



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Stephen 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-20-025 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner**, to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from “Mid-rise” and “Low-rise 2” to “High-rise 2” on Map B.6.1-2 to permit the development of a 23 storey mixed use commercial / residential building, for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23022, be adopted by City Council;
  - (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);

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- (b) That amended **Zoning By-law Amendment Application ZAC-20-038 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner**, for a change in zoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone to permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23022, 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 approval of Official Plan Amendment No. XX;
  - (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 lands by introducing the Holding symbol ‘H132’ to the proposed Downtown Central Business District (D1, 820) Zone:
    - H132. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as 220 and 222 Main Street West and 107 and 109 George Street, no development shall be permitted until such time as:
      - (1) The Owner submits and receives approval of the following Cultural Heritage studies, to the satisfaction of the Director, Heritage and Urban Design:
        - (aa) Documentation and Salvage Report for 220 Main Street West and 222 Main Street West;
        - (bb) Commemoration Brief for 220 Main Street West and 222 Main Street West;

- (2) The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- (3) 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 (MECP). 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 MECP, and the submission of the City of Hamilton's current RSC administration fee;
- (4) That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner;

H141. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described 115 and 117 George Street, no development shall be permitted until such time as the Owner submits and receives approval of a Conservation Plan, to the satisfaction of the Director, Heritage and Urban Design.

## **EXECUTIVE SUMMARY**

The Applicant has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a 23 storey mixed use building consisting of 282 dwelling units and 854 square metres of retail space with a six storey podium, and incorporating an existing heritage building at the intersection of Queen Street South and George Street together with 152 parking spaces on lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street. The subject lands are bounded by Main Street West, Queen Street South and George Street.

The purpose of the Official Plan Amendment is to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from "Mid-rise" and "Low-rise 2" to "High-rise 2" within the Downtown Hamilton Secondary Plan.

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The purpose of the Zoning By-law Amendment is to change the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone in Zoning By-law No. 05-200. Site specific modifications are proposed to accommodate the proposed development.

As part of the Zoning By-law Amendment, two Holding Provisions are required to be added to the subject lands. The purpose of the Holding Provisions are to ensure that no development shall be permitted until such time as the owner submits and receives approval for a Documentation and Salvage Report (220 and 222 Main Street West), Conservation Plan (115 and 117 George Street) and a Commemoration Brief (220 and 222 Main Street West), establishes an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, enters into a conditional building permit agreement with respect to completing the Record of Site Condition, and demonstrates that the proposed development does not exceed the height of the Niagara Escarpment.

The applications have merit and can be supported as the proposal 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 and Downtown Hamilton Secondary Plan upon finalization of the OPA. The proposed development provides for an appropriate level of intensification at this location that will support the provision of a mix of housing types in the neighbourhood.

**Alternatives for Consideration – See Page 30**

**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 Official Plan Amendment and Zoning By-law Amendment applications.

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**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Coletara Development
Applicant:	Bousfields Inc. (c/o Ashley Paton)
File Numbers:	UHOPA-20-025 and ZAC-20-038
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	<p>To permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces.</p> <p>The subject application proposes the demolition of the circa 1891 building at 222 Main Street West (listed on the Municipal Heritage Register as a non-designated property) and the circa 1907 building at 220 Main Street West (listed on the Inventory of Heritage Properties). The applicant proposes to retain the circa 1871 building located at 115 and 117 George Street in Hess Village.</p>
<b>Property Details</b>	
Municipal Address:	220 and 222 Main Street West, 115, and 117 George Street and the southern portion of 107 and 109 George Street, Hamilton
Lot Area:	0.29 ha (2,900 square metres).
Servicing:	Existing full municipal services.
Existing Use:	Three, two and a half storey commercial buildings.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Downtown Urban Growth Centre” on Schedule E and “Downtown Mixed Use Area” on Schedule E-1.
Official Plan Proposed:	No changes proposed.

