



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-023, by Sonoma Development Group Inc., Owner** to create a site specific policy area in the DTSP to permit a gross residential density of 1,010 units per net hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner** for a change in zoning from the Downtown Mixed Use (D3) Zone to the Central Business District (D1, 701, H105) Zone to permit a mixed use building with a maximum building height of 97 m

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 2 of 30

(30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
 - (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner**, for a change in zoning from the Central Business District (D1, H17, H19, H20) Zone to the Central Business District (D1, 701, H17, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 3 of 30

- (ii) That the amending By-law, attached as Appendix “D” to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
 - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

 - (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
 - (iv) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
 - (v) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18195, for enactment by City Council, once By-law No. 18-114 is in full force and effect;
 - (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan.
- (d) That staff be directed to waive the requirement for the road widenings for 71 Rebecca Street, Hamilton subject to the following:
- (i) That the owner enters into a cost sharing agreement with the City of Hamilton for the construction of Rebecca Street from John Street to Catherine Street as a Woonerf;
 - (ii) That the owner be responsible for all costs for designing the Woonerf to the satisfaction of the Director of Transportation Planning and Parking;

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 4 of 30

- (iii) That the owner be responsible for all costs associated with constructing the Woonerf from the building face to the centreline of Rebecca Street, with the exception of any underground utilities or services under the City's sidewalk or roadway that are not associated with the owner's development, which shall be the sole responsibility of the City;
- (iv) That in the event that Planning and Economic Development Department staff are unable to reach a satisfactory cost sharing agreement with the owner that achieves (i) through (iii) above, the owner of the subject lands will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m and 26.22 m for John Street North. All required building setbacks will be required to be met from the new property line and no element of the building shall be permitted to overhang or encroach upon the City right-of-way.

EXECUTIVE SUMMARY

The Owner, Sonoma Development Group Inc., has applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 71 Rebecca Street.

The proposed Urban Hamilton Official Plan Amendment is to create a site specific policy area to permit a maximum gross residential density of 1,010 units per hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for the in force and effect Downtown Secondary Plan.

The proposed Zoning By-law Amendment is for a change in zoning from the Downtown Mixed Use (D3) Zone to a site specific Central Business District (D1) Zone with site specific modifications under Zoning By-law No. 05-200 in order to permit a mixed use building with a maximum building height of 97 m (30 storeys) containing a multiple dwelling with a total of 313 dwelling units, 1,218 sq m of commercial gross floor area on the ground floor and a total of 204 parking spaces (200 underground spaces and four surface level car share spaces). The subject lands are included in the new Downtown Zoning and staff recommend that it be amended to implement the subject proposal.

The proposed applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the Urban Hamilton Official Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 29

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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 amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the north side of Rebecca Street, between John Street North to the west and Catharine Street North to the east. Currently the former Grey Coach Bus Terminal building occupies the subject lands, which since 1996 have been leased by the Hamilton Urban Core Community Healthcare organization and will be demolished in order to facilitate the proposed development. The two storey brick, concrete block and steel structure with a covered loading platform was built in 1955. The exterior has remained as designed, but the interior has undergone extensive renovations.

The subject lands are irregular in shape and approximately 0.316 ha in area. The frontage on Rebecca Street is approximately 95.8 m and the frontages along John Street North and Catharine Street North are approximately 22.5 m and 44.1 m respectively.

Original Submission – June 15, 2017

The applicant's original proposal was for a 40 storey building with a total building height of 121.5 m, 371 dwelling units, 1,210 sq m of ground floor commercial gross floor area, 350 underground parking spaces, two loading spaces, 323 secure bicycle lockers and LED billboard signage facing the proposed John / Rebecca Park.

Amended Submission – April 4, 2018

After multiple meetings and discussions with City staff, the subject proposal was revised to a 30 storey building with a total building height of 97 m, 313 dwelling units, 1,218 sq m of ground floor commercial area, 204 parking spaces (200 underground spaces and four surface level car share spaces), two loading spaces and 162 secure bicycle lockers (Appendix "E" to Report PED18195).

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 6 of 30

The proposed amended Official Plan Amendment Application is to create a site specific policy within the in force and effect Downtown Hamilton Secondary Plan (DTSP) to permit an increased gross residential density on the subject lands from 300 units per gross hectare to 1,010 units per gross hectare in order to permit the development of a 30 storey mixed use building.

