

**SUMMARY OF POLICY REVIEW**

The following policies, amongst others, apply to the proposal.

<b>Provincial Policy Statement (2020)</b>		<b>Staff Response</b>
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	
<b>Management of Land Use</b>  Policy: 1.1.1	“Settlement areas shall be the focus of growth and development.”	The proposed development is consistent with policy 1.1.1 as the proposed development focus growth within a settlement area.
<b>Settlement Area</b>  Policy: 1.1.3.2	“Land use patterns within settlement areas shall be based on densities and a mix of land uses which: <ul style="list-style-type: none"> <li>a) Efficiently use land and resource;</li> <li>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;</li> <li>c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) Prepare for the impacts of a changing climate;</li> <li>e) Support active transportation;</li> <li>f) Are transit-supportive, where transit is planned, existing or may be developed.</li> </ul>	The proposed development has not demonstrated that it is consistent with policy 1.1.3.2.  The proposed 751 dwelling units and 297 square metres of ground level commercial area will contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure and represent a form of intensification that is supported by existing local and regional transit.  In addition, the applicant has not demonstrated that there is sufficient infrastructure capacity to service the proposed development.

<b>Provincial Policy Statement (2020)</b>		<b>Staff Response</b>
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	
<b>Settlement Area (Continued)</b>  Policy: 1.1.3.2	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.”	
<b>Cultural Heritage</b>  Policies 2.6.1, 2.6.2 and 2.6.3	<p>“2.6.1 - Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p> <p>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.</p> <p>2.6.3 - Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties 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.”</p>	<p>The proposed development is consistent with policies 2.6.1, 2.6.2 and 2.6.3.</p> <p>The subject property meets six of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:</p> <ol style="list-style-type: none"> <li>1) In areas of pioneer EuroCanadian settlement; and,</li> <li>2) Along historic transportation routes.</li> </ol> <p>These criteria define the property as having archaeological potential. A Stage 1 archaeological report has been submitted to the City and the Ministry of Citizenship and Multiculturalism.</p> <p>While the Province interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the report and the archaeological condition for the subject application has been met to the satisfaction of the City. A letter from the Mistry is required to be submitted to the City when available.</p> <p>An Urban Design Brief prepared by Bousfields Inc. dated December 2022 was submitted with the applications and assessed the impact of the proposed development at 117 Jackson on the surrounding character of the area.</p>

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<b>Cultural Heritage (Continued)</b>  Policies 2.6.1, 2.6.2 and 2.6.3		From a cultural heritage perspective, the use of red and brown brick is proposed which is consistent with the building materials in the Corktown Established Historical Neighbourhood.
<b>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2029, as amended)</b>		
<b>Forecasted Growth</b>  Policy 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 and 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. Location 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.  d) Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.	The proposed development does not comply with policy 2.2.1.2.  The subject lands are located within the City of Hamilton’s urban boundary and are fully serviced by municipal water and wastewater infrastructure. The applicant has not demonstrated that there is sufficient municipal service capacity to service the proposed development.  The proposal would contribute to achieving a complete community by expanding housing within the neighbourhood in close proximity to a range of transit options including the regional train and bus services from the Hamilton Centre GO Station and future Light Rail Transit.

<b>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2029, as amended)</b>		
<p><b>Complete Communities</b></p> <p>2.2.1.4</p>	<p>“Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>c) Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stage of life, and to accommodate the needs of all household sizes and incomes;</p> <p>f) Mitigate and adapt to the impacts of a changing climate, improving resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and,</p> <p>g) Integrate green infrastructure and appropriate low impact development.”</p>	<p>The applicant has not demonstrated that the proposal complies with policy 2.2.1.4.</p> <p>The applicant has not demonstrated what green infrastructure and sustainable design elements are to be implemented that will mitigate and adapt to the impacts of a changing climate, improve resilience, reduce greenhouse gas emissions, contribute to environmental sustainability as well as integrating green infrastructure and appropriate low impact development.</p>
<p><b>Official Plan:</b></p>	<p><b>Urban Hamilton Official Plan</b></p>	
<p>Existing Identification – Schedule “E” Urban Structures:</p>	<p>Downtown Urban Growth Centre</p>	
<p>Existing Designation – Urban Land Use Designation:</p>	<p>Downtown Mixed Use</p>	
<p>Proposed Amendment/Site Specific Policy:</p>	<p>Amendment to the Downtown Hamilton Secondary Plan - “Site Specific Policy Area – Downtown Mixed Use”</p>	