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<b>Documents</b>	
Secondary Plan Existing:	<p>“Downtown Mixed Use” on Map B.6.1-1 – Land Use Plan in the Downtown Hamilton Secondary Plan.</p> <p>“Mid-rise” (220-222 Main Street West) and “Low-rise 2” (107-117 George Street on Map B.6.1-2 – Maximum Building Heights in the Downtown Hamilton Secondary Plan.</p>
Secondary Plan Proposed:	<p>Staff amended the application and are recommending the following modification:</p> <p>“High-rise 2” on Map B.6.1-2 – Maximum Building Heights in the Downtown Hamilton Secondary Plan.</p>
Zoning Existing Bylaw No. 05-200:	Downtown Central Business District (D1, H21) Zone (220 and 222 Main Street West) and Downtown Mixed Use – Pedestrian Focus (D2) Zone (107, 109, 115 and 117 George Street).
Zoning Proposed Bylaw No. 05-200:	Downtown Central Business District (D1, 820, H132, H141) Zone.
Modifications Proposed:	<p>Staff amended the application and are recommending the following modification:</p> <ul style="list-style-type: none"> <li>• To permit a maximum of five parking spaces to be located outside of a building, whereas parking spaces are required to be located within a building;</li> <li>• To permit a maximum 6.0 metre setback from the street line along George Street and a maximum 4.7 metre setback for all other street lines, whereas a maximum 4.5 metre setback is permitted;</li> <li>• To permit a maximum setback of 8.5 metres for that portion of a building providing an access driveway to a garage, whereas 6.0 metres is required;</li> <li>• To permit a driveway with a maximum width of 7.7 metres, whereas a maximum width of 7.5 metres is permitted; and,</li> <li>• To permit a maximum building height of 78 metres for a portion of the subject lands, whereas maximum building heights of 44 metres (220 and 222 Main Street West) and 22 metres (107, 109, 115 and 117 George Street) are permitted.</li> </ul>
<b>Processing Details</b>	
Received:	September 4, 2020.
Deemed Complete:	September 28, 2020.
Notice of Complete Application:	Sent to 225 property owners within 120 metres of the subject lands on October 7, 2020.

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<b>Processing Details</b>	
Public Notice Sign:	Posted on October 7, 2020 and updated with public meeting date on January 4, 2023.
Notice of Public Meeting:	Sent to 225 property owners within 120 metres of the subject property on January 13, 2023.
Public Consultation	<p>The applicant has completed the following additional Public Consultation:</p> <ul style="list-style-type: none"> <li>• January 20, 2021 – project microsite launched with project information and digital links to application materials.</li> <li>• January 28, 2021 – phone call with the president of the Strathcona Community Council.</li> <li>• February 16, 2021 – attended the Durand Neighbourhood Association Executive Meeting.</li> <li>• February 24, 2021 – virtual public open house held via Zoom. Notices of the open house were delivered to all addresses within 120 metres of the subject lands and emailed to the Kirkendall Neighbourhood Association, Durand Neighbourhood Association, Central Neighbourhood Association and the Strathcona Community Council. A total of 23 residents attended the virtual open house.</li> </ul>
Public Comments:	One letter expressing concern was submitted. The letter is attached as Appendix “F” to Report PED23022 and is discussed on page 22 of this Report.
Processing Time:	858 days.

## Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Three, two and a half storey commercial buildings	Downtown Central Business District (D1, H21) Zone (220 and 222 Main Street West and Downtown Mixed Use – Pedestrian Focus (D2) Zone (107, 109, 115 and 117 George Street)

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**Surrounding Land Uses:**

North	Two and a half storey commercial buildings	Downtown Mixed Use – Pedestrian Focus (D2) Zone
South	Two and a half storey commercial buildings	Downtown Mixed Use (D3) Zone

**Surrounding Land Uses Continued:**

East	Two storey commercial buildings	Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone
West	One storey commercial building and two and a half storey multiple dwellings	Mixed Use Medium Density (C5, 297) 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 proposal.

“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 uneconomic expansion;
- e) Support active transportation; and,



- f) Are transit-supportive, where transit is planned, exists or may be development.

- 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 residential development would contribute to the supply of a range of housing options. The site is located within the Downtown Hamilton Secondary Plan which provides the area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds).

The property is located on Queen Street South which has been identified as a Higher Order Transit Station Area in the Downtown Hamilton Secondary Plan. The Higher Order Transit Station Area is within 200 metres to the Higher Order Transit Station at Queen Street South and King Street West which is an LRT Stop and as a result has been identified as a Priority Transit Corridor. Therefore, the proposal would efficiently use land and existing infrastructure and is transit supportive by providing intensification within the Hamilton Street Railway (HSR) Transit area and is within close proximity to GO Transit (Hamilton GO Centre) Station.

#### 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.”

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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:

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject applications. An acknowledgement note of the archaeological requirements applicable to the site is required and will be addressed at the future Site Plan Control stage.

The following three cultural heritage properties are subject to this application:

- 220 Main Street West – Listed in the City’s Inventory of Heritage Buildings;
- 222 Main Street West – Listed in the City’s Municipal Heritage Register; and,
- 115 and 117 George Street – Listed in the City’s Municipal Heritage Register.

