



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | February 16, 2021 |
| SUBJECT/REPORT NO: | Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) |
| WARD(S) AFFECTED: | Ward 2 |
| PREPARED BY: | Mark Kehler (905) 546-2424 Ext. 4148 |
| SUBMITTED BY: | Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner**, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

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.

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

- (b) That **Amended Zoning By-law Amendment Application ZAC-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner**, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix “A” to Report PED21032, be **APPROVED** on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21032, 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 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol “H118” to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision “H118” be removed conditional upon:

- 1) 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.

- 2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

EXECUTIVE SUMMARY

The Owner, Corktown Plaza Inc., has applied for an Official Plan Amendment and a Zoning By-law Amendment to permit a mixed use commercial / residential development with 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces at 211 and 225 John Street South and 78 Young Street, Hamilton. The subject lands occupy the entire block bordered by Young Street to the north, Catharine Street South to the east, Forest Avenue to the south and John Street South to the west and are located in the Corktown Neighbourhood.

The purpose of the Urban Hamilton Official Plan Amendment application is to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of a 27 storey multiple dwelling and a 14 storey mixed use building attached to an eight storey multiple dwelling. The existing Mixed Use - Medium Density Designation applicable to the site permits a maximum building height of six to eight storeys. The proposed Site Specific Policy requires that the implementing Zoning By-law set out appropriate building height transitions and step backs to adjacent streets and residential uses.

The purpose of the Zoning By-law Amendment application is to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling. A total of 769 dwelling units, 929.25 square metres of commercial space and 462 underground parking spaces are proposed.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the UHOP upon finalization of the Official Plan Amendment. The proposed development complies with the function, permitted uses and design policies of the Mixed Use – Medium Density designation. The scale of the development is appropriate for the surrounding neighbourhood that features a mix of commercial, low-rise residential and high-rise residential development.

Alternatives for Consideration – See Page 36

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Official Plan and Zoning By-law. The proposed Zoning By-law amendment is to amend a Zoning By-law that remains under appeal to the LPAT. Therefore, Council’s approval of the Zoning By-law Amendment will not take effect until the C5 Zoning on the subject lands comes into effect as a result of either the appeal being withdrawn by the applicant, a negotiated settlement is reached and approved by the LPAT or alternatively the LPAT dismisses the appeal. The staff recommended approval of the zoning application is in effect a negotiated settlement that will be implemented through adoption of a site specific Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

| Application Details | |
|----------------------------|--|
| Owner | Corktown Plaza Inc. |
| Applicant: | GSP Group Inc. (c/o Brenda Khes) |
| File Numbers: | UHOPA-18-17 and ZAC-18-041 |
| Type of Application: | Official Plan Amendment and Zoning By-law Amendment |
| Proposal: | To permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling and a 14 storey (48.5 metre) mixed use building attached to an eight storey (28.0 metre) multiple dwelling. A total of 769 dwelling units, 929.25 square metres of commercial space and 462 underground parking |

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| | <p>spaces are proposed. Six of the proposed dwelling units are accessible directly at grade.</p> <p>The proposal is a revision to the original application for a mixed use development consisting of two towers connected by a multi-storey podium with maximum building heights of 31 storeys (104.86 metres) and 34 storeys (113.85 metres) and a total of 792 dwelling units, 2,157 square metres of commercial space and 436 parking spaces.</p> |
| Property Details | |
| Municipal Address: | 211 and 225 John Street South and 78 Young Street, Hamilton |
| Lot Area: | 5,950 square metres (0.595 hectares) |
| Servicing: | Existing municipal services |
| Existing Use: | A one storey commercial plaza, a three storey commercial building and a two storey detached dwelling. |
| Documents | |
| Provincial Policy Statement (PPS): | The proposal is consistent with the PPS. |
| A Place to Grow: | The proposal conforms with the Growth Plan. |
| Official Plan Existing: | Schedule "E": Neighbourhoods Schedule "E-1": Mixed Use – Medium Density |
| Official Plan Proposed: | <p>Mixed Use – Medium Density on Schedule "E-1" with a Site Specific Policy to permit:</p> <ul style="list-style-type: none"> • A maximum building height of 8 storeys for Area "A-1"; • A maximum building height of 14 storeys for Area "A-2"; • A maximum building height of 27 storeys for Area "A-3"; <p>and,</p> <ul style="list-style-type: none"> • The implementing Zoning By-law set out appropriate building height transitions and step backs to adjacent |

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| | streets and residential uses (see Appendix “B” to Report PED21032). |
| Zoning Existing: | “CR-2/S-572”, “CR-2/S-572a” and “CR-2/S-572b” (Commercial – Residential Districts) District, Modified, and “E-3” (High Density Multiple Dwellings) District, and Mixed Use Medium Density (C5) Zone (under appeal) |
| Zoning Proposed: | Mixed Use Medium Density (C5, 739, H118) Zone, including Special Figure 23: Maximum Building Heights for 211 and 225 John Street South and 78 Young Street. |
| Modifications Proposed: | <p>Applicant requested modifications:</p> <ul style="list-style-type: none"> • To amend the definition of “Grade” to be 102.97 metres above sea level, implementing the existing average grade on site. • Increased building height from a maximum of 22.0 metres to a maximum 92.0 metres, inclusive of mechanical penthouse and amenity area; • Reduced parking rate from 493 residential parking spaces to a total of 462 parking spaces, and from three commercial parking spaces to no parking spaces; • Increased rooftop amenity area size from 10% of the area of the storey beneath to 20% of the storey beneath with a minimum 2.0 metre setback instead of a 3.0 metre setback from the exterior main wall of the storey directly beneath; • Reduced minimum setback from a street for buildings with ground floor units facing a street from 3.0 metres to 1.5 metres along Young Street and 0.5 metres along Catharine Street South; and, • Reduced ground floor elevation for a residential unit facing a street from 0.9 metres above grade to 0.6 metres below grade. <p>Staff recommended modifications:</p> <ul style="list-style-type: none"> • To require step backs and a gradation of maximum building heights on site in accordance with Special Figure 23 in Appendix “C” to Report PED21032; |

