



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-027, by Television City Hamilton Inc., Owner**, to re-designate the lands from “Medium Density Residential” to “Mixed Use Area” in the Downtown Hamilton Secondary Plan to permit a multiple dwelling, consisting of two tower elements connected at the base between the buildings on the ground level having a maximum building height of 125.0 m (40 storeys) and 94.3 m (30 storeys), on lands located at 163 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED18040, be **DENIED** on the following basis:
- (i) That the proposed amendment to the Official Plan does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts.
- (b) That **Zoning By-law Amendment Application ZAC-17-063, by Television City Hamilton Inc., Owner**, for a modification to the Downtown Multiple Residential (D6) Zone to permit a mixed use development consisting of two tower elements connected at the base between the buildings on the ground level, having a maximum building height of 125.0 m (40 storeys) and 94.3 m (30 storeys) and to permit retail, office and restaurant uses, for lands located at 163 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED18040, be **DENIED** on the following basis:

- (i) That the proposed change in zoning does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts.

EXECUTIVE SUMMARY

The Owner, Television City Hamilton Inc., has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit the redevelopment of lands located at 163 Jackson Street West in the former City of Hamilton (see Appendix “A” to Report PED18040). More specifically, the applications propose to permit a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level having a maximum height of 125.0 m (40 storeys) and 94.3 m (30 storeys) respectively. The proposal is for a total of 618 dwellings units, four commercial units at grade, 500 bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposed development includes the adaptive reuse and addition to the existing designated building on site, commonly known as the Pinehurst Residence and formerly used as a television production studio and associated offices for CHCH Television.

The Urban Hamilton Official Plan Amendment proposes to re-designate the lands from “Medium Density Residential” to “Mixed Use Area” to permit a mixed use development consisting of two tower elements connected at the base between the buildings on the ground level having a maximum building height of 125 m (40 storeys) and 94.3 m (30 storeys).

The Zoning By-law Amendment proposes to modify the Downtown Multiple Residential (D6) Zone to add retail, office and restaurant to the list of permitted uses, permit a maximum building height of 125.0 m, reduce the minimum number of vehicle parking spaces, establish minimum bicycle parking spaces, and minimum amenity area requirements, and increase the maximum front and flankage yard setbacks.

The proposal fails to adequately address the “Downtown Mixed Use Area” designation, residential intensification and urban design policies of the Urban Hamilton Official Plan (UHOP), and the “Mixed Use Area” and “Medium Density Residential” designations and general policies and urban design policies of the Downtown Hamilton Secondary Plan. It is a form of high density, mixed use development that would be incompatible with the established character of the area. As such, staff are recommending that the applications be denied.

Alternatives for Consideration – See Page 44

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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 applications for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject property is municipally known as 163 Jackson Street West. The property is an irregular L-shaped site having a lot area of 4,468 sq m (1.1 ac). The site is located along three street frontages being Hunter Street West to the south, Caroline Street South to the east and Jackson Street West to the north, and is within the Durand neighbourhood of Downtown Hamilton (see Appendix “A” to Report PED18040).

The property currently contains a three storey building occupied as a television studio (CHCH TV) which flanks the corner of Hunter Street West and Caroline Street South. Also, an existing designated heritage building, known as the Pinehurst Residence, is situated along the Jackson Street West frontage.

The purpose of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications is to permit a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level, having a maximum height of 125.0 m and 94.3 m respectively based on the submitted elevation drawings. The proposed development is located along the Hunter Street West and Caroline Street South frontages (see Appendix “B” to Report PED18040). The proposal is for a total of 618 dwelling units, four commercial units at grade, 500 bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposal includes both private indoor amenity spaces and a 2nd level outdoor amenity area. Moreover, the proposed development includes the adaptive reuse of the existing designated building in its current location, Pinehurst Residence, along with an addition, and the redevelopment of the existing asphalt parking lot along Jackson Street West with a publicly accessible but privately owned seating court and outdoor patio area, which is consistent with the proposed updates to the Downtown Secondary Plan to encourage Privately Owned Public Spaces (POPS).

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Chronology:

- August 10, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-17-027 and Zoning By-law Amendment Application ZAC-17-063 received.
- August 21, 2017: Official Plan Amendment Application UHOPA-17-027 and Zoning By-law Amendment Application ZAC-17-063 deemed incomplete.
- September 6, 2017: Receipt of outstanding information (i.e. signed Formal Consultation Document and Public Consultation Strategy) from Applicant.
- September 12, 2017: Applications UHOPA-17-027 and ZAC-17-063 deemed complete.
- September 28, 2017: Notice of Complete Applications and Preliminary Circulation were sent to 2,573 tenants / property owners within 120 m of the subject property. Also, a Public Notice Sign was posted on site.
- November 9, 2017: Preliminary proposal presented to Design Review Panel (DRP).
- November 14, 2017: Applicant launched public microsite with application details.
- December 6, 2017: Public information meeting held by the Applicant.
- February 21, 2018: Public Notice published in the Hamilton Spectator.
- March 2, 2018: Circulation of the Notice of Public Meeting to 2,573 tenants / property owners within 120 m of the subject property.

Details of Submitted Application:

- Owner / Applicant:** Television City Hamilton Inc. (c/o Ilana Shteinberg)
Agent: Bousfields Inc. (c/o David Faletta)
- Location:** 163 Jackson Street West (see Appendix "A" to Report PED18040)
- Property Description:** Lot Frontage: 28.97 m (Jackson Street West)

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80.47 m (Caroline Street South)
70.38 m (Hunter Street West)

Lot Depth: 80.47 m

Lot Area: 4,468 sq m (1.1 ac)

Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Commercial building occupied by a television studio and a two storey heritage building currently utilized as a sales centre	Downtown Multiple Residential (D6) Zone

Surrounding Lands:

North	Office	Downtown Multiple Residential (D6) Zone
East	Single detached dwellings	Downtown Residential (D5) Zone
South	Retail Variety Store and Multiple Dwelling	High Density Multiple Dwelling (E-3) District and High Density Multiple Dwelling (E-3/S-802) District, Modified
West	Multiple Dwellings	Downtown Multiple Residential (D6) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
 - 6. are *freight-supportive*; and,
 - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS and more specifically located within Downtown Hamilton. The proposed mixed use building, consisting of 618 dwelling units and four commercial units at grade would contribute to the mix of land uses in Downtown Hamilton that would efficiently use land and existing infrastructure, and represents a form of intensification. The application seeks a reduction in the amount of required vehicular parking spaces, provides 500 bicycle parking spaces and the subject lands are located in close proximity to the Hunter GO Station. As such, the proposed conforms with the aforementioned provisions of the Growth Plan.