The subject properties are also adjacent to properties designated under Part IV of the *Ontario Heritage Act* (107 and 109 George Street and 34 Hess Street South) and non-designated properties listed on the Municipal Heritage Register. The properties at 220 and 222 Main Street West are located within the Main Street West Cultural Heritage Landscape (CHL). The subject sites are also located within the Central Established Historical Neighbourhood.

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects, dated June 24, 2020, GBCA Architects, and revised on February 9, 2021 were reviewed by Planning staff and the Hamilton Municipal Heritage Committee – Policy and Design Working Group on October 19, 2020 and March 15, 2021.

The subject application proposes the demolition of the circa 1891 building at 222 Main Street West (listed on the Municipal Heritage Register as a non-designated property) and the circa 1907 building at 220 Main Street West (listed on the Inventory of Heritage Properties). The Cultural Heritage Impact Assessment (dated February 9, 2021) does not find 222 Main Street West to be worthy of designation under Part IV of the *Ontario Heritage Act*, though the property retains some cultural heritage value. Further, the report documents the significantly altered state of 220 Main Street West, currently vacant, and the reduction in the architectural character of the original dwelling. As such, it was determined that the buildings at 220 and 222 Main Street West could be

demolished. Cultural Heritage Staff have requested that a Documentation and Salvage Report and Commemoration Brief are submitted prior to the Holding Provision being lifted on the subject lands.

The circa 1871 building located at 115 and 117 George Street in Hess Village (listed on the Municipal Heritage Register as a non-designated property) is proposed to be retained on the subject lands. As part of the application Cultural Heritage Staff have requested that a Conservation Plan be submitted, reviewed and approved prior to any construction occurring on the property. In addition, the property is proposed to be designated as part of a separate process under Part IV of the *Ontario Heritage Act*.

In order to address the remaining cultural heritage comments, a Holding Provision is proposed that requires that a Documentation and Salvage Report, Conservation Plan, and Commemoration Brief be submitted and approved before any development can occur on the property.

#### 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.”

To address Ministry of Environment, Conservation and Parks' (MECP) noise guidelines, the applicant submitted a revised Environmental Noise Feasibility Study dated August 2020 and prepared by dBA Acoustical Consultants Inc. The Study reviewed the vehicle traffic on Main Street West, King Street West and Queen Street South, and rail traffic on the CP Railway corridor which are the dominant transportation noise sources affecting the proposed development. An updated Noise Impact Study based on the final detailed design is required at the Site Plan Control stage and all required noise warning clauses and noise control measures will be required to be implemented as conditions of final site plan approval.

Metrolinx provided comments stating that the Noise Study would need to be updated to include the analysis on the operation of GO Transit (Hamilton GO Centre) on Canadian Pacific's Hamilton Subdivision facility 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 property was determined by Staff to require a Record of Site Condition (RSC) to be completed on the subject lands. Staff have included a Holding Provision requiring the completion of a Record of Site Condition and Notice of Acknowledgment letter from the Ministry of Environment, Conservation and Parks for the RSC or a conditional building permit agreement respecting completion of an RSC prior to the Holding Provision being lifted.

Based on the foregoing and subject to the proposed Holding Provisions, the proposal is consistent with the PPS.

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

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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*; and,
- 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 property is located within a settlement area as defined by the PPS. The proposed residential development would contribute to the supply of a range of housing options and is located in proximity to Downtown which provides the area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds).

The property is located on Queen Street South which has been identified as a Higher Order Transit Station Area in the Downtown Hamilton Secondary Plan. The Higher Order Transit Station Area is within 200 metres to the Higher Order Transit Station at Queen Street South and King Street West which is an LRT Stop and as a result has been identified as a Priority Transit Corridor. Therefore, the proposal would efficiently use land and existing infrastructure and is transit supportive by providing intensification within the Hamilton Street Railway (HSR) Transit area and is within close proximity to GO Transit (Hamilton GO Centre) Station.

### **Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan**

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

- “E.2.3.1.2 The Downtown Urban Growth Centre shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a range of uses appropriate to its role as the City's pre-eminent node;
- E.2.3.1.5 The Downtown Urban Growth Centre shall serve a regional retail function by providing retail stores and services which appeal to a broad regional

market and serve residents across the City and the surrounding area as well as providing day-to-day retail facilities and services to serve Downtown residents; and,

- E.2.3.1.6 The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.”

#### Downtown Mixed Use Designation

- “E.4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial *development* shall be designed and oriented to enhance the streetlife of the Downtown;
- E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use; and,
- E.4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including *affordable* housing, that may be integrated with business uses including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.”