<b>Official Plan:</b>	<b>Urban Hamilton Official Plan</b>	
<p><b>Downtown Urban Growth Centre – Use and Density</b></p> <p>Policy: E.2.3.1.2, E.2.3.1.9</p>	<p>“E.2.3.1.2 - The <i>Downtown Urban Growth Centre</i> 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.</p> <p>E.2.3.1.9 – The <i>Downtown Urban Growth Centre</i> shall generally have the highest aggregate density within the City with a minimum target density of 500 persons and jobs per hectare. The Downtown Urban Growth Centre may evolve over time to a higher density without an amendment to this Plan.”</p>	<p>The proposal complies with these policies.</p> <p>The proposed development seeks to establish a mixed use development within the Downtown Urban Growth Centre. Therefore, the current zoning which allows for a residential and commercial uses, and the proposed use of the lands will be consistent with the function of the Downtown as the pre-eminent node of the city.</p> <p>The proposed development will have a residential density of approximately 1,350 units per hectare which equates to a residential density of 500 persons per hectare.</p>
<p><b>Detailed Policies – Height and Density</b></p> <p>Policies: E.2.3.1.12 and E.4.4.7</p>	<p>“E.2.3.1.12 - Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans covering lands within the <i>Downtown Urban Growth Centre</i>, and other policies of this Plan.</p> <p>E.4.4.7 - Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.”</p>	<p>The proposal does not comply with these policies.</p> <p>The Downtown Hamilton Secondary Plan sets out a maximum height of 30 storey and restricts the height of new development to the height of the Niagara Escarpment. The proposed development seeks to establish a minimum building height of 30 and 39 storeys, which would exceed the height of the Niagara Escarpment.</p> <p>A detailed analysis respecting building height is provided in the Building Height section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix “C” of Report PED23191.</p>
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4</p>	<p>“Residential intensification developments within the built-up area shall be evaluated based on the following criteria:</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development exceeds the maximum building height permitted in the Downtown Hamilton Secondary Plan, and therefore is not consistent with the built form and established</p>