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| | <ul style="list-style-type: none"> Added minimum long term bicycle parking rate requirement of 0.5 parking spaces, or 385 long term bicycle parking spaces; and, Added requirement for a 2.4 metre setback from the Catharine Street South street line for any building with a height greater than 28.0 metres. |
| Processing Details | |
| Received: | July 13, 2018 |
| Deemed Complete: | August 10, 2018 |
| Notice of Complete Application: | Sent to 1,568 residents within 120 metres of the subject property on August 24, 2018. |
| Public Notice Sign: | Posted on August 23, 2018 and updated with the public meeting date on January 29, 2021. |
| Notice of Public Meeting: | Sent to 339 property owners within 120 metres of the subject property on January 29, 2021. |
| Public Consultation: | <ul style="list-style-type: none"> Applicant Pre-Design Community Meeting held on December 12, 2017. Applicant Pre-Application Community Meeting held on May 23, 2018. |
| Public Comments: | Seven letters of concern have been received by City staff (attached as Appendix "F" to Report PED21032) |
| Processing Time: | 949 days from date of original submission 231 days from date of receipt of revised proposal |

Existing Land Use and Zoning:

| | Existing Land Use | Existing Zoning |
|--------------------------|--|---|
| Subject Property: | One storey commercial plaza, three storey commercial building and two storey detached dwelling | Mixed Use – Medium Density (C5) Zone (under appeal) and “CR-2/S-572”, “CR-2/S-572a” and “CR-2/S-572b” (Commercial – Residential) District, Modified, and “E-3” (High Density Multiple Dwellings) District |

Surrounding Lands:

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| North | One storey vehicle repair shop, two storey commercial building and two and a half storey townhouse development | Mixed Use Medium Density (C5) Zone and “DE/S-1456a” (Low Density Multiple Dwellings) District, Modified |
| East | Eleven storey multiple dwelling | “E-3/S-601” and “E-3/S-601a” (High Density Multiple Dwellings) District, Modified |
| South | Two storey commercial building, one storey single detached dwelling and two and a half storey single detached dwelling | “E-3” (High Density Multiple Dwellings) District, “E-3/S-960” (High Density Multiple Dwellings) District, Modified and Mixed Use Medium Density (C5) Zone |
| West | 14 storey multiple dwelling and one storey commercial plaza | Mixed Use Medium Density (C5) Zone |

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS)

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.

Settlement Areas

“1.1.3.1 Settlement areas shall be the focus of growth and development.

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 property is located within a settlement area as defined by the PPS. The proposed mixed use development would provide for a mix of land uses in the area,

would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in proximity to the Hamilton GO Centre and Downtown Hamilton.

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 Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site will be required at the Site Plan Control stage.

The subject property contains a commercial plaza constructed in the mid-1980s. The property also contains a three storey commercial building (211 John Street South) and a two storey detached dwelling (78 Young Street) constructed in the late 19th century, both of which are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest.

The subject property is adjacent to the Church of the Ascension, a Gothic Revival church constructed in 1875 that is designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the PPS. Additionally, the subject property is adjacent to a number of properties included in the City’s Inventory of Buildings of Architectural and / or Historical Interest, including:

- 247 John Street South;
- 190 Catharine Street South;
- 157 Catharine Street South;
- 155 Catharine Street South; and,

- 153 Catharine Street South.

A Cultural Heritage Impact Assessment (CHIA) completed by ERA Architects and dated June 28, 2018 was submitted with the applications. The CHIA found that the existing buildings are not considered to be significant cultural heritage resources and their loss is mitigated by the re-animation of a currently underutilized site. The report recommended mitigation strategies, including the utilization of brick materials to fit within the adjacent heritage context, the use of building step backs and the provision of ground level retail units to enhance the pedestrian realm.

On September 17, 2018, the report was reviewed by the Hamilton Municipal Heritage Committee's Policy and Design Working Group. The Working Group accepted the report as submitted and recommended that building materials from the 19th century structures at 211 John Street South and 78 Young Street be reintegrated within the podium and that excess building materials be retained for reuse elsewhere. Staff concur with the recommendations of the Working Group and the findings of the CHIA and, should the applications be approved, would work with the applicant to implement them at the Site Plan Control stage. In addition, a Documentation and Salvage Report is required as a condition of Holding Removal to ensure historic building materials from 211 John Street South and 78 Young Street are utilized in the development or reused off-site.

Noise

- "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."

The proposed residential portion of the development is a noise sensitive use and will be located adjacent to John Street South, a minor arterial road as shown on Schedule C – Functional Road Classification of the UHOP. John Street South and Young Street are also part time truck routes that permit heavy traffic between 7:00 a.m. and 7:00 p.m. The subject lands are located approximately 240 metres south of the CPR / GO railway line.

A Noise and Vibration Feasibility Assessment dated June 8, 2018 was prepared by RWDI and submitted with the applications. The report predicts that sound levels on site will comply with the MOECP sound level limits without specialized design interventions for the building façade or outdoor amenity areas. Standard warning clauses are

recommended to be included in all future agreements of purchase and sale or lease related to traffic noise and noise from the CPR / GO railway line. The report was prepared on a preliminary basis and a more detailed noise study for the revised proposal will be required at the Site Plan Control stage.