The subject property is located within Downtown Urban Growth Centre. The proposed residential development would contribute to the supply of a range of housing options. The proposal would efficiently use land, existing infrastructure and is located along a Higher Order Transit Station Area and within 200 metres of the Higher Order Transit Station (LRT Station stop) as described in the above policy review. The transit surrounding the area, including the Higher Order Transit Areas are supported by both HSR (Bus and LRT) and Metrolinx (Go Train and Go Bus). The site is located within an area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds). The proposal includes ground floor retail along Main Street West to encourage activity along the street frontage for the broader neighbourhood.

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As identified within the applicable policies a mixed-use multiple dwelling is a permitted use. The permitted densities and building heights are set out in the Secondary Plan and the analysis regarding the requested Official Plan Amendment application to reclassify the property in order to permit an increased building height has been provided below.

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The subject lands are designated as “Downtown Mixed Use” and identified as “Pedestrian Focus” for only the properties known as 115-117 and 107-109 George Street (Hess Village) on Map B.6.1-1: Land Use Plan in the Downtown Hamilton Secondary Plan. The subject lands known as 220 and 222 Main Street West are identified as “Mid-rise” and the properties known as 115-117 and 107-109 George Street are identified as “Low-rise 2” on Map B.6.1-2 in the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply to the proposal.

General Land Use Policies and Building Heights

“B.6.1.4.6 When considering an application for development, the following matters shall be evaluated:

- a) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts;
- b) The consideration of transition in height to adjacent and existing buildings;
- c) That height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and sympathetic to the character and heritage of the neighbourhood; and,
- d) The conservation of on-site and adjacent cultural heritage resources.

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

- b) Low Rise 2 – up to 6 storeys;

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- c) Mid Rise – up to 12 storeys; and,
- e) High Rise 2 – up to 30 storeys.

B.6.1.4.14 Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights; and,

B.6.1.4.15 The siting, massing, height, and design of a building on one site shall not necessarily be a precedent for development on an adjacent or nearby site.”

The proposal includes a tower that has a height of 23 storeys with a podium base of seven storeys. An Official Plan Amendment is required to change the designation from “Low Rise 2” and “Mid Rise” to “High Rise 2” to permit the proposed height. It was determined through a Shadow Impact Study, prepared by Kozlowski Architect and dated July 31, 2020 that the proposed height, scale, and massing respects existing uses by providing a gradation of building height on site to transition from the low rise buildings fronting George Street at the rear of the proposed multiple dwelling. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have a negative impact to the adjacent property and is lower than the height of the Niagara Escarpment.

Staff have reviewed the building base and tower façade as part of the submission. Staff are satisfied that the proposed setbacks and stepbacks are appropriate for the development and the surrounding area. Final elevations will be reviewed and approved at the detailed design stage through the Site Plan Control application.

As stated above, the application was reviewed by cultural heritage staff and additional information is required in order to address their comments. As a result, a Holding Provision was added requiring the appropriate documentation in order to address their comments.

A Visual Impact Study, prepared by GSP Group and dated August 2020, was submitted to assess if the proposal impacted views to the Niagara Escarpment. Based on the documentation submitted Staff determined that the development would not impact the views to the Niagara Escarpment. As part of the Holding Provision, the owner will be



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required to provide documentation confirming that the proposal is not higher than the Niagara Escarpment prior to any development taking place on the subject lands.

Therefore, the development meets the current Tall Building Guidelines.

#### High-Rise (Tall) Buildings

- “B.6.1.4.19 The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals;
- B.6.1.4.21 Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines;
- B.6.1.4.23 All tall buildings shall meet the following requirements:
- a) The building base shall be designed to:
    - i) Fit harmoniously within the context of neighbouring streetwall heights. Where there is no consistent streetwall height context for the area, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
    - ii) Reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions shall be suitable for sitting and standing, with higher standards applied to parks and open spaces and Pedestrian Focus Streets; and,
    - iii) Minimize shadows, in accordance with Policies B.6.1.4.34 through B.6.1.4.39 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses.

- b) The building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses;
- c) Tall building development shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the existing and/or planned context. Providing adequate space between towers shall:
  - i) Enhance the ability to provide a high-quality, comfortable public realm;
  - ii) Protect development potential of other sites within blocks;
  - iii) Provide access to sunlight on sidewalks, parks, public and private open spaces, school yards and buildings;
  - iv) Provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
  - vi) Limit the impacts of uncomfortable wind conditions on streets, parks, open spaces, and surrounding properties; and,
  - vii) Provide appropriate transitions to adjacent lower-scale planned context, built heritage resources, and cultural heritage landscapes.

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

B.6.1.4.41 Above-ground vehicular parking shall be fronted by permitted uses other than parking at street level and upper storeys shall be screened from view from the street.”