	<p>a) A balanced evaluation of the criteria in b) through l), as follows;</p> <p>b) The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;</p> <p>c) The contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;</p> <p>d) The compatible integration of the proposed 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;</p> <p>e) The contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structures;</p> <p>f) Existing and planned water, wastewater and stormwater capacity;</p> <p>g) The incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;</p> <p>h) The contribution of the proposed development to supporting and</p>	<p>patterns envisioned in the Downtown Hamilton Secondary Plan. In addition, the scale and massing of the proposed development does not compatibly integrate with scale, form and character of the area and is creating shadow impacts on the public realm and on a primary public gathering space.</p> <p>A detailed analysis respecting building height, respecting built form, and respecting sun shadow impacts are provided in the Building Height section and Built Form, Massing and Transition in Scale section of the Downtown Hamilton Secondary of Summary of Policy Review – Appendix C of Report PED23191. (Policy B.2.4.1.4 b), d) and e))</p> <p>An appropriate range of housing types, including affordable housing has not been demonstrated. A detailed analysis is provided in the Range of Housing Types section of the Downtown Hamilton Secondary Plan of Summary of Policy Review – Appendix C of Report PED23191. (Policy B.2.4.1.4 c)).</p> <p>The proposed development has not demonstrated that there is adequate water, wastewater, and stormwater service capacity in order to service the proposed development without adverse impacts on servicing capacity (Policy B.2.4.1.4 f)).</p> <p>The proposed development has not demonstrated that appropriate green infrastructure and sustainable design elements are to be utilized in the development (Policy B.2.4.1.4 g)).</p> <p>The proposed development is located in proximity to existing local transit routes, future higher order transit routes and regional transit, and will include sufficient long term and short term bicycle parking in accordance with the Zoning By-law. Therefore, the proposed development will support and facilitating active transportation modes and contribution to support and facilitating active transportation modes, Policy B.2.4.1.4 h) and i).</p>
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	<p>facilitating active transportation modes; and,</p> <p>i) The contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;</p> <p>j) the availability and location of existing and proposed public community facilities / services;</p> <p>k) The ability of the development to retain and / or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,</p> <p>l) compliance of the proposed development with all other applicable policies.”</p>	<p>There are existing commercial and institutional services in the area that would be able to service the proposed development (Policy B.2.4.1.4 j)).</p> <p>The proposed development is not located adjacent to a natural heritage area, however, there are existing street trees along Catharine Street South and on adjacent lands that may be impacted by the proposed development (Policy B.2.4.1.4 k)).</p>
<p><b>Urban Design - Built Form</b></p> <p>Policy B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 e)</p>	<p>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.</p> <p>B.3.3.3.2 - New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <p>a) creating transitions in scale to neighbouring buildings;</p> <p>b) ensuring adequate privacy and sunlight to neighbouring properties; and,</p>	<p>The proposal does not comply with these policies.</p> <p>The scale and massing of the proposed development does not fit within the existing or planned context of the area. The proposed development will not be massed to respect the existing and planned street proportions. A detailed analysis on the scale and massing of the building is provided in the Built Form, Massing, and Transition in Scale section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>The proposed development will have a negative shadow impact on the public realm along Catharine Street South and on a primary gathering space (Prince’s Square). A detailed analysis on shadow impacts is provided in the Sun Shadow section of the</p>

	<p>c) minimizing the impacts of shadows and wind conditions.</p> <p>B.3.3.3.3 - New development shall be massed to respect existing and planned street proportions.</p> <p>B.3.3.3.5 – Built form shall create comfortable pedestrian environment by:</p> <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”</p>	<p>Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>In respect to wind impacts, the application has not demonstrated the change in wind conditions as a result of the proposed development. A detailed analysis on wind impacts is provided in the Wind Impact section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>Portions of the proposed design will not include stepbacks from the building base which has an impact on both the massing and scale of the development and on sun access to the public realm. A detailed analysis on scale and massing of the building and shadow impacts is provided in the Built Form, Massing and Transition in Scale section and Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix “C” of Report PED23191.</p>
<p><b>Site Condition</b> Policy B.3.6.1.1</p>	<p>“Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filling of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and Province. The Record of Site Condition shall be to the satisfaction of the City.”</p>	<p>The existing use of the subject property is a surface parking lot and as the proposal is to establish a sensitive land use on-site, a Record of Site Condition is required. A Phase 1 and Phase 2 Environmental Site Assessment where submitted with the application for Official Plan Amendment and Zoning By-law Amendment. However, at this time the Record of Site Condition has not been filed with the Ministry of the Environment, Conservation and Parks and therefore he acknowledgement of filling has not been provided.</p>
<p><b>Noise</b> Policy B.3.6.3.1</p>	<p>“Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”</p>	<p>A Noise study prepared by dBA Acoustical Consultants Inc. dated November 2022 was submitted with the applications for Official Plan Amendment and Zoning By-law Amendment.</p> <p>The study identified multiple transportation noise sources road and railway that has the potential to impact the subject lands.</p> <p>In respect to stationary noise source the study notes the existing gas station located to the north of the subject lands but</p>

