triangles are required between the driveway limits and the road allowance limit.

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 48 of 63

The applicant will be required to provide an updated TIS as part of the Site Plan Control application to address these concerns and will be required to demonstrate that access driveway widths, visibility triangles and other traffic control measures are satisfactory.

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. Metrolinx advised that while there are currently four westbound lanes of traffic on King Street East, under the proposed LRT design this section of King Street East will be converted to a single lane of westbound traffic along the northerly side of the street. In addition under the proposed LRT design, Hughson Street North will not be a through street and will instead terminate at Gore Park and the only access to Hughson Street North between King Street East and King William Street will be from westbound traffic on King Street East turning right onto Hughson Street North.

Road widenings at this location are not anticipated as a result of the LRT implementation.

As there will only be a single westbound lane of traffic on King Street East, the turning movement of larger trucks from King Street East onto Hughson Street North is limited. The applicant is also advised that trucks cannot use the rail guideway to complete turning movements. Therefore the applicant should review turning movements at this intersection.

It is noted that stopping and deliveries along the LRT corridor is prohibited where it would negatively impact the flow of traffic, therefore all parking, stopping and loading activities for this site will not be permitted on King Street East. As a result through access for the rear alleyway should be maintained. Metrolinx noted that it appears that through access may no longer be possible should the north-south portion of the alleyway be closed. East-west through traffic will be achieved by establishing an easement to extend access out to Hughson Street North by traveling under the building.

To avoid disruption to the LRT corridor, all servicing connections where possible should be to Hughson Street North and / or King William Street and not to King Street East.

As part of the Site Plan Control application the applicant will be required to review the turning movements at the intersection of King Street East and Hughson Street North and demonstrate that the manoeuvring and access for any large trucks can be accommodated. The applicant will also be required to ensure that alleyway access is maintained for existing properties along King Street East so that stopping and deliveries can be accommodated off of King Street East. Finally the applicant will be required to

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ensure adequate servicing connections are provided with preference being given to connections from Hughson Street North and King William Street.

Hamilton Street Railway (HSR) has advised that HSR currently operates various routes in the area. HSR advised that street entrances should be oriented to reduce walking distance between buildings and transit services and that high quality amenities like walkways and lighting should be utilized. HSR further advised that higher density mixed use development helps transit ridership and reduces net operating costs.

Forestry and Horticulture Section, Public Works Department identified that there are municipal tree assets on site and therefore a Tree Management Plan will be required, along with a Landscape Plan. All healthy trees on municipal property which are found to be in conflict with the proposed development and do not meet City criteria for removal are subject to a replacement fee. The Tree Management Plan and Landscape Plan will be undertaken as part of the Site Plan Control process.

Recreation Planning, Public Works Department has advised that they are supportive of the private indoor and outdoor amenity space that will be provided for the future residents of the development.

Operations Support, Public Works Department has advised that the property is eligible for weekly municipal waste collection of garbage, recycling, organics, and leaf and yard waste subject to compliance with specifications indicated by the Public Works Department.

Design Review Panel

The original proposal – Submission No. 1 was presented to the City's Urban Design Review Panel (DRP) on July 13, 2017, after making a formal Zoning By-law Amendment application. The mandate of DRP is to provide design advise to staff and the proponent. The DRP 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:

Scale and Compatibility

The scale, form and character of the July, 2017 proposal was inappropriate as it does not respect the cultural landscape of the Gore and broader physical environment surrounding the development site and overwhelms the Gore and King William Street. Specifically, a redesign of the proposal to a mid-rise development with setbacks of at least 10m for any tower from King Street East and King William Street and a height of 12 to 15 storeys was suggested. An alternative suggestion was to maintain the 21m

separation between the towers and reduce the height of the tower along King Street East.

With respect to the recommendations pertaining to Scale and Compatibility, the proposal was revised. The placement of the proposed towers have been revised in order to establish a consistent four (4) storey podium along King Street East, Hughson Street North and King William Street and to establish larger setbacks for the towers in order to better respect the cultural landscape of the Gore not overwhelm the Gore and King William Street. The building height was reduced but not to a height of 12 to 15 storeys advised by DRP, as it would require a large floor plate in order to be viable. The proposed setbacks for the tower do not achieve the 10m recommended by DRP but provide an appropriate pedestrian scale for the podium and reduces the massing for the proposed towers. Therefore the two towers will be compatible.

Streetscape and Design

In respect to Streetscape and Design the panel noted that the first 5 storeys have many positive elements including the active uses at the ground floor and internalization of the parking, loading, and drop-off area. In addition, DRP advised that the heritage aspects should be carried throughout the entire site design so development reads as a single entity with unifying elements. Balconies appear to be close to the neighbours and should not face the Gore. Materials and colour palette should complement the buildings along King William Street. The panel also suggested a setback from Hughson Street North to permit pedestrian access and amenities.

With respect to the recommendations pertaining to Streetscape and Design, the revised proposal establishes a podium that reflects the heritage character of the area and better integrates the overall design. Exact materials and colours will be determined as part of the Site Plan Control application. The adjacent lands are commercial and therefore the proposed balconies will not create privacy impacts on the adjacent lands. The balconies are oriented to the east and the west with only a small portion wrapping around on the south elevation. The exact design of the balconies does not form part of the Zoning By-law Amendment and will be further reviewed and, where warranted, modified as part of the Site Plan Control process. Finally the proposed development is to include a 2m setback from Hughson Street North which will provide space for pedestrian access and amenities.

Cultural Heritage

In respect to Cultural Heritage, the panel noted that the old building façade is intriguing, and suggested that the original store front be incorporated into the podium. They also noted that the proposed scale, form and character does not respect the cultural heritage landscape of the Gore.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 51 of 63

With respect to the recommendations pertaining to Cultural Heritage, proposed changes to the design have been undertaken. As previously discussed, it has been demonstrated that the heritage attributes of adjacent protected heritage properties and lands containing cultural resources will be conserved.

Use and Function

In respect to use and function the panel advised that Office uses should be relocated to King Street East, that indoor bicycle parking be provided and that vehicle circulation be improved.

With respect to the recommendations pertaining to Use and Function, the applicant is no longer proposing office uses. The applicant is also intending to provide ample long term and short term bicycle parking and has revised the proposal to improve vehicle circulation for the site.

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 505 property owners within 120 m of the subject property on June 30, 2017. A Public Notice sign was posted on the property on July 24, 2017, and updated on December 6, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, eight (8) letters of correspondence were received respecting the proposed development. These letters will be further discussed in the Analysis and Rationale for Recommendations section of the Report.

Public Consultation Strategy

The applicant prepared a Public Consultation Strategy. To engage with the public, the applicant met with the Beasley Neighbourhood Association on May 10, 2017. In addition a sign with the contact information of the applicant's agent was posted on-site. A microsite was established and became active in June 2017, which included information respecting the proposed development including copies of the studies and reports that were provided to the City of Hamilton. The link to the microsite was provided to the Beasley Neighbourhood Association, the local ward councillor, City staff and the link was posted on the signage provided on-site on October 31, 2017. The microsite was accessed 368 times, and there were 700 downloads of the documents contained on the microsite as of October 6, 2017. A breakdown of the downloads is shown in Appendix "F" to Report PED18013.

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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 the in force and effect Downtown Hamilton Secondary 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 predominately low-rise surrounding context, providing for the development of a complete community, and enhancing the commercial environment along King Street East and King William Street, making efficient use of existing infrastructure within the urban boundary, and supporting transportation infrastructure investments.

2. Zoning By-law No. 05-200

Change in Zoning

The applicant is seeking to change the portion of the property fronting onto King William Street from the Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Street (D2) Zone and create a site specific (D2) Zone for the portion of the property fronting onto King Street East. The change in zoning will establish a single unified zoning for the subject lands instead of having two separate zones. The change in zoning from the D3 Zone will reduce the range of permitted uses. Specifically the following uses would no longer be permitted in the proposed site specific D2 Zoning applicable to the subject lands:

- Community Garden;
- Emergency Shelter;
- Motor Vehicle Rental Establishment;
- Residential Care Facility;
- Retirement Home;
- Social Services Establishment; and,
- Urban Farm.

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In addition, the D2 Zone restricts the location of dwelling units and multiple dwellings by not permitting these uses on the ground floor, whereas the D3 Zone does not include a restriction on these uses being located on the ground floor. The proposed change will direct and encourage street oriented commercial uses along King William Street which is consistent with the existing pedestrian nature along the street.

As the proposed development has frontage on two streets that maintain a strong pedestrian focus, the Downtown Prime Retail Streets Zone is an appropriate zone for the intended vision for these streets. Therefore the proposed change in zoning has merit and can be supported.

The following Site Specific modifications are required to implement the proposal.

Maximum Building Height

A modification is being requested to increase the maximum building height for this site which is restricted to a maximum height of 22 metres on Schedule F – Figure 1 of By-law No. 05-200.

As discussed in the UHOP policy section of this Report, based on the revisions to the proposed building and a review of the additional material respecting sun / shadow impacts, wind impacts, and visual impacts, staff are satisfied that the proposed development meets the required policies of the UHOP to permit additional building height to 94 metres (excluding mechanical penthouse).

In order to integrate the building with the existing built form along King Street East, a podium is being proposed with a height of 4 storeys which will be consistent with the existing four (4) storey buildings located to the east and west of the subject lands. A portion of the fifth and sixth floors that connects the two (2) towers is stepped in from the four (4) storey podium. The tower containing the balance of the fifth and sixth storeys and the remaining 24 storeys will be setback 4 metres along King Street East, 4.5 metres along Hughson Street North, and 4.5 metres from the lot line to the east. The proposed setbacks will break up the massing of the building elements at the street level.

In respect to compatibility to the adjacent properties along King William Street, the properties to the east front onto John Street North and range in height from 2 to 3 storeys, to the west is a building that is 6 storeys in height but setback more than 10 metres from King William Street, and to the north are existing buildings that range in height from 2 to 4 storeys. In order to integrate the building with the existing built form along King William Street, a podium is being proposed with a height of four (4) storeys which will be compatible to the range of building heights

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along King William Street located to the north, east and west. A portion of the fifth and sixth floors that connects the two (2) towers is stepped in from the four (4) storey podium. The tower containing the balance of the fifth and sixth storeys and the remaining 24 storeys will be setback 6 metres along King William Street, approximately 22 metres from Hughson Street North, 12 metres from the lot line to the south and 3 metres from the lot line to the east. The proposed setbacks will break up the massing of the building particularly at the street, and thereby ensure compatibility with the adjacent lands.

Therefore the modification for a maximum building height of 94 metres has merit and can be supported.

Maximum Setback from a Street Line

A modification is required to permit an increase in the maximum setback from 0.5 metres to 2 metres from a street line for the second and third storey of the proposed building. The proposed setback pertains to the setback from the Hughson Street North lot line to the building and from the King William Street lot line to the building. In addition a modification is also required in respect to the maximum setback for the access driveway on Hughson Street North which is restricted to 6 metres whereas the proposed access driveway is an open concept with no garage doors.

The proposed increase in the maximum setback from a street line is to provide a larger pedestrian realm along Hughson Street North and King William Street by shifting the podium a total of 2 metres back from the street line.

As the existing pedestrian realm along King Street East is already very extensive, the building will be located at the King Street East lot line, and does not require a by-law modification.

Along Hughson Street North the proposed building will comprise the entire length of the block between King Street East and King William Street. As the former building on site has been demolished, there is no established building line, therefore the proposed 2 metre setback will establish a new building line for this section of the street. Along King William Street the proposed building will comprise the majority of the length of the block between Hughson Street North and John Street North and the only buildings along this length of the block are the property at 29 John Street North which is oriented towards John Street North and the rear portion of 23 John Street North, a T shaped lot on which the building fronts onto John Street North and is setback approximately 11 metres from King William Street. Therefore the proposed 2 metre maximum setback will not disrupt an existing building line.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 55 of 63

In respect to the setback for the access driveway, the proposal is for an open concept with no garage door along Hughson Street North. The intent of the maximum 6.0 metre setback provision is to maintain a consistent street wall, while allowing enough room for one average size vehicle to idle off-street while waiting for a garage door to open. The proposed open entrance design is intended to facilitate vehicular access across the site, reduce traffic delays on Hughson Street North, and connect to the existing alleyway from John Street North. The majority of the proposed building would be located less than 6m from Hughson Street North and therefore the proposed open concept for the access driveway will not disrupt the existing building line.

Therefore the proposed modification has merit and can be supported.

Tower Setbacks

Modifications are required in order to ensure that the proposed towers are stepped in from the podium in order to break up the massing of the building to establish an appropriate scale of development at the street level. The following table identifies the setbacks for each tower:

Table 2 – Proposed Tower Setback (all setbacks are in respect to the fifth storey unless otherwise specified):

Property Line	South Tower (King Street East)	North Tower (King William Street)
King Street East	4 metres	N / A
Hughson Street North	4.5 metres	4.5 metres, (23 metres above the sixth storey)
King William Street	8 metres (41 metres above the sixth storey)	6 metres
Easterly Lot Line (53 to 59 King Street East)	4.5 metres	N / A
Easterly Lot Line (23 John Street North)	N / A	3 metres
Southerly Lot Line (alleyway)	N / A	12 metres

The setback requirements from the podium that are being created for the tower elements are new provisions that reflect incoming Downtown Hamilton Secondary Plan direction. These tower setback requirements will ensure that an appropriate transition in building height is achieved between the towers and the adjacent lands. The required setbacks for the towers will also reduce the overall massing of the proposed building, as well as reduce sun shadowing and wind

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impacts on the surrounding streets and properties. Establishing the minimum setbacks for the towers as part of the site specific Zoning By-law will ensure that required setbacks for the towers are maintained.

Therefore the proposed modifications have merit and can be supported.

Minimum Separation Distance Between Towers

A modification is required to ensure that the two proposed towers maintain a minimum separation distance of 16.0 metre.

Maintaining a separation distance of at least 16.0 metre is required to ensure that the proposed building does not create negative sun shadow impacts and that adequate natural lighting and privacy is maintained for the units within both towers. The policy analysis respecting sun shadow in Policy Implication Section of this Report was based on the towers maintaining a separation distance of at least 16.0 metre and staff are satisfied that the proposed development will not create negative sun shadow impacts. In respect to natural lighting and privacy between the two towers the orientation of the two towers are perpendicular to each other and the 16.0 metre setback represents the closes point between the two towers and greater separation is achieved between the remainder of the tower. The orientation of the building will also protect the privacy of the residents as the units of the towers will instead be set at a 90 degree angle.

Therefore the proposed modification has merit and can be supported.

Minimum Number of Residential Parking Spaces

A modification is required to reduce the residential parking rate for a dwelling unit with more than 50 sq. m. of gross floor area from 1.0 space per dwelling unit to 0.74 spaces per dwelling unit.