The proposed amended Zoning By-law Amendment Application is for a change in zoning from the current in force and effect Downtown Mixed Use (D3) Zone to a site specific Central Business District (D1) Zone in order to permit the revised proposal for a 30 storey mixed use building. Modifications for deeming Rebecca Street as the front lot line, an increase in the maximum setback from a street line for the first storey, a reduction in parking, surface parking spaces adjacent to a street line without a planting strip and a reduction in parking stall sizes are required for the subject proposal.

On April 17, 2018, staff presented the new Downtown Hamilton Secondary Plan (DTSP) and implementing Zoning at Planning Committee and the By-laws were approved by Council on May 9, 2018. The new policies for the DTSP eliminates the need for an Official Plan Amendment for the subject proposal and proposes to rezone the subject lands from the Downtown Mixed Use (D3) Zone to the Downtown Central Business District (D1, H17, H19, H20) Zone. The DTSP and Zoning were appealed to the Local Planning Appeal Tribunal (LPAT) on June 4, 2018 and are not final and binding. A By-law has been prepared to modify the (D1) Zone to implement the subject proposal. The draft By-law modifies building setbacks, lot coverage and parking stall sizes previously addressed by Council motion to implement the proposal.

Also, a Community Park is proposed by the City to be located directly across from the subject lands, on the south side of Rebecca Street (76 John Street North). The lands are currently used as a municipal parking lot. As a result, the applicant has also proposed that Rebecca Street (between John Street North and Catharine Street North) be redesigned as a 'Woonerf' (a road with significant traffic calming features, where vehicles are expected to proceed slowly, at a walking pace and typically has no curbing) with one lane of one-way traffic adjacent to the proposed Community Park. The possible 'Woonerf' for Rebecca Street would be implemented at the Site Plan Control Approval stage.

Chronology:

- June 15, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-17-023 and Zoning By-law Amendment Application ZAC-17-053 received.
- July 13, 2017: Proposal presented to the City's Design Review Panel (DRP).

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 7 of 30

July 14, 2017: Applications UHOPA-17-023 and ZAC-17-053 deemed complete.

July 21, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-023 and ZAC-17-053 to 198 property owners within 120 m of the subject lands.

July 29, 2017: Public Notice Sign installed on subject lands.

November 28, 2017: Public Information Meeting held by applicant.

April 4, 2018: Amended Applications UHOPA-17-023 and ZAC-17-053 received.

May 9, 2018: Downtown Hamilton Secondary Plan Approved by Council.

June 4, 2018: Downtown Hamilton Secondary Plan appealed to the Local Planning Appeal Tribunal.

August 8, 2018: Public Notice Sign updated with Public Meeting Information.

August 17, 2018: Circulation of the Notice of Public Meeting to 198 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 71 Rebecca Street (see Appendix “A” to Report PED18195).

Owner / Applicant: Sonoma Development Group Inc.

Agent: Wellings Planning Consultants Inc.
(c/o: Glenn Wellings)

Property Description:

<u>Lot Frontage:</u>	95.8 m (Rebecca Street)
<u>Lot Depth:</u>	44.1 m (Catharine Street North)
<u>Lot Area:</u>	0.316 ha
<u>Servicing:</u>	Full Municipal Services

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 8 of 30

Existing Land Use and Zoning:

<u>Subject Lands:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Hamilton Urban Core Healthcare Office	Downtown Mixed Use (D3) Zone Proposed to Central Business District (D1, 701, H105) Zone

Surrounding Land Uses:

North	Impark Parking Lot	Downtown Mixed Use (D3) Zone and Downtown Local Commercial (D4) Zone
South	Municipal Parking Lot	Open Space (P4) Zone
West	Impark Parking Lot	Downtown Mixed Use (D3) Zone and Downtown Local Commercial (D4) Zone
East	Vacant Property (Future Hamilton Police Forensics Facility)	Downtown Multiple Residential (D6) Zone and Downtown Local Commercial (D4) 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.

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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;
 - 4. support *active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- 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 and more specifically located within Downtown Hamilton. The proposed mixed use building, consisting of 313 dwelling units and 1,218 sq m commercial floor area 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 proposal is transit-supportive by providing intensification in close proximity to the Hunter GO Station (approximately 525 m to the south of the subject lands) and the West Harbour Go Station (approximately 875 m to the north of the subject lands), seeking a reduced parking requirement and providing 162 secure bicycle parking lockers.

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.”