Housing

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;”

The applications propose to construct a mixed use development consisting of varying dwelling sizes (i.e. studio, one bedroom, two bedroom and three bedroom). The proposal would therefore contribute to the range and mix of housing types and densities provided within the City of Hamilton, all in accordance with the applicable provisions of the PPS.

Cultural Heritage and Archaeology

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

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 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.”

In support of the proposal, a Cultural Heritage Impact Assessment (CHIA) was completed by GBCA Architects. The CHIA has concluded that the proposed development will have no negative impacts on heritage resources on or adjacent to the subject property. Staff have reviewed the CHIA as well as the above noted policies and note the following information.

The subject property contains an existing two storey building that exemplifies pre-confederation architecture, is a property designated under Part IV of the *Ontario*

Heritage Act, and a “protected heritage property” under the PPS. The designated features of the home, commonly referred to as the Pinehurst Residence, include all original facades, entranceways, porches, windows and chimneys. In addition, the subject property contains a building (former television studio) that is of post-modern architectural style and may also possess cultural heritage value.

Further, the subject property is adjacent to a number of properties included in the City’s Register of Property of Cultural Heritage Value or Interest and included in the City’s Inventory of Buildings of Architectural and / or Historical Interest. However, with respect to Policy 2.6.3, staff note that the subject property is not considered adjacent to any properties that are protected heritage property pursuant to the PPS, which requires the lands to be contiguous.

As part of the development proposal, the applicant is proposing to retain the existing two storey building in its current location. Furthermore, a future addition is proposed to the rear of the building (the Pinehurst Residence), as well as the redevelopment of the asphalt parking lot to the north of the building into a publicly accessible seating court and outdoor patio (see Appendix “B” to Report PED18040).

Staff are of the opinion that the heritage attributes of adjacent protected heritage properties and lands containing cultural resources will be conserved. Further, the proposed addition to the existing two storey building will be subject to heritage permit approval. However, based on the scale and mass of the proposed building on the subject lands, the proposal does not respect the existing cultural heritage features of the surrounding area and does not incorporate design features to ensure compatible integration, but staff acknowledge that the Pinehurst Residence is being retained.

In respect to archaeological potential, the subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- In the vicinity of distinctive or unusual landforms;
- In areas of pioneer EuroCanadian settlement;
- Along historic transportation routes; and,
- Within a property designated under the *Ontario Heritage Act*.

These criteria define the property as having archaeological potential.

In support of the proposal, the applicant submitted Stage 1 and 2 Archaeological Assessments of the property both to the City and the Ministry of Tourism, Culture and

Sport. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations of the Report which indicate that no archaeological resources were encountered and no new archaeological sites were identified, and the archaeology condition for the application has been met. Staff request a copy of the letter from the Ministry when available.

In Section 2.6 of the foregoing, staff are of the opinion that the proposal is consistent with the Provincial Policy Statement in that the Pinehurst Residence is being conserved and the recommendations of the Archaeological Assessment.

It is further noted that based on the analysis of the proposal, it is staff's opinion that the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

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

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

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

- "2.2.3.2 Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:
- b) 200 residents and jobs combined per hectare for each of the Downtown Brampton, Downtown Burlington, Downtown Hamilton, Downtown Milton, Markham Centre, Downtown Mississauga, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill Centre / Langstaff Gateway, Vaughan Metropolitan Centre, Downtown Kitchener, and Uptown Waterloo urban growth centres;

- 2.2.2.4 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas.
- 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, which is well served by an existing bus route and located approximately 280 m south of King Street West which will be the future east-west Light Rail Transit (LRT) corridor for this stretch of the Downtown. The proposed development will contribute to the density target for this identified urban growth centre (Policy 2.2.3.2) and is considered a transit supportive development.

Given the above, staff are of the opinion that the proposal conforms to the applicable provisions of the Growth Plan.

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 further designated “Medium Density Residential” on Map B.6.1-1 - Land Use Plan in the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply to the proposed development.

Urban Structure

- “E.2.3.1.2 The Downtown Urban Growth Centre shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a broad range of uses appropriate to its role as the City’s pre-eminent node.
- E.2.3.1.6 The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.

- E.2.3.1.8 The Downtown Urban Growth Centre shall function as a major transit hub for the City with a GO rail station and higher order transit systems extending out from the Centre.
- E.2.3.1.9 The Downtown Urban Growth Centre shall generally have the higher density within the City with a minimum overall density of 250 persons and jobs per hectare. Overall density in excess of this target may be achievable and warranted. Increases to this density target shall be considered as part of a review of the Downtown Hamilton Secondary Plan. The density targets shall be evaluated based, in part, on the results of the Downtown Office Strategy and the impacts on existing infrastructure and transportation networks.
- E.2.3.1.10 It is anticipated that the Downtown Urban Growth Centre will accommodate approximately 20% of the City-wide residential intensification over the time period of this Plan which equates to a range of 5,000 to 6,000 dwelling units.
- E.2.3.1.11 The Downtown Urban Growth Centre shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space.
- E.2.3.1.12 Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans covering lands within the Downtown Urban Growth, and other policies of this Plan.
- E.2.3.1.13 The Downtown Urban Growth Centre shall be designed with a strong pedestrian focus to create a comfortable and animated pedestrian environment.
- E.2.3.1.15 Parking shall continue to be provided within the Downtown Urban Growth Centre to serve the needs of residents, employees, and consumers, and shall increasingly be provided in underground or above ground structures where feasible.
- E.2.3.1.16 Reduced parking requirements shall be considered to encourage a broader range of uses and to support transit.”

With respect to the foregoing policies, the proposal is located within the City’s primary urban node which supports a range of residential densities and uses. At a total of 618 dwelling units, the proposal would provide for a density of 1,388.28 units per gross ha. As it relates to the Downtown Urban Growth Centre, density is determined on an area

wide basis for the Downtown as a whole rather than for individual development sites. As a result, not all sites are required to be developed at high densities to achieve the City's density targets.

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.

However, staff are concerned with the appropriateness of the density proposed on this property given the site's contextual constraints.

In regards to Policy E.2.3.1.13, the proposal will support pedestrian activity along Hunter Street West, Caroline Street South and Jackson Street West through the creation of a multiple dwelling and the establishment of street-oriented commercial uses. However, staff have concerns with the location of the building's base relative to the streetline of Caroline Street South and Hunter Street West and creating a comfortable pedestrian environment.