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The proposed development was reviewed against the Downtown Hamilton Tall Buildings Guidelines and it complies with the applicable policies. In terms of policy B.6.1.4.23 c) ii), the proposed tower has been provided in a location that would minimize negative impacts of surrounding sites to develop. As per policy B.6.1.4.21, B.6.1.4.23 c) vii) and B.6.1.4.31, the proposal provides an appropriate transition to the adjacent lower scale neighbourhood (Hess Heritage Village) and maintains an existing heritage building at the corner of George Street and Queen Street South.

As per policy B.6.1.4.23 a), B.6.1.4.23 b) ii) and iii) B.6.1.4.23 c) iv) and vi), a wind study, prepared by SLR dated August 11, 2020, and shadow study, prepared by Kozlowski Architect and dated July 31, 2020, were submitted in support of the applications. Based on the studies submitted, Staff have determined that the proposed development complies with the Shadow study guidelines within the Tall Building Guidelines for the Downtown Secondary Plan. In addition, as part of the proposed redevelopment, the proposed scale and existing pedestrian streetscape along George Street and Queen Street South will be maintained (Hess Village).

As per policy B.6.1.4.41, the applicant is proposing to construct three levels of underground parking. There are also two levels of above ground parking which have residential units fronting on Main Street West and a portion of Queen Street South. The residential use is permitted within the current zoning and designation while screening the parking from the street. As a result, the proposal meets the intent of the policy which discourages applicants from providing inactive uses along the public realm.

“B.6.1.6.2 A portion of the lands designated Downtown Mixed Use are also identified as Pedestrian Focus Streets on Map B.6.1.1 – Downtown Hamilton Secondary Plan - Land Use Plan. In addition to Section E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply to areas identified as Pedestrian Focus Streets:

- a) The vision for Pedestrian Focus Streets is to complete the streetwall and provide an uninterrupted building line at the street level through compatible development and infill development along the corridor;
- b) Notwithstanding Policy E.4.3.4 f) of Volume 1, all development shall be a minimum height of three storeys;
- c) The height of new buildings and additions shall be consistent with the traditional streetwall height at the street line;

- d) Taller building masses shall be sufficiently stepped back from the street to avoid interference with the perceived massing of the street as primarily a low to mid-rise corridor;
- e) The articulation of façades shall retain a similar rhythm and scale to the street front shops in its surroundings;
- f) The articulation of the façade of new buildings shall reflect or complement the traditional patterns of fenestration in adjacent buildings;
- g) Limited articulation of the front façades may be permitted in order to create sheltered areas at ground level or to allow for the incorporation of architectural design elements and access to significant views, provided that the sense of enclosure is maintained and that the articulation does not detract from the retention of the traditional building line;
- h) The ground floor frontage shall be clearly articulated in the massing of the façade, substantially glazed, with generous floor-to-floor heights and designed to accommodate signage; and,
- i) Where possible, buildings shall be constructed to the side lot line in order to maintain the sense of enclosure and avoid gaps in the streetscape.”

As per Policy B.6.1.6.2 a), the proposal meets the intent because the proposed building provides a continuous street wall on Main Street West and a significant portion of Queen Street South. The proposal also maintains the existing heritage façade and existing streetscape along George Street and a portion of Queen Street South as part of the proposed development (Hess Village). As per Policy B.6.1.6.2 b), the base of the podium and tower is more than three storeys in height.

As per Policies B.6.1.6.2 c), d), e), f), g) and h), there are varying heights surrounding the proposed development. Staff reviewed the location of the podium façade and tower and are of the opinion that the proposed development respects both the current varying landscape height and the opportunity for surrounding properties to be redeveloped according to the downtown zoning.

As per Policy B.6.1.6.2 i), the proposal meets the intent of the policy by developing the proposed mixed use building without leaving any façade gaps at the corner of Main

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Street West and Queen Street South. The façade gaps proposed to exist along Queen Street South are because the driveway access for the development is from Queen Street South. In addition, a portion of the existing heritage building is proposed to be maintained at the corner of George Street and Queen Street South. Therefore, the existing interface at Queen Street South and George Street will be maintained.

Therefore, Staff support the OPA to change the Maximum Height Classification from “Mid-rise” and “Low-rise 2” to “High-rise 2”.

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

To facilitate the proposed development, a rezoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone in City of Hamilton Zoning By-law No. 05-200 is required. The maximum height permitted within Schedule “F” (Special Figures) – Figure 1 Map is 44 metres for 220 and 222 Main Street West and 22 metres for 107, 109, 115 and 117 George Street. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “D” attached to Report PED23022, and the removal of Holding Provision ‘H21’ and the proposed Holding Provisions are further discussed in the Analysis and Rationale for Recommendation section of this Report.