		<p>determined it to have no acoustical impact on the proposed development due to the background noise levels exceeding noise level generated by the gas station. No evaluation was provided with respect to any other potential stationary noise source such as the lands at 150 Main Street East, 96 Main Street East and 33 Bowen Street. In addition the study does not provide an evaluation of the potential impact of idling GO trains located to the south of Hunter Street East which has resulted in noise level impacts on other developments in the area such as 101 Hunter Street East, in which it was identified that noise levels from idling GO trains was significant enough to warrant seeking a change in classification from a Class 1 to Class 4 area. While the proposed development is one block to the north of 101 Hunter Street East an evaluation on the respective noise impacts of the idling GO trains needs to be undertaken.</p> <p>In respect to the Canadian Pacific Railway line and GO line to the south as a transportation noise source the Noise the Study noted that the line is a single active line located 147 metres to the south and that there are several building shielding the train activities. Staff note that while there may be only one active rail line for the purpose of transportation noise there are other lines where GO trains are idle and generate stationary noise. In addition staff note that the railway line is an elevated railway line and that many of the building located between the subject lands and the railway line and the idling trains are low rise buildings and as such these building may not provide much protection from the raised railway line and any shielding that is provided would only protect the lower levels of the proposed building while providing no shielding for the upper floors.</p> <p>The Noise study identified the predicted noise levels for each individual street impacting the site and each rail source CP rail traffic, GO rail traffic, and also provided the combined noise levels of all rail traffic, combined noise from all road traffic and combine noise of all rail and road traffic. In evaluating the Noise study staff noted that combined noise levels for all rail and road traffic was</p>
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		<p>identifying noise level that are less than those identified for road noise only. It is not clear to staff how the combined rail and road noise is less than the combined road noise only, it would generally be expected that the combined road and rail noise would be at least equal to or higher than that of the road noise alone. Additional analysis is required to clarify this matter.</p> <p>In respect to the noise impacts of the proposed development on the building itself and on other sensitive land uses the study does note that the mechanical equipment of the site will not have an acoustical impact on the building itself of other residential properties. However, it is not clear if this in the context of the mechanical room need to be enclosed, through the use of certain special material to mitigate the noise or in the context of certain types of equipment being utilized. Additionally, no evaluation of other stationary noise sources such as the loading area have been included.</p> <p>An updated Noise study is required to evaluate the noise impact from surrounding noise sources on the proposed development and to evaluate the noise impacts of the site on the surrounding area, in order to determine that the proposed development will comply with Policy B.3.6.3.1.</p>
<p><b>Servicing</b> Policy: C.5.3.13</p>	<p>“The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system and that investments into the system will support the achievement of the intensification and density targets provided in Section E.2.0 – Urban Structure. (OPA 167)”</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development has not demonstrated that there is sufficient infrastructure capacity to service the proposed development.</p>
<p><b>Secondary Plan:</b></p>	<p><b>Downtown Hamilton Secondary Plan</b></p>	
<p>Existing Designation:</p>	<ul style="list-style-type: none"> <li>• “Downtown Mixed Use” – Land Use Plan – Map B.6.1-1</li> </ul>	

	<ul style="list-style-type: none"> <li>• “High Rise 2” – Maximum Building Height – Map B.6.1-2</li> </ul>	
<p>Identified in Appendix:</p>	<ul style="list-style-type: none"> <li>• Catharine Street North is a “View Corridor to Niagara Escarpment” and the Westerly portion of Subject Lands is considered a “Location Where there May be Impacts to Views” – Viewshed Analysis – Appendix C</li> <li>• Height of Escarpment – 190.2 metre for Westerly Portion of the Property and 186.2 metres for the Easter Portion of the Property – Niagara Escarpment Height – Appendix “D”.</li> </ul>	
<p>Proposed Amendment/Site Specific Policy:</p>	<p>Downtown Mixed Use – Special Policy Area</p>	
<p>Policy: 6.1.2 h)</p>	<p>The following principles provide guidance for evaluating initiatives and proposals for the Downtown to ensure that the City is taking a consistent approach to Downtown development:</p> <p>h) “The Niagara Escarpment is an essential part of the character and appearance of the City; views to the Escarpment are important assets to protect. The Niagara Escarpment meanders through the City of Hamilton providing a natural backdrop to the Downtown, access to a unique natural environment, and a home to a diverse ecosystem of international significance – a UNESCO World Biosphere Reserve. The Downtown Hamilton Secondary Plan recognizes the importance of the relationship between topography and building height and the impact of the relationship between topography and building height and</p>	<p>The proposal does not comply with this policy.</p> <p>Policy 6.1.2 h) outlines the importance of the Niagara Escarpment to the character and appearance of the City, the importance of the relationship between topography and building height and the impact on significant views of the Niagara Escarpment. The policies of the Downtown Hamilton Secondary restrict maximum building height and prohibit building heights that exceed that of the Niagara Escarpment, these policies are in place to implement the principle identified in policy 6.1.2 h). The proposed Official Plan Amendment seeks to amend the policies of the Downtown Hamilton Secondary Plan to permit a development that exceeds the height of the Niagara Escarpment. As evaluated in detail through this document the increase in height has an adverse impact in respect to sun shadowing and visual impacts on significant views to and of the Niagara Escarpment, and therefore the establish a site specific policy framework that is not consistent with the principle established in Policy 6.1.2 h).</p>