As mentioned, the subject lands are comprised of a two storey building constructed with brick, concrete blocks and steel in 1955 as the regional bus terminal. The property was included in the City’s Register of Property of Cultural Heritage Value or Interest by Council in 2014 through the Downtown Built Heritage Inventory Project. Further, inclusion in the Register requires that Council be given 60 days notice of the intention to demolish or remove any building or structure on the property, prohibiting any demolition and removal during this time period. The subject applications propose to demolish the two storey former bus terminal at 71 Rebecca Street.

The subject property is adjacent to 85, 89, 91, 96 and 97 Catharine Street North, 55 John Street North and 52 Rebecca Street, which are also included in the City’s Register of Property of Cultural Heritage Value or Interest.

A Documentation & Salvage Report for the subject property was completed by Detritus Consulting Ltd. in April, 2017. Staff have reviewed the Cultural Heritage Documentation & Salvage Report submitted with the subject applications and find it to be comprehensive and complete.

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application and will be addressed at the Site Plan Control stage as an acknowledgement note on the plan.

Noise

Regarding noise, the PPS provides the following,

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 11 of 30

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 to address both indoor noise levels for the arterial roads as well as noise levels on the podium rooftop amenity area. In support of the proposal, a Noise Impact Study, prepared by MMM Group Limited and dated April, 2017 was prepared and submitted with the subject applications. The Study concludes that outdoor noise control measures are not required for the subject proposal and all units will be provided with air conditioning and therefore, no future ventilation requirements are needed. All dwelling units requiring ventilation provisions must have a warning clause indicating the existence of possible excess noise and the measures provided to deal with that excess, included in all offers of sale and purchase or in the tenancy agreement. Staff are satisfied with the findings of the Study and the proposed warning clauses, which will be addressed through the Site Plan Control process.

Human-Made Hazards

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The subject property is recognized as a potentially contaminated site due to the current and past 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 Assessments findings state that metals found in the soils, as well as the groundwater would exceed the level of contaminants permitted by the Ministry of the Environment, Conservation and Parks (MOECP). The owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying MOECP. As such, a Holding Provision is proposed as the provision of a notice of acknowledgment letter from the MOECP for the RSC is a requirement.

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

Growth Plan for the Greater Golden Horseshoe (2017)

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any planning decision. The following policies, amongst others, apply to the proposal.

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

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 12 of 30

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.”

“2.2.3.2 Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:

b) 200 residents and jobs combined per hectare for each of the...Downtown Hamilton...urban growth centres;

2.2.4.10 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 lands are located in Downtown Hamilton, which is a strategic growth area / urban growth centre and therefore, higher densities are directed here. In addition, the subject lands are well served by an existing bus network (HSR) and located in close proximity to King Street West, which will be the future east-west Light Rail Transit (LRT) corridor for this stretch of the Downtown, as well as the West Harbour GO Station and the Hunter GO Station. 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 Growth Plan.

Urban Hamilton Official Plan (UHOP)

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 following policies, amongst others, apply to the proposed development.

Integrated Transportation Network

“C.4.2.4. Transportation Demand Management (“TDM”) 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.

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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 is accessible to existing and planned LRT public transit facilities along King Street East (“B” Line), the West Harbour GO Station and the Hunter Street GO Station. The proposal also includes four surface car share spaces and a reduced parking rate to support transit usage.

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.”

As discussed previously in this Report, noise has been satisfactorily addressed.

Downtown Hamilton Secondary Plan (Council Approved May 9, 2018)

The new Downtown Hamilton Secondary Plan (DTSP) was approved by Council on May 9, 2018 and appealed to the Local Planning Appeal Tribunal on June 4, 2018. Within the approved, Downtown Hamilton Secondary Plan, the subject property is designated ‘Downtown Mixed Use’ on Land Use Plan Map B.6.1-1 – Land Use Plan, and identified

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 14 of 30

as “High-rise 2” on Map B.6.1-2 – Maximum Building Heights. The following policies amongst others are applicable to the subject proposal.

“B.6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

- e) High Rise 2 – up to 30 storeys.

High Rise (Tall) Buildings

B.6.1.4.18 The following policies shall apply to High-rise (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.6.1.4.18 through B.6.1.4.24 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 by employing interesting architectural features and roof treatments.

