



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 6, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Amended **Urban Hamilton Official Plan Amendment application UHOPA-18-005 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner**, to amend Schedule "E-1" – Land Use Designations to change the designation of 74 Queen Street South, 244 and 246 Jackson Street West from "Neighbourhoods" designation to "Mixed Use - Medium Density" designation and to amend Map B.6.6-1 Strathcona Secondary Plan by adding 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area and designate those lands "Mixed Use - Medium Density" designation, and to further amend Map B.6.6-1 by adding a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit a height of 23 storeys for a multiple dwelling, including attached two and three storey townhouse units as shown on Appendix "A" to Report PED20142, be **APPROVED** on the following basis:

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 2 of 39**

---

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
- (b) That Amended **Zoning By-law Amendment application ZAC-18-012 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner**, to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and 74 Queen Street South to permit a height of 80.85 metres (23 storeys) with additional modifications related setbacks, planting strips, visual barrier and parking, for the lands known as 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED20142, be **APPROVED** on the following basis:
  - (i) That the draft By-law attached as Appendix “C” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XXX.
- (c) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial” and “Singles and Doubles” to “Commercial and, Apartments” in the Kirkendall North Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The applicant, GSP Group, on behalf of Belmont Equity (Hamilton) Inc., has submitted revised applications for an Urban Hamilton Official Plan Amendment (UHOPA-18-005) and Zoning By-law Amendment (ZAC-18-012) on March 13, 2020. The original application was made in December of 2017 for the lands located at 235 Main Street West only. Those applications were made to permit a 20 storey (64.0 metres) mixed use building with 450 square metres of commercial at grade and 152 dwelling units above, with 142 parking spaces contained in four levels of underground parking.

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 3 of 39**

---

The current owner retained GSP Group to represent them when they purchased the 235 Main Street West in June, 2019. Since that time, the current owners acquired 244 and 246 Jackson Street West in October, 2019, and have a binding agreement to purchase 74 Queen Street South, which was signed in September, 2020. The current proposal now includes a 23 storey multiple dwelling building situated at the northern portion of the site fronting Main Street West and Queen Street South and attached two and three storey, six unit, townhouse block oriented toward Jackson Street West. A total of 331 units are proposed with 125 parking spaces, 119 of which will be located in two levels of underground parking. The townhouse block includes six integrated parking garages at the rear of the units that are to be accessed from the shared laneway to the rear of the units.

To preserve the cultural heritage value of the building located at 74 Queen Street South, the proposed development incorporates the existing east and south façades, along with returns on the north and west façades and the front porch and stairs.

The proposed Urban Hamilton Official Plan Amendment to redesignate 74 Queen Street South, 244 and 246 Jackson Street West from the “Neighbourhoods” designation to the “Mixed Use - Medium Density” designation, to add 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area as “Mixed Use- Medium Density” designation and to a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit the development of a 23 storey multiple dwelling with attached six unit townhouse block.

The proposed Zoning By-law Amendment to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and 74 Queen Street South to permit a 80.85 m (23 storey) multiple dwelling with additional modifications related setbacks, planting strips, visual barrier and parking.

**Alternatives for Consideration – See Page 38**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 4 of 39**

---

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

## **HISTORICAL BACKGROUND**

### **Report Fact Sheet**

<b>Application Details:</b>	
Applicant/Owner:	Belmont Equity Hamilton Inc. (c/o Richard Kennedy and David Kemper)
Agent:	GSP Group Inc. (c/o Nancy Frieday)
File Number:	UHOPA-18-005 and ZAC-18-012.
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	To permit the construction of a 23 storey (80.85 metres) multiple dwelling building containing 325 residential units at the southwest corner of Main Street West and Queen Street South and a three storey (14.0 metres) townhouse block, containing 6 units, along Jackson Street West.
<b>Property Details:</b>	
Municipal Address:	235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West
Lot Area:	2,708.9 square metres
Servicing:	Existing municipal services.
Existing Use:	235 Main Street West – Vacant 74 Queen Street South – two and half storey single detached dwelling 244 and 246 Jackson Street West- two storey single detached dwelling

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 5 of 39**

<b>Documents:</b>	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to A Place to Grow Plan.
Official Plan Existing:	<u>UHOP</u> “Mixed Use – Medium Density” and “Neighbourhoods” designation <u>Strathcona Secondary Plan</u> “Mixed Use - Medium Density” Site Specific Policy Area “C-2”
Official Plan Proposed:	<u>UHOP</u> “Mixed Use - Medium Density” designation <u>Strathcona Secondary Plan</u> “Mixed Use – Medium Density” Site Specific Policy Area
Zoning Existing:	Mixed Use - Medium Density (C5, 297) Zone and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, Modified.
Zoning Proposed:	Mixed Use – Medium Density (C5, 736) Zone
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To allow appurtenances to encroach into required yards;</li> <li>• To allow a porch or deck to encroach into required yards;</li> <li>• To allow 11% of the provided parking to be 2.6 metres in width and 5.5 metres in length whereas 10% of parking is permitted to be reserved for small cars;</li> <li>• To reduce the minimum required parking ratio to 0.3 per unit (125 parking spaces) whereas 156 parking spaces is required;</li> <li>• The minimum finished floor elevation of 0.9 metres above grade for any dwelling unit shall not apply;</li> <li>• To establish minimum and maximum setbacks along Main Street West, Queen Street South and Jackson Street West to align the proposed development with the existing streetscapes;</li> <li>• To allow the principal entrance to be along Main Street West</li> <li>• To allow no planting strip to be provided;</li> <li>• To allow no visual barrier to be provided; and,</li> </ul>