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 lands are recognized as a potentially contaminated site due to the former commercial use and are subject to environmental review to allow the proposed mixed use commercial / residential development. The applicant commissioned a Phase One Environmental Site Assessment (ESA) dated January 24, 2018, and a subsequent Soil and Groundwater Assessment dated May 14, 2018, both completed by Terraprobe. Based on the results of the Soil and Groundwater Assessment, exceedances of metals and inorganics were found at the north and southwest portions of the property. The assessment recommends a second round of ground water samples, the completion of a Phase 2 ESA and the filing of a Record of Site Condition (RSC). A Holding Provision is included in the amending By-law requiring a conditional building permit agreement with respect to an RSC or receipt of a Notice of Acknowledgement letter from the Ministry of the Environment, Conservation and Parks that an RSC has been filed.

Therefore, the proposal is consistent with the policies of the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth 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;

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- 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:

- 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. The proposal expands housing options within the neighbourhood at a convenient location adjacent to Downtown Hamilton with access to local stores and services (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 at the Hamilton GO Centre and Downtown Hamilton.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban

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Land Use Designations of the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods (Urban Structure)

- “E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate. Commercial uses that cater to a broader regional market shall be directed to appropriate Urban Nodes. The Neighbourhoods element of the urban structure permits a broader range of commercial areas than the Neighbourhoods Designation. The different types of commercial areas are designated on Schedule E-1 – Land Use Designations. The policies of Section E.4.0 – Commercial and Mixed Use Designations, Section E.3.0 – Neighbourhoods Designation, and applicable secondary plans of Volume 2 shall provide specific direction on the scale of commercial uses in the various commercial and mixed use designations.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.”

Consistent with Policies E.2.6.4 and E.2.6.5, the proposal adds to the range of housing available in the Corktown Neighbourhood by providing at grade units along Catharine Street South and Young Street, and multiple dwelling units in mid-rise and high-rise buildings. The proposal includes commercial uses at an appropriate location in a main street configuration and within a mixed use designation.

As per Policy E.2.6.7, the Corktown Neighbourhood has a unique scale and character that features a mix of single detached, semi-detached and townhouse dwellings together with mid-rise and high-rise multiple dwellings. The subject lands are located within the southern portion of the Corktown Neighbourhood that is divided geographically north / south by the CPR railway tracks. This portion of the neighbourhood is located outside of the Downtown Urban Growth Centre. The immediate context includes lower profile residential and commercial uses to the north and northwest and mid to high-rise multiple dwellings ranging in height from 10 to 14 storeys to the west, east and south. The prevailing heights within the neighbourhood increase toward the southeast of the site, including two, 21 storey multiple dwellings and a 32 storey multiple dwelling on Charlton Avenue East.

Staff are satisfied that the proposed development is compatible with the existing character of the neighbourhood by locating the 27 storey portion of the development at the southeast corner of the site with an eight storey portion at the northeast providing adequate transition to existing lower profile development. A 14 storey mixed use commercial / residential building is proposed along the west property line, maintaining the intended mixed use, medium density function of the John Street South corridor. Existing development to the west includes a 14 storey multiple dwelling and the proposed building steps down to a six storey building height at the northwest corner of the site to transition to existing development to the north along John Street South. Step backs from all property lines are required to reflect the scale of the street and provide transition to residential areas.

Mixed Use – Medium Density

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- E.4.6.4 It is also the function of areas designated Mixed Use – Medium Density to serve as vibrant people places with increased day and night activity

through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.

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:

a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

f) multiple dwellings;

E.4.6.10 Permitted uses shall be located in both single and mixed use buildings.

E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.”

The proposed development complies with the permitted uses in both a single use and a mixed use building as outlined in Policies E.4.6.5 and E.4.6.10 and provides a mix of uses on site as encouraged by Policy E.4.6.22. As encouraged by Policies E.4.6.1, E.4.6.2 and E.4.6.15, the proposal maintains the commercial retail function of the lands that currently serve as a retail centre for the neighbourhood. Consistent with Policy E.4.6.4, the proposal introduces residential uses to the site which, in combination with the proposed commercial component, will contribute to the vibrancy of John Street South, will increase the day and night activity in the area and will support nearby transit infrastructure.

“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.

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- 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.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted except for pedestrian focus streets as listed by Policy E.4.3.1.
- 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.”

The intent of the Mixed Use – Medium Density designation is to promote the development of a full range of retail, service, commercial, entertainment and residential uses within low-rise and mid-rise buildings. Policy E.4.6.9 reinforces that the predominant built form shall be mid-rise and low-rise buildings and Policies E.4.6.7 and E.4.6.8 limit the building heights within the designation to six storeys, or up to eight storeys provided appropriate step backs are provided and there are no adverse shadow impacts. An Official Plan Amendment is required to permit the proposed 27 storey building at the southeast corner of the site, and a 14 storey building along John Street South attached to an eight storey building along Young Street at the northeast corner of the site.

Policy E.4.6.24 further emphasizes that development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities and designing new development to minimize the effects of shadowing and overview. The proposal provides for a gradation in building height within the site that

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reflects the built form character of the neighbourhood. The highest portion of the development is located towards the southeast portion of the neighbourhood, which features taller buildings including two, 21 storey buildings and a 32 storey building on Charlton Avenue East. At the northeast portion of the site, the maximum building height is limited to eight storeys (28.0 metres) with a step back above the sixth storey along Young Street to provide for transition to the lower profile residential uses to the north and northeast. At the west property line, the 14 storey (48.5 metre) portion of the building is at the southwest corner of the site across from an existing 14 storey multiple dwelling on the opposite side of John Street South. The permitted height transitions to a six storey (22.0 metre) height at the northwest corner (intersection of John Street South and Young Street) of the site with step backs at the eighth and tenth storeys. Step backs are provided along the John Street South frontage to reduce shadow and limit the visual impact of the building from the street. Permitted building heights are shown in detail on Special Figure 23 in Appendix "C" to Report PED21032.