Based on the current parking requirements a minimum of 525 parking spaces are required for the 525 residential dwelling units. A total of 393 parking spaces are being proposed for the subject property. The subject property is located in the middle of the downtown core and is within walking distance of commercial uses, places of employment, and amenities. A minimum of 484 indoor bicycle parking spaces are to be provided of which 10% are to be provided as short term bicycle parking. There are existing bus routes along King Street East, bus routes one block to the east and west on James Street North and John Street North, and the subject property is within approximately 250 metres of the MacNab Street Bus terminal. The subject property is also within approximately 400 metres of the GO

station located to the south, and is located along the proposed Light Rail Transit (LRT) route and is within 150 metres of a stop.

Furthermore, 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.

Therefore as the proposed development is located in a pedestrian friendly area, will provide ample bicycle parking spaces and is in proximity to multiple transit options, a parking ratio of 0.74 spaces per dwelling unit will meet the parking needs of the proposed residents.

Therefore the proposed modification has merit and can be supported.

Bicycle Parking

A modification is required in order to ensure that sufficient long-term and short-term bicycle parking is provided to meet the needs of the proposed development.

It is noted that as part of the proposed Commercial and Mixed Use Zoning and proposed Downtown Zoning, that will be presented to Planning Committee in Q1, 2018, the Zoning By-law will require a minimum number of on-site bicycle parking spaces to be provided. As the requirement for a minimum number of bicycle parking spaces is not yet in effect for the subject lands, a provision will be added to the site specific Zoning By-law in order to ensure that on-site bicycle parking is established and maintained for the subject lands. A minimum of 484 indoor bicycle parking spaces are to be required of which 10% (49 spaces) are to be provided as short-term bicycle parking. The proposed bicycle parking establishes a ratio of 0.92 bicycle parking spaces per dwelling unit, of which long-term bicycle parking would be established at a ratio of approximately 0.82 bicycle parking spaces per dwelling unit.

It is the opinion of staff that the 484 indoor bicycle parking spaces of which 435 spaces are to be provided for long-term bicycle parking spaces and 49 short-term bicycle parking spaces will provide adequate alternative transportation options for the proposed development.

Therefore the proposed modification has merit and can be supported.

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 2.6 metres to 2.8 metres, and increase the standard length from 5.5 metres to 5.8 metres. These changes were approved by Council on November 8th, 2017, but appealed. 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 metres x 5.5 metres.

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

3. An "H" Holding Provision is recommended to require that a signed Record of Site Condition (RSC) be submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC) for the subject property. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).
4. There is a 300 mm watermain along King Street East, a 200 mm watermain along Hughson Street North, and a 200 mm and 500mm watermain along King William Street to service the development. A combined system is available on Hughson Street North, King Street East, and King William Street for collection of wastewater and storm water.

A 3.0 metre road widening is required along King William Street and a 1.37 metre road widening is required along Hughson Street North in order to meet the prescribed road width requirements identified in the Downtown Hamilton Secondary Plan Volume 2, Chapter B, Table B.6.1.14.3 and Volume 1, Chapter C. In addition a 12.19 metre by 12.19 metre daylight triangle is required at the intersection of King Street East and Hughson Street North and a 4.57 metre by 4.57 metre daylight triangle is required at the intersection of Hughson Street North and King William Street.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (Ward 2) (PED18013) – Page 59 of 63

If the applicant proposes any reductions to the road widening and daylight triangle, the applicant will require a Right of Way Impact Assessment that has been approved by the City of Hamilton.

As part of the review of the Zoning By-law Amendment application, a Functional Servicing Report and preliminary grading and servicing plan were provided and, Development Engineering staff are generally satisfied. However, at the Site Plan Control stage, the proponent shall update the Functional Servicing Report including domestic and fire flow demand in order to demonstrate that servicing requirements have been satisfied. In addition as part of the Site Plan Control application, a detailed review in respect to grading and drainage, stormwater management, and servicing will be undertaken.

In accordance with the Functional Servicing Report there are existing manholes, catch basins and utilities that are located within the alleyway. As the applicant is proposing to close a portion of the alleyway, the applicant will be required to demonstrate as part of the Site Plan Control application how these services will be relocated. Any services that are placed on private property will require the establishment of easements to ensure that access to undertake maintenance of the services is maintained.

The applicant is proposing to control storm water within the site according with City Standards to reduce the impact to neighbouring properties and City infrastructure.

5. The applicant is proposing to purchase the north-south portion of the alleyway in order to include the lands as part of the development. The applicant will be required to acquire the alleyway lands prior to the Site Plan Control application in order to include them in the application. The existing alleyway is accessed and utilized by multiple properties along King Street East and in the absence of alternative options, the closure of the north-south portion of the alleyway would restrict access to the alleyway to John Street North only. In order to ensure that two access points are maintained and vehicles can navigate the alleyway in a forward manner the applicant is proposing to extend the east-west portion of the alleyway to Hughson Street North but have the alleyway extend under the proposed building at ground level. The applicant will need to purchase the lands comprising the north-south portion of the alleyway from the City of Hamilton. In order to purchase these lands the applicant will be required to satisfy the City of Hamilton that the functionality of the east-west portion of the alleyway is maintained. Should the purchase of the alleyway be approved, the applicant will be required to establish easements over a portion of the subject lands to ensure access.

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6. Following the Notice of Complete Application, staff received eight (8) letters of correspondence (see Appendix “G” to Report PED18013). Issues raised in the letters of correspondence include:

Height

A concern was raised that the height of the proposed development was too high and was not compatible with the existing character and particularly concern was raised in respect to King William Street.

The applicant has revised the height of the tower along King Street East lowering the height from 34 storeys to 30 storeys but has raised the height of the tower along King William Street from 25 to 30 storeys.

As discussed in the Policy Implication Section of this Report a well-articulated podium that is terraced back from all street frontages will read as a four storey street wall along King William Street and four storey street wall along King Street East which is consistent with the surrounding buildings immediately adjacent to the site. The proposed setbacks between the podium and the proposed towers will establish a transition in building height and massing from the existing built form to the towers being proposed. Based on a well-articulated podium being established, the massing of the proposed 30 storey towers will be broken up and will be less apparent from the street level and the proposed height will be compatible with the existing character of the area.

Sun Shadow and Wind Impact

A concern was raised that the proposed development would create sun shadow and wind impacts. The concern included impacts on both Gore Park as well as on King William Street.

As discussed in the Policy Implication Section of this Report, the sun shadow and wind impacts of the proposed development have been reviewed and staff are of the opinion that the proposed additional height does not create a significant undesirable net increase in impacts in terms of shadowing and wind, than as-of-right permissions would create.

Scale at Street

A concern was raised that the proposed development would not be of an appropriate scale at the street, and that the proposed development would be of such a size and scale as to not be a human scale of development.

As discussed, the proposed development will be required to establish a well-articulated podium with a height of four (4) storeys along King William Street and King Street East with a height and massing at the street level that will be compatible with the height and massing of existing buildings along both King Street East and King William Street and constitute a human scale of development.

Heritage & Design

A concern was raised with respect to the heritage impact of the proposed development, specifically that the proposed development does not resemble the art deco style of building and the proposed building does not complement the existing historic style.

In respect to buildings that have cultural heritage value, the preference is for the buildings to be preserved and adaptively re-used. In a situation where the building is to be removed the preference is to not to have the new building attempt to replicate the previous building. As such, staff has recommended that the previous building not be recreated.

The proposed building has been reviewed with respect to compatibility and the heritage character of the area. The proposed podium is to be established at a scale that is in line with the existing built form and comprised of materials and a design that are characteristic of the area. The full details in respect to design will be reviewed and implemented at the Site Plan Control stage.

Density

A concern was raised with respect to the density of the proposed development and the impact that the scale of development would have in respect to the issues of traffic and services.

As part of the application, a Traffic Impact Study (TIS) was submitted and reviewed. As part of the Site Plan Control process, the applicant will be required to update their TIS and implement any traffic mitigation measures. The proposed Zoning By-law Amendment establishes the maximum scale of development permitted on-site. As part of the Site Plan Control process the applicant will be required to demonstrate that the scale of development that is being proposed can function and all concerns are addressed to proceed and receive final Site Plan approval.

As part of the application a Functional Servicing Report (FSR) was submitted and reviewed. Through the review of the FSR, staff are generally satisfied. With

respect to sanitary and storm sewers staff note that there are existing combined sewers along King Street East, King William Street, and Hughson Street North, to support this development. However as part of the Site Plan Control application, a detailed review in respect to grading and drainage, stormwater management, and servicing will be undertaken.

Alleyway Closure

A concern was raised in respect to the closure of the alleyway both to permit the development and wanting to ensure that alleyway access would be maintained and be unobstructed both during the construction phase of development and after the development has been completed.

The applicant is seeking to close the section of the alleyway that extends to King William Street, incorporate the lands as part of the proposed development, and extend the section of the east-west portion of the alleyway out to Hughson Street North under the proposed building on the ground floor level and would be over private property. The applicant will need to purchase the lands comprising the north-south portion of the alleyway from the City of Hamilton. In order to purchase these lands the applicant will be required to satisfy the City of Hamilton that the functionality of the east-west portion of the alleyway is maintained. Should the purchase of the alleyway be approved, the applicant will be required to establish easements over a portion of the subject lands to ensure access.

Commercial

A concern was raised that insufficient commercial space is being provided and particularly there is a lack of service commercial (such as a big name grocery stores, home furnishing store, and / or drug store) and that the redevelopment of the site represents an opportunity to provide for commercial space that would cater to service commercial uses.

The ground floor of the proposed building fronting onto King Street East and King William Street are to be for commercial uses. Along Hughson Street North, except for parking access and lobby space, the portion of the ground floor fronting onto Hughson Street North is to be for commercial uses. A range of commercial uses are permitted in the Downtown Prime Retail Streets (D2) Zone however the specific commercial uses are not known at this time.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject property could be utilized in accordance with the Downtown Prime Retail Street (D2) Zone and Downtown Mixed Use (D3) Zone.

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.

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.

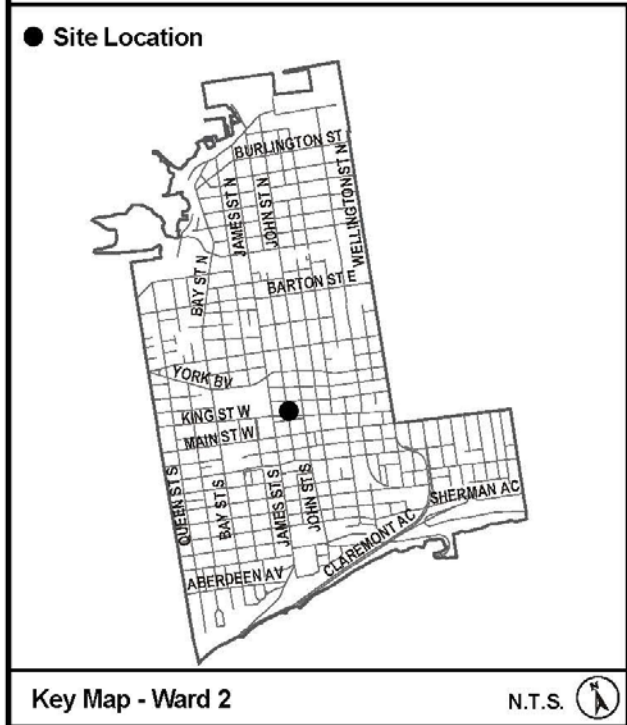
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law and Schedule A Map
- Appendix “C”: First Concept Plan
- Appendix “D”: Second Concept Plan
- Appendix “E”: Third Concept Plan (Final)
- Appendix “F”: Microsite Activity
- Appendix “G”: Correspondence From Public

OUR Vision: To be the best place to raise a child and age successfully.


OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.




Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAR-17-047	Date: December 1, 2017
Appendix "A"	Scale: N.T.S.
Planner/Technician: DB/AL	

Subject Property
43 - 51 King Street East & 60 King William Street

 Change in Zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone

N.T.S. 

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

Authority: Item , Planning Committee
Report
CM: January 16, 2018
Ward: 2

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East and 60 King William Street,
Hamilton**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act*, 1999, S. O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS the first stage of the new Zoning By-law, being Zoning By-law No. 05-200, came into force on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 18- of the Planning Committee at its meeting held on the day of 2018, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Maps 910, 911, 952 and 953 of Schedule "A" - Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone, for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional special exception as follows:
 - "626. Within the lands zoned Downtown Prime Retail Streets (D2, 626) Zone, identified on Maps 910, 911, 952 and 953 of Schedule "A" Zoning Maps

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

and described as 43 to 51 King Street East and 60 King William Street the following special provisions shall apply:

a) Notwithstanding Sections 5.2 b), 5.6 a), 5.7, and 6.2.3 a) ii), iii) and b) ii) the following special provisions shall also apply:

b) REGULATIONS

- | | | | |
|----|--|------|---|
| a) | Maximum Building Setback from a Street Line (Podium) | ii) | 2 metres for the second and third storeys from property line along Hughson Street North and King William Street; |
| | | iii) | That Section 6.2.3 a) iii) shall not apply. |
| b) | Building Height | ii) | Maximum building height shall be 94 metres. |
| c) | Minimum Building Setback from a Street Line or Property Line (North Tower) | i) | 6.0 metres from the King William Street street line to the building, 3.0 metres from the easterly property line to the building, 12.0 metres from the southerly property line to the building and a minimum average setback of 8.25 metres, but not less than 6.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey. |
| | | ii) | In addition to the above, a minimum 23.0 metres from the Hughson Street North street line to the building, for any portion of the building above the sixth storey. |
| d) | Minimum Building Setback from a Street Line or Property Line (South Tower) | i) | 4.0 metres from the King Street East street line to the building, 4.5 metres from the easterly property line to the building, 8.0 metres from the King William Street street line to the building and a minimum average setback of 5.5 metres, but not less than 4.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey. |
| | | ii) | In addition to the above, a minimum 41.0 |

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

- metres from the King William Street street line to the building, for any portion of the building above the sixth storey.
- e) Minimum Tower Separation 16.0 metre separation distance from a tower to another tower located on the same lot.
- f) Parking Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:
- i) 0.74 spaces 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 per dwelling unit.
- ii) No parking space shall be less than 2.6 metres in width by 5.5 metres in length.
- g) Bicycle Parking Bicycle Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:
- 0.92 Bicycle Parking spaces per dwelling unit of which 10% are to be provided as short term Bicycle Parking spaces.
3. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- Notwithstanding 6.2 of this By-law, within the lands zoned “Downtown Prime Retail Street (D2, 626) Zone, on Map 910, 911, 952 and 953 of Schedule A – Zoning Maps, and described as 43 – 51 King Street East, and 60 King William Street (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed condition upon:
- (a) the applicant submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

4. That Schedule F” – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule “A” with a maximum height of 94 metres.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.
6. That this By-law No. 18_____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this _____ , 2018

F. Eisenberger
Mayor

R. Caterini
City Clerk



This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 6593

Subject Property

43 - 51 King Street East & 60 King William Street



Change in Zoning from the
Downtown Prime Retail Streets (D2) Zone and
Downtown Mixed Use (D3) Zone to the
Downtown Prime Retail Streets (D2, 626, H18)
Zone

Scale:
N.T.S.