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 6 of 39**

	<ul style="list-style-type: none"> <li>To increase the maximum building height from 22.0 metres to 80.85 metres for a portion of the lot.</li> </ul>
<b>Processing Details:</b>	
Received:	December 22, 2017
Deemed Incomplete:	N/A
Deemed Complete:	January 19, 2018
Notice of Complete Application:	Sent to 718 residents within 120 metres of the subject property on January 31, 2018.
Public Notice Sign:	Sign posted: February 5, 2018 Sign updated: August 15, 2019 Sign updated: April 27, 2020 Sign updated: September 9, 2020
Resubmission:	March 13, 2020
Notice of Public Meeting:	Sent to 257 residents within 120 metres of the subject property on September 18, 2020.
Public Consultation:	Community Open House (Webinar) held on April 7, 2020.
Public Comments:	Five letters opposing the proposal have been received by City staff (attached as Appendix "F" to Report PED20142).
Processing Time:	991 days from date of original application 207 days from receipt of revised application

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Single detached dwellings/ vacant	Mixed Use - Medium Density (C5, 297) Zone and "D/S-1787" (Urban Protected Residential –

One and Two Family Dwellings Etc.) District, Modified.

**Surrounding Land Uses:**

<b>North</b>	Commercial plaza	Mixed Use - Medium Density (C5, 297) Zone.
<b>East</b>	Commercial uses	Downtown Mixed Use (D3) Zone. Council approved, under appeal, Downtown Central Business District (D1, H17, H19, H20) Zone.
<b>South</b>	Community theatre	“D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, Modified.
<b>West</b>	Single detached and semi detached dwellings (Jackson Street West)	“D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, Modified.
	Commercial uses (Main Street West)	Mixed Use - Medium Density (C5, 294) Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). 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.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential

units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”

Further, the PPS states that:

“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 densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- e) *support active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on 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.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of



suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.

The subject lands have been partially vacant for some time and the remaining lands were used for low density residential uses. The introduction of a multiple dwelling with an attached townhouse block helps to diversify the available housing options in the area and is an efficient use of land. The subject lands are well serviced by a comprehensive street network and in close proximity to a variety of transit routes (Policy 1.1.1 a) and b)). The proposed multiple dwelling and townhouse block represent an appropriate redevelopment of an underutilized site with proximity to Downtown Hamilton, transit, amenities and public open spaces (Policy 1.1.3.1). The proposed development represents a compact built form as it uses increased height to prevent outward sprawl which reduces the strain on land and resources. Based on the proximity to Downtown Hamilton and transit routes, this development will encourage active transportation and transit usage, which will work towards the reducing negative impacts on air quality and climate change (Policies 1.1.3 a), b), e), f) and 1.1.3.3).

#### Cultural Heritage and Archaeology

- “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 areas 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.”

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

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. A caution note

will be required at the Site Plan Control stage advising of the City of Hamilton and Ontario Ministry of Tourism, Culture and Sport requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

### **A Place to Grow Plan (2019, as amended)**

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and
  - iii. can support the achievement of *complete communities*;
- c) within *settlement areas*, growth will be focused in:
  - i. delineated built-up areas;
  - ii. strategic growth areas;
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
  - iv. areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 11 of 39**

---

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are located within the City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure (Policy 2.2.1.2 a) and c)). The proposal provides an opportunity to expand the housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). Consistent with the growth management policies of the Growth Plan, the proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes.

Based on the foregoing, the proposal conforms to the policies of A Place to Grow Plan (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The application is to incorporate all of the subject lands into the “Mixed Use – Medium Density” designation. The following policies, amongst others, apply to the proposal.

#### **Primary Corridor**

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.14 Urban Corridors shall provide a comfortable and attractive pedestrian experience. (OPA 65)

- E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)
- E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)”

As a Primary Corridor and Major Arterial, Main Street West offers convenient access to existing transit routes. This site is also located along a Potential Rapid Transit Corridor (Policies E.2.4.3, E.2.4.10 and E.2.4.17). The proposed multiple dwelling is similar in massing to some of the high density residential developments along the corridor. Although this site is not within Downtown Hamilton, it is located adjacent to the Downtown Hamilton Secondary Plan area, on the edge of a neighbourhood with frontage on a Primary Corridor (Schedule “E-1”- Land Use Designations), a Major Arterial, and a Minor Arterial road (Schedule “C” Functional Road Classifications). With these considerations, the increased height and massing can be accommodated at this location (Policies E.2.4.10 and E.2.4.11).

The proposed tower is located above a three storey podium that has been designed to imitate and compliment the surrounding built form by using materials and vertical elements that mimic a low rise built form (Policies E.2.4.14 and E.2.4.16). The tower has been located close to the corner of Main Street West and Queen Street South to reduce the effects of shadowing and overview on properties in the adjacent neighbourhood (Policy E.2.4.16). A shadow study was submitted as part of this application and found to be acceptable.

Parking has been provided in accordance with the requirements of the downtown parking standards. As stated above, the subject lands are located along a Potential Rapid Transit Route (Appendix “B” - Urban Hamilton Official Plan Major Transportation Facilities and Routes) with access to a number of existing bus transit routes (Policy E.2.4.17). Bicycle storage is proposed within the main floor of the building providing access to the Main Street frontage which will encourage active transportation and help to reduce the need for vehicular transportation.

#### Mixed Use – Medium Density Designation

- “E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

- f) multiple dwellings;
- E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:
  - a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
  - b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
  - c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.
- E.4.6.10 Permitted uses shall be located in single or mixed use buildings.
- E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be

balanced with the need to improve pedestrian access and opportunities for active transportation.

- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

The Mixed Use - Medium Density designation permits a variety of uses including the proposed multiple dwelling and block townhouses. The proposed stand alone residential development is permitted in accordance with Policy E.4.6.5. The height is restricted to a maximum of eight storeys without amendment to the plan, if it can be demonstrated that there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods (Policy E.4.6.8 a)). This applicant is seeking to add a Site Specific Policy Area to the Strathcona Secondary Plan to permit a height of 23 storeys. In support of this application architectural drawings, and a shadow impact study were submitted and reviewed by staff (see Appendix “E” to Report PED20142). The proposed tower has been located at the corner of Main Street West and Queen Street South and has been stepped back from the three storey base to minimize the shadow impacts on the lands designated Neighbourhoods to the north (Policies E.4.6.8 b) and c)).

The three storey podium has been designed to complement the surrounding lower rise built form and has incorporated colours and materials to reflect the area, including the introduction of active façades with a lot of glazing to create a comfortable and active street edge (Policy E.4.6.16). The buildings have been oriented close to the street, however this development will still provide a substantial public realm improvements including, wide sidewalks, benches and significant landscaping which add to a vibrant and active pedestrian experience (Policies E.4.6.16 and E.4.6.17). Along the Jackson Street West frontage, the townhouse block is proposed adjacent to the existing low rise residential allow for an appropriate transition in built form and density. (Policies E.4.6.24).

A laneway is proposed providing access to both the multiple dwelling and the townhouse block from Queen Street South (see Appendix “E” to Report PED20142). This laneway will provide shared access to the underground parking as well as private garages located at the rear of each townhouse. The laneway eliminates the need for multiple access points and reduces potential conflicts for pedestrians. The laneway will be clearly marked with stone pavers and a masonry archway above that connects 74 Queen Street South with the tower podium (Policy E.4.6.26).

As discussed above, this application is proposing to provide parking in accordance with the Downtown Hamilton parking requirements, which is a reduction from what is currently required. This site is located on a Major Arterial Road and a Potential Rapid Transit Route with proximity to existing transit routes, amenities and services. Given the proximity to downtown, existing transit options, amenities and services, reduced parking is appropriate (Policy E.4.6.27).

#### General Residential Intensification Policies

“B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.

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;
- g) the ability of the development to comply with all applicable policies.”

Residential intensification is anticipated throughout the City but is intended to be directed towards built up areas where access to services and amenities exists. In accordance with Policies B.2.4.1.3 and B.2.4.1.4 f) the subject lands, located on a Primary Corridor, is suited to accommodate intensification.

The proposed multiple dwelling and townhouse block contribute to the range of dwelling types by developing an underutilized site with appropriately scaled residential uses (Policy B.2.4.1.4 c) and d)). The development has been designed to reflect and enhance the existing built form in the neighbourhood as well as in anticipation of further redevelopment along the corridor (Policy B.2.4.1.4 e)). The townhouse block along Jackson Street West has been setback the same distance as the existing homes on the street, and with the parking being provided via rear laneway, the landscaped areas are increased (Policy B.2.4.1.4 b)).

Through the evolution of these applications, additional lands were acquired to improve the overall design and function of the proposal. The townhouse block was introduced to provide a transition from the tower to the existing low rise residential area. While a comprehensive development is proposed, the design has considered the unique attributes of each street frontage which has created an overall development pattern that is compatible with the surrounding area in terms of use, scale, form and character (Policy B.2.4.1.4 d) and g)).

#### Urban Design Policies

- “B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
  - b) promoting quality design consistent with the locale and surrounding environment;
  - c) recognizing and protecting the cultural history of the City and its communities;
  - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;



- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and, incorporating public art installations as an integral part of urban design

**B.3.3.2.4** Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,

**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;
- 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 tower podium and the townhouse block have been designed to respect and enhance the existing built form and character of the existing streetscapes. The use of a combination of brick, cement panels and glazing, the development has mimicked the surrounding neighbourhood by breaking up the podium with horizontal and vertical features that are similar in scale to the surrounding homes (Policies B.3.3.2.3 a), b) and f), b) and c), B.3.3.2.6 a), c) d) and e)). The public realm will be enhanced with generous walkways, landscaping and features such as benches being proposed along the Main Street West frontage (Policy B.3.3.2.4 a)). The existing dwelling at 74 Queen Street South has been identified as an important cultural heritage resource. Although this development proposes to adaptively reuse this building, the east and west façades as well as the roof, porch and stairs will remain as they exist today (Policies B.3.3.2.3 c), 3.3.2.6 b)).

The public realm will be enhanced with wide sidewalks, benches and significant landscaping, including the introduction of street trees along the Main Street West frontage, which will create an attractive and vibrant street scape. The building has been set back to Main Street West and Queen Street South to allow the provision of generous public spaces. (Policies B.3.3.2.3 f) and g), Policy 3.3.2.4 d), e), f) and g)). The tower has been designed as a point tower that respects the height of the Niagara Escarpment (Policies B.3.3.2.3 h) and B.3.3.2.4 h)).

#### Built Form

“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.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
  - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
  - c) including a quality landscape edge along frontages where buildings are set back from the street;
  - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
  - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

This comprehensive development proposal is unique in that it must consider and address three different streetscapes. Main Street West is a Primary Corridor with a substantial municipal right of way and a mix of use and heights. Queen Street South is a minor arterial road with a drop in grade towards more historic homes and Hess Village and Jackson Street West is a narrow one way residential street with mainly two and two and a half storey residential dwellings. To create an appropriate transition from the low rise residential to the high rise multiple dwelling, the applicant has provided a block of attached two and three storey townhouses along the Jackson Street West frontage that connect the remaining façades of 74 Queen Street West and transitions to the low rise houses to the west. The townhouse block has been set back to match the existing

pattern and the front yards leave room for appropriate landscaping and street trees. The three storey podium is reflective of the existing built form on Main Street West and Queen Street South and has been designed to continue the rhythm of the existing built form (Policies B.3.3.3.2 a), B.3.3.3.3 and B.3.3.3.4).