In support of the revised proposal, the applicant submitted a Sun Shadow Study Analysis, prepared by Core Architects Inc. dated November 27, 2019. The Sun Shadow Study Analysis references the Terms of Reference for Shadow Impact Studies for Downtown Hamilton and notes that a minimum three hours of sun coverage is achieved between 10:00 am and 4:00 pm as measured on March 21st and September 21st on public sidewalks along Forest Avenue, John Street South and Catharine Street South. The 3 hour criteria is not met for sidewalks along Young Street due to its location to the north of the site where shadow impact is the greatest. Staff note that the eight storey mid-rise built form proposed along the Young Street frontage with step backs above the sixth storey to minimize the height appearance from the street is consistent with Policy E.4.6.8 and that pedestrian activity is likely to be less on Young Street than on John Street South which functions as a mixed use corridor. A minimum 50% sun coverage is achieved at all times on Shamrock Park to the northeast of the site on September 21st and March 21st.

Further regarding Policy E.4.6.24 and the Hamilton Site Plan Guidelines, the proposal includes design features to minimize shadows cast on private outdoor spaces located on adjacent properties. The Sun Shadow Study Analysis demonstrates that the proposed 27 storey tower will shadow the rear yards of existing low-rise residential uses to the northeast of the site within the block bordered by Catharine Street South, Young Street, Augusta Street and Walnut Street South in the afternoon on March 21st and September 21st. The reduced building height and step backs at the north portion of the site results in additional shadows not reaching the block until the evening when rear yards are largely shadowed by existing buildings. Limiting shadow impacts to the 27 storey portion of the development ensures afternoon shadows pass more quickly over individual properties. The development occupies an entire city block and therefore does

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not directly abut and overlook residential amenity areas on other properties. Therefore, staff are satisfied Policy E.4.6.24 has been met.

“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.4.6.25 Areas designated Mixed Use – Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.”

Consistent with Policies E.4.6.16 and E.4.6.17, the development incorporates design elements that contribute to a comfortable pedestrian environment. Retail is proposed on the ground floor with entrances facing John Street South. Residential units with entrances onto the street are provided along Young Street and Catharine Street South to further animate the pedestrian realm and street trees are proposed on all four frontages. As required by Policy E.4.6.25, a mid-block pedestrian connection is proposed connecting Forest Avenue to Young Street via an outdoor sidewalk. There is also an indoor connection through the residential lobby facing John Street South and a pedestrian mews accessible from Catharine Street South allowing residents access through the site in an east / west direction.

“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.”

Policies E.4.6.26 and E.4.6.27 recognize that automobiles continue to be an important mode of transportation within the Mixed Use – Medium Density designation but that accommodating vehicles should be balanced with the need to improve pedestrian access and encourage transit use. This policy direction includes considering reduced parking requirements to encourage a broad range of uses. The applicant has proposed

a residential parking rate of 0.6 parking spaces per residential unit, or 462 parking spaces. Based on the residential unit mix proposed and a 10% reduction for the provision of 385 long-term bicycle parking spaces on site, the Council approved C5 Zone applicable to the site would require a minimum of 493 residential parking spaces, resulting in a deficiency of 31 parking spaces. The applicant has proposed no vehicle parking for the two retail units on site, whereas one parking space for each 17.0 square metre of retail gross floor between 450.0 square metres and 4,000.0 square metres is required. The retail units have gross floor areas of 418.65 square metres and 510.6 square metres, resulting in a parking deficiency of three parking spaces. Staff note that the Zoning By-law No. 05-200 parking rate requirements for the C5 Zone are under appeal to the Local Planning Appeal Tribunal but consider them to be Council's most recent direction for determining an appropriate parking supply for the site.

In support of the proposed parking reduction, the applicant submitted a Parking Justification Report dated June 2020, prepared by Paradigm Transportation Solutions Limited. The Report includes a proxy site parking survey completed in February 2020 at 187 Park Street South, approximately 500 metres from the subject property. 187 Park Street South is a 138 unit multiple dwelling with 69 one bedroom and 69 two bedroom units. The survey found the peak daily demand to be 0.67 parking spaces per unit, whereas 0.6 parking spaces are proposed for the development. The study notes that the proposal is likely to contain a lower proportion of two bedroom units and will provide additional Transportation Demand Management options on site, including bicycle parking. The site is located 200 metres south of the Hamilton GO Centre, which provides access to regional GO Train service, inter-city bus service and is an HSR hub. HSR transit is also available on John Street South and James Street South. Staff are satisfied that the proposed parking rate of 0.6 parking spaces per unit is appropriate for the site based on its location adjacent to Downtown Hamilton with convenient access to transit and the provision of 385 long term and 40 short term bicycle parking spaces on site. Customers of the proposed retail units would have access to temporary on-street parking and nearby commercial parking lots on Young Street.

Residential Intensification

- "B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g) as follows;
 - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

Consistent with Policies B.2.4.1.4 c) and f) the proposed mixed use development will utilize existing infrastructure and transportation capacity in the area and contribute to the range of dwelling types in the neighbourhood.

Staff are satisfied that the proposal complies with Policies B.2.4.1.4 b) and d) as it incorporates building heights and step backs that are compatible with the scale, form and character of the neighbourhood. As discussed previously, the development provides for a gradation of building heights on site, including a 27 storey (92.0 metre) building adjacent to existing high-rise development to the southeast, an eight storey (28.0 metre) building providing transition to lower profile development to the north and northeast, and a 14 storey (48.5 metre) building along John Street South that transitions in height down to six storeys (22.0 metres) at the northwest corner of the site to reflect the building heights of adjacent development.