**RELEVANT CONSULTATION**

Departments and Agencies	
<ul style="list-style-type: none"><li>• Staging of Development / Legislative Approvals Section, Growth Management Division, Planning and Economic Development Department;</li><li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li><li>• Asset Management Section, Engineering Services Division, Public Works Department; and,</li><li>• Construction Section, Engineering Services Division, Public Works Department.</li></ul>	No Comment or Concerns

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	<b>Comment</b>	<b>Staff Response</b>
Metrolinx	<ul style="list-style-type: none"><li>• Metrolinx has no objections to the Official Plan Amendment and Zoning By-law Amendment;</li><li>• At the site plan stage, the Applicant shall update the Environmental Noise Impact Study to include analysis on the operation of GO Transit on Canadian Pacific's Hamilton Subdivision. The Applicant is encouraged to contact Third Party Projects Review to obtain the current rail traffic forecast to facilitate updates to the Environmental Noise Impact Study;</li><li>• At the Site Plan stage, the Owner shall register on title an environmental easement in favour of Metrolinx against the subject residential dwellings; and,</li><li>• The applicant's solicitor shall submit a letter of undertaking to Metrolinx stipulating that the following warning clause will be inserted into all development agreements, offers to purchase and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way.</li></ul>	<ul style="list-style-type: none"><li>• All outstanding comments will be addressed at the Site Plan Control stage.</li></ul>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"><li>• The site is eligible for municipal waste collection subject to meeting the city requirements. Advised that additional information is required to confirm it is serviceable by the municipal waste collection program otherwise private collection will be required.</li></ul>	<ul style="list-style-type: none"><li>• Waste collection will be reviewed in detail at the Site Plan Control stage.</li></ul>

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>The Development Engineering Approvals section is able to support the rezoning application. The proponent has revised the allowable discharge rate based on the existing catchment area draining to the combined sewer on Queen Street South and controlled the sum of the 100-year post-development storm discharge and peak sanitary discharge to the two-year pre-development storm discharge rate. The proponent has satisfactorily demonstrated that there is adequate fire flow available within the municipal system to meet the required fire flow demand for the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>Additional updates and studies will be required at the Site Plan Control stage.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>Forestry approves the Tree Management Plan and Landscape Plan prepared by GSP Group and dated May 30, 2022.</li> <li>Outstanding fees are required and can be addressed as part of a future application.</li> </ul>	<ul style="list-style-type: none"> <li>Additional fees for Forestry Permit, Loss of Canopy, and street tree fees will be required to be paid at the Site Plan Control stage.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Transportation Planning is in support of the Official Plan and Zoning By-law Amendments because the development is projected to be generally supported by the surrounding transportation network and the parking ramp configuration internal to the site will potentially limit conflicts between vehicles entering and exiting the main driveway access on Queen Street South.</li> </ul>	<ul style="list-style-type: none"> <li>The dedication of Daylight Triangles will be required at the Site Plan Control stage.</li> <li>The Driveway Ramp into parking garage, Long-term and Short-Term Bicycle Parking spaces will be implemented at the Site Plan Control stage.</li> </ul>

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b>	<ul style="list-style-type: none"> <li>Transportation Planning reviewed and approved the following: 115-117 and 220 and 222 Main Street West, Hamilton, Transportation Impact Study, Parking Justification and Transportation Demand Management Report dated September 2020 and an addendum to the report dated February 7, 2022 prepared by Paradigm Transportation Solutions Limited.</li> <li>Transportation Planning will be requiring a 6.096 m X 6.096 m daylight triangle at the intersection of Main Street West and Queen Street South and a 4.57 m X 4.57 m daylight triangle at the corner of Queen Street South and George Street.</li> <li>Transportation Planning waives the Right-of-Way dedication along Queen Street South.</li> <li>Transportation Planning notes that a mutual access agreement may be required to allow access to the rear of the existing building on 109 George Street.</li> </ul>	
<b>Public Consultation</b>		
Issue	Comment	Staff Response
Concern about value of adjacent property for redevelopment purposes.	Concern regarding the location of the tower proposed since the developer intended to build 5 metres from the shared property line on Main Street East and the City requires a 25 metre minimum distance between towers. The neighbour requested that the setback of the proposed tower be at least 12.5 metres from the property line.	The applicant has revised the proposal and is proposing a minimum of 13 metres from the side lot line on Main Street West.

### Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on February 11, 2021 after submission of the Official Plan Amendment and Zoning By-law



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Amendment applications. The proposal has been modified since the application was presented at the Design Review Panel.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- The panel acknowledged that the site is located on a Primary Corridor and is suited for an appropriately designed tall building; however, the City of Hamilton's Tall Building Guidelines (TBGs) should be applied in order to mitigate negative impacts to the adjacent properties. The TBGs should be reviewed and followed, especially separation distances and floor plate areas. Generally, the height and density should both be lowered to reduce negative impacts to the community;
- The DRP noted the tower separation from the interior lot lines creates a difficult scenario for the future development of the adjacent lots;
- The DRP agreed that the Queen Street streetscape must incorporate active uses with more permeability between the proposal and the street with multiple entrances. The panel noted that parking should be situated below ground, but any proposed above grade parking should be screened from public views and should be wrapped by either residential or commercial uses to mimic the existing rhythm along the street;
- The building massing needs to respect Hess Village and provide appropriate transitions to mitigate shadows and access to sun issues;
- The DRP commended the applicant on preserving and integrating the existing heritage building into the development. More consideration should be given to how the buildings relate to each other;
- The DRP noted that the proposed building height at the corner seems reasonable but the design (at the time of the review) appears bulky and has severe impacts on the surrounding community [possible option was removing the mid-rise portion of the proposed building], The overall building mass and floor plate areas should be reduced to create a more sophisticated and sleek proposal;
- The DRP agreed that the incorporation of the existing heritage building positively contributes to the development, although the proposal should better relate to the heritage building by providing more breathing room; and,

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- The DRP agreed that the Queen Street façade should be composed of active uses and noted that enhanced landscaping alone does not achieve an active streetscape. A blank façade will not retain the unique character of the area.

**Applicant's Response to DRP Advice:**

Through changes to the proposals, the setback of the tower was increased from a minimum of approximately 5 metres to 12.5 metres from the interior side lot lines. The proposal addressed the comments to add active uses by incorporating retail at grade along Main Street West and the majority of the portion fronting Queen Street. The proposal also includes retail units fronting the podium parking within levels 2 and 3 along Main Street West and Queen Street. The proposal removed the midrise portion of the building and is providing landscaping and a separation between the proposed multiple dwelling and the existing heritage building.

**PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 225 property owners within 120 metres of the subject property on October 7, 2020. A Public Notice sign was posted on the property on October 7, 2021 and updated with the Public Meeting date on January 4, 2023. Finally, Notice of the Public Meeting was mailed on January 13, 2023 in accordance with the requirements of the *Planning Act*.

**Public Consultation Strategy**

In accordance with their submitted Public Consultation Strategy, the applicant hosted a virtual neighbourhood meeting on February 24, 2021. There were 23 people who attended the neighbourhood meeting. Details on the Public Consultation Strategy are summarized in the Report Fact sheet. A summary of the public consultation and comments have been attached as part of Appendix "F" to Report PED23022.

To date, one public submission expressing concern has been received by staff and included in the report (see Appendix "F" attached to Report PED23022).

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

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: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) The applications comply with the policies of the Urban Hamilton Official Plan and complies with the general intent of the Downtown Hamilton Secondary Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by providing for the development of range of housing types, contributing to a complete community, making efficient use of existing infrastructure within the urban boundary, there is no sun/shadow impact and supporting commercial businesses and public transit within the downtown Hamilton area.
2. Official Plan Amendment

The purpose of the Official Plan Amendment is to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from “Mid-rise” and “Low-rise 2” to “High-rise 2”.

The proposed residential development is a permitted use in the current “Downtown Mixed Use” designation in the Downtown Hamilton Secondary Plan. The existing “Mid-rise” and “Low-rise 2” classifications do not permit the proposed building height as identified within the Maximum Building Heights map within the Downtown Secondary Plan, therefore an Official Plan Amendment is required to permit the proposed height of the mixed-use multiple dwelling. The applicant has proposed to amend the Downtown Secondary Plan to redesignate the subject lands to “High Rise 2”. The proposed building height can be supported as the height complies with the policies of the Downtown Secondary Plan and Tall Buildings Guidelines with respect to the height of new buildings being less than the height of the escarpment.

As per the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, Staff are satisfied that the proposed Official Plan Amendment meets the intent of the Downtown Hamilton Secondary Plan to encourage a broad mix of household types. The proposed height of the building, scale and massing respects existing uses by providing a gradation of building height on site to transition from the low rise buildings fronting George Street at the rear of the

proposed multiple dwelling. In addition, the submission confirmed that the proposed increase in height would not be higher than the height of the Niagara Escarpment which will be reconfirmed at the detailed design stage. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have a negative impact to the adjacent property and is lower than the height of the Niagara Escarpment.