B.6.1.4.19 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.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 15 of 30

- B.6.1.4.20 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 shall be permitted, subject to demonstrating good planning principles and meeting the intent and vision of the policies of this Plan.
- B.6.1.4.21 Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.
- B.6.1.4.22 Not every site in the Downtown identified as High-rise 1 or High-rise 2 can accommodate a tall building or is a suitable site for a tall building. The Tall Building Guidelines and Zoning By-law, shall establish the minimum criteria for assessing the suitability of an individual site for a tall building.
- B.6.1.4.23 All tall buildings shall meet the following requirements:
- a) the building base shall be designed to:
 - i) fit harmoniously within the context of neighbouring street wall heights. Where there is no consistent streetwall height context for the area, the streetwall 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.6.1.4.34 through B.6.1.4.39 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 uses.
 - b) the building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open

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spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar uses;

- c) tall building development shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city 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 shall:
- 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 sidewalks, parks, public and private open spaces, school yards and buildings;
 - 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.6.1.4.23 c);
- e) the following studies may be required, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building

development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:

- i) Shadow Impact Study;
 - ii) Pedestrian Wind Impact Study
 - iii) Visual Impact Assessment;
 - iv) Transportation Studies, including, but not limited to:
 - 1. Transportation Impact Study;
 - 2. Cycling Route Analysis;
 - 3. Pedestrian Route and Sidewalk Analysis;
 - 4. Neighbourhood Traffic Calming Options Report;
 - 5. Transit Assessment; and,
 - 6. Transportation Demand Management Options Report.
 - v) Infrastructure and Servicing Study;
 - vi) Cultural Heritage Impact Assessment;
 - vii) Urban Design Brief; and,
 - viii) Planning Justification Report; and,
- f) development proposals that do not meet the intent of Policy B.6.1.4.17 c), of this Plan, present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building development.

B.6.1.4.31 Development shall provide built form transition in scale through a variety of design methods including angular planes, location and orientation of the building, and the use of setbacks and stepbacks of building mass.

B.6.1.4.32 Transition between development, and adjacent streets, parks or open spaces shall ensure access to sunlight and sky view.

B.6.1.4.33 Development shall be required to provide transition in scale, within the development site, as a result of any of the following:

- a) the *development* is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;
- b) the *development* is *adjacent* to a *cultural heritage resource* or a *cultural heritage landscape*; or,
- c) the *development* is adjacent to *existing* or planned parks, or open spaces.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 18 of 30

B.6.1.4.34 *Development* shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.

B.6.1.4.35 Proposed *development* shall allow for a minimum of three hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.

B.6.1.4.36 Proposed *development* shall allow for a minimum of 50% sun coverage at all times of the day as measured on March 21st to September 21st on public plazas, existing and planned parks, and open spaces, school yards, and playgrounds.

B.6.1.6 Downtown Mixed Use Designation

Downtown Hamilton shall continue to maintain its key role as the governmental, institutional, educational, cultural, and residential centre of the City. The Downtown Mixed Use policies of the Secondary Plan are intended to support intensive, urban-scale mixed use development.

B.6.1.6.1 In addition to Section E.4.4 – Downtown Mixed Use Designation of Volume 1, the following policies shall apply to lands designated Downtown Mixed Use:

- c) The following policies shall apply to development fronting onto John Street, King William Street, Catharine Street and Rebecca Street, across from the Community Park:
 - i. buildings shall address and help frame the street and open space with active and accessible uses at grade;
 - ii. the orientation of the building, including windows, entrances, balconies, and other building elements shall be oriented towards the park where possible; and,
 - iii. buildings shall incorporate appropriate stepbacks to provide a human scale podium as well as mitigate potential shadow and wind impacts on the park.”

As identified on proposed Map B.6.1-2, a maximum building height of 30 storeys was applied to this property but this schedule is to be read in conjunction with Policy

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 19 of 30

B.6.1.4.18 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 to remove the Holding provision and demonstration of compliance with the criteria provided is required. This includes the completion of studies and reports in support of the proposed development to ensure there are no adverse impacts.

The applicant has submitted a Sun / Shadow analysis 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. As mentioned, in reviewing the Sun / Shadow analysis, there are no summer impacts on Beasley Park and minimal impacts during the solstices on the surrounding or nearby sidewalks with impacts no more than 2.5 hours in duration, which complies with the Secondary Plan policies. The subject proposal will cast new shadows on the southwest corner of Beasley Park after 4 p.m. from late September to early April. In addition, there are no impacts on the new John / Rebecca Community Park at any time during the year.