Redevelopment of the site for residential uses supports transit, walking and cycling in the Downtown and adjacent neighbourhoods by proposing a reduced parking requirement, and 500 long-term bicycle parking spaces, which is generally encouraged in the Downtown. Further, parking will be provided in a six level underground area. Six hundred and eighteen additional residential units and additional commercial space at this location has the potential to support transit, as per Policy E.2.3.1.16.

Land Use

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

"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 street life 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:

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- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
- b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
- c) arts, cultural entertainment, and recreational uses;
- d) accommodation such as hotels, motels, conference and convention centres; and residential uses; and,
- e) residential uses.”

With respect to the foregoing policies, the proposal includes commercial space located at grade along Caroline Street South and Hunter Street West which if appropriately designed will add to the function and vibrancy of the Downtown (Policy 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 (Policy E.4.4.3). Lastly, 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.”

As noted above, permitted density and heights are addressed as policy requirements in the Downtown Hamilton Secondary Plan, however, higher density housing forms such as the subject proposal are encouraged, where appropriate, in order to achieve the higher density targets envisioned for the Downtown. The UHOP defines high density as being 100 uph or greater. It is the opinion of staff that opportunity exists to appropriately increase the density on the subject property. However, this should be achieved through a form and density of development that more appropriately considers the existing character and pattern of development in the area. This will be discussed in greater detail in the Residential Intensification section of this Report.

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In accordance with the 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 of this Report.

“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.”

Respecting the above policies, the following evaluation is provided:

Building Location

The new building will be constructed on the southerly portion of the property, oriented towards Hunter Street because of the location of the existing designated building, which is set back approximately 21.5 m from Jackson Street West. The applications seek to construct the base of the building 7.9 m from Hunter Street East and 5.58 m from Caroline Street South, while the upper storeys will be cantilevered closer to the said streets (see Appendix “C” to Report PED18040). In keeping with the above Policy, staff are of the opinion that the base of the building should be located closer to the Hunter Street West streetline to reinforce the pedestrian nature of the downtown, while the upper storeys should be set further back through the use of step backs and / or

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terracing in order to reduce the impact associated with the massing at the pedestrian level. Further, by relocating the building closer to the Hunter Street West streetline, this will ensure that the proposed retail uses will have store-fronts and other active uses opening onto the sidewalk and will create a consistent and contextually appropriate street wall (Policy E.4.4.10). This policy direction is also in alignment with policies of the Downtown Hamilton Secondary Plan. Based on the current design, the proposal is unsuccessful in creating a comfortable pedestrian environment.

Massing

With respect to massing, the proposal seeks to construct two tower elements, being 30 storeys and 40 storeys in height, while maintaining the same floor plate with the exception of the base of the building, which is inset relative to the rest of the building (see Appendix “C” to Report PED18040). Massing techniques such as step backs or terracing of floors have not been incorporated in the design of the building, whereas staff consider the implementation as such techniques appropriate in considering the pedestrian nature of the area to avoid the building “over-powering” pedestrians or creating adverse microclimatic conditions.

In review of the proposal, it would appear that the base of the building has been setback from the streetline in an attempt to address the significant massing of the building from a pedestrian perspective. However, in doing so, the built form does not address the street appropriately to create a comfortable pedestrian environment as required by Policy E.4.4.10. More specifically, the set back of the building further emphasises the massing of the building at the pedestrian level. As mentioned earlier, in keeping with the in effect Official Plan Policies, staff are of the opinion that the building’s base should be brought closer to the streetline, while the upper storeys should provide step backs and terracing to reduce the massing of the building along the street. In consideration of the above, the location and the proposed design of the building does not comply with the design policies of the UHOP.

Parking

With respect to parking, the proposal meets the City’s Travel Demand Management objectives and it has been developed on the basis of a reduced parking rate of 0.64 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 500 long-term indoor bicycle parking spaces (E.4.4.13).

Residential Intensification

The following Volume 1 policies pertain to residential intensification:

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g) as follows:
 - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) Infrastructure and transportation capacity; and,
 - g) The ability of the development to comply with all applicable policies.”

The subject property is a corner lot situated along Hunter Street West, Caroline Street South and Jackson Street West within the Durand Neighbourhood in Downtown Hamilton. The existing neighbourhood is characterized as 1950s one storey single detached dwellings to the east, an adaptive reuse of a two storey 1800s Victorian house as an office (financial establishment) to the north and 1960s multiple dwellings ranging in heights from 13 to 22 storeys to the north, west and south. Further, an existing two storey commercial building is also located to the south of the subject land. As part of the development proposal, the applicant proposes an adaptive reuse of the existing Pinehurst Residence in its current location on the property, a rear addition to the said building and the redevelopment of the existing asphalt parking lot along Jackson Street West with a publicly accessible seating court and outdoor patio area.

The application seeks to construct two multiple dwelling towers which include studio, one bedroom, two bedroom and three bedroom units. Further, at grade commercial

uses are proposed in the base of the towers, while the existing heritage building is proposed to be used for commercial purposes.

While the reuse of the heritage building, provision of varying dwelling sizes and at grade commercial uses are aspects of the proposal that are supportable, staff are of the opinion that the proposed mixed use building, which includes two towers being 30 storeys and 40 storey in height, have not been designed in a manner that maintains or enhances the character, established pattern and built form of the neighbourhood. More specifically, given the height of the towers relative to the neighbouring area and the Pinehurst Residence adjacent to it, elements such as terracing floors, step backs and overall building articulation are key elements to be considered in the design of the building in order to ensure that, both compatible integration and the appropriate transitioning of built form are achieved relative to the lower density development around the subject land. Based on the elevations submitted as part of the application, the aforementioned elements have not been considered in the design of the new building.

While staff are of the opinion that this property could allow for a mixed use, multiple dwelling and this is contemplated in the draft Downtown Hamilton Secondary Plan, staff consider that the current proposal incorporates little design consideration and compatible integration relative to its surrounding context, which includes one storey single detached dwellings to the east, and low rise development to the north and south of the subject site. Based on the design constraints of retaining the Pinehurst Residence, the twin tower design proposed by the application represents an over-intensification of the subject lands. In consideration of the foregoing, the proposal does not comply with Policy B.2.4.1.4 b) and d).