The tower has been located close to the corner of Main Street West and Queen Street South to reduce the effects of shadowing, wind and privacy on properties in the adjacent neighbourhood (Policies B.3.3.3.2 b) and c)). While balconies are proposed along south and west façades of the 23 storey building, a separation distance in excess of 14 metres is proposed from the tower to the western lot line which provides an effective form of mitigation from potential overlook to the west (Policy B.3.3.2 b)).

The principal pedestrian entrance to the multiple dwelling will be from Main Street West which is complimented with a well designed entrance and landscape treatments that integrate the public and private realm. The townhouse units on Jackson Street West each have a walkway proposed to connect to the existing sidewalk and have balconies facing the street (Policy B.3.3.3.5 a) and c)). The ground floor of the multiple dwelling located close to the public sidewalk and is designed with glazing, landscape including benches and active uses to provide visibility to and from the public sidewalk (Policies B.3.3.3.5 b) and c)). Above the podium, the building is stepped back to maximize sunlight (Policy B.3.3.3.5 e).

Parking for the multiple dwelling is proposed to be contained within an underground parking garage with access from a shared laneway off of Queen Street South. Parking for the townhouse block is located in private garages in the back of the units with access via the shared laneway. Loading and garbage for the multiple dwelling will also be from the laneway (Policy B.3.3.5 d)).

#### Cultural Heritage Policies

“B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 21 of 39**

---

To preserve the cultural heritage value of the building located at 74 Queen Street South, the proposed development preserves and adaptively re-uses the east and south façades, along with returns on the north and west façades, and the front porch and stairs of this heritage building (Policies B.3.4.2.1 a) and h)).

Based on the foregoing, the proposal complies with the UHOP.

**Strathcona Secondary Plan**

The portions of the site located at 235 Main Street West and 74 Queen Street South are designated “Mixed Use – Medium Density (Site Specific Policy Area “C-2”) on Map B.6.6-1, identified as “Iroquois Beach Ridge” on Appendix A – Views and Vistas and adjacent to the Mill’s Survey Cultural Heritage Landscape in the Strathcona Secondary Plan. The portions of the site located 244 and 246 Jackson Street West are proposed to be added as “Mixed Use – Medium Density” designation in the Strathcona Secondary Plan. The following policies, amongst others, apply to the proposal.

**General Policies**

- “B.6.6.4.1 The Strathcona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies direct land uses and other matters common to all parts of the Strathcona Neighbourhood.
- c) When considering an application for development, the following matters shall be evaluated:
    - i. Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
    - ii. The consideration of transition in height to adjacent and existing residential development; and,
    - iii. The height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and are sympathetic to the character and heritage of the neighbourhood.

- e) Development shall respect and reflect the existing heritage character of the Strathcona Neighbourhood, and shall be in accordance with the policies of Section 6.6.11, Cultural Heritage Resources of this Plan.”

The proposed development consists of a block of townhouses fronting on Jackson Street West. These attached townhouses are proposed to be two and three storeys in height with parking at the rear. This is a slight increase in height and density from the existing dwellings on Jackson Street West. A three storey podium is proposed at the corner of Main Street West and Queen Street South which is intended to compliment the existing heights along these streets and create a comfortable pedestrian environment. The proposal is compatible with the existing neighbourhood and has been designed to minimize nuisance effects such as shadowing, noise, lighting, traffic and overlook, and provides appropriate setbacks to adjacent residential buildings. The proposed 23 storey residential tower has been positioned so that it is close to the main intersection and away from private outdoor amenity areas or public open space, limiting issues of overlook (Policies B.6.6.4.2 i), ii) and iii)).

The applicant is proposing to use materials and colours, such as brown brick and glazing on the podium and the townhouses that are complimentary to the existing cultural heritage character in the neighbourhood. The building placements have been carefully considered and designed in a way that allows 74 Queen Street South to remain a prominent feature at the corner of Queen Street South and Jackson Street West (Policy B.6.4.4.1 c) and e)).

**“B.6.6.6.1 Mixed Use – Medium Density Designation**

In addition to Section E.4.0 – Commercial and Mixed Use Designation of Volume 1, the following policies shall apply to all Commercial and Mixed Use Designations, as identified on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan:

- b) Notwithstanding Policies E.4.3.4 (f) and E.4.6.7 of Volume 1, the minimum building height shall be 2 storeys and the maximum building height shall be 6 storeys.
- c) Notwithstanding Policy E.4.6.8 of Volume 1, additional height up to a maximum of 10 storeys may be permitted without amendment to this Plan, provided the applicant demonstrates:
  - i. That potential impacts have been mitigated on adjacent lands designated Low Density Residential 3;

- iii. Buildings are stepped back from any street to minimize the height appearance from the public realm, where necessary.”

A shadow study was prepared by GSP Group (in association with ASAi), dated March 2020 and submitted in support of this application and that study indicated that there is no impact to the residential properties along George Street, which are designated Low Density Residential 3 (Policy B.6.6.6.1 c) i)). A three storey podium proposed along the Main Street West frontage and has been designed to create a pedestrian friendly street edge with glazing and active uses, such as pedestrian entrances and bicycle storage as well as extensive landscape including street trees and benches. The tower is set back from the podium after the third floor and is clad in increased glazing, both of which create a more comfortable pedestrian experience (Policies B.6.6.1 c) iii)).