With respect to wind impacts, a Pedestrian Wind Study (PWS) prepared by RWDI and updated on April 5, 2018, was prepared and submitted in support of the subject 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 southeast corner which is the result of strong northeasterly prevailing winds downwashing off the tower façade and accelerating around the building corner. To mitigate this, the applicant has proposed a canopy structure to be installed at the southeast corner of the tower, which will reduce the wind speeds to an acceptable level and meet the wind safety criterion. The aforementioned Study also recommends hard and soft landscaping elements, as well as a guardrail height of a minimum of 2 m tall along the amenity level and some of the proposed balconies. These mitigation measures will be implemented through the Site Plan Control process.

Concerning the visual impact of the proposal, the applicants have submitted illustrations within the Urban Design Brief showing views of the Downtown Hamilton Skyline from the north, east, west and south boundaries of the downtown. The Brief concluded that the proposal did not create any unacceptable impacts to the view of the escarpment or any other key views. Staff have reviewed the proposal and are of the opinion that views provided within the Brief are acceptable.

With respect to design considerations of the surrounding urban form, staff are of the opinion that the proposal provides an appropriate transition in built form to its surrounding context, given that the property is located adjacent to surface parking lots,

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 20 of 30

a future community park and an existing six storey and four storey building. In reviewing the proposed mixed use building, staff are of the opinion that appropriate transitions in scale relative to the neighbouring area have been applied to the current design, including the proposed podium with appropriate step backs to reflect the existing buildings as well as the planned neighbourhood. The proposed building will front onto and overlook the future John / Rebecca park, providing eyes on the park. In addition, the proposed Woonerf will provide a comfortable pedestrian environment and a complementary buffer to, as well as frame the proposed John / Rebecca park.

The proposed Woonerf and streetscape improvements with window glazed storefronts will provide a comfortable and intimate pedestrian environment at grade, while the building elements provide an interesting backdrop for the park that will be further detailed at the Site Plan Control stage. The proposed podium height is in keeping with the existing surrounding structures and the proposed Woonerf will complement the future John / Rebecca park. The subject proposal has parking in an above and below grade parking structure that will be screened from public view, thereby addressing the removal of street level parking lots. The store fronts on the ground level and the proposed residences will provide additional security for “eyes” on the street and the future park. All proposed building entrances are located parallel and flush with the street to provide barrier free access and all commercial floor area will be visible from all three streets.

With respect to appropriate transition, appropriate use of step backs and terracing of the building have been incorporated in the design of the proposed building to define the base and tower. Further, as previously stated, staff are of the opinion that the proposed design of the building creates a comfortable pedestrian scale and ensures that there are minimal shadowing and wind impacts.

Given the above, the subject proposal complies with the direction of the approved DTSP.

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

The subject property is currently zoned Downtown Mixed Use (D3) Zone which permits a multiple dwelling. In order to implement the proposed development, the applicant has applied to modify the zoning to a site specific Downtown Central Business District (D1) Zone to permit the following:

- Rebecca Street as the Front Lot Line;
- An increase to the maximum setback from a street line for the first storey;
- A reduction in parking of a rate to 0.65;
- An increase in building height;

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 21 of 30

- Surface car share parking stalls without a 3 m planting strip to the street line; and,
- A reduction in parking stall sizes.

City of Hamilton Zoning By-law No. 05-200 (Under Appeal)

The subject property is currently zoned Downtown Central Business District (D1, H17, H19, H20) Zone within the implementing Zoning By-law No. 05-200 for Downtown Hamilton, which is under appeal, and, which permits a mixed use building. Holding Provision, H17 relates to height, necessary studies required and Site Plan Approval. Holding Provision, H19 is regarding Section 37 Agreements and H20 is regarding the removal of rental housing. The draft by-law will be held in abeyance until the new Downtown Hamilton Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. In order to implement the proposed development, the applicant has applied to modify the existing zoning to a site specific Downtown Central Business District (D1) Zone to permit the following:

- An increase in setback from the building base façade height;
- An increase in the setback for the portion of the building exceeding 44 m;
- An increase in maximum lot coverage; and,
- A reduction in parking stall sizes.

An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or concerns with the applications:

- Light Rail Transit Office;
- Strategic Planning, Capital & Compliance, Public Works Department; and,
- Landscape Architectural Services, Public Works Department.

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

Recycling & Waste Disposal, Environmental Services Division, Public Works Department commented that the proposed development is eligible for municipal waste collection service subject to meeting the City's requirements.