As previously noted, the Urban Structure identifies the subject lands as within the Downtown Urban Growth Centre, which is intended to accommodate approximately 20% of the total overall residential intensification target. Given the built-up nature of the Downtown, this growth is anticipated to be achieved through higher density infill residential intensification. However, within the Downtown, such thresholds are to be measured over the entire Urban Growth Centre boundary area (as opposed to property by property). As such, not all sites within the Downtown Urban Growth Centre are required to build at high densities, with certain areas more constrained and less appropriate for significant density changes. The subject lands are one such site that, although intensification is encouraged and the proposal would add to the range of dwelling types and tenures (Policy B.2.4.1.4 c)), has a number of constraints that serve to limit the form in which intensification is to occur thereon (Policy B.2.4.1.4 e)). These constraints require careful consideration of the proposed built form on the property.

With regard to infrastructure and transportation capacity, it is noted that Hunter Street West is classified as a collector road on Schedule "C" - Functional Road Classification to the UHOP. In support of the proposal, a Traffic Impact Study has been submitted.

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There will be a requirement for daylight triangles along Hunter Street West, Caroline Street and Jackson Street West. However, there have not been any transportation capacity issues identified.

In support of the proposal, a Functional Servicing Report was also submitted. The Growth Management Division indicated no concerns with respect to water, sanitary and storm water capacity issues. Notwithstanding, further details with respect to infrastructure would be dealt with as part of a Site Plan Control application (Policy B.2.4.1.4 f)).

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.”

The development proposes four commercial units at grade, the adaptive reuse of the Pinehurst Residence in its current location, and addition thereto, for commercial purposes and redeveloping the asphalt parking lot adjacent to Jackson Street West into a publicly accessible seating court including outdoor patio areas (Policy B.3.3.2.6 a) and

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b)). Staff are supportive of these design elements of the development in principle as they will help animate the street with new street level commercial uses and adaptively reuse a designated heritage building.

The proposed mixed use building, however, proposes two towers that do not respect the existing cultural heritage features of the surrounding area by way of incorporating existing characteristics of the buildings surrounding it to ensure compatible integration (Policy B.3.3.2.6. b)). Further, the design of the building does not complement the surrounding massing, patterns, rhythm and character of and surrounding context through appropriate massing and integration. The heights of the proposed towers far exceed that of the adjacent area, and sun shadowing has not been minimized through careful design consideration resulting in new adverse impacts to adjacent properties and public sidewalks. As a result, the development fails to provide a harmonious and compatible approach to infilling. Sun shadowing is discussed in greater detail later in this Report.

Given all the above, the proposal does not comply with the urban design policies of the UHOP.

Built Form

The following Volume 1 built form policies, amongst others, are applicable to the proposal.

- “B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

Transition

As previously noted, the existing neighbourhood is characterized as low rise residential to the east (one storey), an adaptive reuse of an existing two storey 1800s Victorian house as a professional office to the north and 1960s multiple dwellings ranging in heights of 13 to 22 storeys to the north, west and south. Further, an existing two storey commercial building is also located to the south of the subject land.

Given the considerable height difference between the existing one and two storey buildings to the east, north and south and the proposed building, the importance of appropriate transition in scale is integral to achieve compatible integration with the surrounding built environment. In reviewing the proposed mixed use building, staff are of the opinion that appropriate transitions in scale relative to the neighbouring area have not been applied to the current design. This is illustrated in the elevations of the proposed towers, where the building contains a sheer wall facing Caroline Street South and Hunter Street West that lacks building articulation, step backs and terracing, which are common design considerations when transitioning to low rise development.

Privacy

With respect to privacy, it is noted that the proposed tower along Caroline Street South will have a considerable amount of glazing located along the east elevation of the building. The balconies serving the dwelling units in this tower have been located along the east and west elevations of the building. As a result, staff are of the opinion that privacy for the single detached dwellings located on the east side of Caroline Street South have not been carefully considered in the design of the proposed building.

Sun Shadowing

The applicant has submitted a Planning Justification Report which provides illustrations of the new net sun shadow impacts associated with the development at different times and dates of the year. The general intent of a sun shadow impact study is to demonstrate how considerations have been made to the design of the building to minimize the shadow impacts on adjacent properties and public spaces. In reviewing the sun shadow analysis, there are eight streets that contain sidewalks that are affected by new net sun shadows associated with the proposed development. This matter is discussed in greater detail in the Downtown Hamilton Secondary Plan section of this Report. As a result, staff are of the opinion that sun shadow impacts have not been minimized through careful consideration of the design of the towers.

Wind

With respect to wind impacts, a Pedestrian Wind Study was prepared in support of the proposal. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate, and experience with similar developments in Hamilton, it is expected that wind conditions will be acceptable, save and except for the west residential lobby entrance, potential retail entrance locations along the west portion of the south elevation and the level two outdoor amenity terrace in the spring and autumn months on the account of prominent southwest and northeast winds. The Pedestrian Wind Study has recommended measures such as wind screens, decorative screen and plantings, or a combination thereof along the north and south side of the terrace to help reduce the winds. If approved, the applicant would be expected to further investigate the proposed wind condition and mitigation measures and implement these design / landscape considerations through the Site Plan Control process.

Given all the above, and except for wind conditions, subject to the implementation of mitigation measures, the applications do not comply with the Built Form policies of the UHOP.

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;
 - a. 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,
- b) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 of the Master Transportation Plan.”

The proposal provides TDM measures such as secure bicycle storage facilities within the building and short term visitor bicycle parking along Caroline Street South and is accessible to existing and planned LRT public transit facilities along King Street East

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("B" Line) and the Hunter Street GO Station. As previously noted, the proposal also includes a reduced parking rate to support transit usage. Staff are of the opinion that the proposal meets the above policies.

Housing

The following Housing objectives are applicable to the proposal:

- "B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.
- B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities."

The proposed mixed use development would provide a large supply of dwelling units at a higher density that offers downtown living close to transit, employment and amenities, and contributes to a range of units, all of which is encouraged in the UHOP.

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.”

The subject property is recognized as a potentially contaminated site due to the current use of the property for commercial purposes. As a result, the property is 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, if approved, a Holding Provision would be required as the provision of an acknowledgment letter from the MOECC for the RSC is a requirement or alternatively a conditional building permit could be proposed by the applicant.

Noise Policies

The following Noise policies are relevant to the proposal:

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
 - c) 400 metres of a truck route.”

Staff note the proposed development is located within 400 m of a major arterial road (Main 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 is required to address both indoor noise levels for the arterial roads as well as noise levels on the 2nd floor outdoor rooftop amenity area. In support of the proposal, a Transportation Noise and Vibration Assessment has been completed by Gradient Wind Engineering Inc. Staff have reviewed the assessment and have requested additional information. As of the writing of this Report, that additional information has not been provided. Notwithstanding, if approved, further consideration of this matter will occur at the Site

Plan Control Stage, where noise warning clauses may be included on all future purchase and / or lease agreements and any noise control measures recommended will be implemented.