The proposal addresses cultural heritage comments by implementing recommendations through the Cultural Heritage Assessment Review by requiring a Conservation Plan (for 115 – 117 George Street), Documentation and Salvage Report (for 220 and 222 Main Street) and Commemoration Brief (for 220 and 222 Main Street West). In addition, a holding provision has been added requiring confirmation that the development is not taller than the Niagara Escarpment. Therefore, staff support the proposed Official Plan Amendment.

### 3. Zoning By-law Amendment

The subject lands are zoned Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The applicant has proposed to change the zoning to the Downtown Central Business District (D1, 820, H132, H141) Zone. Modifications to the development standards of the (D1) Zone are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” attached to Report PED23022.

As part of the change in zoning, two figures are required to be modified within Zoning By-law No. 05-200. Schedule B – Property Detail is amended by adding Figure 3 in order to clarify the limits of the proposed increase in height for areas of the property identified as 220 and 222 Main Street West and the south portion of 115, 117, 107 and 109 George Street. In addition, Schedule F is amended in order to modify Figure 1 in the Downtown Secondary Plan in order to permit a maximum height of 78 metres for a portion of the property identified as 220 and 222 Main Street West and the south portion of 115, 117, 107 and 109 George Street. Based on the Niagara Escarpment Height – Appendix “D” map in the Downtown Secondary Plan the height of the escarpment is 190 metres and the elevations submitted show a height of 185.90 m (not including the mechanical penthouse). For the purposes of confirming if the proposal exceeds the height of the escarpment, the height is calculated by adding the proposed building height (75 m) to the average grade of the property (111 m). Therefore, the proposed

building as shown would not be taller than the height of the escarpment. As part of the detailed design stage, a Holding Provision has been added to confirm that the height of the building does not exceed the height of the escarpment in order to confirm compliance with applicable policies.

The proposed development is compatible with existing land uses in the immediate area, will contribute to a complete community and will comply with the Downtown Hamilton Secondary Plan upon approval of the Official Plan Amendment. Therefore, staff support the proposed Zoning By-law Amendment.

4. Holding Provision

As part of the applications, Staff are supportive of removing existing Holding Provision 'H21' that was added on the property by By-law No. 18-114. The purpose of the Holding Provision is to require a Cultural Heritage Impact Assessment be submitted and conditional approval issued on the subject lands prior to the lifting of the Holding Provision. As part of the Official Plan Amendment and Zoning By-law Amendment application a Cultural Heritage Impact Assessment was submitted and reviewed by Staff. Additional requirements were identified which have been included as part of the new Holding Provision to be added to the property as part of the current applications. In terms of the requirement to obtain conditional approval, a Site Plan Control application is required as per Site Plan Control By-law No. 15-176, as amended. Therefore, Staff have a mechanism to require a future Site Plan Control application.

There are two new 'H' Holding Provisions are recommended to proposed to address the following:

The first Holding Provision (H132) is for the following:

- The Owner submits, receives approval and implements the following Cultural Heritage studies, to the satisfaction of the Director of Heritage and Urban Design:
  - A Documentation and Salvage Report for 220 and 222 Main Street West be submitted in accordance with the City's Guidelines for Documentation and Salvage Reports prior to any demolition and the Owner shall demonstrate that a copy of this Report is submitted to the Hamilton Public Library; and,
  - Commemoration Brief for 220 and 222 Main Street West.

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- The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- 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 (MECP). 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 MECP, and the submission of the City of Hamilton's current RSC administration fee; and,
- That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner.

The second Holding Provision (H141) requires a Conservation Plan be submitted and receives approval application to the satisfaction of the Director of Heritage and Urban Design prior to any development for the addresses municipally described as 115 and 117 George Street.

Development will not be able to proceed until the 'H' Holding Provision is lifted for each individual municipal address.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands can be used in accordance with the Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use - Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The Downtown Central Business District (D1, H21) Zone permits a range of commercial, residential and institutional uses within the existing building until such time that the Holding Provision is lifted. The Downtown Mixed Use - Pedestrian Focus (D2) Zone permits a range of uses including commercial, residential and institutional uses.

## **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

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**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.

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23022 – Location Map  
Appendix "B" to Report PED23022 – Draft Official Plan Amendment  
Appendix "C" to Report PED23022 – Draft Amendment to Zoning By-law No. 05-200  
Appendix "D" to Report PED23022 – Zoning By-law Site Specific Modification Chart  
Appendix "E" to Report PED23022 – Revised Concept Plan and Elevations  
Appendix "F" to Report PED23022 – Public Submissions

AB:sd