Forestry & Horticulture Section, Public Works Department requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the

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placement of trees on internal / external City property, as well as a Tree Management Plan be provided at the Site Plan Control stage.

Public Health Services, Health Protection Division requires that a Pest Control Plan be submitted as part of the Site Plan Approval process.

Transportation Planning Services, Planning and Economic Development Department noted that they are in agreement with waiving the road widening, provided that the owner enter into a cost sharing agreement with the City of Hamilton for the proposed Woonerf and if staff are unable to reach a satisfactory cost sharing agreement with the owner, then the owner will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m in order to accommodate an appropriate public realm. In addition, the owner will be responsible for all costs for designing the Woonerf and the construction costs between the existing property line and the Woonerf curb face. Also concerns were expressed regarding the Traffic Impact Study (TIS) in particular the data inconsistencies, impact of LRT on conversion of Rebecca Street to one-way traffic and driveway locations. These concerns are to be addressed at the Site Plan Control stage including the applicant's funding of the Woonerf.

Design Review Panel

The development proposal was presented to the City's Design Review Panel (DRP) on July 13, 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. The DRP noted concerns with the proposed height of 40 storeys and the LED signage of the original application, and provided a number of recommendations with respect to the design, that were discussed with the applicant and staff which include the following:

Response to Context:

- The panel acknowledges that the immediate context of the site, dominated by surface parking, creates both an opportunity and a responsibility. The applicant and City staff need to consider the potential impacts of the proposed development on future neighbouring developments, as envisaged in the Downtown Secondary Plan, and the precedent it will set. It should be assumed that this development will be the first of many podium-and-tower developments in the area.
- The site is appropriate for a tall building that respects best practices, but the 40 storeys originally proposed is excessive. Reducing the height will result in more acceptable shadow impacts on the existing residential properties, Beasley Park to

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 23 of 30

the north, the future amenity space on the block, and fall below the height of the Escarpment.

- The ‘woonerf’ or flexible street concept will require further study in terms of its operation and design but the idea is quite engaging and a very exciting element of the proposal. The way it connects with the future park is successful and it could result in a more usable public space for the larger community.

Built Form and Character:

- The overall design and material use is bold and interesting, but there should be a clearer distinction between the podium and the tower, for example, by breaking the white banding for two storeys rather than one.
- There are concerns that the above ground parking will be too visible, it should be wrapped with active uses and / or better screened. Further explore the opportunity to articulate the podium parking component with a veneer of active or residential uses.
- The podium is a very long building in the context of downtown. Best practices for building design should be reviewed and the podium length should be reduced to 70 m long, where the proposal shows 90 m. The white ‘bands’ should be broken in places, and vertical articulation added, to break up the horizontal massing.
- The height of the podium could be increased to match the height of the kitty-corner Horizon Utilities Building.
- The tower is too ‘chunky’. The lower and middle parts of the tower footprint (floorplates I and II) should be reduced following best practices (750 sq m) to create a more elegant profile and reduce shadow impacts. The tower should endeavour to be less rectangular or “slab like”.
- Since the tower is wrapped with balconies, the balcony materials need to be carefully considered. They must be durable and high-quality. The extent of opaqueness should be maintained as the architecture is refined.

Streetscape and Pedestrian Realm:

- The LED signage is interesting and has a lot of potential, however, advertising should not be permitted and the light levels need to be assessed to ensure they do not dominate the park or greater city.

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Landscape Strategy:

- The design and construction of the ‘woonerf’ or flexible street should be coordinated with the design and construction of the adjacent hardscaped space in the park.
- The amenity space should include a children’s playground.

Applicant’s response to DRP advice:

The applicant has provided a response in the form of a revised submission by lowering the height of the proposed building to 30 storeys, removing the LED signage and adjusted the podium height in keeping with the surrounding buildings, which is all in keeping with the revised Downtown Hamilton Secondary Plan and the Tall Building Guidelines. Additional comments, such as elevations, landscaping and the proposed Woonerf will be addressed through the Site Plan Control process.