Downtown Hamilton Secondary Plan (Volume 2)

The subject property is included in the Downtown Hamilton Secondary Plan. The subject property is designated “Medium Density Residential” on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan.

In order to permit the proposed mixed use multiple dwelling on the subject lands, the applicant is proposing to re-designate the lands from “Medium Density Residential” to “Mixed Use Area”.

As result, the following policies, amongst others, apply to the proposal.

General Land Use

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

B.6.1.5.7 Building height limitations fall into three ranges:

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

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

- a) coverage of the site, in accordance with this Plan, is achieved;
- 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.”

With respect to the above referenced polices, staff provide the following analysis:

Site Coverage

The subject property is an irregular ‘L’ shaped site having a lot area of 4,468 sq m (1.1 ac). The property is currently occupied by a three storey television studio and a designated heritage building (i.e. Pinehurst Residence). As part of the redevelopment of the property, the applicants are proposing to demolish the existing television studio, while retaining the heritage building in its current location and introducing a publicly accessible outdoor seating court and patio area. While the subject property is sizable, its potential for siting a tall building has been limited given the retention of the heritage building located on site, which is approximately 21.47 m from Jackson Street West and approximately 6.74 m from Caroline Street South (see Appendix ‘B’ to Report PED18040). Given the above, staff are of the opinion that complete site coverage of the net developable portion of the subject lands is being achieved.

Building Height

The proposed development is considered a high rise building pursuant to Policy B.6.1.5.7. Given that the maximum permitted building height of this property is four storeys as shown on Map B.6.1 – 4 – Downtown Hamilton - Building Heights, the additional height proposed is being sought through the submission of supporting studies addressing the items in Policy B.6.1.5.9.

With respect to sun shadow impacts (Policy B.6.1.5.9.b)), the applicant has submitted a Planning Justification Report which provides illustrations of the new net sun shadow

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impacts associated with the development at 10 am, 12 pm, 2 pm and 4 pm on March 21st / September 21st, June 21st and December 21st. These specific dates / times are industry accepted to assess sun shadow impacts, while guidance is also provided from the City's Site Plan Guidelines and the Secondary Plan.

Staff have reviewed the sun shadow impacts associated with the proposed development and note that the following streets having public sidewalks will experience new sun shadow impacts as a result of the proposal relative to the as of right condition on this property, being a building 15.0 m in height are as follows:

- Hess Street South (March / September 21st and December 21st);
- Main Street West (March / September 21st and December 21st);
- King Street West (December 21st);
- Hunter Street West (June 21st);
- Queen Street South (March / September 21st);
- Wesandford Street (March / September 21st and June 21st); and,
- George Street (December 21st).

Further, staff note that the following streets will have increased sun shadow impact on March 21st / September 21st June 21st and December 21st as a result of the proposal relative to the as of right condition on this property:

- Jackson Street West; and,
- Caroline Street South.

Given the number of additional streets having sidewalks impacted by the proposal and the increase in the sun shadow impact on adjacent streets, all relative to the as of right permissions, staff consider these impacts to be significant and require further design considerations to lessen the impact. Given the above, the proposal does not comply with Policy B.6.1.5.9.

With respect to wind impacts, a Pedestrian Wind Study (PWS) was prepared in support of the proposal. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate and experience with similar developments in Hamilton, the Study concluded that wind conditions over most pedestrian sensitive grade-level locations within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. Exceptions include the west residential lobby entrance and potential retail entrance locations along the west portion of the south elevation. For the west residential lobby entrance, the PWS recommends that a canopy be installed above the doorway to protect from downwash winds from the tower façade, while at the commercial entrances, it is recommended to either recess the entrance within the

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façade of the development or to install vertical wind barriers on opposing sides of the doorways.

With regard to wind conditions over the level two outdoor amenity terrace, the majority of the space would be suitable for sitting during the summer months. On account of prominent southwest winds, and to a lesser extent northeast winds, conditions were measured to be unsuitable for sitting into the spring and autumn months. The study noted that the updated landscape plan for the terrace includes a decorative screen and plantings along the north side of the terrace, which were not accounted for in the test model, and will be effective in reducing northeast winds. If it is desired to extend the sitting conditions into the spring and autumn, it is recommended to include a similar wind barrier (wind screens, plantings, or a combination thereof) along the south perimeter of the terrace.

With respect to the consultant's recommended mitigation measures (i.e. wind screens, plantings, combination thereof), if approved, the applicant will be expected to update the study and to implement the wind mitigation recommendations outlined in the Report, which will be reviewed in detail at the Site Plan Control Stage.

Concerning the visual impact of the proposal, the applicants have submitted illustrations within the Planning Justification Report (PJR) showing views of the Downtown Hamilton Skyline from the north, east, west and south boundaries of the downtown. The PJR concluded that the proposal did not create any unacceptable impacts to the view of the escarpment or any other key view. Staff have reviewed the proposal and are of the opinion that views provided within the PJR are insufficient as they are taken from a bird's eye view, which doesn't represent the pedestrian experience. In keeping with current practice views are to be provided from the ground plane. Furthermore, staff have requested that additional views be provided from the following alternative locations at ground level in order to appropriately assess the visual impact of the proposal:

- Caroline Street South southward from York Blvd;
- Caroline Street South southward from Jackson St W;
- Caroline Street South northward from Charlton Ave W.;
- Highway 6 south from Old Guelph Line; and,
- North from Sam Lawrence Park.

As of the writing of this Report, staff have not received revised illustrations addressing the additional requested information. As a result, staff are of the opinion that consideration of the visual impact is premature at this time to determine if the proposed complies with Policy B.6.1.5.9d).

Based on all the foregoing, staff are of the opinion that the proposal overall does not comply with Policy B.6.1.5.9.

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Surrounding Urban Form

With respect to design considerations of the surrounding urban form (Policy B.6.1.5.12), the proposal seeks to construct a 30 and 40 storey tower while maintaining the same floor plate, save and except the building's base which is inset relative to the rest of the towers (see Appendix "C" to Report PED18040). Staff are of the opinion that the proposal does not provide an appropriate transition in built form to its surrounding context, given that the property is located adjacent to a mix of high rise, low rise (one and two storey) and cultural heritage buildings. Also it is unclear what elements, if any, have been incorporated in the design of the building to ensure that it is sensitively integrated with the surrounding area. This includes architectural details such as massing, step backs or terracing. Proposed increases in height must demonstrate design consideration for the surrounding urban form. As a result, staff are of the opinion the proposal does not consider the surrounding urban form.