“B.6.6.10.1 Urban Design Policies In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall also apply to lands within the Strathcona Secondary Plan area:

- a) Development within the Secondary Plan area shall be sympathetic to and reflect the historic character of the existing built form of the neighbourhood.
- b) Design requirements recommended through the Strathcona Secondary Plan Urban Design Guidelines shall apply to commercial and mixed-use areas, institutional uses and multiple dwelling developments. The Guidelines shall not apply to single detached, semi-detached and duplex dwellings.
- c) An Urban Design Brief may be required as part of a complete application requirement in order to demonstrate how the proposal meets the policies of this Secondary Plan, and to demonstrate consistency with the Strathcona Secondary Plan Urban Design Guidelines, where applicable.
- d) Development shall contribute to the development of complete streets along the neighbourhood’s primary corridors, including Main Street West, King Street West, York Boulevard, Queen Street North/South and portions of Dundurn Street North/South, extending just north of King Street West and just south of Main Street West.

- e) Development proposals shall demonstrate compatibility with the City-Wide Corridor Planning Principles and Design Guidelines.
- k) Existing significant views and vistas contribute to the unique identity, sense of place and character of the Strathcona Neighbourhood and are shown on Appendix A – Strathcona Secondary Plan: Views and Vistas. These views and vistas shall be maintained and enhanced, where possible.
- l) In addition to the above policies, development along Main Street West, King Street West, York Boulevard, Queen Street and portions of Dundurn Street, extending just south of Main Street West to just north of King Street West, including the Neighbourhood Node, shall be consistent with the Strathcona Secondary Plan Urban Design Guidelines.”

As previously noted, 74 Queen Street South has been incorporated into the design of the site. Specifically, the site design retains the principal façades along Queen Street South and Jackson Street West as well as a partial façade on the corners. These elevations are to be retained while the interior and roof will be rebuilt. In this regard, the proposed podium and townhouses are respectful of the heritage resource including architectural treatment, materiality and building positioning that compliments but does not detract from the heritage resource (Policy B.6.6.10.1 a)).

An Urban Design Brief was submitted and reviewed by staff. The proposed development has been evaluated against the urban design policies in the in the Strathcona Secondary Plan as well as the City Wide Corridor Planning Principles and Design Guidelines. The proposed development will contribute to the development of complete streets by providing an attractive and comfortable pedestrian realm with wide walkways and landscape including street trees (Policies B.6.6.10.1 b), c), d) and l)). Compatibility with the City Wide Corridor Planning Principles and Design Guidelines has been evaluated and is discussed in the City Wide Corridor Planning Principles and Design Guidelines section below (Policy B.6.6.10.1 e)). The tower has been designed as a point tower that respects the views of the Scottish Rite (nearby landmark building) and the Harbour (Policy B.6.6.10.1 k)).

#### Cultural Heritage Resources

“B.6.6.11.1 Cultural Heritage Resource Policies In addition to Section B.3.4 – Cultural Heritage Resources Policies of Volume 1, the following policies shall also apply to the cultural heritage resources within the Strathcona Secondary Plan area:



- a) The Strathcona Neighbourhood is an established historical neighbourhood and as such, the following policies shall apply:
  - ii. Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.
- b) Within the Strathcona Secondary Plan area, the City shall encourage:
  - i. The conservation of individual cultural heritage properties and areas of cultural heritage value, including streetscape features, traditional circulation patterns and important views and vistas; and,
  - ii. New development that respects and reflects the design of surrounding heritage buildings.
- c) New development on lands containing heritage buildings or adjacent to heritage buildings shall be encouraged to:
  - i. Maintain a consistent street orientation;
  - ii. Provide reduced building setbacks from the street where possible, except where a reduced building setback may have a negative impact on the adjacent heritage building, in which case a similar building setback shall be promoted;
  - iii. Ensure building heights reflect the existing built form, wherever possible or encourage built forms that are stepped back at upper levels to reflect established cornice lines of adjacent buildings or other horizontal architectural forms or features; and,
  - iv. Reflect the character, massing and materials of surrounding buildings.

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 26 of 39**

---

- d) The City shall encourage the use of contemporary architectural styles, built forms and materials which respect the heritage context.
- e) Where alterations are proposed to built heritage resources within the Strathcona Secondary Plan area, the following principles shall be followed:
  - i. Maintain the basic relations of the horizontal divisions of the building;
  - ii. Maintain the original façade components and materials wherever possible;
  - iii. Replicate the original parts and materials wherever possible; and,”

The design of the proposed development retain and incorporate the cultural heritage elements of the building located at 74 Queen Street South by maintaining the east and south façades, and the front porch and stairs of this heritage building (Policies B.6.6.11.1 b) and c), B.6.6.11.e), and B.6.6.11.1 a) ii)). The podium has a scale and articulation that reinforces the corridor scale of Main Street West and Queen Street South while reflecting the heritage fabric of abutting and surrounding properties. The tower that is proposed above the podium is a more contemporary architectural style with increased glazing and the use of cement siding and structural metals (Policy B.6.6.11.1 c)).

The lands located at 235 Main Street West and 74 Queen Street South are designated Area Specific Area C, the following policy applies:

Area Specific Policy – Area C

“B.6.6.15.3 Notwithstanding the maximum building height identified in Policy 6.6.5.5 b) – High Density Residential Designation and 6.6.6.1 b) – Mixed Use – Medium Density Designation of this Plan, shown as Areas C-1 to C-4 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following shall apply:

- a) For the lands known municipally as: 250 – 252 Main Street West, 260 – 264 Main Street West, 54 Queen Street South, 36 Queen Street South, 34 Queen Street South, 131-133 George Street, 137 George Street, 257-259 Main Street West, 255 Main Street West, 235 Main

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 27 of 39**

---

Street West, 74 Queen Street South, designated Mixed Use – Medium Density, shown as Area Specific Policy C-2 on Map B.6.6-1  
Strathcona Secondary Plan: Land Use Plan, the maximum building height shall be 4 storeys.”