The proposal meets the policies applicable to the “Neighbourhoods” element of the Urban Structure and will comply with the “Mixed Use – Medium Density” designation upon approval of the proposed Official Plan Amendment (Policies B.2.4.1.4 e) and g)). The proposal is compatible with the existing scale and character of the surrounding neighbourhood. Based on staff's evaluation of Residential Intensification criteria, the proposal complies with Policy B.2.4.1.4 a).

Urban Design

“B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.

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- B.3.3.1.5 Ensure that new *development* is compatible with and enhances the character of the existing environment and locale.
- B.3.3.1.8 Promote *intensification* that makes appropriate and innovative use of buildings and sites and is *compatible* in form and function to the character of existing communities and neighbourhoods.
- B.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- 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.3.3.3.5 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.

B.3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses and built form.”

Staff are satisfied that the proposal fits within the existing and planned context as required by Policies B.3.3.1.5, B.3.3.1.8 and B.3.3.3.1. The proposed gradation in building heights on site and step backs from property lines provide for appropriate transitions in scale to neighbouring buildings as required by Policy B.3.3.3.2 a). As per Policy B.3.3.3.3 and B.3.3.3.5 e), step backs have been utilized along street frontages to respect street proportions and maximize sunlight on pedestrian areas. Further to the discussion earlier in this report, the massing of the development will help limit shadow impacts on nearby properties, thus addressing Policies B.3.3.3.2 b) and c).

In response to Policy 3.3.3.2 c), the applicant submitted a Preliminary Pedestrian Wind Study dated June 18, 2018, prepared by Theakston Environmental. The Study concluded that pedestrian wind comfort surrounding the development for the original proposal would be suitable for sitting or standing in the summer and standing or walking in the winter, which is appropriate for the area’s purpose throughout the year. An addendum to the Wind Study dated February 25, 2020 confirmed that the revised proposal will result in similar and likely improved wind levels on site. A more detailed Wind Study based on the revised design will be required as a condition of Site Plan approval.

Policy B.3.3.5.2 establishes that views and vistas in the City of Hamilton shall be achieved through appropriate built form. Examples of significant vistas include the panorama of the Niagara Escarpment and the Downtown skyline as part of the review process. Staff have modelled the development using 3D software to view the impact of the proposed massing on views towards the Escarpment and from the Escarpment towards Downtown. Staff are satisfied that the revised massing that includes a maximum building height below the height of the escarpment and a mid-rise built form along John Street South limits the impact of the development on significant vistas.

With respect to the pedestrian environment, the applicant has located principal facades and building entrances close to and parallel with adjacent streets, consistent with Policy B.3.3.3.5 a) (see Appendix “E” to Report PED21032). Consistent with Policy B.3.3.3.5 b), glazing is proposed on portions of all four facades, with significant glazing provided on the retail portion of the building facing John Street South. Staff will work with the applicant at the Site Plan Control stage to ensure appropriate landscaping is provided in locations where the building is set back from the street to fulfill Policy B.3.3.3.5 c). Parking and loading are proposed behind the buildings and within four underground levels and will not be visible from the pedestrian realm, thus meeting the intent of Policy

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B.3.3.3.5 d). As per Policy B.3.3.1.3, the site layout includes a north / south pedestrian connection through the site by way of a sidewalk and an east / west connection via a residential lobby and pedestrian mews.

Therefore, based on the foregoing, staff are in support of the proposed UHOP Amendment.

Corktown Neighbourhood Plan

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.”

The subject property is designated “Commercial and Apartments” within the Corktown Neighbourhood Plan and is located within the “Transition Area”. The Transition Area is centred along James Street South and John Street South and is located between the “Neighbourhood Residential” and “Downtown Areas” of the neighbourhood. It provides a buffer that allows for mixed use commercial, residential and service uses that are sensitive to the “Neighbourhood Residential” area to the east. The existing plaza on site is identified as the Corktown Village Centre or Square.

Policy 7.b) directs intermediate densities of population to the “Transition Area.” Policy 8.b) and Map 2 limit height within the south portion of the neighbourhood, including the subject lands, to 3 storeys but Policy 8.b) notes that height limits in the “Transition Area” will be guided by impact on nearby developments as a secondary consideration. Policy 8.d) requires new buildings to be designed to reduce heights as much as possible to make a positive contribution to the neighbourhood streetscape and be compatible with the traditional character of the neighbourhood. As per Policy 8.f) of the Neighbourhood Plan, implementation of building height through rezoning applications will balance the rights of owners with community interests.

Staff are satisfied that the proposed development is consistent with the “Commercial and Apartments” designation and the “Transition Area” policies by providing a mixed use commercial / residential building and a multiple dwelling at a scale that is sensitive to the adjacent “Neighbourhood Residential” area. Therefore, an amendment to the Corktown Neighbourhood Plan is not required.

Therefore, based on the foregoing, the proposal will comply with the UHOP upon finalization of Official Plan Amendment XX.

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

On November 8, 2017, Council approved a change in zoning for the subject lands to a Mixed Use Medium Density (C5) Zone under Zoning By-law No. 05-200 through the adoption of new Commercial and Mixed Use Zones. The site was previously zoned CR-2/S-572”, “CR-2/S-572a” and “CR-2/S-572b” (Commercial – Residential) District, Modified, and “E-3” (High Density Multiple Dwellings) District under former City of Hamilton Zoning By-law No. 6593. The applicant has appealed the Council approved zone change to the LPAT and, as of the writing of this report, the appeal has not been resolved.

To facilitate the proposal, the applicant has proposed modify the Council approved Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone. Proposed modifications to the C5 Zone which are listed in the table above and discussed in greater detail in Appendix “D” to Report PED21032. As previously noted in the Financial – Staffing – Legal Implications section of this report, as this proposal is for an amendment to the C5 Zone, Council’s approval of the proposed Zoning By-law Amendment will take effect once the applicant withdraws their appeal of the Commercial and Mixed Use Zoning.