Transit

Staff are of the opinion that the proposed development is at a scale and density that would support transit in the Downtown. However, density is to be achieved in a manner that is sensitive to the character of the area with appropriate transitions in scale in which it is located, which the proposal has failed to demonstrate.

Given all the above, staff are of opinion that the proposal does not comply with the General Land Use policies of the Downtown Secondary Plan.

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.

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

The application seeks to construct the first and second storeys of the building 7.9 m from Hunter Street East and 5.58 m from Caroline Street South, while the upper storeys will provide for an architectural overhang closer to said streets (see Appendix “E” to Report PED18040).

Staff have concerns with the proposed setback of the building’s base relative to the street line from a pedestrian environment perspective. It would appear that planter boxes have been introduced along the frontages of Hunter Street East and Caroline Street South while proposing to site the building further away from the streetline as a means to address the significant massing and height of the proposed towers from the neighbouring area. Further, the above policy directs buildings to be located close to the street line with windows and doors opening onto the street to create an interesting pedestrian experience (Policy B.6.1.7.9 e)). The location of the building’s base does not comply with this policy intent. While the use of a low rise podium is not an absolute ‘must’ in all instances to ensure the appropriate integration of a building, the building design does not provide an appropriate response to the existing context and character of the area nor is the street framed to create a comfortable and intimate pedestrian environment, especially with the proposed commercial spaces on the ground floor (Policy B.6.1.7.9 a) and b)). Further, staff consider the use of terracing and stepbacks to be appropriate design considerations in transitioning the building relative to low rise development in the area. Moreover the use of designs and themes found on buildings in the neighbourhood, and particularly with respect to the Pinehurst Residence located on site, would appear appropriate in the context of the proposed mixed use building and further supported by Policy 6.1.7.9 b). However, these design elements have not been incorporated in the design of the towers.

With respect to parking, a six level underground parking lot is proposed, which eliminates street level parking lots (Policy B.6.1.7.9 c). Further, the base of the building proposes windows looking onto the streets surrounding it, thus providing “eyes on the street” and avoiding expanses of blank walls along the street frontages (Policy B.6.1.7.9 e) and g)). Based on the elevations submitted, it would appear that barrier free access

is provided at grade (Policy B.6.1.7.9 f)). However, public art and interpretive media has not been incorporated in the proposal (Policy B.6.1.7.9 d)).

In consideration of the foregoing, staff are of the opinion the proposal overall does not comply with the urban design policies of the Downtown Hamilton Secondary Plan.

Mixed Use Area

As previously noted, in order to support the proposal on the subject site, the Official Plan Amendment application seeks to re-designate the lands from “Medium Density Residential” to “Mixed Use Area”. In this regard, staff consider it appropriate to discuss the intent of lands located within this land use designation.

The following policies, amongst other, are applicable to the proposal:

“B.6.1.9.5

- a) Mixed Use Areas are intended to serve as a buffer between intensive commercial activities and the residential areas within and around the Downtown.
- b) Residential *development* in Mixed Use Areas shall conform to the Medium Density Residential designation policies.

As noted above, the intent of the Mixed Use Area designation is to provide for a buffer between intensive commercial activities and residential areas within and around the Downtown. This policy is reinforced through Land Use Plan Map B.6.1-1 which further illustrates how the Mixed Use Area designation has been used to provide said buffer. Given that the subject land is surrounded by residential designated properties, staff are of the opinion the intent of this designation is not being maintained as this property would not be providing a buffer between intensive commercial activities and residential areas within and around the Downtown.

With respect to Policy B.6.1.9.5.b), this is discussed below.

Medium Density Residential

“B.6.1.8.7 The following policies, amongst others, apply to lands designated “Medium Density Residential” in the Downtown Land Use Plan:

- a) The Medium Density Residential designation permits stacked townhouses, low rise apartment and mid rise apartment built forms.

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

Staff note that the proposal is for a multiple dwelling that is considered a high density residential form of development at a maximum height of 40 storeys. As such, the applicant has submitted an Official Plan Amendment to allow for this building type and height on the lands (Policy 6.1.8.7 a)). As previously discussed, staff are of the opinion that the base of the building should be located closer to the street line and the upper floors of the building should incorporate terracing and step backs as a means to provide for street oriented buildings that restore the traditional downtown character, while mitigating the impact of massing and overall height on the surrounding area (Policy 6.1.8.7 b)). With respect to parking, the applicant has proposed a six level underground parking area (Policy 6.1.8.7 c)). Concerning the relationship of the proposed building and the street, the proposed building would provide for windows and doors that face the street (Policy B.6.1.8.7 d ii)). However, as previously discussed, the impacts of sun

shadowing on sidewalks have not been carefully considered in the context of this proposal (Policy B.6.1.8.7 d i)).

With respect to light, view and privacy of adjacent buildings and areas (Policy B.6.1.8.7 e)), it is noted that the proposed east tower will have a considerable amount of glazing located along the east elevation of the building. Also, the balconies serving the dwelling units in this tower have been located along the east and west elevations of the building. This will have an impact with respect to privacy on the adjacent single detached dwellings on the east side of Caroline Street South. Further, as outlined previously, there will be significant sun shadow impacts on public sidewalks in the area. In consideration of the above, staff are of the opinion that the proposed building does not carefully consider the impacts on light, view and privacy of adjacent buildings and areas.

Given the above, staff are of the opinion that the proposal, as submitted, is not appropriate for the area.

In consideration of the foregoing, staff are of the opinion that the proposal does not comply with the applicable policies of the Downtown Hamilton Secondary Plan.

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

A review of the Downtown Hamilton Secondary Plan (DTSP) 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 early 2018. The policies and discussion below is informative, not determinative, for the purpose of assessing the applications and is based on the draft policies released in October, 2017 for public review and comment.

Under the draft updated Downtown Hamilton Secondary Plan, the subject property is designated 'Downtown Residential' on Land Use Plan Map B.6.1-1. Further, the Secondary Plan contemplates tall buildings within the entire Downtown Secondary Plan area, subject to the following policies:

- “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:

- 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.

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;
- 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;

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- 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.6.1.4.17 c); and,
- e) 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.”