Area Specific Policy – Area C is intended to provide for an appropriate transition from Main Street West to the low rise residential area to the south. To create an appropriate transition from the low rise residential to the high rise multiple dwelling, the application includes a block of townhouse dwellings along the Jackson Street West frontage that connect the preserved façades of 74 Queen Street West and creates a transition to the low rise residential uses to the west. The townhouse block has been set back to match the existing pattern and the front yards. The three storey podium is reflective of the existing built form on Main Street West and Queen Street South and has been designed to continue the rhythm of the existing built form (Policy B.6.6.15.3).

Staff are recommending to remove the 235 Main Street West and 74 Queen Street South from the Area Specific Policy – Area C and to place these lands in a new Site Specific Policy Area to permit the development of the 23 storey tower atop a three storey podium and an attached six unit townhouse block. In this instance the desired transition has been achieved through the comprehensive planning of the site and the regard for the exiting neighbourhood.

The intent of this area is to provide transition to the residential area to the south. There is justification looking at the context of the four corners and transitioning into Downtown Hamilton from the low rise neighbourhood. This has been achieved by locating the tower close to the main intersection, and through the introduction of the attached townhouse block which creates an appropriate transition from the tower to the neighbouring low rise areas. The comprehensive design of this site, including the preservation of the heritage resource being retained on site and repurposed as part of the attached townhouse block has created an overall plan that is created the transition needed to accommodate the additional height.

Based on the foregoing, the proposal complies with the Strathcona Secondary Plan.

Kirkendall Neighbourhood Plan

The Site is in the north-east corner of the Kirkendall North Neighbourhood Plan, which was approved by Council on June 24, 1975. 235 Main Street West is identified as “Commercial” and the balance of the Site is identified as “Single and Double”. To permit the proposed development an amendment from “Commercial” to “Commercial and Apartments” is required.

### **City Wide Corridor Planning Principles and Design Guideline**

Given that the subject lands are located on a Primary Corridor, the City Wide Corridor Planning Principles and Design Guidelines are applicable to this development. In accordance with the guidelines, shadows of the proposed building design are to be measured on March 21st when the sun's angle is half way between winter and summer as light levels will improve over the summer months when people tend to be outdoors. Further, in order to minimize shadow impacts on adjacent properties, public spaces and the public sidewalk, one side of the street should receive a minimum of five hours of sunlight throughout the day measured on March 21st.

The Sun Shadow Impact analysis was completed between 8:50 am and 6:04 pm on March / September 21st. Staff have reviewed the proposed impact of the tower and note that there will be sun shadow impact on the north side of the sidewalk of Main Street West between the hours of 9:50 am and 5:00 pm on March / September 21st. However, staff note that the shadows persist in the range of three to five hours in the day in various locations of the sidewalk, while providing full sun during the remainder of the day. It should be noted that the as-of-right zoning permissions provide shadows for two consecutive hours on the north side of the sidewalk from 10:50 am – 6:00 pm. Given the above, staff are of the opinion that the proposal complies with the Guidelines respecting acceptable sun shadow impacts.

Given the site's unique location and surrounding context, staff consider the proposed height of the building to be appropriate and compatible with the surrounding context. Moreover, with respect to massing, the applicant has made attempts to reduce the impact of the tower component of the building by positioning the tower atop a three storey podium at the corner of Main Street West and Queen Street South, and by stepping the building back at the fourth floor and again at the 22<sup>nd</sup> floor. In accordance with the City Wide Corridor Planning Principles and Design Guidelines, new buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front lot line at a distance of 80% of the width of the arterial street right-of-way. While the tower does not comply with the 45 degree angular build to plane, it has been designed with a three storey podium and step backs that will draw the attention away from the taller part of the tower. Staff believe that this, combined with that the site's unique characteristics as previously described and location in the City lend itself to a tall building and is appropriate in this instance.

As part of the resubmission, a new Pedestrian Wind Assessment was prepared by SLR, dated February 25, 2020 in support of the proposal. Based on the results of the assessment, the following conclusions were reached:

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 29 of 39**

---

- The wind safety criterion is met in all areas in both the Existing and Proposed Configurations.
- Wind conditions at all entrances to the proposed development are suitable for the intended usage.
- On the Level 2 amenity terrace, wind conditions are comfortable for the intended usage throughout the year.
- Wind conditions on the surrounding sidewalks and at the nearby transit stops are similar between the Existing and Proposed Configurations.

Staff are satisfied with the findings of this assessment and agree with the conclusions. Any required mitigation measures will be required at the Site Plan Control Stage

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

The subject property is currently zoned Mixed Use - Medium Density (C5, 297) Zone and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, Modified. The applicant has requested the following site specific modifications to the Mixed Use – Medium Density (C5) Zone.

Currently the lands located at 244 and 246 Jackson Street West are zoned under the Former Hamilton Zoning By-law No. 6593. This application is proposing to add these lands to Zoning By-law 05-200 Mixed Use - Medium Density (C5, 736) and to change the zoning for 235 Main Street West and 74 Queen Street South to the same Mixed Use - Medium Density (C5, 736) Zone. Site specific modifications to the C5 Zone have been requested to implement the subject proposal and are listed in the table above and discussed in greater detail in Appendix “D” to Report PED20142.

The proposed zoning by-law is in keeping with the policies in the Urban Hamilton Official Plan and the Strathcona Secondary plan and as such staff recommend approval of the Zoning By-law.