RELEVANT CONSULTATION

| Departments and Agencies | | |
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| <ul style="list-style-type: none"> • Strategic Planning Division, Public Works Department; and, • Alectra Utilities (formerly Horizon Utilities Corporation). | | No Comment |
| | Comment | Staff Response |
| CP Rail | <ul style="list-style-type: none"> • The proposed development is located in proximity to the Hamilton Subdivision, which is classified as a Principal Main Line. • Dwellings must be constructed such that interior noise levels meet MOECP criteria. • A warning clause shall be inserted in all offers of | <ul style="list-style-type: none"> • An updated Noise Study will be required at the Site Plan Control stage demonstrating that interior noise levels meet MOECP criteria. • A warning clause advising of CPR operations will be required to be included in all agreements of purchase and sale or |

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| | <p>purchase of sale or lease advising of the existence of the CPR right of way and warning that the Railway may expand its operations in the future. CPR will not be responsible for complaints or claims arising from the use of its facilities.</p> | <p>lease as a condition of Site Plan and Condominium approval.</p> |
| Metrolinx | <ul style="list-style-type: none"> • Advised that the railway noise data in the applicants Noise and Vibration Feasibility Study is consistent with current forecasts and that vibration mitigation is not necessary for the development. • A noise warning clause is required in all agreements of purchase and sale or lease advising of GO Transit operations and that Metrolinx will not be responsible for any complaints or claims arising from the use of their facilities. • The Owner is required to grant Metrolinx an environmental easement for operational emissions, registered on title. | <ul style="list-style-type: none"> • A warning clause advising of Metrolinx operations will be required to be included in all agreements of purchase and sale or lease as a condition of Site Plan and Condominium approval. • The Owner will be required to grant Metrolinx an easement for operational emissions as a condition of Site Plan approval. |
| Niagara Escarpment Commission | <ul style="list-style-type: none"> • Advised that the property is outside of, but near lands that are subject to the policies of the Niagara Escarpment Plan. • Recommended that measures be taken to reduce the visual impact of the original proposal, that included a 31 storey tower and a 34 storey, | <ul style="list-style-type: none"> • The revised proposal reduces the visual impact of the proposal by providing one tower with a building height of 27 storeys. |

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| | on views from the Niagara Escarpment at Sam Lawrence Park. | |
| Healthy Environments Division, Public Health Services | <ul style="list-style-type: none"> Require submission of a Pest Control Plan. | <ul style="list-style-type: none"> A Pest Control Plan will be required as a condition of Site Plan approval. |
| Forestry and Horticulture Section, Public Works Department | <ul style="list-style-type: none"> Forestry staff reviewed a preliminary tree protection and removal plan dated June 29, 2018 and advised of four additional trees shown to incur excessive impacts to critical root zones. An updated landscape plan is required showing new planting locations for trees to be removed. All trees require a minimum soil volume of 21 cubic metres or 16 cubic metres in joined tree pits. | <ul style="list-style-type: none"> An updated tree management plan and landscape plan will be required at the Site Plan Control stage identifying the removal of impacted trees and the locations of new tree planting locations. The required soil volumes shall be demonstrated on the landscape plan at the Site Plan Control stage. Should silva cell plantings or equivalent, be utilized, a special condition will be required at Site Plan Control stage requiring details of the silva cell design, applicable fees and a letter of credit. |
| Recycling & Waste Disposal, Operations Division, Public Works Department | <ul style="list-style-type: none"> The development is eligible for municipal waste collection service subject to meeting the City's requirements. | <ul style="list-style-type: none"> Waste storage and collection will be reviewed in detail at the Site Plan Control stage. |
| Transportation Planning Section, Planning and Economic | <ul style="list-style-type: none"> Transportation Planning staff reviewed and approved the Transportation Impact Study dated June 2020, prepared by | <ul style="list-style-type: none"> The applicant has agreed to dedicate the required right of way widenings and |

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| <p>Development Department</p> | <p>Paradigm Transportation Solutions Ltd. and submitted with the revised applications.</p> <ul style="list-style-type: none"> • Transportation Planning staff support the proposed 385 long term and 40 short term bicycle parking spaces and recommend additional Transportation Demand Management measures be considered, including unbundling parking and providing a preloaded Presto card, car share membership and / or bikeshare membership to residents of the development. • Required right of way dedications include a 3.0 metre dedication along John Street South and a 0.6 metre dedication along Young Street. • 4.57 metre by 4.57 metre daylight triangle dedications are required at the following intersections: <ul style="list-style-type: none"> ○ John Street South and Young Street; ○ John Street South and Forest Avenue; ○ Young Street and Catharine Street South; and, ○ Forest Avenue and Catharine Street South. • 3.0 metre by 3.0 metre visibility triangles and 7.5 metre driveway widths at the ultimate property lines are required. | <p>daylight triangles at the Site Plan Control stage.</p> <ul style="list-style-type: none"> • Bicycle parking requirements have been included in the proposed Zoning By-law Amendment and Transportation Demand Management measures will be further reviewed at the Site Plan Control stage. • Visibility triangles, driveway widths, and parking location requirements will be implemented at the Site Plan Control stage. |
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| | <ul style="list-style-type: none"> Any parking area shall be a minimum 6.0 metres from the right of way. A turning plan has been provided with the application demonstrating that large trucks are able to successfully manoeuvre in and out of the site without any limitations. | |
| Development Engineering Section, Growth Management Division | <ul style="list-style-type: none"> Watermain and sewage infrastructure exists adjacent to the site below John Street South, Forest Avenue, Catharine Street South and Young Street. Development Engineering staff have reviewed the revised Functional Servicing Report prepared by Lithos Group, dated June 2020 and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications proceeding from a servicing perspective. | <ul style="list-style-type: none"> During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff. |

| Public Consultation | |
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| Comment | Staff Response |
| Scale and massing | There were concerns that the original proposal for a 31 storey tower and a 34 storey tower above a multi-storey podium was too large for the site and did not fit with the neighbourhood. The proposal has been revised to provide a gradation of building heights on site and step backs from property lines to reflect the scale and character of the surrounding neighbourhood. |
| Trees | There are concerns that the development will result in the removal of existing mature trees. Tree Management and |