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 198 property owners within 120 m of the subject property on July 21, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment Applications. To date, two submissions by the same landowner of the property directly to the north have been made to the City regarding the subject proposal attached as Appendix “E” of Report PED18195. The landowner of 80 John Street North, directly adjacent to the subject lands, through two different agents, expressed concerns in writing with the future built form and development impacting their lands. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on July 29, 2017 and updated on July 18, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 27, 2018.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant held a public information meeting at 95 King Street East (Mills Hardware) on November 28, 2017. The applicant set up easels with various elevation, perspective and site plan drawings, as well as had a power point presentation. Furthermore, the applicant’s consulting team was in attendance to field any questions and discuss concerns with respect to the proposed development. A notice advising of the public information meeting was sent to all residents within 120 m of the subject land. A total of 18 people including City staff attended the public information meeting.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The proposal implements the Council approved DTSP and implementing Zoning By-law; and,
 - (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is transit supportive in the Downtown Urban Growth Centre.

Downtown Hamilton Secondary Plan Amendment

The subject lands are designated “Mixed Use” on Map B.6.1-1, Land Use Plan within the Downtown Hamilton Secondary Plan (2001).

The proposed amended Official Plan Amendment is to create a site specific policy within the DTSP to permit an increased height and density on the subject lands from 300 units per hectare to gross residential 1,010 units per hectare.

The Official Plan Amendment is only required to the existing DTSP for the proposed height and density of the subject development, as the subject proposal conforms to the new Council adopted DTSP, however, as the DTSP has been appealed to the LPAT, an Amendment to the old DTSP is required to implement the subject proposal. The applicants have provided the necessary studies showing that there are no adverse impacts and further, the subject proposal meets the height and density requirements of the new DTSP.

Based on the foregoing, staff support the proposed Amendment to the Downtown Hamilton Secondary Plan.

Zoning By-law No. 05-200 Amendment (Under Appeal)

The subject property is currently zoned Downtown Central Business District (D1, H17, H19, H20) Zone, but this zoning is currently appeal. The subject proposal complies with the new Secondary Plan in terms of overall height and density, as well as implements the Council approved Secondary Plan for the Downtown. In order to implement the proposed development a modification to the Downtown Central Business District (D1) Zone is required to permit the following:

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 26 of 30

- Increase in setback from the building base façade height;
- An increase in the setback for the portion of the building exceeding 44 m;
- An increase in maximum lot coverage; and,
- A reduction in parking stall sizes.

Increase in Setback from the Building Base Façade Height

The By-law requires that for any building exceeding 44 m in height, a minimum 3.0 m setback shall be required from the building base façade, as shown in Schedule “F” – Special Figure 15 of the By-law.

In Schedule “F” – Special Figure 15, the subject lands are required to provide a Building Base Façade Height of 7.5 m along Rebecca Street, 15 m along Catharine Street North and 22 m along John Street North. The applicant has requested that the minimum setback along Rebecca Street be at a height of 11 m, instead of 7.5 m. The proposed podium is in keeping with the surrounding buildings, provides a consistent podium height, as well as provides a street presence lending to a comfortable pedestrian environment. Therefore, the proposed modification has merit and can be supported.

Increase in the Setback for the Portion of the Building Exceeding 44 m

The By-law requires that for any portion of the building exceeding 44 m in height, a minimum setback of 12.5 m from any side or rear lot line, except any flankage lot line, is required.

Due to the irregular configuration of the subject lands and it being a corner lot, the rear lot line is the northerly lot line. There is a 90 degree angle along the rear lot line and the proposed residential tower above the podium will be 1.0 m from this angle. Staff are of the opinion that this is a technical variance due to the configuration of the lot and should not hinder any future development of the adjacent property or have any adverse impacts. Therefore, staff are of the opinion that the modification has merit and can be supported.

Maximum Lot Coverage

The By-law permits a maximum lot coverage of 85%. The applicant has requested a maximum lot coverage of 100%. This is in large part due to the design of the proposed covered walkway surrounding the John Street North, Rebecca Street and Catharine Street North facades and which will be integrated with the proposed building. Since the covered walkway is part of the building, staff have interpreted this to be included with the lot coverage. Without the covered walkway included,

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 27 of 30

the lot coverage would be approximately 84% and therefore, a modification would not be required.

Since the proposal provides for an integrated canopy that will contribute to an active public realm and pedestrian environment, staff are of the opinion that the modification has merit and can be supported.