**RELEVANT CONSULTATION**

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"><li>• Alectra Utilities;</li><li>• Hydro One Networks Inc.;</li></ul>	<ul style="list-style-type: none"><li>• No Comment</li></ul>	

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 30 of 39**

<ul style="list-style-type: none"> <li>• Landscape Architectural Services, Public Works Department;</li> <li>• Parks and Cemeteries, Public Works Department;</li> <li>• Recycling &amp; Waste Disposal, Operations Division, Public Works Department;</li> <li>• Transit Division, Public Works Department;</li> <li>• Hamilton Fire Department; and,</li> <li>• Recreation, Healthy and Safe Communities Department.</li> </ul>		
<p>Forestry and Horticulture Section, Public Works Department</p>	<ul style="list-style-type: none"> <li>• Reviewed the Landscape Concept Plan and has advised that they approve the concept provided that all trees on Main Street West are clearly defined within private or public land. There are trees on site and as such a Tree Management Plan prepared by a Registered Landscape Architect will be required. A Landscape Plan prepared by a Registered Landscape Architect is required, showing the placement of trees on City and private property.</li> </ul>	<p>A Landscape Plan and Tree Management Plan will be a condition approval at the Site Plan Control stage.</p>

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 31 of 39**

Engineering Approvals	<ul style="list-style-type: none"> <li>Reviewed the application, and the associated Functional Servicing Report &amp; Stormwater Management Brief prepared by Lanhack Consultants Inc. dated June 4, 2020, and Geotechnical Investigation prepared by Landtek Ltd., dated May 26, 2020 which was submitted in support of the amended applications. Development Engineering Approvals staff have no concerns with the Official Plan Amendment and Zoning By-law Amendment from a servicing perspective and the proposed development servicing concept is supportable by existing infrastructure.</li> </ul>	<p>An updated Functional Servicing Report will be required as a condition of approval at the Site Plan Control stage.</p> <p>A Construction Management Plan to address staging will be required as a condition of approval at the Site Plan Control stage.</p>
Transportation Planning, Planning and Economic Department.	<ul style="list-style-type: none"> <li>Transportation Planning staff have reviewed the application, and the associated materials submitted, including: Transportation Impact Study, Transportation Demand Management, and Right of Way Impact Assessment, and have no objection</li> </ul>	<p>A revised TIS will be required as a condition of approval at the Site Plan Control stage.</p>

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 32 of 39**

	to the application for an Official Plan Amendment and Zoning By-law Amendment. Revisions to the TIS will be required at the Site Plan Control stage. Revisions requested are generally for updated peak time information, signal timing information and the provision of additional datasets used to support the findings.	
Health Protection Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>Reviewed the submitted materials has identified the need for a Dust Management Plan and a Pest Control Plan focusing on rats and mice, will be required at the Site Plan Control Stage.</li> </ul>	A Dust Management Plan and Pest Control Plan will be required as a condition of approval at the Site Plan Control stage.
<b>Public Consultation</b>		
Concern	Comment	Staff Response
Parking	Two residents raised concerns about the number of parking spaces being proposed, citing parking issues in the area.	Staff are of the opinion that based on the proximity of this site to existing transit routes, services and amenities that a reduction in parking is supportable at this location.
Traffic Safety and Conversion of Main Street West to two way	Three residents expressed concerns regarding the existing traffic safety conditions.	The parking is proposed to be located underground for the multiple dwelling and in the rear of the units for the townhouse block. A shared laneway with



**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 33 of 39**

---

		<p>access from Queen Street South is proposed and is located as far from the Main Street West and Queen Street South intersection as possible.</p> <p>The intersection at Main Street West and Queen Street South is signalized and clearly marked for pedestrians.</p> <p>Transportation Planning is supportive of the submitted Traffic Impact Study.</p> <p>There are currently no plans to convert Main Street West to two-way traffic.</p>
Height, Character and Greenspace	<p>Two residents expressed concerns about the height of the building about the character of the neighbourhood. And there were concerns about the lack of greenspace associated with the original proposal.</p>	<p>The current proposal is for two and three storey townhouses that have front yards and balcony amenity space. The proposed 23 storey multiple dwelling building has outdoor amenity spaces proposed at the podium level and have provided an enhanced pedestrian realm along both Main Street West and Queen Street South that includes benches and street trees.</p> <p>There are a number of high rise buildings to the east of the property and as</p>

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 34 of 39**

---

		such staff do not feel that this is out of character. This combined with the architectural considerations given to the podium, tower and attached townhouse block discussed in detail in the report above, including the adaptive reuse of 74 Queen Street South, maintains and enhances the character of the neighbourhood.
Contamination	One resident was concerned about how the developer will remediate the contamination from the gas station that was once located at 235 Main Street West.	As part of a previous application, a Record of Site Condition was filed which clears the lands previously used for commercial uses for residential use.
Enjoyment and Safety at 255 Main Street South	The owner of 255 Main Street West expressed concerns about any changes to the enjoyment of the use of their land explaining that they have been using a driveway and parking area on 235 Main Street West for a number of years. They are also concerned about a retaining wall that runs along the shared property line. This neighbour is also concerned that the construction may cause damage to their property and may cause safety hazards.	At the Site Plan Control Stage, Grading and Servicing will be evaluated in detail and if it is determined that the existing retaining walls need to be replaced, that will be dealt with at that time.  A Construction Management Plan will be required as a condition of approval at the Site Plan Control stage.