	<p>the impact on significant views to and of the Niagara Escarpment.”</p>	
<p><b>Building Height</b></p> <p>Policy: 6.1.4.12 e), 6.1.4.14, 6.1.4.15, and 6.1.4.18 b)</p>	<p>“6.1.4.12 e) - 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:</p> <p style="padding-left: 40px;">e) High Rise 2 – up to 30 storeys.</p> <p>6.1.4.14 – Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Height, 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.</p> <p>6.1.4.15 - The siting, massing, height and design of a building on one site shall not necessarily be precedent for development on an adjacent or nearby site.</p> <p>6.1.4.18 b) – New tall building shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue.”</p>	<p>The proposal does not comply with these policies.</p> <p>The proposed development includes a 39 storey building and therefore will not comply with the maximum height of 30 storeys and therefore will not comply with Policy 6.1.4.12 e).</p> <p>The proposed 122 metres height of the 39 storey building and 96 metre height of the 30 storey building will both exceed the height of the Niagara Escarpment with approximately 33.0 metres and 3.0 metres of additional height above the Escarpment respectively and therefore the proposed development will not comply with policy 6.1.4.14 and 6.1.4.18 b) and stands in clear contrast to the general intent and vision set out in the Downtown Hamilton Secondary Plan.</p> <p>The height of the proposed development stands in contrast to the existing low-rise and mid-rise scale of development that exists along Jackson Street East, specifically when compared to the adjacent two and street storey structures on the north side of Jackson Street East.</p> <p>The proposed increase in building height will have an adverse shadow impact on a primary public gathering spaces (Prince’s Square). A detailed analysis of the shadow impacts is provided in the Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>Staff note that while there are other tall buildings in the area that exceed the height of the Niagara Escarpment, including the Landmark Place building to the north which pre-dates the Downtown Hamilton Secondary Plan, as per Policy 6.1.4.15 the height of a building on one site shall not necessarily be precedent for development on an adjacent or nearby site.</p>