File Name/Number:
ZAR-17-047

Date:
Dec. 1, 2017

Planner/Technician:
DB/AL



Hamilton

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18XXX Date: 01/162017

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: Daniel Barnett & Tiffany Singh Phone No: 905-546-2424 ext. 4445

For Office Use Only, this doesn't appear in the by-law

GENERAL NOTES

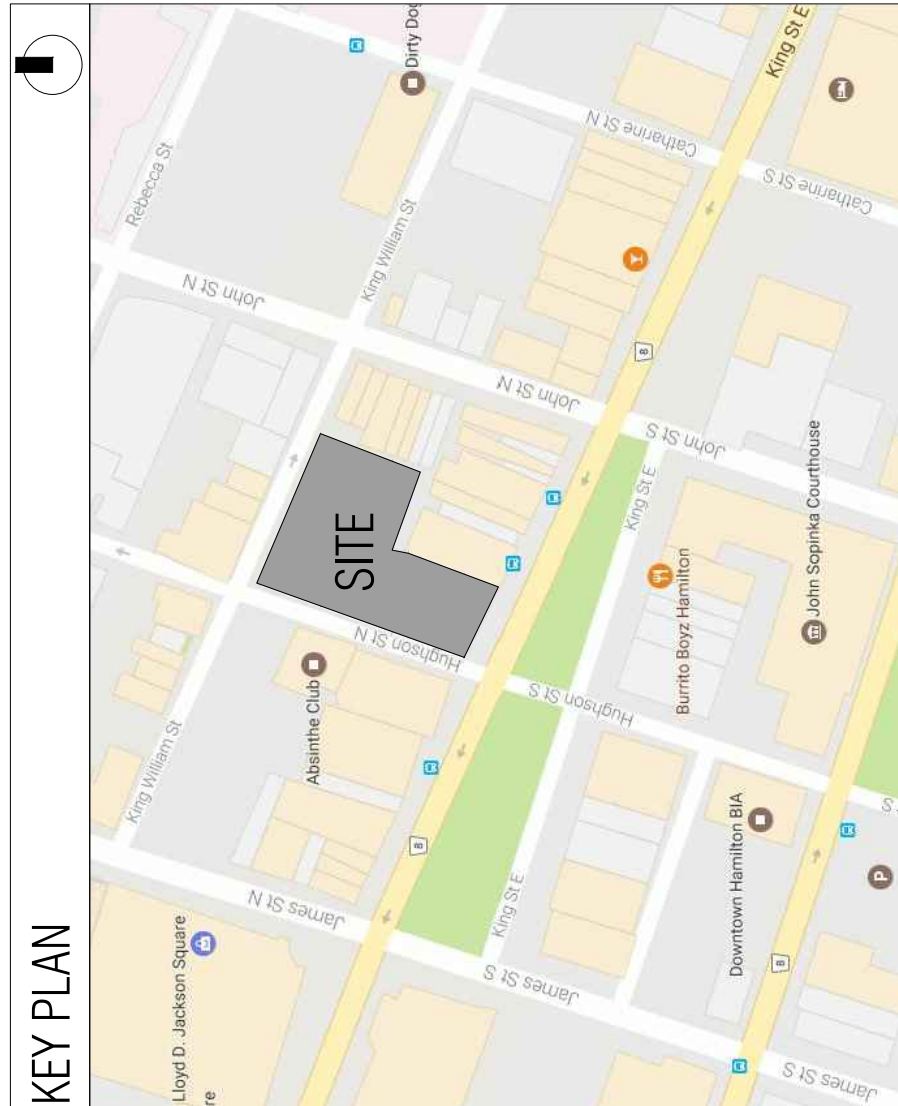
1. For landscaping, refer to landscape drawings.
2. For proposed grading, refer to landscape drawings and approved grading plan.
3. All perimeter existing information indicated taken from survey.
4. All work to be done in conformance with the 2012 Ontario Building Code (O.B.C., as amended)

SURVEY INFORMATION

A.T. McLaren Limited
69 John Street South, Suite 230
Hamilton, Ontario L8N 2B9
Ph: (905) 527 8559 Fax: (905) 527 0032

LIST OF DRAWINGS

- A 100 Cover Page
- A 101 Site Plan
- A 201 Underground Plan
- A 301 Ground Floor Plan
- A 302 2nd Floor Plan
- A 303 3rd Floor Plan
- A 304 4th-5th Floor Plan
- A 305 6th Floor Plan
- A 306 7th Floor Plan
- A 307 8th-25th Floor Plan
- A 308 26th - 34th Floor Plan
- A 309 Mechanical
- A 310 Roof Plan
- A 401 Exterior Elevations
- A 402 Exterior Elevations
- A 501 Building Sections



Job #1388.16 - King Street E
Date: May.10, 2017

Project Statistics				
	Permitted / Required	Tower A	Tower B	Total
01. Site Area				3922.45m²
02. T.F.A Residential				43586m²
Above Grade				
Below Grade				
Retail				1259m²
Above Grade				
Office				610m²
Above Grade				
Total				45455m²
03. G.F.A				T.B.D
03. F.S.I				11.59
04. Setbacks (m) *				
Above Grade				
North				
East				
South				
West				
Below Grade				
North	0			0
East	0			0
South	0			0
West	0			0
05. Unit Count **				
1 Bedroom	152	164		316 60%
2 Bedroom	102	110		212 40%
Total				528 100%
06. Parking				420
Residential				
Visitor/Petail				
Total				420
07. Bike Parking				420
Residential				
Visitor				
Total				420
08. Lockers				420
09. Building Height (To Main Roof Slab)				
(To Mech. Penthouse)	25STY - 77.5M	34STY - 105M		
10. Amenity Space				
Indoor	83.5M	111M		
Outdoor	508m ²	548m ²		
Total				1056m²
Total				6405m²
Total				7465m²
* Setbacks to main building face				
** Final unit count may vary depending on market demand				



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**GRAZIANI
CORAZZA
ARCHITECTS INC.**

1330 Queen St. W. Suite 103, Mississauga, Ontario L4R 1C3
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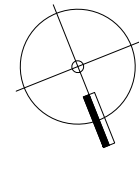
RESIDENTIAL DEVELOPMENT

43 King St

SITE PLAN AND STATS

Hamilton ONTARIO

Project Architect: B.GRAZIANI
Assistant Designer: R.LINCOLN
Drawn By: R.LINCOLN
Checked By: D.BIASE
Plot Date: May. 16, 2017
Job #: 1388.16



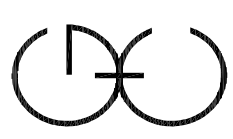
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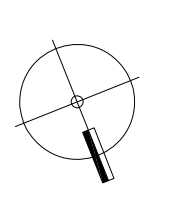
1100 Dundas Place
Suite 100, Mississauga, Ontario
Phone: 905.293.8505 Fax: 905.296.2844
www.g-a-architects.com

RESIDENTIAL DEVELOPMENT

43 King St

Hamilton	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	May, 16, 2017
Job #	1388.16

UNDERGROUND PLAN
P1-P2



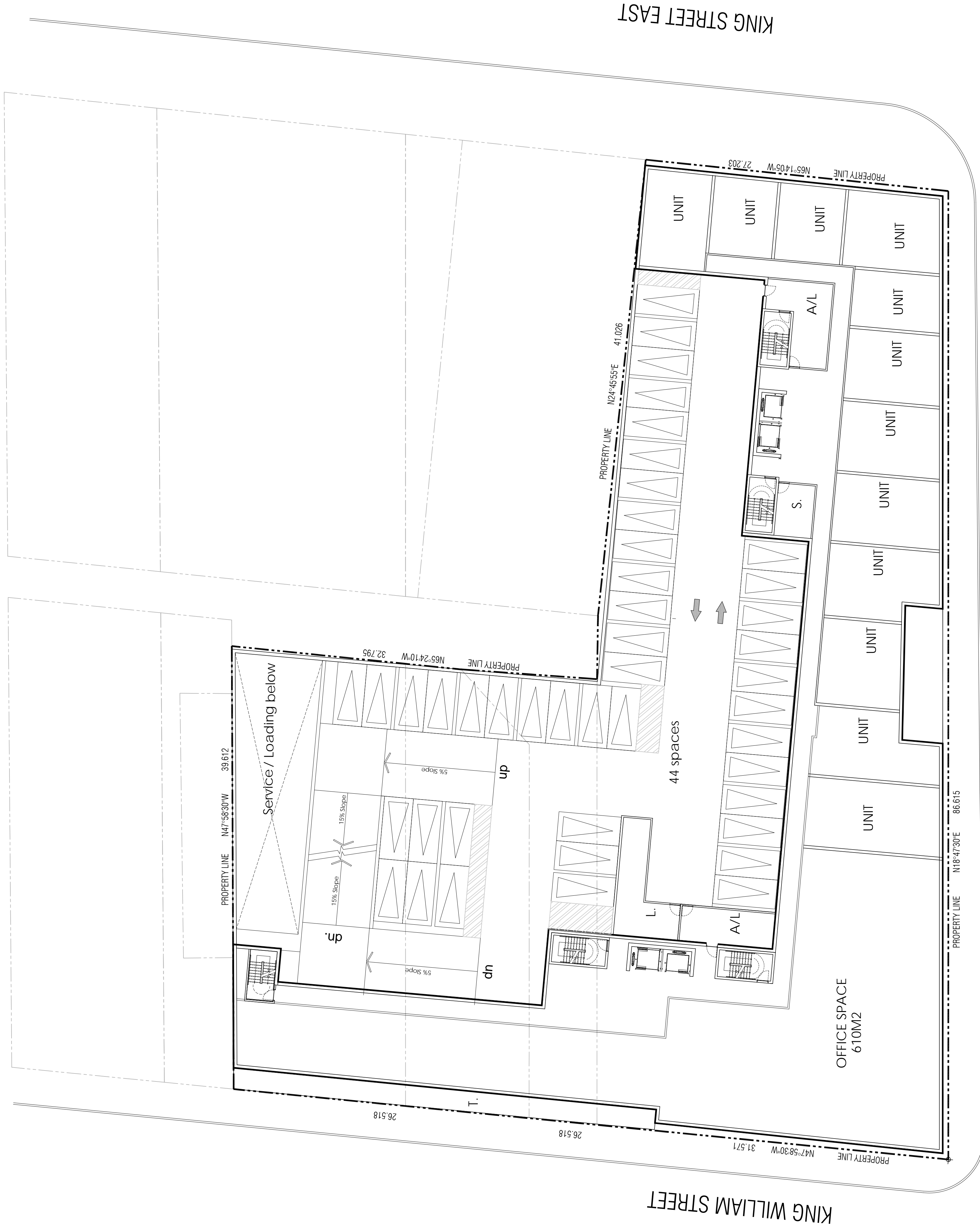
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TITLEBLOCK SIZE: 610 x 900

HUGHSON STREET NORTH

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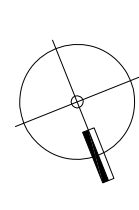
1100 Dundas Place
Suite 100, Mississauga, Ontario
Phone: 905.293.8505
Fax: 905.296.2844
www.g-a-architects.com

RESIDENTIAL DEVELOPMENT

43 King St

Hamilton	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	May, 16, 2017
Job #	1388.16

2ND FLOOR

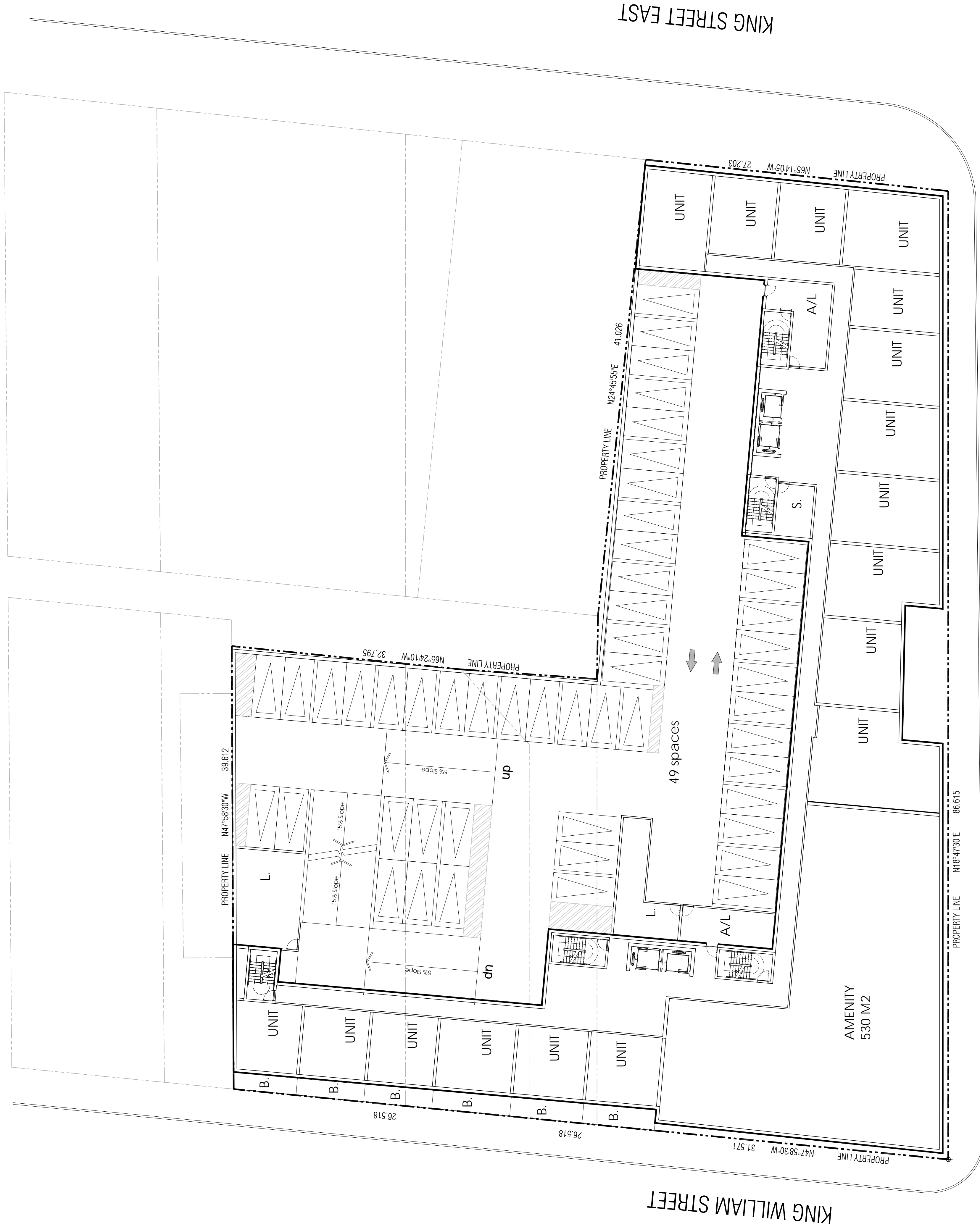


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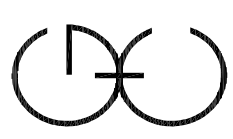
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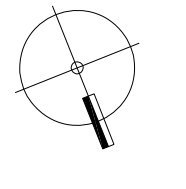
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RESIDENTIAL DEVELOPMENT