Reduction in Parking Stall Size

A revised standard parking stall size from 2.6 m by 5.5 m to 2.8 m by 5.8 m was approved by Council on November 8, 2017, but appealed to the LPAT. As the subject applications were submitted and under review prior to the approval of the revised stall sizes, staff are supportive of the varying stall sizes (36 at 2.6 m by 5.5 m, (17.6%) 93 at 2.6 m by 5.8 m (45.6%), 13 at 2.8 m by 5.5 m (6.4%) and 62 at 2.8 by 5.8 m (30.4%), as the applicant has made an effort of trying to accommodate the new direction taken by Council by providing 30% of the parking spaces at the new stall size. Therefore, staff support the modifications.

Holding Provisions H19 and H20 are proposed to be removed, as H19 is regarding Section 37 Agreements and H20 is regarding the removal of rental housing. These Holding Provisions are not applicable to the subject proposal and applications. Further, the applications pre-date the new Downtown Zoning. Holding Provision, H17, is still applicable as it relates to height, necessary studies required and Site Plan Approval.

4. Zoning By-law No. 05-200 Amendment (In-Force)

The new implementing By-law for the Downtown Hamilton Secondary Plan is under appeal to the LPAT. As such, modifications to the old By-law are required to implement the subject proposal, which are as follows:

- Rebecca Street as the Front Lot Line;
- An increase to the maximum setback from a street line for the first storey;
- A reduction in the parking rate;
- An increase in the maximum building height; and,
- Surface car share parking stalls without a 3 m planting strip to the street line.

Staff support the modifications to the old By-law, as they implement the general intent of the new DTSP and implementing By-law for the Downtown.

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5. Engineering

The existing road allowance is 11.9 m along Rebecca Street. The minimum road allowance required for the downtown area is 15.24 m with daylight triangles at intersections. The daylight triangle required for local to local roads is 4.57 m by 4.57 m at the intersection of Rebecca Street and Catherine Street North. Future road widening required along John Street North is 9.30 ft (2.835 m) as per Legal Survey Drawing P-821(A). A 9.14 m by 9.14 m daylight triangle is required at the intersection of John Street North and Rebecca Street. The required daylight triangles have been provided and the required widening for Rebecca Street is recommended to be waived.

The proponent should ensure that the Fire Department / Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions. The proponent is required to comment on the adequacy of available flow for the proposal. The report must be signed and sealed by a professional engineer licenced to practice in Ontario. Note that based on the size of this development and the potential demand of the municipal water system, a watermain hydraulic analysis, identifying the modelled system pressures at pressure district (PD2) level under various boundary conditions and demand scenarios, may be required to support future applications. The need to provide supporting hydraulic analysis will be evaluated, once the above requested information has been submitted for review. This will be addressed at the Site Plan Control stage.

A functional Site Grading and Servicing Plan and an Erosion and Sediment Control Plan should be provided for the site at the Site Plan Control stage.

6. Concerns were raised by the owners of 80 John Street North, directly abutting the subject lands, about future development implications related to servicing and access to their lands.

A subsequent letter by the owner's new agent also expressed concerns regarding the composition of the proposed residential units (e.g. one, two bedroom, etc.), the proposed parking ratio and the setbacks of the proposed podium and residential tower.

The applicants have indicated that 223 one bedroom, 83 two bedroom and 7 three bedroom units are proposed. In addition, based on the current parking requirements, a maximum of 313 parking spaces are required for the 313 residential dwelling units. A total of 204 parking spaces are being proposed on the subject lands. The subject lands are located within Downtown Hamilton and as mentioned within this Report, are located in close proximity to commercial uses, bus routes, as well the Hunter Street and West Harbour Go Stations and

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 29 of 30

four surface car share spaces are proposed. Therefore, staff are of the opinion the proposed modification for the reduced parking rate of 0.65 spaces per dwelling unit has merit and can be supported.

The By-law requires that for any portion of the building exceeding 44 m in height, a minimum setback of 12.5 m from any side or rear lot line, except any flankage lot line, is required. Due to the irregular configuration of the subject lands and it being a corner lot, the rear lot line is the northerly lot line. There is a 90 degree angle along the rear lot line and the proposed residential tower above the podium will be 1.0 m from this angle. As discussed in the Report, staff support the reduced setback.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment Applications be denied, the property could be utilized in accordance with the current Downtown Mixed Use (D3) Zone and Central Business District (D1, H17, H19, H20) Zone if approved by the LPAT.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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

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

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

SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 30 of 30

Culture and Diversity

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

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” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Zoning By-law No. 05-200 (Under Appeal) Amendment

Appendix “E” – Site Plan and Building Elevations

Appendix “F” – Public Submissions

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