<p><b>Built Form, Massing and Transition in Scale</b></p> <p>Policy: 6.1.4.18, 6.1.4.25, and 6.1.4.28</p>	<p>“6.1.4.18 - The following policies shall apply to High-rise (tall) buildings:</p> <ul style="list-style-type: none"> <li>a) a tall building is any building that is greater than 12 storeys in height;</li> <li>b) new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue;</li> <li>c) a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall building;</li> <li>d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale or contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;</li> <li>e) a tower is defined as the storeys above the building base; and,</li> <li>f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building shall have a distinctive presence in Hamilton’s skyline</li> </ul>	<p>The proposal does not comply with these policies.</p> <p>As previously noted, the both the proposed towers will exceed the height of the Niagara Escarpment and therefore will not comply with Policy 6.1.4.18 b).</p> <p>The proposed development is located along both Catharine Street South and Jackson Street East both of which have a narrow right-of-way. In addition, Jackson Street East is an area of transition to existing low and mid-rise scale development located on the south side of Jackson Street East. The policies of the Downtown Hamilton Secondary Plan require that a building base frame the public realm with good street proportions, with a street wall height that respects the scale and built form character of the existing context through design and articulation. The proposed development includes the component of a tall building with a tower top, and a building base is proposed however the design of the base results in section where the tower is brought to the edge of the building base resulting in a sharp transition. Additionally, the height of the proposed building base is more than double what is envisioned by the City and represents a scale that is not consistent with the street proportions of the existing narrow right-of-way widths, and is not massed to frame the street in a way that respects and supports the adjacent street proportions, and therefore does not comply with Policy 6.1.4.18 d) and 6.1.4.28 a) and b), 6.1.4.21, 6.1.4.31 and 6.1.4.33.</p> <p>The increase in height of the proposed building base and increase in overall building height are contributing to adverse shadow impacts on the public realm along Catharine Street South and a primary public gathering space (Prince’s Square). A detailed analysis on shadow impacts is provided in the Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>The proposed development has not demonstrated that appropriate green infrastructure and sustainable design</p>
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	<p>by employing interesting architectural features and roof treatments.</p> <p>6.1.4.25 - In addition to Section B.3.3 – Urban Design Policies of Volume 1, development in the Downtown shall achieve the following:</p> <ul style="list-style-type: none"> <li>v) incorporating best practices and appropriate technology to reduce energy consumption and improve air quality.</li> </ul> <p>6.1.4.28 - All development shall:</p> <ul style="list-style-type: none"> <li>a) be massed to frame streets in a way that respects and supports the adjacent street proportions;</li> <li>b) be compatible with the context of the surrounding neighbourhood;</li> <li>c) contribute to high quality spaces within the surrounding public realm; and,</li> </ul> <p>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.</p> <p>6.1.4.31 - Development shall provide built form transition in scale through a variety of design methods including angular planes, location</p>	<p>techniques are being utilized therefore it has not been demonstrated whether proposed roof top design will incorporate best practices and appropriate technology to reduce energy consumption and improve air quality, or that proposed development will develop rooftop terraces, gardens, and associated landscape areas for private amenity areas, which include climate enhancement and storm water management.</p>
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	<p>and orientation of the building, and the use of setbacks and stepbacks of building mass.</p> <p>6.1.4.33 - Development shall be required to provide transition in scale, within the development site, as a result of any of the following:</p> <ul style="list-style-type: none"> <li>a) the development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;</li> <li>b) the development is adjacent to a cultural heritage resource or a cultural heritage landscape; or,</li> <li>c) the development is adjacent to existing or planned parks, or open spaces.”</li> </ul>	
<p><b>Tall Building Guidelines</b></p> <p>Policy 6.1.4.19</p>	<p>“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.”</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development is not consistent with the Tall Building Guidelines. A detailed analysis on the Tall Building Guidelines is provided in the Tall Building Guidelines section of the Summary of Policy Review – Appendix C of Report PED23191.</p>
<p><b>Range of Housing Types</b></p> <p>Policy 6.1.4.24</p>	<p>“Development proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.”</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development seeks to establish a total of 751 dwelling units, the majority of which are studio or 1 bedroom units (66 percent) and the remaining units are 2 bedroom units (34 percent) but does not provide any three bedroom units. This does not assist in implementing the policy goal of providing an adequate range of unit types and sizes, including those suitable for larger households with children and seniors and represent a missed opportunity in providing a greater range of unit types and sizes in an area supported by local and regional transit and in</p>