43 King St

Hamilton	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	May, 16, 2017
Job #	1388.16

3RD FLOOR



1:200 A303

TITLEBLOCK SIZE: 610 x 900

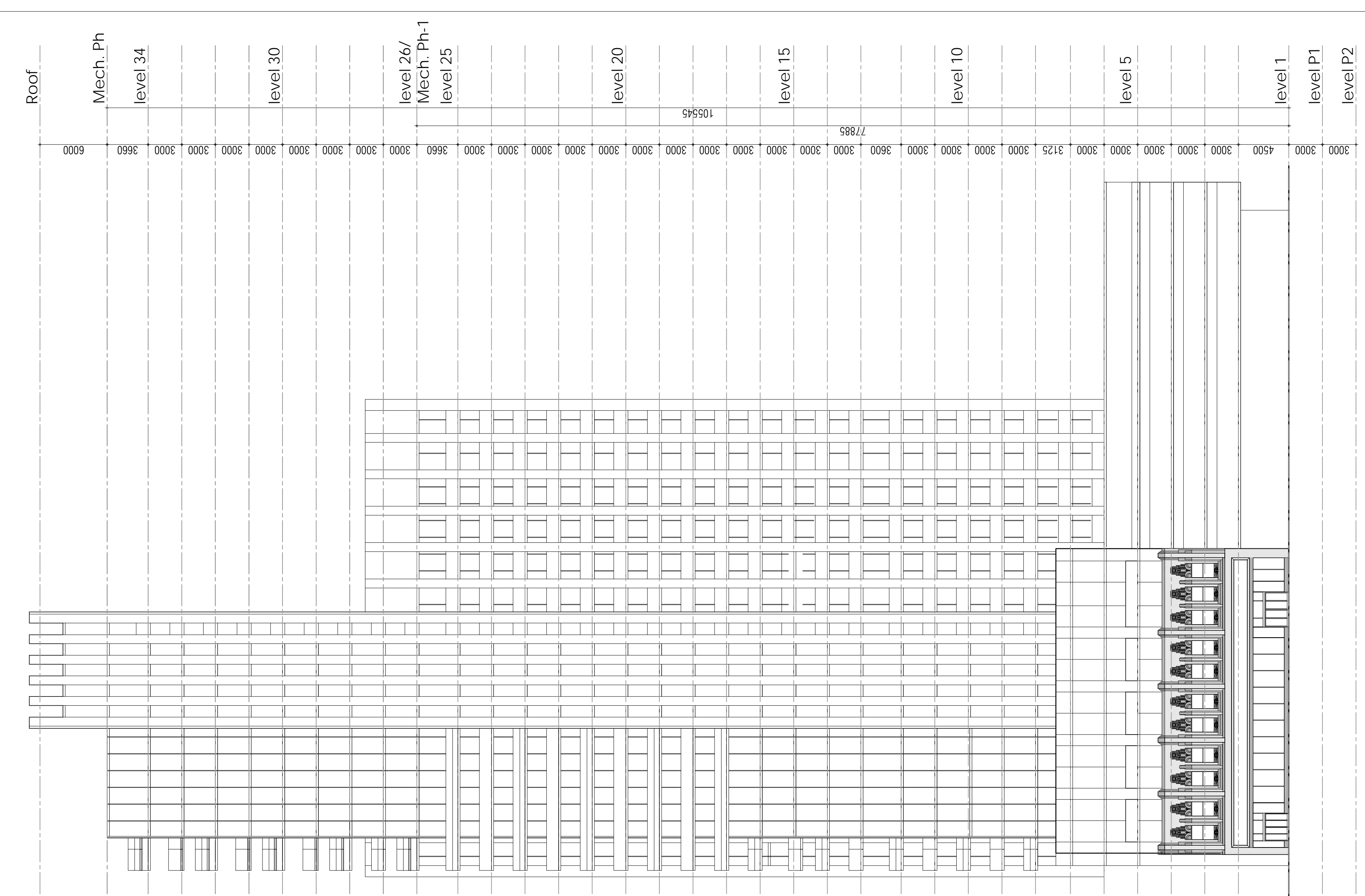
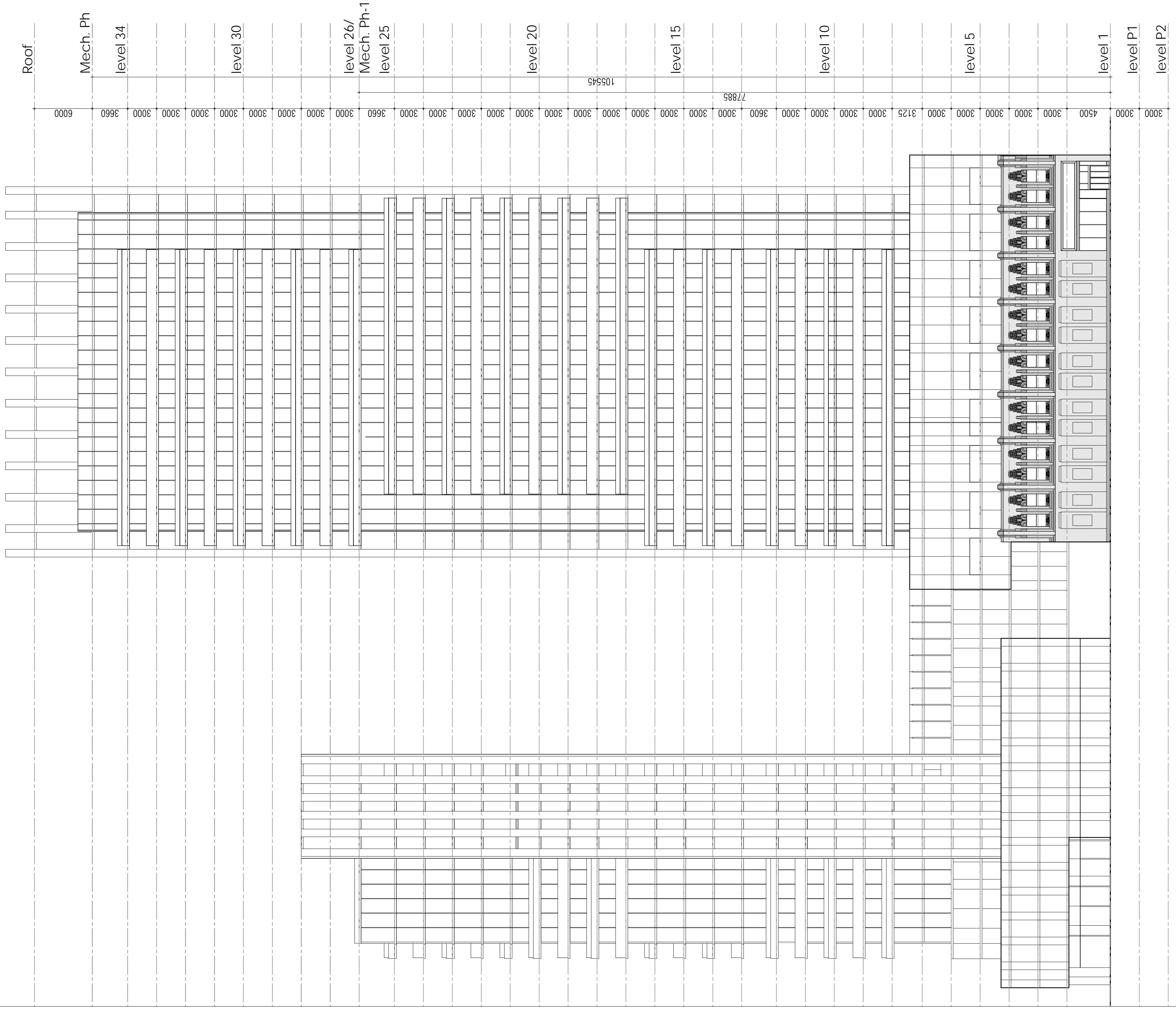
HUGHSON STREET NORTH

KING WILLIAM STREET

KING STREET EAST

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RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton ONTARIO

Project Architect: **B. GRAZIANI**
Assistant Designer: **R. LINCOLN**
Drawn By: **R. LINCOLN**
Checked By: **D. BIASE**
Plot Date: **Oct. 4, 2016**
Job #: **1388.1.6**

Exterior Elevations

1:250 A401

West Elevation

South Elevation



Podium View 2

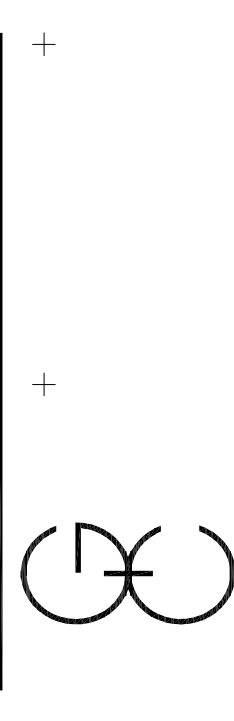


Podium View 1

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RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	May, 16, 2017
Job #	1388.16

VIEWS

A403



View Looking North



View Looking East

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RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton ONTARIO

Project Architect: B. GRAZIANI
Assistant Designer: R. LINCOLN
Drawn By: R. LINCOLN
Checked By: D. BIASE
Plot Date: May, 16, 2017
Job #: 1388.16

VIEWS

A404

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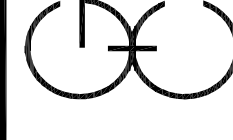


View Looking Southeast



View Looking Northwest

Issued for revisions



**GRAZIANI
&
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RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton

ONTARIO

Project Architect: **B. GRAZIANI**
Assistant Designer: **R. LINCOLN**
Drawn By: **R. LINCOLN**
Checked By: **D. BIASE**
Plot Date: **May, 16, 2017**
Job #: **1388.16**

VIEWS

A405

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GENERAL NOTES

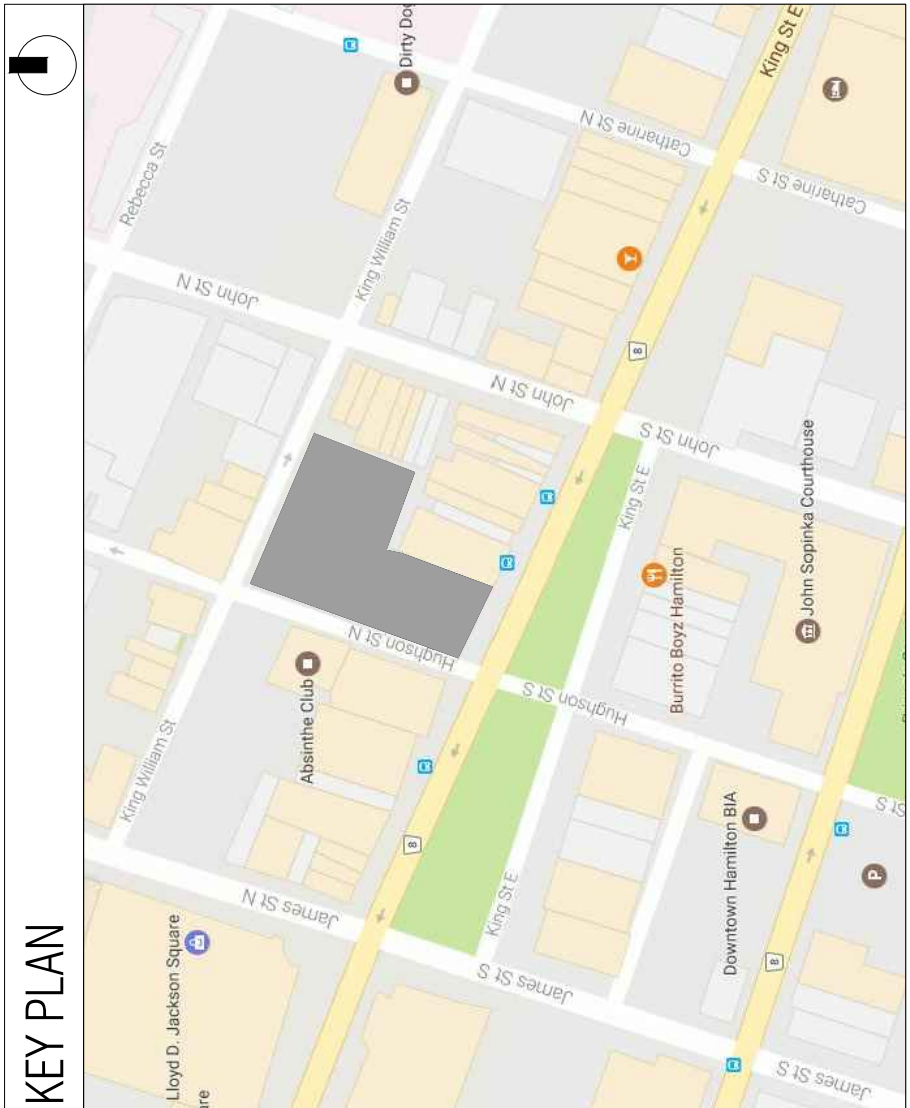
- For landscaping, refer to landscape drawings.
- For proposed grading, refer to landscape drawings and approved grading plan.
- All perimeter existing information indicated taken from survey.
- All work to be done in conformance with the 2012 Ontario Building Code (O.B.C., as amended)

SURVEY INFORMATION

A.T. McLaren Limited
69 John Street South, Suite 230
Hamilton, Ontario L8N 2B9
Ph: (905) 527-8539 Fax: (905) 527-0032