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| | Landscape Plans will be required at the Site Plan Control stage to determine the feasibility of preserving existing trees and to identify locations for new trees on site. |
| Built Heritage | There are concerns that the development will negatively impact the heritage character of the area, including through the removal of existing buildings on site. A Cultural Heritage Impact Assessment (CHIA) completed by ERA Architects and dated June 28, 2018 submitted with the applications found that the existing buildings are not considered to be significant cultural heritage resources and their loss is mitigated by the re-animation of a currently underutilized site. The report recommended mitigation strategies, including the utilization of brick materials to fit within the adjacent heritage context, the use of building step backs and the provision of ground level retail units to enhance the pedestrian realm. The design will be reviewed in more detail at the Site Plan Control stage to ensure the recommendations of the CHIA are implemented. A Documentation and Salvage Report is required as a condition of Holding Removal to ensure historic building materials are salvaged for reuse. |
| Carshare and Bikeshare | There are concerns that no carshare or bikeshare facilities have been provided as part of the development. Carshare and bikeshare have not been included as requirements of the Zoning By-law but are identified by Transportation Planning staff as recommended Transportation Demand Management measures to be considered at the Site Plan Control stage. |
| Shadows | There are concerns that the development will have adverse shadow impacts. The proposal has been amended to include one residential tower rather than two and reduced overall building heights, limiting the shadow impact of the development on the residential neighbourhood to the northeast, as demonstrated in the submitted sun shadow study. |
| Traffic | There are concerns that the development will generate traffic that will lead to increased congestion. Transportation Planning staff have reviewed the Transportation Impact Study submitted with the applications and are satisfied that the traffic generated |

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| | by the proposal can be accommodated on the existing street network. |
| Noise | There are concerns that the development will generate noise impacting area residents. New development will be required to comply with MOECP noise criteria and the City of Hamilton Noise By-law. |
| Construction | There are concerns that the construction of the development will be disruptive to area residents. A Construction Management Plan will be required at the Site Plan Control stage that includes traffic control measures. Construction activities are required to abide by the City of Hamilton Noise Control By-law. |
| Loss of Neighbourhood Amenities | There are concerns that the redevelopment of the site will result in the loss of local businesses in the Corktown Plaza that serve area residents. The proposal includes a commercial component on the ground floor facing John Street South that will replace some of the commercial amenity lost through the demolition of the existing Plaza. |

Design Review Panel (DRP)

The applicant presented the original proposal for a mixed use commercial / residential development consisting of a 31 storey tower and a 34 storey tower above a multi storey podium to the City’s Design Review Panel (DRP) on September 13, 2018.

The DRP provided advice to City staff on a number of design recommendations including the below summarized comments, amongst others:

- In general, the panel considered the original proposal to be an overdevelopment of the site noting that the concept had successful elements but that the height and density were excessive.
- The panel recommended that a proposal to develop tall buildings on the site should conform to the best practices from the Downtown Hamilton Secondary Plan and Tall Building Guidelines, including tower floorplate sizes, tower separation and podium step backs. It was not clear to the panel whether the development site is a suitable location for tall buildings as the site is outside of the Downtown Hamilton Secondary Plan boundaries.

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- The height, massing and orientation of the building should more carefully consider views through the site and stay below the height of the escarpment.
- The panel noted that the building massing created a sheer wall condition on some sides that was imposing on the pedestrian realm. Building bases should respond to surrounding buildings and adequately transition to the existing community. The area around the site has suffered from some inappropriate demolition and suburban style infill development and acknowledging the heights of surrounding buildings is a good method to repairing the urban fabric.
- The building massing created lengthy shadows throughout the neighbourhood and the Panel considered the shadow impact on Shamrock Park to be unacceptable.
- The panel considered the mid block connection linking John Street South to Catharine Street South to be a vital part of the proposal and recommended it be opened up and programmed to be a space for the public to access. A north south mid-block connection would open up the development even more to the public realm.
- The proposed grade related units should be aligned with the adjacent townhouse development on Catharine Street South and have a change in material, so they have their own character and contribute to the streetscape.
- The panel recommended adding bike parking at a rate of one space per unit and additional cycling amenities.

Applicant's Response to DRP Advice:

The massing of the proposed development has been reduced in response to the advice of the DRP and comments from Staff. Instead of 31 and 34 storey towers above a single podium building, the revised proposal consists of one 27 storey tower at the southeast corner (Forest Avenue and Catharine Street South) of the site, and an "L-shaped" eight to 14 storey building along the John Street South and Young Street frontages. Except for the mechanical penthouse and amenity area, the height of the 27 storey tower has been brought below the height of the escarpment and the elimination of the second tower originally proposed at the northwest corner (John Street South and Young Street) of the site reduces shadow impacts on the low-rise residential neighbourhood and Shamrock Park to the northeast. The reduced massing improves views through the site to the Niagara Escarpment.

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To address sheer wall conditions along public streets, the revised proposal provides building step backs that are implemented in a Special Figure in the proposed Zoning By-law Amendment (see Appendix “C” to Report PED21032). A north / south pedestrian connection has been added and the east / west connection has been retained through a residential lobby and a pedestrian mews. The grade related units have been retained at the corner of Young Street and Catharine Street South and staff will work with the applicant at the Site Plan Control stage to ensure the material treatment of the grade related units complements existing development. The proposed 0.5 long term bicycle parking spaces per unit meets the requirements of Transportation Planning staff and are required in the implementing Zoning By-law.