		<p>proximity to existing schools. Furthermore, the applicant has not demonstrated whether any of the proposed dwelling units will be affordable units.</p>
<p><b>Sun Shadow</b></p> <p>Policies 6.1.4.34, 6.1.4.35, and 6.1.4.37</p>	<p>“6.1.4.34 - Development shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yard and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.</p> <p>6.1.4.35 - Proposed development shall allow for a minimum of 3 hours of sun coverage between 10:00 a.m. and 4 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.</p> <p>6.1.4.37 - Downtown Hamilton contains a number of primary gathering spaces where civic life occurs. The quality, image, and amenity of these spaces strongly affect how people perceive the Downtown. Notwithstanding Policy B.6.1.4.35 and Policy B.6.1.4.36, development shall not cast any net new shadow between 10:00 a.m. and 4:00 p.m. as measured from March 21<sup>st</sup> to September 21<sup>st</sup> on the following parks, squares, plazas and open spaces areas that serve as Downtown’s key civic gathering spaces:</p> <ul style="list-style-type: none"> <li>a) Gore Park;</li> <li>b) Prince’s square (50 Main St E)</li> <li>c) Hamilton City Hall Forecourt (71 Main St W)</li> </ul>	<p>The proposal does not comply with these policies.</p> <p>A Sun Shadow Impact Study prepared by Bousfields Inc. dated December 2022 was submitted with the application. The study identifies the shadows cast by the proposed development and also notes the shadows cast by an as-of-right building.</p> <p>Staff note that the Study does not correctly identify the height being used for an as-of-right building, it appears that the as of right shadows are being based upon a 30 storey building or the height outlined in the Zoning By-law, however neither is correct. The current as-of-right limit is based on a height of 44.0 metres, which is the restrictions outlined in Holding Provision H17, which prohibits development beyond 44.0 metres in height until the holding has been lifted and requires the evaluation of and satisfaction of a sun shadow study in order to lift the holding.</p> <p>The Sun Shadow Impact Study notes that shadow impacts along both the east and west sides of Catharine Street South and based on the shadowing of the proposed building along with the cumulative shadow impacts of existing buildings in the area a minimum of 3 hours of sun access between 10 a.m. and 4 p.m. at the equinox is not being provided. It is noted that while a tower with a height of 44.0 metres is permitted as of right and may not the proposed podium height of 16.0 metres does not represent an as of right condition as a maximum building base façade height of 7.5 metres is established along both Catharine Street South and Jackson Street East. A podium height in compliance with the as of right condition of 7.5 metres would allow for greater sun access to the Catharine Street South right of way and while staff note that it may not provide 3 hours of sun access it would be more in compliance than what is being proposed.</p>