LIST OF DRAWINGS

A-100 Cover Page
A-101 Site Plan
A-201 Underground Plan
A-301 Ground Floor Plan
A-302 2nd Floor Plan
A-303 3rd Floor Plan
A-304 4th-5th Floor Plan
A-305 6th Floor Plan
A-306 7th Floor Plan
A-307 8th-25th Floor Plan
A-308 26th-34th Floor Plan
A-309 Mechanical
A-310 Roof Plan
A-401 Exterior Elevations
A-402 Exterior Elevations
A-501 Building Sections



Parking Chart

Type	#units/GFA	ratio	required
Residential unit (over 50m2)	507	1.0 space per unit	507
Residential unit (under 50m2)	0	0.3 space per unit	0
Commercial use		1 per 30 m2 in excess of 450 m2	62
Total Parking required			568
Total Parking Proposed			376



Job #: 1388.16 - King Street E
Date: Sep.09, 2017

Project Statistics		Tower A	Tower B	Total
01. Site Area				3922.45m2
02. T.F.A				4222112
Residential				
Above Grade	2179.9m2	41867.3 m2		44047.2m2
Below Grade				
Retail				1852m2
Office				610m2
Above Grade				46509.2m2
Below Grade				
03. G.F.A				T.B.D
03. F.S.I				11.86
04. Setbacks (m) *				
Tower				
North	0	5.5m	44.9m	
East	0	10m	4m	
South	0	20.5m	3.5m	
West	0	10.5m	4m	
Podium				
North	0	2m	2m	
East	0	0	0	
South	0	2m	2m	
West	0	2m	2m	
05. Unit Count **				
1 Bedroom	73	118	191	38%
2 Bedroom	170	146	316	62%
Total	243	264	507	100%
06. Parking				
Residential				376
Visitor/Retail				376
Total				376
07. Bike Parking				
Residential				
Visitor				
Total				
08. Lockers				
09. Building Height				
(To Main Roof Slab)	30STY - 89M	30STY - 89M		
(To Mech. Penthouse)	95M	95M		
10. Amenity Space				
Indoor				
Outdoor				
Total				10140m2

* Setbacks to main building face
** Final unit count may vary depending on market demand

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1300 Queen St. W. Suite 100, Mississauga, Ontario
Phone: 905.276.2071 Fax: 905.276.2848
www.gc-architects.com

43 King St

Hamilton, ONTARIO

Project Architect: B.GRAZIANI
Assistant Designer: R.LINCOLN
Drawn By: R.LINCOLN
Checked By: D.BIASE
Plot Date: Sep. 13, 2017
Job #: 1388.16

SITE PLAN AND STAIRS

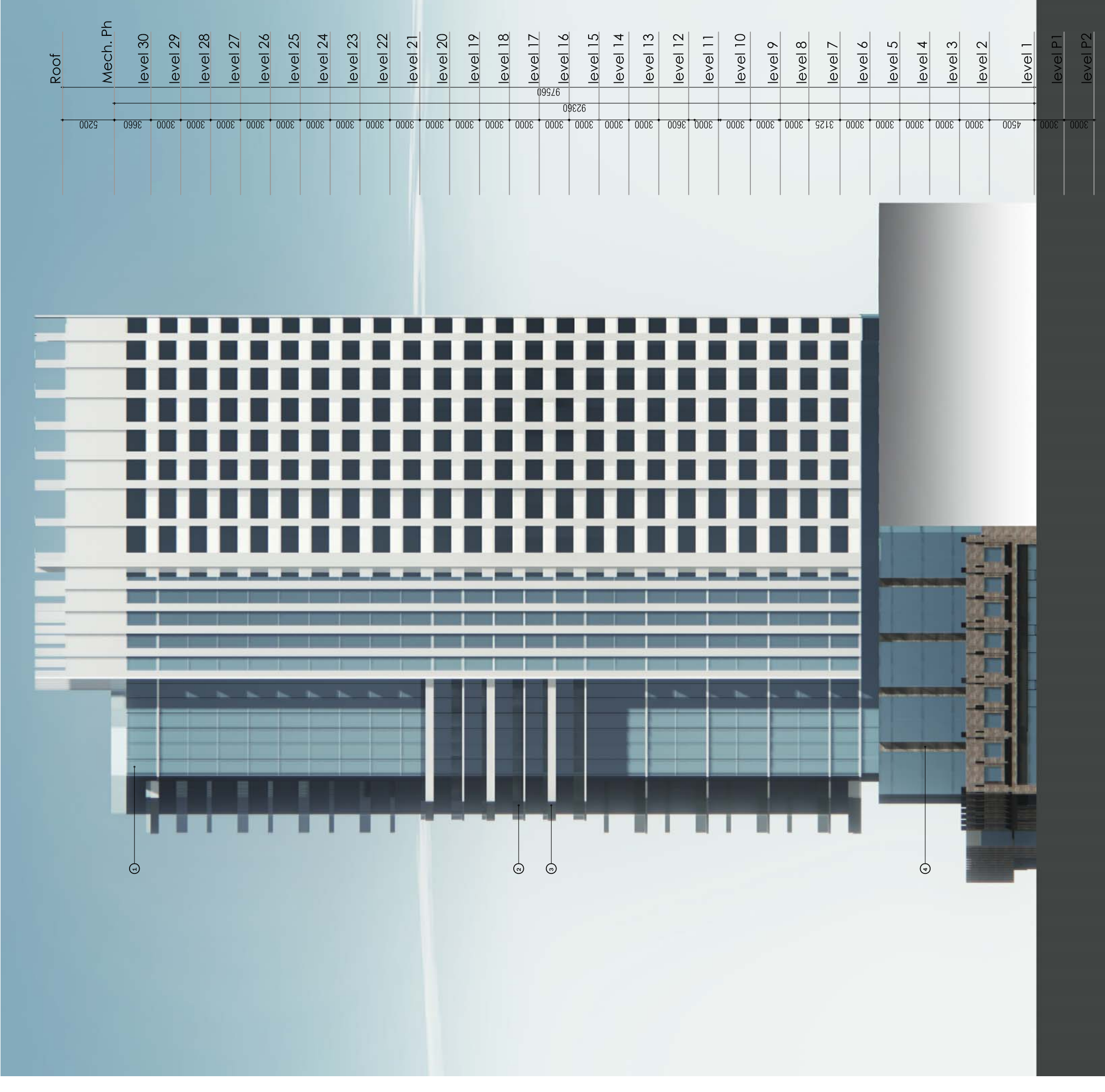
1:400 A101

TITLEBLOCK SIZE: 610 x 900

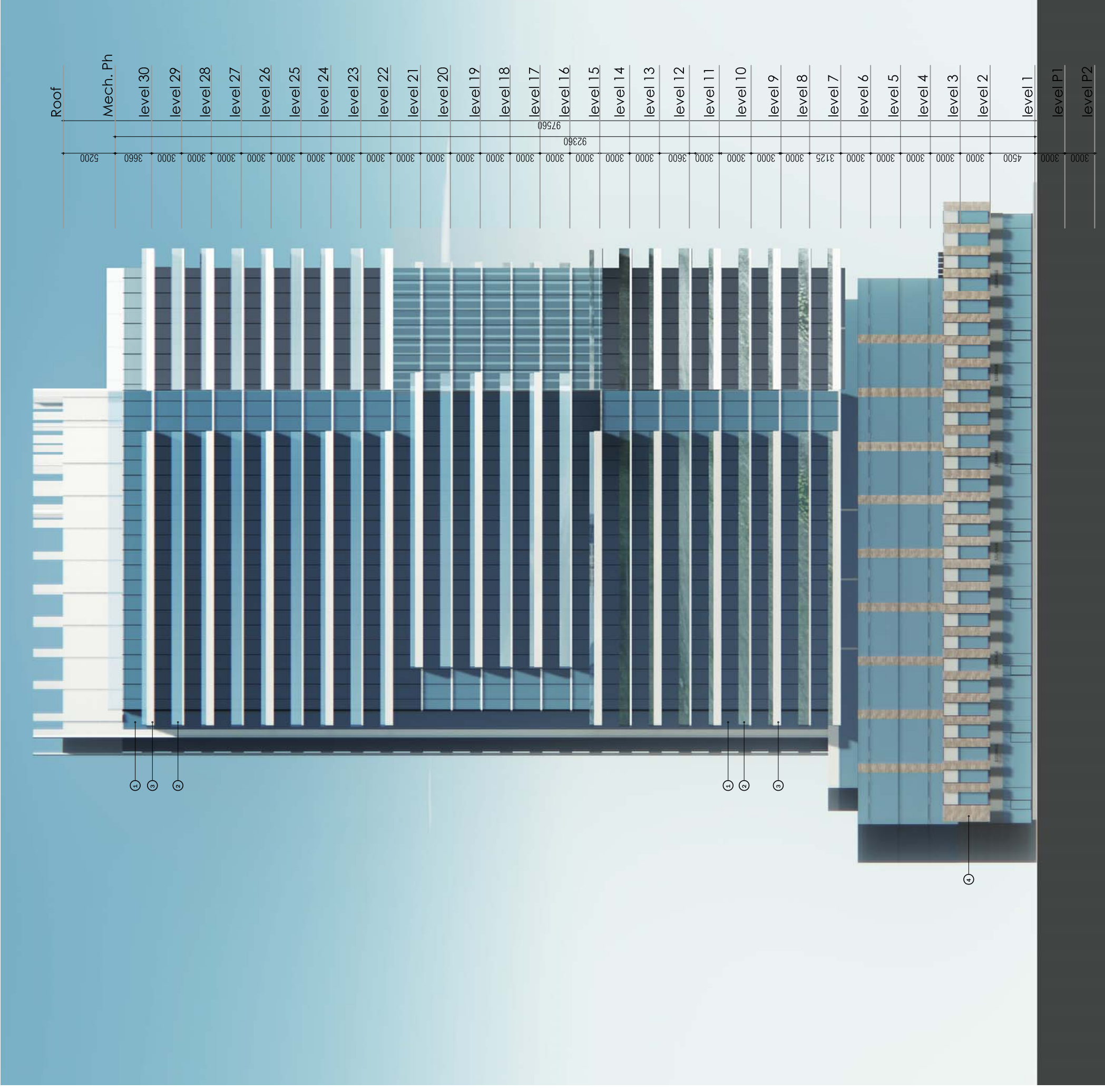
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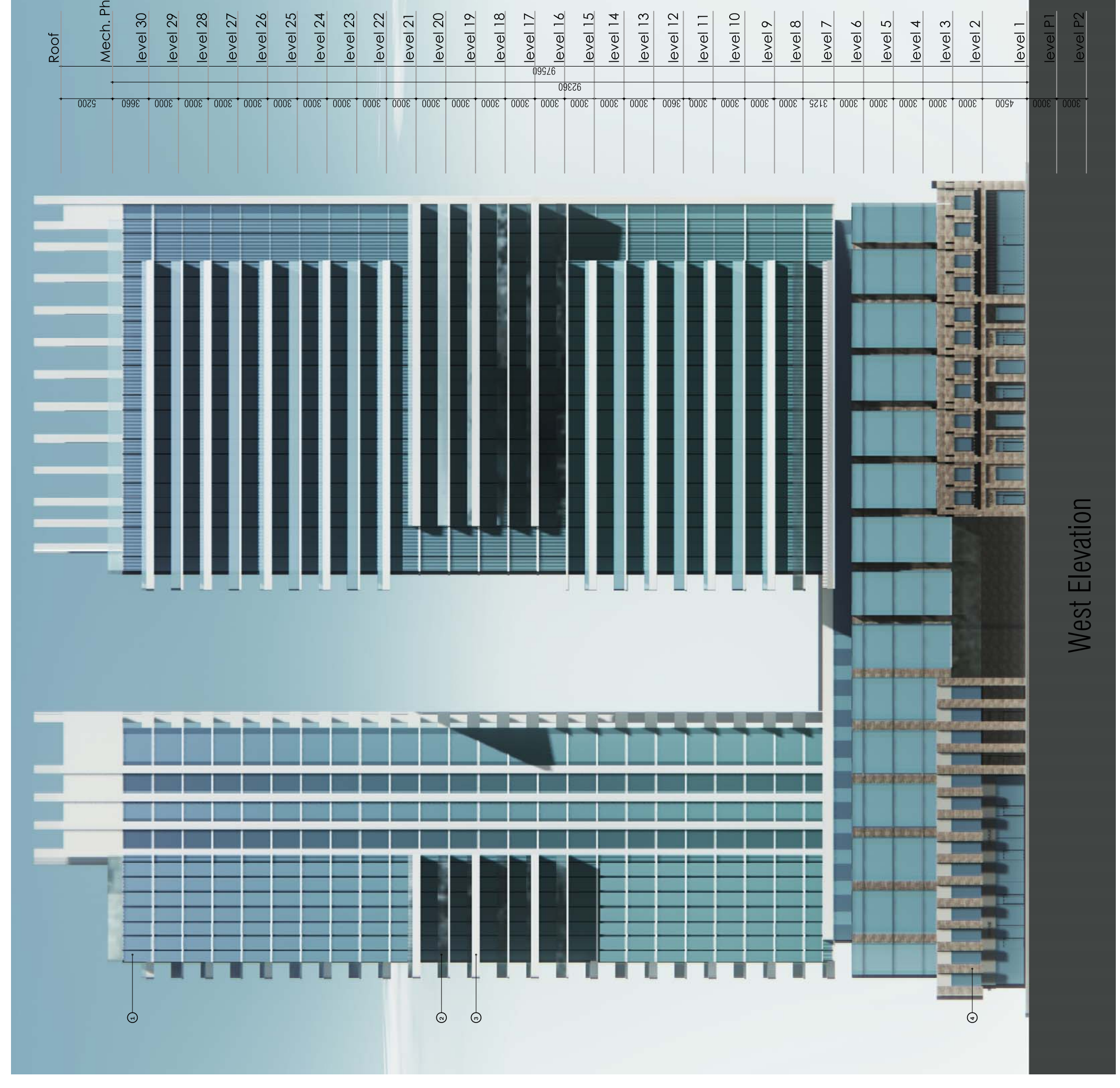
MATERIALS LEGEND	
1	Clear Vision Glazing
2	Glass Railing (Clear)
3	White Precast
4	Brick



South Elevation

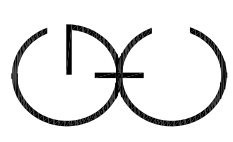


North Elevation



West Elevation

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RESIDENTIAL DEVELOPMENT

43 King St

ONTARIO	
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	Sep. 13, 2017
Job #	1388.1.6