As identified on proposed Map B.6.1-2, a maximum building height of 30 storey designation was applied to this property, but this schedule is to be read in conjunction with Policy B.6.1.4.17 and the applicable policies including B.6.1.4.1a) that no new building shall be greater in height than the top of the escarpment. However in order to permit this maximum height, approval of a Zoning By-law Amendment and demonstration of compliance with the criteria provided in Policy B.6.1.4.11 is required. This includes the completion of studies and reports in support of the proposed development, which were discussed earlier in this Report. Additionally, staff note that the East Tower (along Caroline Street South) of the development is proposed to be 40 storeys in height. Further, as illustrated in the submitted Planning Justification Report completed by Bousfields Inc. dated August 2017, both of the proposed towers would be greater than the height of the top of the Escarpment. An Official Plan Amendment would be required to the proposed DTSP as the proposal exceeds the height of the Niagara Escarpment. The height of the proposal is further emphasized as the subject property sits upon the Iroquois Bar (~110 m above sea level), which is higher than the elevation of the rest of downtown Hamilton. As a result, a building height of 30 storeys could not occur without the building being taller than the escarpment. Further, the proposed tower portions of the building have not been setback further from the lot lines in an attempt to integrate with the context of the surrounding area. In consideration of the foregoing, the proposed height of the towers does not comply with the draft policies.

With respect to appropriate transition, the subject property is located in close proximity to a cluster of one storey single detached dwellings, as well as other lower rise forms of development. Further, the one storey single detached dwellings are located on Weasansford Place, which is also recognized as a cultural heritage landscape. As

such, it is important the proposal is designed in a manner that appropriately provides a transition to the high rise residential development proposed on the property. The use of step backs and terracing of the building have not been incorporated in the building. Further, staff have outlined concerns with the placement of the structure in terms of creating a comfortable pedestrian scale while it has not been demonstrated how shadow impacts have been mitigated as a result of the proposed design of the towers.

Given the above, the proposal does not comply with the direction of the draft Downtown Hamilton Secondary Plan.

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

The subject property is currently zoned Downtown Multiple Residential (D6) Zone which permits a multiple dwelling use. In order to implement the proposed development, the applicant has applied to modify the existing zoning to a site specific D6 to permit the following:

- Retail, office and restaurant uses on the property;
- An increase to the maximum building height;
- Maximum setbacks to lot lines;
- Reduced minimum number of on-site parking spaces;
- A minimum number of bicycle parking spaces; and,
- Minimum indoor and outdoor amenity areas.

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation); and,
- Hamilton Light Rail Transit Office.

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

Metrolinx has advised that the applicant provide the following:

The consultant has not provided an assessment and/or reference of rail traffic noise. Further information has been requested in this regard.

The following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m of the railway right-of-way:

“Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.”

The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx. This matter can be addressed as part of a Site Plan Control Application.

Forestry and Horticulture Section, Public Works Department has no concerns with the subject applications. Forestry advised there are potential conflicts with publicly owned trees. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section to address potential conflicts with publicly owned trees. Further, a detailed Landscape Planting Plan will also be required showing the placement of trees on internal / external City property be provided. This matter can be appropriately addressed as part of the Site Plan Control Process.

Ministry of Environmental and Climate Change (MOECC) has advised that the applicant will have to submit a mandatory filing of a Record of Site Condition once technical assessment of the property has been done to confirm that it is suitable for the intended more sensitive land use. As such, if the application is approved a Holding Provision would be required with a condition for a notice of acknowledgment letter from the MOECC for the RSC.

Recreation Planning, Public Works Department have no concerns with the applications. They are supportive of the provided private indoor amenity space. Recreation notes that the Planning Justification Report indicates that the provided outdoor seating court will be publically accessible. Earlier applications for this proposal indicated that a public park will be included in the application, Recreation Planning would appreciate confirmation of ownership of the outdoor courtyard / amenity space. Confirmation of this request can be addressed as part of a Site Plan Control Application.

Strategic Planning has no concerns with the application; however, they would like confirmation if the courtyard would be accessible to the general public. Confirmation of this request can be addressed as part of a Site Plan Control Application.

Transit Division, Public Work Department has no concerns with the proposed applications. Transit notes that the building overhang can result in issues related to littering and loitering. Further, the existing concrete sidewalk at the bus stop should be widened to 2.5 m for a length of 9 m. This matter can be addressed as part of a Site Plan Control Application.

Transportation Planning Services has requested that the applicant submit a revised Residential & Commercial Transportation Demand Management Report for review at the Site Plan Control stage. Further, they have requested the dedication of a daylighting triangle along Hunter Street West and Caroline Street South. This matter can be addressed as part of a Site Plan Control Application.

Transportation Management has indicated that they cannot, at this time, support the conclusions of the Traffic Impact Study (TIS) and require additional clarification and information. As a result, they have requested that the TIS be updated prior to approval of the Zoning By-law Amendment. As of the writing of this Report, staff have not received a revised TIS addressing the additional requested information. This matter can be addressed as part of a Site Plan Control Application.

Design Review Panel

The development proposal was presented to the City's Urban Design Review Panel (DRP) on November 9, 2017, after the submission of the Official Plan and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent. In terms of their review, the DRP noted that due to the concerns with height and density, a higher level review of the proposal was provided. Further, the applicant was encouraged to revise the proposal accordingly and return to the DRP.

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

- “1. Overall, the proposal does not relate well to its context. The building's base has been thoughtfully designed and contributes to the public realm, however; the height of the towers and minimal setbacks to the interior property lines and resulting impacts on the existing neighbourhood are major issues that require more thought and consideration.
2. The panel agrees that the proposal is aggressive and the site would more comfortably accommodate a single tower with the potential to include another smaller building on site.

3. The proposal should have a better transition to the existing neighbourhood and better respond to the two storey homes adjacent to the site. The panel agreed that a 40 storey mass immediately next to a two storey mass, without transition, is not acceptable. The panel notes that the addition of a podium is not the only solution to achieve transitions and advises that alternative options should be explored.
4. The panel advised that the draft Tall Building Guidelines and associated criteria outlining building height in relation to the escarpment should be respected.
5. The separation distances of the towers, specifically from interior property lines need to be revised and should align with the Tall Building Guidelines. Tower separation distances should be split equally between adjacent property owners.
6. The panel commends the applicant for keeping the heritage building in its original location and providing a public plaza space.”

In summary, the DRP provided the following:

“The proposal includes high quality architecture and landscape architecture, and the applicant is commended for incorporating the existing heritage building into the proposal. The panel agrees that the property can handle intensification, but critically questions how much intensification is appropriate and how tall the tower(s) should be relative to the escarpment and the evolving neighbourhood. The panel notes that if the setbacks outlined in the draft Tall Building Guidelines were followed, only one tower would likely be accommodated on the site, which would help to mitigate several negative impacts of the current proposal.”