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 35 of 39**

---

Concerns that the project will not be completed	One resident expressed concerns that the project may not come to fruition and would be abandoned part way through.	The lands were purchased by the current applicant in 2019 and since that time, the applicants have been very engaged in the planning process.  A Site Plan Control application is still required and once approved, the Building Code will dictate what happens if a project is abandoned.
---	--	--

**Design Review Panel (DRP)**

After the additional lands were included and the proposal changed to include 74 Queen Street South and the Jackson Street West frontage, the revised application was presented to DRP on July 14, 2020 to address the following questions:

1. What is the relationship of the proposal to the existing neighbourhood character? Does it maintain, and where possible, enhance and build upon desirable established patterns, built form and landscapes? (B.2.1.4 b) and B.3.3.2.3 a))
2. Does the proposal respect the existing cultural and natural heritage features of the existing environment by re-using, adapting and incorporating existing characteristics? (B.3.3.2.6 b))
3. Does the proposal create comfortable pedestrian environments by:
  - Locating principal facades and primary building entrances parallel to and as close to the street as possible;
  - Including ample glazing on ground floors to create visibility to and from the public sidewalk;
  - Including a quality landscape edge along frontages where buildings are set back from the street; and,
  - Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas. (B.3.3.3.5).

The panel appreciated the detailed presentation and recognized how far this development proposal has come from the 2018 submission to the Design Review

Panel. The panel recognized the superior treatment of the landscape and public realm, but still felt that there is work to be done in terms of overall massing, podium design and its relationship with the tower portion of the building. The panel recommended a more strict adherence to the Tall Building Guidelines and a reduction in the tower floor plate size to meet the guidelines. The articulation and materials of the lower tower should also be simplified. The panel would like to see the podium along the Queen Street frontage better respond to the drastic change in grade and have asked that the horizontal design of the fourth and fifth floors be reconsidered. The panel believes that this is an important site due to its location on Main Street West, but also because of its topographical elevation. This will be a landmark building if designed appropriately. Following the Design Review Panel meeting, the applicant's provided staff with a tower floor plate comparison which demonstrated that the reduction in floor plate would have a minimal effect on the perception of the tower from the street and shadow impacts would remain the same. Staff agree with this and are supportive of the tower floor plate as proposed.

Items such as podium design, materials and treatments, will be further evaluated and refined at the Site Plan Control stage.

## **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 718 residents within 120 metres of the subject property on January 31, 2018. A Public Notice sign was posted on the property on February 5, 2018 and updated on August 15, 2019. The sign was updated again on April 27, 2020 when the addition properties were added to the proposal and again on September 9, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

### Public Consultation Strategy

A Public Consultation Strategy was submitted with the most recent submission. The applicants had intended to host a Public Open House on April 6, 2020, however the government of Ontario issued an emergency order in response to the global Covid-19 pandemic. The applicants instead hosted a webinar on April 7, 2020. The webinar was attended by 54 attendees. A follow up document with a comprehensive response to all questions asked was sent to attendees and staff on May 11, 2020.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 37 of 39**

---

1. The proposal has merit and can be supported for the following reasons:

- (i) It is consistent with the PPS (2020) and conforms to A Place to Grow Plan (2019, as amended);
- (ii) It complies with the UHOP, in particular the function, scale and design of the Mixed Use - Medium Density policies; and,
- (iii) It provides for a range and choice in dwelling unit types, respects the existing character of the neighbourhood, is located along the higher order transit corridor and provides convenient access to a number of services and amenities in the area.

2. Official Plan Amendment

The proposed multiple dwelling and attached townhouse block is permitted in the UHOP within the Mixed Use – Medium Density and the Mixed Use – Medium Density designation in the Strathcona Secondary Plan. The maximum permitted height in the Strathcona Secondary Plan is six storey and up to a maximum of ten storeys if the negative impacts of shadow privacy and wind can be mitigated. The current application is to allow a maximum of 23 storeys, and to achieve this, a number of studies were submitted with the application to demonstrate that these effects can be mitigated. The proposal has been amended, to include three additional properties which has allowed the partial retention of a heritage resource, and the inclusion of an attached townhouse block. The three storey podium has been enhanced to create a comfortable pedestrian realm and the tower has been pushed to the corner of Main Street West and Queen Street South. These measures help to mitigate negative impacts related to sun/shadow and wind and to create an appropriate transition from the low rise neighbourhood on Jackson Street West to Main Street West and Queen Street South.

A Site Specific Policy Area is proposed to accommodate the proposed height. The height and location of both the attached townhouse block and the tower will be identified within this policy in order to ensure adherence to the current site design. The proposed Zoning By-law will further implement this policy.

3. Zoning By-law Amendment

The subject lands are currently zoned Mixed Use - Medium Density (C5, 297) Zone and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District, Modified.

To permit the proposed multiple dwelling and attached townhouse block on lands known as 244 and 246 Jackson Street West, the applicant has applied to add the lands as Mixed Use – Medium Density (C5, 736) Zone. For the lands known as 235 Main Street West and 74 Queen Street South, the applicant has applied for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone to permit a maximum building height of 80.85 metres (23 storeys) at the northeast corner of the site. The existing maximum 22.0 metre building height will be maintained for the remainder of the lands abutting Main Street West. In addition, modifications related setbacks, planting strips, visual barrier and parking are required. Modifications to the development standards required to facilitate the proposal are summarized in the table above and discussed in detail in Appendix “D” of Report PED20142.

4. The circulation of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications resulted in the submission of five pieces of correspondence summarized in the table above and attached as Appendix “F” to Report PED20142.

## **ALTERNATIVES FOR CONSIDERATION**

Should Council deny the application 235 Main Street West and 74 Queen Street South could be developed in accordance with the Mixed Use - Medium Density in the UHOP and Mixed Use – Medium Density in the Strathcona Secondary Plan, and Mixed Use - Medium Density (C5) Zone and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings Etc.) District.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and 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**

**SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) - Page 39 of 39**

---

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 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" – Draft Urban Hamilton Official Plan  
Appendix "C" – Draft By-law  
Appendix "D" – Modifications Summary  
Appendix "E" – Concept Plan and Elevations  
Appendix "F" – Public Correspondence