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 1,568 residents within 120 metres of the subject property on August 24, 2018. A Public Notice sign was posted on the property on August 21, 2018 and updated with the public meeting date on January 20, 2021. Finally, Notice of the Public Meeting was mailed to 336 property owners within 120 metres of the subject lands on January 29, 2021.

To date, seven letters of concern have been submitted (refer to Appendix “C” of Report PED21032). The concerns raised are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held two community meetings prior to submission of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications. On December 12, 2017, a Pre-Design Community Meeting was held at the Church of the Ascension across from the subject site. Invitations were sent to selected individuals via email. A total of 24 people attended this meeting, including three representatives for the developer, one from the architect, two City staff members and the Ward Councillor.

On May 24, 2018, a Pre-Application Community Meeting was held at the Church of the Ascension. Electronic invitations were sent to residents, business owners, and those who attended the Pre-Design Community Meeting. The invitation was shared on social media by the Corktown Residents Association and flyers were distributed at neighbourhood shops and community boards. An advertisement for the meeting was printed in the Hamilton Spectator on May 23, 2018. Sign-in sheets for this meeting

have not been provided to Staff. The applicant estimates that 30 to 35 individuals were in attendance.

The applicant has also maintained a microsite (<https://www.gspgroup.ca/active-projects/corktown-plaza/>) containing application materials available to be reviewed by the public.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

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) The proposed development implements the Residential Intensification policies of the UHOP; and,
 - (iii) The proposed development complies with the function, permitted uses and design policies of the Mixed Use – Medium Density Designation. The scale of the development that includes setbacks and step backs to surrounding streets and adjacent development is appropriate for the neighbourhood that features a mix of commercial, low-rise residential, mid-rise residential and high-rise residential development.

2. Official Plan Amendment

The Mixed Use – Medium Density designation permits commercial and residential development within mid-rise buildings with a maximum height of six storeys, or up to eight storeys provided appropriate step backs are provided and there are no adverse shadow impacts. The proposed Official Plan Amendment permits additional building heights within three areas, including a maximum 27 storey building height at the southeast corner of the site, a maximum 14 storey building height along the John Street South frontage and a maximum eight storey building height at the northeast corner of the site.

Staff recognize that the Corktown Neighbourhood has a unique scale and character that includes high-rise buildings and support the proposed Official Plan Amendment based on the proposed building step backs and gradation of heights on site that result in an appropriately scaled mixed use development. The 27 storey portion of the development is located towards existing 21 storey and 32 storey multiple dwellings to the southeast of the site and the eight storey portion of the building transitions to existing low profile development to the north and

northeast. The 14 storey portion of the building is located across from a 14 storey multiple dwelling to the west and steps down to a six storey building height at the northwest corner of the site to transition to the lower scale mixed use corridor further north along John Street South. The Official Plan Amendment stipulates that the implementing Zoning By-law shall set out appropriate height transitions and step backs to adjacent streets and existing residential uses.

Staff are satisfied that the proposed building heights and massing are compatible with adjacent buildings. By locating the highest portion of the development at the southeast corner of the site, with lower building heights towards the north, the development reduces shadow impacts on the low-profile residential uses to the northeast. The built form along John Street South maintains the intended mid-rise, mixed use function of the street and incorporates step backs from the street to reduce the visual impact of the development from ground level and to maintain views of the Niagara Escarpment.

Therefore, the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

As a result of the appeal, the subject lands are currently zoned CR-2/S-572”, “CR-2/S-572a” and “CR-2/S-572b” (Commercial – Residential) District, Modified, and “E-3” (High Density Multiple Dwellings) District under former City of Hamilton Zoning By-law No. 6593.

On November 8, 2017, Council approved a change in zoning for the site to a Mixed Use Medium Density (C5) Zone under Zoning By-law No. 05-200 through the adoption of new Commercial and Mixed Use Zones. The applicant has appealed this Council approved zone change to the Local Planning Appeal Tribunal and, as of the writing of this report, the appeal has not been resolved.

To permit the proposed mixed use development consisting of a 27 storey (92.0 m) multiple dwelling, and a 14 storey (48.5 m) mixed use building attached to an eight storey (28.0 m) multiple dwelling, the applicant has applied to zone the lands as Mixed Use Medium Density (C5, 739, H118) Zone. Staff support the proposed rezoning that implements the use policies of the Mixed Use – Medium Density designation in the UHOP and permits an appropriate built form that provides step backs and setbacks and a gradation of building heights on site to limit shadow and view impacts and transition appropriately to adjacent buildings. The amending Zoning By-law includes a Special Figure identifying transitions in building height and step backs from adjacent streets and residential uses as

required by the proposed Official Plan Amendment. Staff support the proposed modifications to the development standards of the C5 Zone as summarized in the table above and discussed in detail in Appendix “D” of Report PED21032.

4. “H” Holding Provisions are included in the amending Zoning By-law to require:
- The Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC) or a signed RSC be submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).
 - That the Owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner. The Report is required to ensure materials from the two 19th Century buildings on site are salvaged for reuse.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the LPAT appeal process for the Council approved Mixed Use Medium Density (C5) Zoning for the site would proceed based on existing UHOP Policies which permit a maximum building height of six to eight storeys.

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

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

Built Environment and Infrastructure

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

Culture and Diversity

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

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" – Official Plan Amendment

Appendix "C" – Amendment to Zoning By-law No. 05-200

Appendix "D" – Zoning Modification Table

Appendix "E" – Concept Plan

Appendix "F" – Public Submissions