Applicant’s response to DRP advice:

With respect to the opinions and comments expressed by the DRP, to date, the applicant has not provided a response in the form of a revised submission. Their comments are generally aligned with staff’s concerns with respect to the compatibility of the proposal in the context of the surrounding neighbourhood and the need for appropriate transitioning of the building.

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 2,573 property owners within 120 m of the subject property on September 28, 2017. A Public Notice sign was posted on the property on September 28, 2017. Finally, Notice of the Public Meeting was circulated in given with the requirements of the *Planning Act*, that being statutory notice was published in the Hamilton Spectator. In

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addition, notice was also given by mail to all property owners and tenants, based on MPAC data, within 120 m of the subject lands.

To date, 29 pieces of correspondence were received respecting the proposed development (see Appendix “D” to Report PED18040). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy, which included the following:

- On November 14, 2017, the applicant launched a microsite (<http://televisioncity.ca/project-information/>) as a means to ensure that the public had access to all the reports / studies submitted to the City in support of the proposed development. In addition, the microsite provided a description of the proposed development and contact information for the City in the event that one had questions or comments respecting the applications. The link was provided to the City’s Planning staff, the Ward Councillor, as well as on the public information notices that were sent in excess of 120 m surrounding the subject land by the applicant; and,
- On December 6, 2017, the applicant held a public information meeting at the Melrose United Church. The applicant set up easels with various elevation, perspective and site plan drawings. Furthermore, the applicant’s consulting team was in attendance to field any questions discuss concerns with respect to the proposed development. A notice advising of the public information was sent to all residents within 120 m of the subject land. A total of 20 people including City staff attended the public information meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications cannot be supported for the following reason:
 - (i) The proposal is contrary to the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding area, and sun shadow impacts.

The proposal is for a mixed use development consisting of two tower elements, being 40 storeys and 30 storeys, connected at the base between the buildings on the ground level, having a maximum height of 125 m and 94.3 m respectively. The proposal is for a total of 618 dwellings units, four commercial units at grade, 500

bicycle parking spaces and 397 vehicular parking spaces located in a six level underground parking garage. Further, the proposed development includes the adaptive reuse and addition to the existing designated building on site, commonly known as the Pinehurst Residence.

In general terms, the development's approach to increasing residential densities within Downtown Hamilton through a mixed use building that incorporates sustainable TDM measures and retains an existing heritage building on the property are both encouraged and desirable. However as articulated in this Report, and further highlighted through previous discussions and correspondence with the applicant, staff do not support the proposed built form, scale and associated sun shadow impacts associated with the proposal.

In evaluating the planning merits of the proposed development, there are two principal issues with respect to the application, being that of:

- 1) built form and compatible integration with the surrounding context; and,
- 2) sun shadow impacts.

These issues have been discussed in greater detail throughout the Report and are summarized below.

Built Form and Compatibility

Staff are of the opinion that the proposed design of the building has not carefully considered the context of the surrounding area. This includes the overall massing, scale and height of the building, and cultural heritage aspects of adjacent buildings. While staff are supportive of the retention of the Pinehurst Residence on the land, the proposal is not sensitive to and does not provide for an appropriate integration and transition to its local context. Furthermore, staff are of the opinion that the building does not provide a comfortable pedestrian environment at the street level as a result of the building setbacks.

Sun / Shadow Impacts

Through the applicant's submission, it is evident that the proposed towers will have a significant net new increase in sun shadowing on public sidewalks, and that the impact of shadowing of the towers was not carefully considered in the design of the buildings. Policy B.6.1.5.9 of the Downtown Secondary Plan requires that additional height being granted does not result in increased sun shadow impacts on public sidewalks or public spaces. The proposed development fails to comply with this Policy.

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The application seeks to re-designate the subject property from 'Medium Density Residential' to 'Mixed Use Area'. The intent of the Mixed Use Area designation is to provide for a buffer between intensive commercial activities and residential areas within and around the Downtown. This policy is reinforced through Land Use Plan Map B.6.1-1 which further illustrates how the Mixed Use Area designation has been used to provide said buffer. Given the location of the subject property, staff do not support the proposed change to the land use designation as the intent of this designation is not being maintained as providing a buffer between intensive commercial activities and residential areas within and around the Downtown.

Given the above, staff do not support the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.

2. Growth Management Division has advised that a 9.14 m by 9.14 m daylight triangle will be required at the intersections of Hunter Street West and Caroline Street South. Further a 4.57 m by 4.57 m daylight triangle will be required at the intersections of Jackson Street West and Caroline Street South.

Updates are being requested to the Functional Servicing Report (FSR) pertaining to water servicing, sanitary servicing, minor storm sewer servicing and stormwater management. These updates are being requested prior to approval of the Zoning By-law Amendment application. As of the writing of this Report, staff have not received a revised FSR addressing the additional requested information. In order to address the outstanding concerns, should the application be approved a Holding Provision would be required with a condition for a revised FSR to the satisfaction of the Manager of Development Approvals.

3. As a result of circulation of the application, staff have received 29 pieces of correspondence from the public. Their concerns are summarized as follows:

Traffic – there are concerns that the proposal will cause traffic congestion given the influx of population and vehicles to the area, as well as potential pedestrian safety issues.

Height / Density – there are concerns that the proposal is too dense and too high relative to the surrounding low rise development in proximity to the subject property. Concerns have been raised that there are too many dwelling units proposed on the property.

Sun Shadow – there are concerns with the sun shadow impacts on adjacent properties and public spaces surrounding the proposed development.

Compatible Integration / Built Form – there are concerns that the proposal is not designed in a manner that adequately integrates within the built environment surrounding it, which includes cultural heritage elements and appropriate transitioning through stepbacks, terracing and massing techniques. Further there are concerns with the at grade commercial uses, in that the first floor is recessed and does not open onto the street.

Views – there are concerns that the proposal will have impact to existing views of the Niagara Escarpment.

Commercial uses – there are concerns with commercial uses being proposed as they may have an impact to existing retail uses in close proximity to the proposal.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed with the inclusion of a Holding Provision to address matters, including but not limited to: RSC, Noise, Functional Servicing, and any other necessary agreements to implement Council's direction. Council could require a Section 37 agreement ("Bonusing") to provide for public benefits as a result of the increased height and density.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the D6 Zone, which permits such uses as street townhouses, multiple dwelling, and place of worship or alternatively with the revised designation and zoning permissions proposed in the updates to the Downtown Secondary Plan.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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Economic Prosperity and Growth

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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

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Culture and Diversity

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Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Concept Plan
- Appendix “C”: Elevation Drawings
- Appendix “D”: Correspondence From Public

AL:mo