ELEVATIONS

A401

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NOTE:
 TOTAL UNIT COUNT: 525
 TOTAL PARKING COUNT (INCLUDING BARRIER-FREE): 393
 TOTAL BARRIER-FREE: 15
 TOTAL BIKES (2 BIKES STACKED): 484
 TOTAL RETAIL AREA: 1192.2m²
 TOTAL RESIDENTIAL FOR TOWER A: 23289.15m²
 TOTAL RESIDENTIAL FOR TOWER B: 23735.75m²

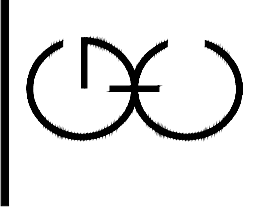
KING WILLIAM STREET

KING STREET EAST

HUGHSON STREET NORTH

43 King Street

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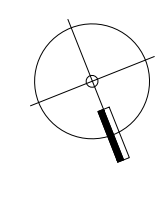


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 Four Oaks, ONTARIO
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RESIDENTIAL DEVELOPMENT

Hamilton	CONTRACT
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	Nov. 9, 2017
Job #	1388.1.6

SITE PLAN + STATISTICS

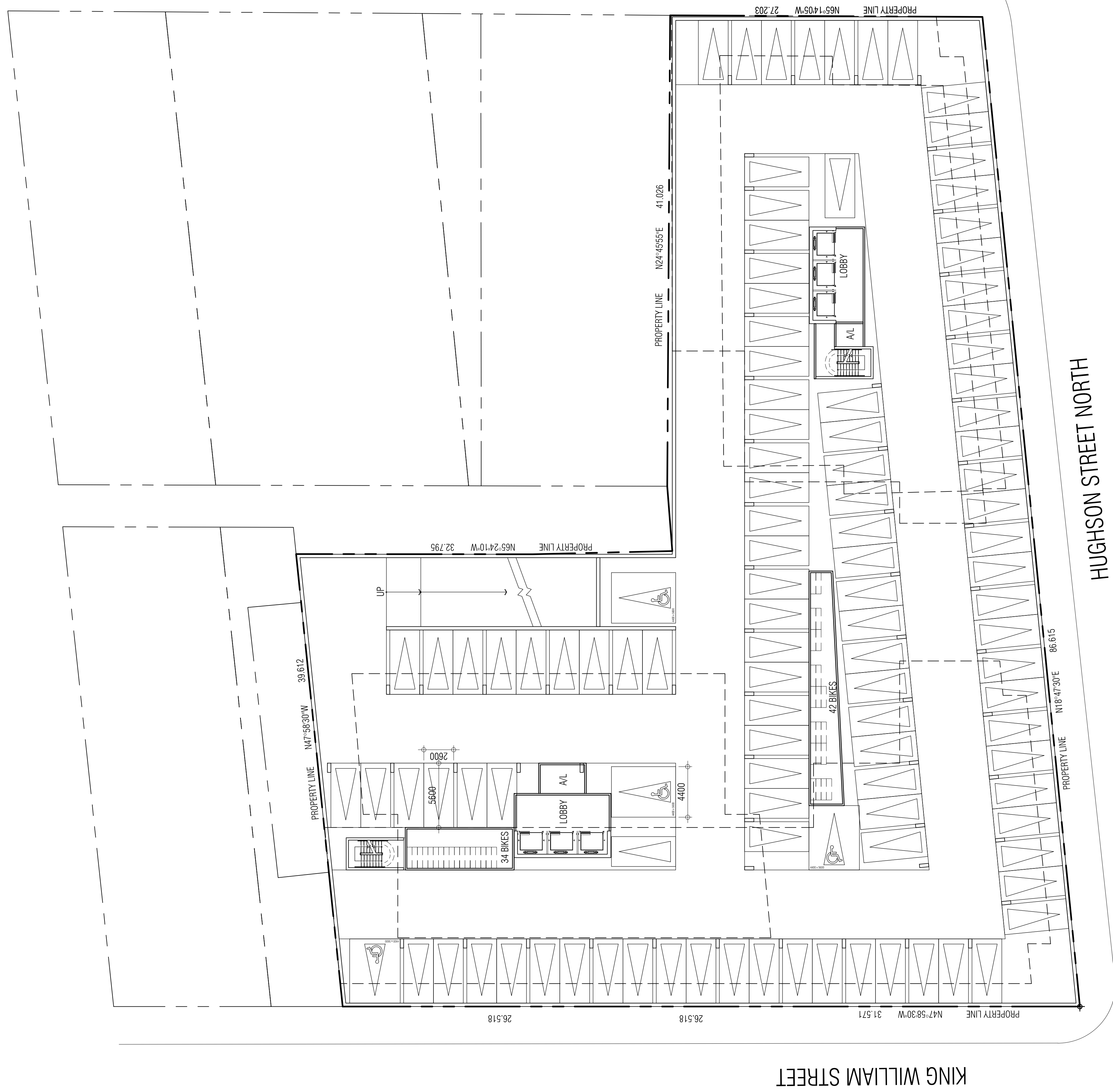


1:200 A101

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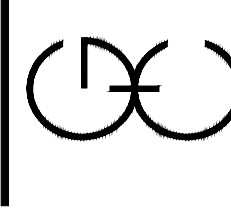
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NOTE:
PARKING COUNT (INCLUDING BARRIER-FREE): 111
BARRIER-FREE: 4
BIKE COUNT: 76
RESIDENTIAL AREA FOR TOWER A: 91.4m² * 2 = 182.8m²
RESIDENTIAL AREA FOR TOWER B: 63.8m² * 2 = 127.6m²

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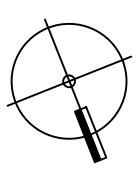
RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton ONTARIO

Project Architect: **B. GRAZIANI**
Assistant Designer: **R. LINCOLN**
Drawn By: **R. LINCOLN**
Checked By: **D. BIASE**
Plot Date: **Nov. 9, 2017**
Job #: **1388.1.6**

P2 UNDERGROUND LEVEL

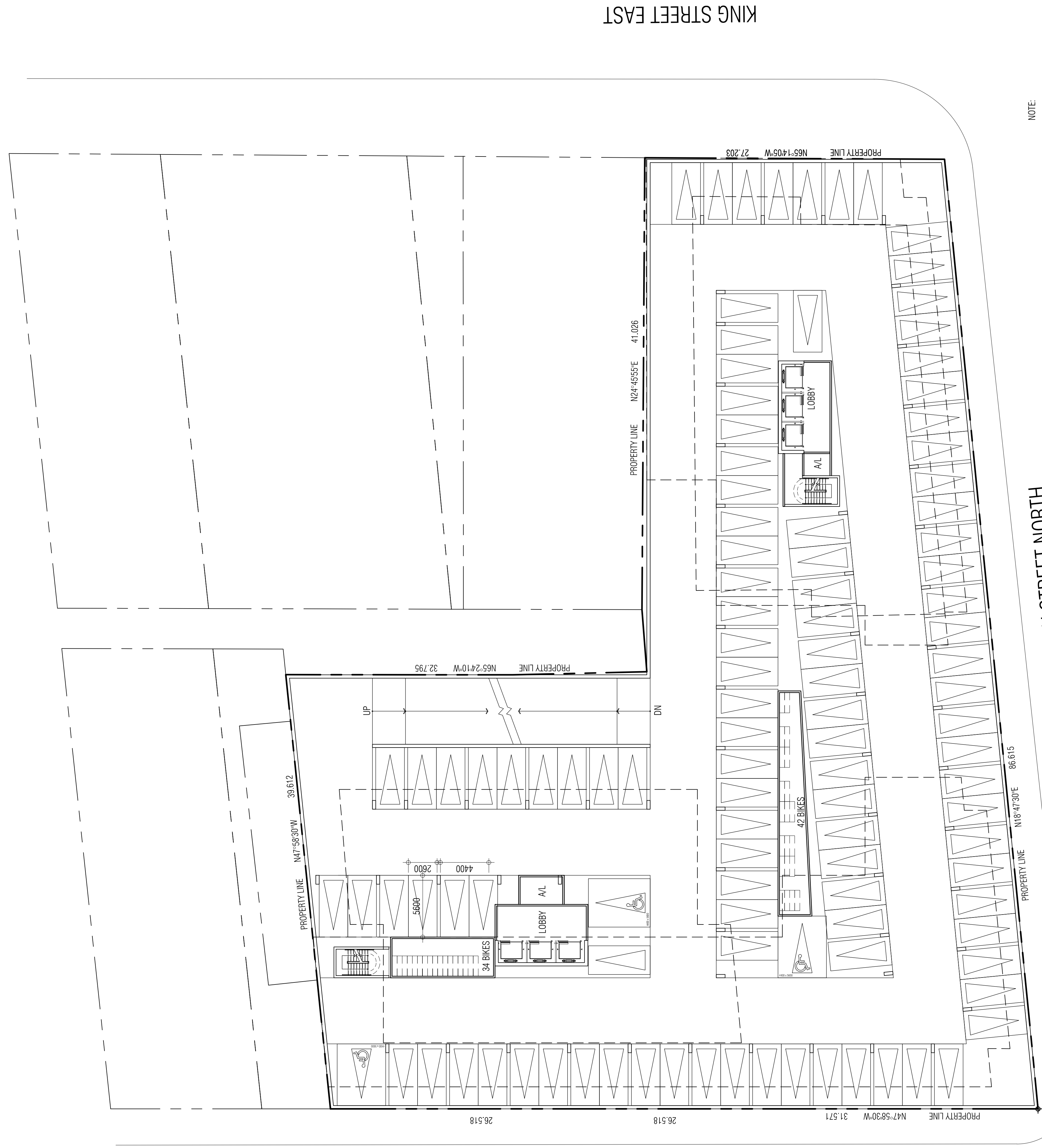


1:200 A201

TITLEBLOCK SIZE: 610 x 930

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NOTE:
 PARKING COUNT (INCLUDING BARRIER-FREE): 110
 BARRIER-FREE: 3
 BIKE COUNT: 76
 RESIDENTIAL AREA FOR TOWER A 91.4m² * 2 = 182.8m²
 RESIDENTIAL AREA FOR TOWER B 63.8m² * 2 = 127.6m²

KING WILLIAM STREET

KING STREET EAST

HUGHSON STREET NORTH

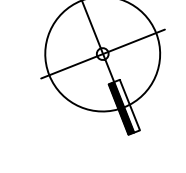
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 www.gca-architect.com

43 King Street

Position	CONTRACTOR
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	Nov. 9, 2017
Job #	1388.16

P1 UNDERGROUND LEVEL



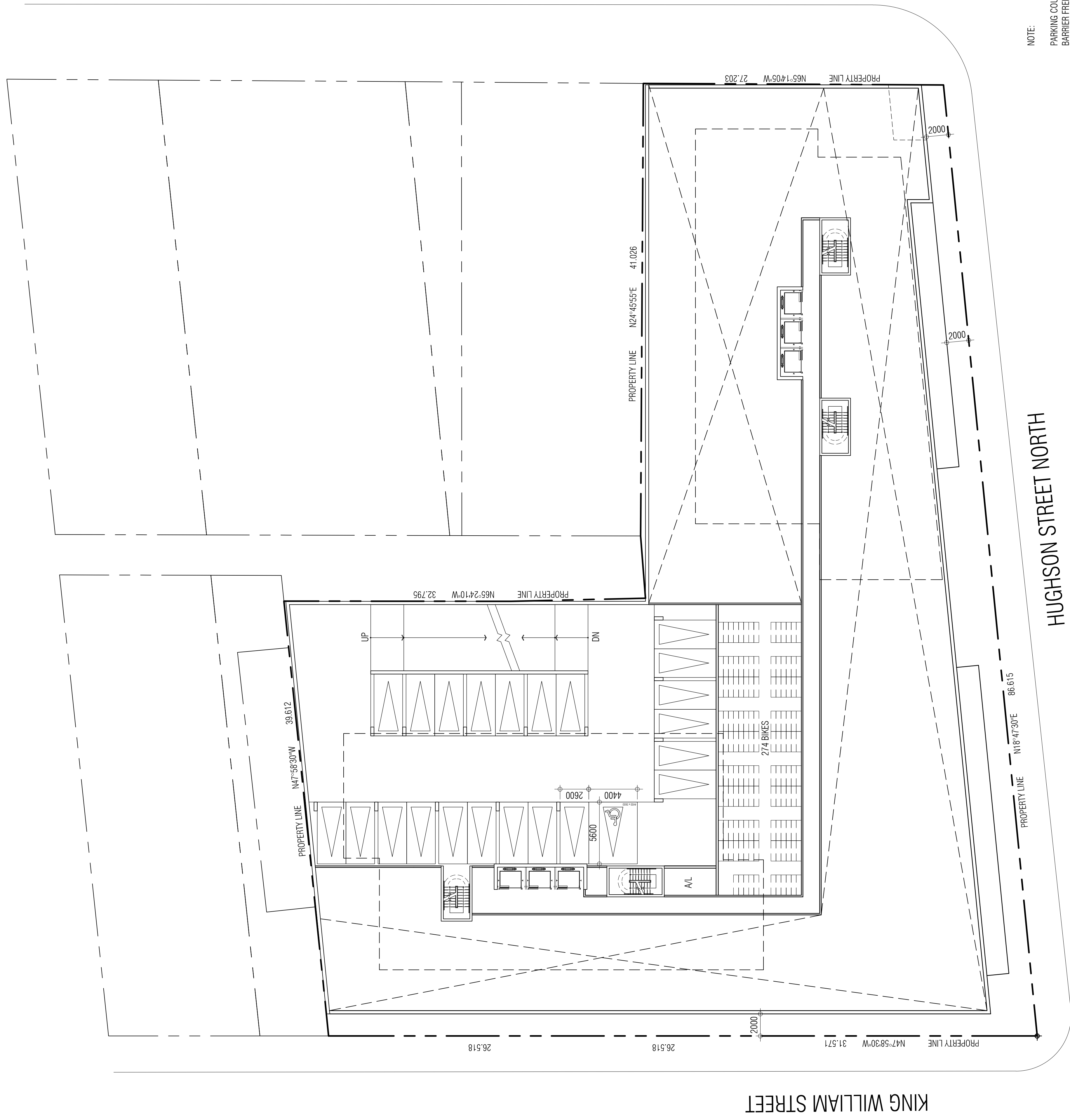
1:200

A202

TITLEBLOCK SIZE: 610 x 900

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NOTE:
 PARKING COUNT (INCLUDING BARRIER FREE): 23
 BARRIER FREE: 1
 BIKE COUNT (2 BIKES STACKED): 274
 RESIDENTIAL AREA FOR TOWER A: 246.05m²
 RESIDENTIAL AREA FOR TOWER B: 246.05m²

KING WILLIAM STREET

KING STREET EAST

HUGHSON STREET NORTH

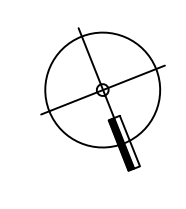
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 Phone: 905.795.8241 Fax: 905.795.8244 www.gc-architect.com

43 King Street

Headquarters	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	Nov. 9, 2017
Job #	1388.1.6

1ST FLOOR MEZZANINE



1:200

A302

TITLEBLOCK SIZE: 610 x 900

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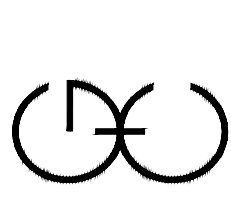
NOTE:
 UNIT COUNT: 19
 PARKING COUNT (INCLUDING BARRIER FREE): 41
 BARRIER FREE: 2
 RESIDENTIAL AREA FOR TOWER A: 1010.05m²
 RESIDENTIAL AREA FOR TOWER B: 1010.05m²

KING WILLIAM STREET

KING STREET EAST

HUGHSON STREET NORTH

1. NOV09.2017 ISSUED FOR REVISION
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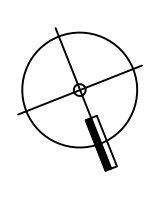


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RESIDENTIAL DEVELOPMENT
43 King Street

Head Architect	B. GRAZIANI
Project Architect	R. LINCOLN
Assistant Designer	R. LINCOLN
Drawn By	D. BIASE
Checked By	Nov. 9, 2017
Plot Date	1388.1.6
Job #	

4TH FLOOR PLAN



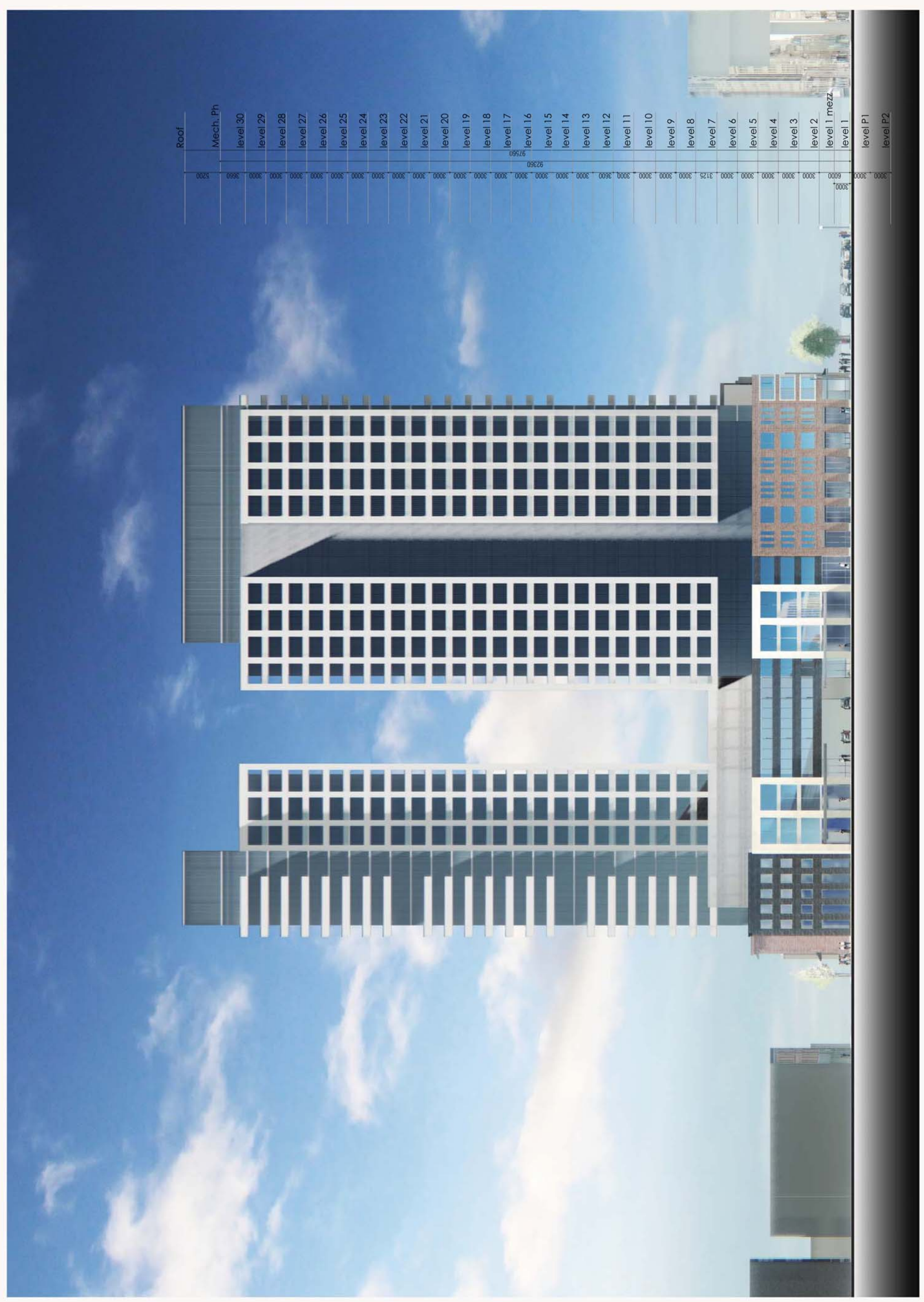
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A304

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WEST COLOURED ELEVATION



SOUTH COLOURED ELEVATION



EAST COLOURED ELEVATION



NORTH COLOURED ELEVATION

issued for revisions

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RESIDENTIAL DEVELOPMENT

43 King Street

Hamilton	ONTARIO
Project Architect:	B. GRAZIANI
Assistant Designer:	R. LINCOLN
Drawn By:	R. LINCOLN
Checked By:	D. BIASE
Plot Date:	Nov. 01, 2017
Job #	1388.16

VIEWS

RESOURCE NAME	RESOURCE FILE	FILE HITS
Cover Letter	151-16-Cover-Letter_June-2-2017.pdf	24
Architectural Package	151-16-Architectural-Package_May.pdf	128
Survey	Survey-Plan.pdf	34
Cultural Heritage Impact Assessment	151-16-Cultural-Heritage-Impact-Assessment_Feb-2017.pdf	120
Functional Servicing Report	151-16-FSR-Apr-2017.pdf	34
Grading & Servicing	151-16-Grading-Servicing.pdf	29
Pedestrian Wind Study	151-16-Pedestrian-Wind-Study_May-19-2017.pdf	30
Public Consultation Strategy	151-16-Public-Consultation-Strategy-Guidelines-Chart_May-25-2017.pdf	10
Zoning By-law Amendment Application	151-16-SIGNED-ZBA-application.pdf	27
Traffic Report	151-16-Traffic-Report.pdf	36
Urban Design Brief	151-16-Urban-Design-Brief_June-4-2017.pdf	114
Planning Justification Report	151-16-PIR-FINAL_June-2-2017.pdf	62
Notice of Complete Application	151-16-Notice-of-Complete-Application_June-16-2017.pdf	19
Revised Elevations	1388.16.Sep_.13.2017.Elevations.pdf	27
Revised Site Plan	1388.16.Sep_.13.2017.Site-Plan.pdf	22
Revised Sun Shadow Study	1388.16.sept_.13.2017.shadow-studies-.pdf	13
	TOTAL PAGE VIEWS: 368	

Barnett, Daniel

From:
Sent: July-17-17 2:41 PM
To: Barnett, Daniel
Subject: Fwd: File: ZAR-17-047
Attachments: Forwarded Message

Hi Daniel,

I'm following up on a previous email sent to you with regards to a zoning map. Looking for some clarification on this matter.

Thank you,

Mathieu Szplitgeiber.

----- Forwarded message from -----
Date: Wed, 05 Jul 2017 14:10:12 -0400
From: _____
Subject: File: ZAR-17-047
To: Daniel.Barnett@hamilton.ca

Hi Daniel,

we received a letter from Kimberley Harrison-McMillan today regarding file ZAR-17-047. The location map included with the letter shows the subject property as including part of the L shaped alleyway going from King William to John ST N.

We would like to know why the alleyway was included as part of the subject property as it is a city owned alleyway.

I look forward to your response.

Regards, .

Mathieu Szplitgeiber.

Claire St. Pierre, CPA, CGA, LPA
Licensed Public Accountant
15 John Street North
Hamilton, Ontario
L8R 1H1

----- End forwarded message -----

Claire St. Pierre, CPA, CGA, LPA
Licensed Public Accountant
15 John Street North
Hamilton, Ontario
L8R 1H1

Barnett, Daniel

From: Shawn Dall
Sent: October-01-17 2:53 PM
To: Barnett, Daniel; comments@urbansolutions.info
Subject: king and hughson - original art deco elements

just saw your revised elevations which don't show the original art deco elements above the windows, the ONE thing that separated it from being another boring brick box building - why did you get rid of it? It was what made that building unique - please re-revise and re-add it on!

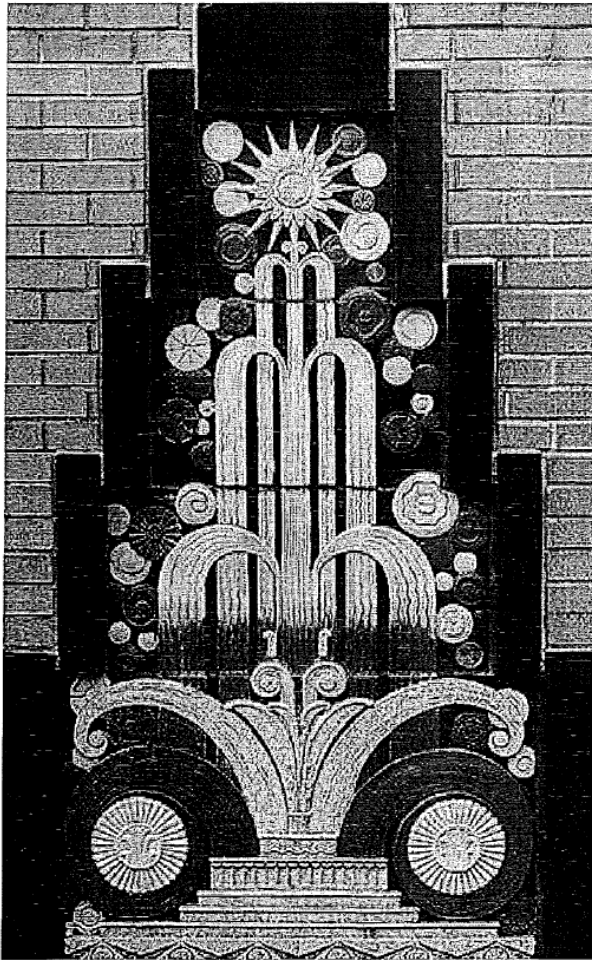
We are following your progress in this thread on skyscraper city:

<http://forum.skyscraperpage.com/showthread.php?t=209242&page=17>

I found this picture which shows the original art deco elements:



also here is an example of one surviving made from the same mold used to make the original kresges ones before they were torn down that exists in victoria, BC:



Canadian Art Deco revival: Facade Detail, Victoria, British Columbia, Canada. This pattern "Fountain" was made using molds taken from art deco murals on the old Kresge building (Douglas and View), before it was torn down

PLEASE preserve this art deco heritage feature - it's pretty much one of the only thing on the former kresges building that gives it historical value - please restore it for all of us that were not old enough to have originally seen it on the building!

-shawn-

Barnett, Daniel

From: >
Sent: July-26-17 11:52 AM
To: Barnett, Daniel
Subject: File No. ZAR-17-047

Hello,

I am writing to express my comments in regards to the proposed Zoning By-law Amendment File No. ZAR-17-047. ****Please remove ALL personal information from my comments****

I am a resident of 80 King William Street and have lived in the neighbourhood since 2010. I have seen vast improvements to the area, and a lot of welcomed change. The area is in need of continual development and that is why I am partly for this new development with a mix of commercial and residential space. The rates of development in the downtown core however are not consistent across all areas, and with the rate of residential developments rising more rapidly than others (roads, services, commercial...) I am voicing my concerns about the proposed project

To summarize what the rest of my comments will say: This proposed development is too big, and not the right "fit" for the area.

Reason 1: The sheer number of residents and the side effects of this

With the upcoming completion of the first 2 phases of the Connaught (and the planned 2 new towers), the new Acclamation residences on James St. N, and the new McMaster building on James St N. we have a huge influx on new residents coming to the area on the horizon. The volume of people coming to downtown Hamilton is increasing more rapidly than infrastructure and services can accommodate, and the neighbourhood isn't capable of handling all of these residents.

1a) Traffic

This new influx of residents is going to increase traffic. With the new LTR set to occupy King Street, where are the cars from the proposed 420 parking spaces supposed to go from this building? Hughson is a narrow one way street, as is that portion of King William. With King Street repurposed for LRT there is no where else for this traffic to go but north on the very narrow Hughson, or east on the very narrow King William. Even changing the streets to 2 way traffic, the roads are still very narrow and would be one lane. It also seems like there could be an abundance of construction all happening at once in a very small area between the LRT, Connaught and this development. Between large amounts of construction and more people moving in there is no where for them to go on the roads. There then also becomes all the added costs of having to change city infrastructure to accommodate all of this.

1b) Services

It is already near impossible to get a table at a restaurant in this area on a Friday or Saturday evening in the area. More and more restaurants are popping up regularly but the establishments in the area are all small, in keeping with the style of buildings that occupy the downtown core. I realize this is a very "first world

problem" but as I will elaborate on later, this makes the new proposal not the right fit for what the area needs.

Reason 2: It's not the "type" of building the area needs

Taking away a large corner lot designated as prime retail space and only including 1,869 sq m of commercial space is not what the area needs. When the Bingo hall was closing we had high hopes and aspirations on what could go in this space. The planned commercial space could fit, at best, a small restaurant or retail establishment. The downtown core is still lacking services and commercial businesses (for example: big name grocery, more home furnishing stores, drug store open outside the very limited hours of Jackson Square mall, restaurant space with designated patios not on the street/in an alley...) and with the number of people residing downtown already set to rise a significant amount these types of establishments will be more in demand

Reason 3: The size is not in keeping with the rest of King William St.

This building is too big and imposing for the neighbourhood and look of King William St. The tower proposed for King Street is less concerning, however is still very large in comparison to the appearance of the rest of the downtown core. King William is a beautiful, cobbled street with low rise buildings that ooze character. There are amazing small businesses. To build a massive 25 storey building not only ruins the look of the street but also affects the other buildings as well. The imposing look, shadows, and wind tunnel effect that happens with large buildings will make the street less desirable and will make the visiting the businesses less enjoyable.

Overall, my opinion is that the proposed project is too large. A smaller scale combination of commercial and residential space, in my opinion, is much more suited to look, structure, design, capabilities and need of the area.

Thank you for taking the time to listen,

Daniel Barnett
City of Hamilton
Planning and Economic Development
71 Main St West 5th floor
Hamilton, Ontario
L8P 4Y5

July 10, 2017

RECEIVED
JUL 18 2017

RE: File ZAR-17-047

Mr. Barnett,

I am in receipt of your letter dated June 30th 2017 with regards to the Zoning By-Law Amendment application by King William Residence Inc.

The drawing that you supplied with your letter indicates the assumed alley located between the properties with access from King William St. exiting on John St. N is now property that is part of the King William Residence Inc. development. I am opposed to any changes in the By-law until the Assumed Alley issue has been resolved.

I want to be very clear that I expect free and clear unobstructed two way access to the rear of my property at ALL times during and after construction of the towers and I will not agree to any by-law changes until the official site plan indicate such.

I have been a property owner since 1988 and a commercial City property tax payer since 1978 and expect my concerns to be taken seriously.

Thank you,



Brian Jasson
Owner 763230 Ontario Limited
67-71 King St East
Hamilton, Ontario
L8N 1A5

Barnett, Daniel

From: Paul V
Sent: July-04-17 7:11 PM
To: Barnett, Daniel
Subject: Zar-17-047

Hi Daniel, I'm Paul, saw the zoning bylaw ammendment for 43-51 King St East. Exciting news for the neighbourhood. Curious, will the existing building that fronts king st and hughson be retained and incorporated into the podium design?

Also what is the target completion date of the project?

Thanks in advance,
Paul Vicari

Sent from my iPhone

Barnett, Daniel

From: Kathy Garay
Sent: August-02-17 7:29 AM
To: Barnett, Daniel
Subject: ZAR-17-047 Response to Application for Zoning By-law Amendment 43-51 King St E

Attn. Daniel Barnett, Planning Department, City of Hamilton:

I am traveling in Europe at present with limited email access, but wish to have placed on record my firm support of the submission made by Carol Priamo on behalf of the Friends of the Gore. As a member of the Municipal Heritage Committee, I am aware of concerns raised about the height of the proposed development from the very earliest stages. This proposal is, in my view, entirely incompatible with both the historic and human context of our city's core. I urge the Planning Department to reject the current design and require the developer to significantly rework his plans.

Sincerely yours,

(Dr.) Kathy Garay,
Ward 8, City of Hamilton.

July 31, 2017

**RE: Response to ZAR-17-047 Application for Zoning By-law Amendment
for 43-51 King St E**

To: Daniel Barnett, Planner, City of Hamilton
Planning and Economic Development Department,
City of Hamilton

From: Carol Priamo, Heritage Projects Consultant
Friends of the Gore
80 King William Street, Hamilton L8R 0A1

We oppose the development proposal for 43-51 King Street East regarding height and appearance of the towers and any amendment to the Zoning By-law to support this proposal and design.

We support the recommendations of the **Design Review Panel** to the developer to redesign their proposed two tall building development to better conform with City planning policies and to add more of the Art Deco style of the Kresge's recreated design of the base into the towers. The Panel expressed serious concerns about two elements of the development – the lack of setback from the eastern lot line and that the towers will shadow the future John and Rebecca park. "This needs to be completely rethought from a massing standpoint", according to DRP member Tim Smith, a planner.

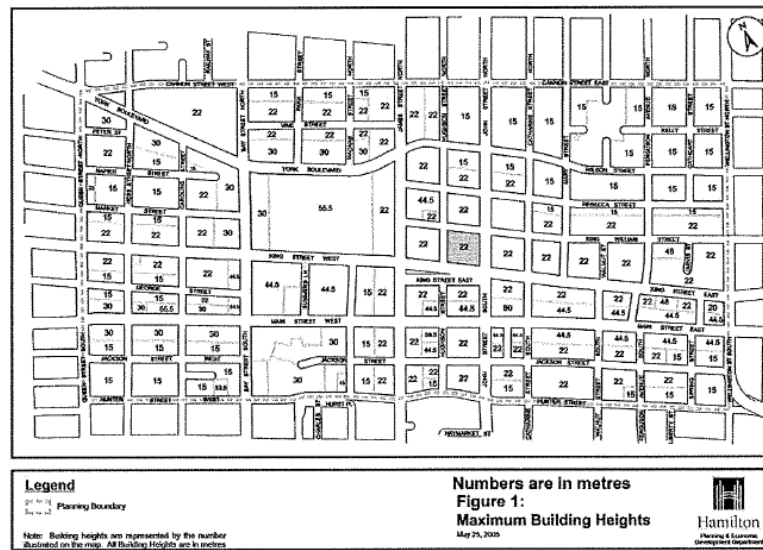
In the absence of published City of Hamilton planning guidelines for the introduction of high rise structures in identified heritage zones, we have looked at those used in such cases from Toronto, Philadelphia and Kitchener. "High-rise building developments should ensure that they will not jeopardize local environmental quality, existing patterns of street life and subcultures, the existing townscape, and the landscape. If the traditional topology of the

city consists of largely of a mat of the low-rise buildings as the city’s characteristic feature, then the new building’s massing should blend with the scale of existing buildings...” (from the Seoul Conference on Design Criteria for High Rise Buildings in Historic Cities 2011)

The following factors strongly support the case for greatly reducing the height and massing of the proposed development and for harmonizing it with the size, scale, material, and character of the remaining façade and the surrounding listed heritage structures along the King Street East streetscape and surrounding Gore Park.

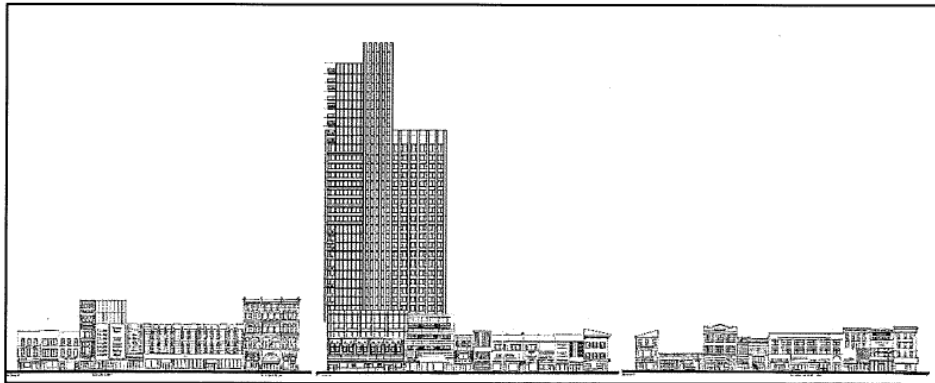
HEIGHT

Building height is one of the strongest design guidelines for new construction; the height of adjacent buildings should dictate the height of new infill construction. The Zoning By-Law for Downtown zones states: “Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures.”.



In the case of this property, maximum height is **22 metres** or approximately 70 feet. The height of the tallest tower of the proposed new development could exceed **100 metres** or well over 300 feet.

Drawing of King Street East from James to Catharine Streets with proposed towers



Looking North from Gore Park

Rendering of Towers looking north from Gore Park

City planners are urged to consider **the human scale** of a project that would be roughly **five times** taller than the recommended height for new buildings. The proposed development at 34 and 25 storeys would destroy the scale and the visual cohesion of this area and its towers introduce a looming presence over a major city park setting designed for the public's enjoyment and relaxation.

SHADOW

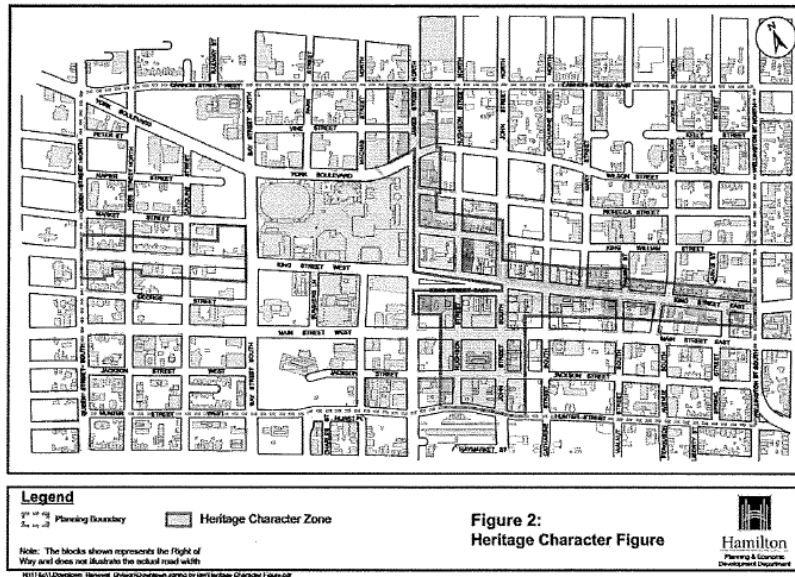
The new proposal will impact the **amount and quality of light** falling on the surrounding area particularly Gore Park where the public walks and sits to enjoy the sunshine. The 34 storeys on King Street will unquestionably cause shade through the day and change the way the park is used and experienced. As well as its impact on daily activities, the shadow of this visual intrusion will be cast on public gatherings and important City events. Also the report regarding this site prepared by City staff (dated February 28 2017, presented at the HMHC meeting on March 16 2017) for the Municipal Heritage Committee indicates the impact of shade on the surrounding area, such as the designated Right House building across Hughson Street and several buildings on the south side of King Street East as well as one of the monuments in Gore Park. The shade will also impact the vegetation newly planted throughout the park.



Looking east from Gore Park

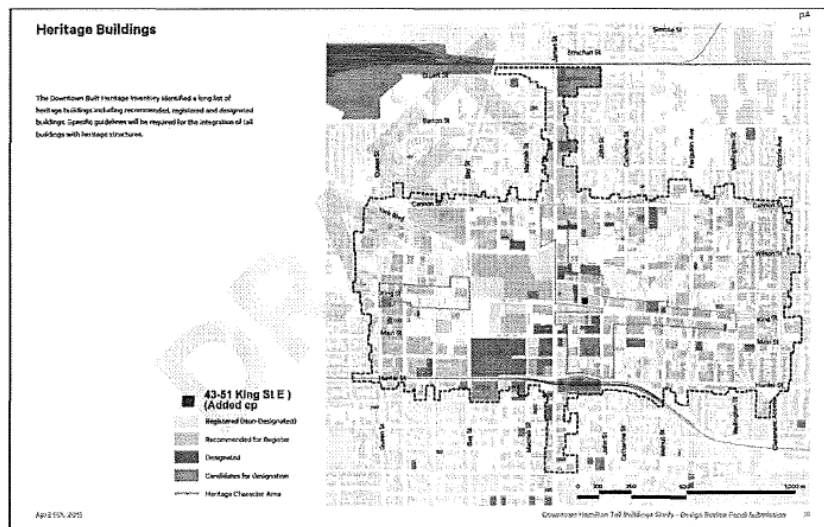
HERITAGE CHARACTER ZONE & LISTED BUILDINGS

This site falls within a **heritage character zone** as identified by **Figure 2 of Schedule F** of the Zoning By-Laws of the City of Hamilton for Downtown. The Zoning By-laws for Downtown set out regulations for compatible use of building materials for new buildings. Style compatibility is an essential guideline for new construction in heritage zones. New buildings should compliment the existing historic styles supporting the historic context.



This development proposes a design and materials that bear no relation to the remaining 1930's Art Deco façade of this building and of the adjacent buildings. Design compatibility is especially important in this case where all the buildings on these historic commercial blocks are attached buildings forming a street wall.

The new development incorporates the façade of a 1930's heritage building listed in the **City of Hamilton's Built Heritage Inventory**. The report prepared by City staff (dated February 28 2017, presented at the HMHC meeting on March 16 2017) for the Municipal Heritage Committee describes in some detail the unique character of the Kresge building and, as a result, the developer has been required to respect and restore its historic frontage. This building is considered integral to this portion of the Gore Park streetscape, consisting of all the listed buildings on King Street East. It is an essential element in the cultural and historical identity of Hamilton. Any demolition, addition, or alteration of this protected streetscape should be very carefully examined. The proposed design of this new development will, in a most extreme manner, alter, disrupt and distort the character, scale and experience of this historic street. The setback of the tower from adjacent buildings and pedestrian routes need to be addressed to ensure retention of human scale at street level.



The height and setback of the new development needs to be complimentary to the existing street wall.

Barnett, Daniel

From: Jonathan Deveau >
Sent: July-27-17 1:55 PM
To: Barnett, Daniel
Subject: public input RE: ZAR-17-047

Good afternoon Daniel,

I recently received a letter by mail regarding a proposed zoning by-law amendment requested by the developer of 43-51 King Street East. Being a nearby resident who will be affected by this development, I wish to submit a comment for consideration regarding the by-law adjustment.

1) Building height on King William street:

I am greatly concerned by the height of the proposed tower which will front King William Street. It is currently designed as a 25 story tower. All of the neighboring structures on King William are between 2 to 6 stories tall. A tower that is 4 times taller than the highest building on this street will look out-of-character. But further to this, King William has become a very pedestrian-friendly street in recent years. It has only 1 lane of active traffic, and features many new and very popular restaurants. Such a tall structure risks creating a canyon effect on this street and ruining its pleasant atmosphere. If this building casts huge shadows across the street, will the restaurant's summer patios still be as enjoyable? Will it still be as desirable of a location if the view from the street is dominated by this building? I don't believe the street is wide enough to accommodate such a structure; it will make it feel more like an alley-way. I believe any new building considered on this street should respect the built form that surrounds it, not over-power it. Consider two recent new projects on the street that integrated perfectly with their surroundings - *The Empire Times* at 41 King William, and *The Templar Flats*, which is across the street. These are the types of buildings that should be considered for this site (low to mid-rise), not a massive tower.

Further to this, 420 new parking spaces are being proposed for this site. As I mentioned, King William is a single lane one way street. How will the addition of 420 vehicles to the local traffic patterns affect the quality of life on this street?

2) Building height on King Street:

The proposed height of the 34 story tower on King Street is *less* concerning to me than the King William tower. This is due to the taller height of surrounding buildings, and the busier nature of King Street. I would still suggest that a height which does not cast a shadow on nearby King William is better, for the reasons given in the above paragraph.

Beyond this, although I am not an expert in urban planning, I do strongly believe that a more beneficial strategy for city planning would be to spread out our structures instead of fulfilling such a large proportion of city-wide demand for new residential units with a few tall towers. There are many under-utilized sites spread throughout the downtown core, such as surface parking lots, or unoccupied buildings. We have a better chance of these lots being developed if demand for new units is not largely fulfilled by a single project.

Thank you,

"concerned Beasley resident"
Jonathan Deveau, P.Eng.