	<p>d) Whitehern Museum (41 Jackson St W) e) Ferguson Station (244 &amp; 248 King St E).</p>	<p>The Sun Shadow Impact Study does not however provide analysis with respect to the sun shadow impacts on Main Street East, specifically whether the cumulative impacts of the existing buildings (Landmark Place and 154 Main Street East, amongst others), along with the proposed development will achieve a minimum of 3 hours of sun access on Main Street East. Therefore, the applicant has not demonstrated conformity with Policy 6.1.4.35 as it pertains to Main Street East.</p> <p>Policy 6.1.4.37 specifically states that no new net shadow is permitted on prominent public spaces, including Prince's Square. The analysis in the Sun Shadow Impact Study outlines that new net shadows will be cast upon Prince's Square between 10 a.m. and 4 p.m. specifically the proposed development will cast shadows on Prince's Square until 10:51 a.m. on March 21<sup>st</sup> and until 10:36 a.m. on September 21<sup>st</sup>.</p> <p>The applicant is seeking to amend Policy 6.1.4.37 through the Official Plan Amendment in order to allow new shadows to be cast on Prince's Square and seek to rationalize the additional shadows on the following basis:</p> <ul style="list-style-type: none"><li>- That the new shadowing is an incremental shadowing on Prince's;</li><li>- That the new shadowing is limited to less than an hour in March and approximately half an hour in September;</li><li>- That the new shadowing is limited given the presence of large mature shade trees located on Prince's Square; and,</li><li>- That shadow impacts will not impact the park's utility or usability.</li></ul> <p>Staff are of the opinion that the rational provided does not justify the casting of new shadows on Prince's Square between 10 a.m. and 4 p.m. at the equinox. The policies respecting shadow impacts on Prince's Square are in place because the City recognizes the importance of protecting prominent gather places like Prince's Square. The policy is very clear that development</p>
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		<p>shall not cast any new net shadows on to primary gather places including Prince’s Square, therefore any new shadows during the respective time period is not permitted regardless of whether it is for 51 minutes or 5 minutes. Staff further noted that the 51 minutes duration of new shadowing proposed on March 21<sup>st</sup> represents approximately 14.2 percent or 1/7<sup>th</sup> of the 360 minute time period between 10 a. m. and 4 p.m. Therefore, in this context, the increased shadowing represents a substantive portion of the respective time period rather than an incidental amount of time as is attempting to be rationalize. The strong policy language respecting new net shadows is in place in part to prohibit incremental increases in shadowing of Prince’s Square, given that incremental increases from multiple development may have the impact of causing significant shadowing of the prominent gather space in terms of both the degree of shadowing and the length of time that Prince’s Square is in shadow.</p> <p>While shadowing would not prevent the public from accessing and using Prince’s square, reduced sun access onto Prince’s square would reduce the enjoyment and desirability of the square, such as reducing the number of park benches that are receiving sun access during this time period.</p> <p>Staff do not agree with the rational that shadowing that aligns with existing trees should be permitted, on the following basis:</p> <ul style="list-style-type: none"><li>• That sunlight is important for the health and sustainability of trees and buildings shadowing the trees would deprive those trees of access to the sun during those time periods;</li><li>• That the trees in question are deciduous trees and therefore would provide little shade at the time period of March 21<sup>st</sup>;</li><li>• That shadowing from trees differs from the shadowing from buildings in that trees do not always block all sunlight and still can provide indirect sunlight, whereas buildings would provide more permeant and complete shadowing; and,</li></ul>
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<p><b>Wind Impacts</b> Policy 6.1.4.38</p>	<p>“Buildings shall be sited, massed and designed to reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces. Pedestrian wind levels shall be suitable for sitting and standing. Higher standards may be required for development adjacent to parks and open spaces, and along Pedestrian Focus Streets.”</p>	<p>The proposal does not comply with this policy.</p> <p>A Pedestrian Level Wind Study prepared by Gradient Wind Engineers &amp; Scientist dated December 9, 2022 was submitted with the applications for Official Plan Amendment and Zoning By-law Amendment.</p> <p>The Wind study did not identify what the existing wind conditions are and therefore staff are not able to evaluate the change in wind conditions and therefore determine if conditions noted in the predicted wind conditions is an existing condition, is a worse wind condition or an improvement in wind condition.</p> <p>The Wind study identified the at grade wind conditions for the summer of which the majority of the areas identified were comfortable for sitting, and no conditions were identified as uncomfortable. For the outdoor amenity areas the Wind study identified only a small percentage of the area as being comfortable for sitting and identified areas comfortable for walking only. Staff note that conditions for sitting should be more prominent on the patio during the summer months and that conditions for walking are not ideal as the function of a patio is spend time on the patio rather than walking to a destination, therefore wind conditions only comfortable for walking should be mitigated and patio should be further mitigated to increase conditions for sitting.</p> <p>The Wind Study identified the at grade wind condition for the winter the majority of the area is comfortable for standing but two areas were identified as being uncomfortable. For the outdoor amenity area (roof top patio) the Wind Study identified the majority of the area as being comfortable for standing and strolling, but identified two areas as comfortable for walking and</p>

		<p>three areas as uncomfortable. Uncomfortable conditions should not be imposed on the on the surrounding area or on the roof top patio. Staff note that while patios are used less in winter months having uncomfortable conditions would only further exasperate this and therefore such conditions should be mitigated.</p> <p>A revised Pedestrian Wind Level study is required in order to compare the existing and predicted wind conditions, and to demonstrate that the appropriate wind conditions are to be achieved on-site, in the public realm and on adjacent properties.</p>
<p><b>Views and Vistas (Visual Impacts)</b></p> <p>Policy 6.1.10.3, 6.1.10.4, 6.1.10.5, 6.1.10.6, 6.1.10.7, and 6.1.10.8</p>	<p>“6.1.10.3 – The Niagara Escarpment is the prominent feature that is visible to the terminus of several street in the Downtown due to its close proximity, height, and forested natural character. This distinct feature is a UNESCO Biosphere Reserve that separates lower Hamilton from the upper urban area above the brow of the escarpment. The Niagara Escarpment is a powerful visual feature due to its height and striking landscape character that terminates the vistas looking southward on several Downtown streets.</p> <p>6.1.10.4 – The Niagara Escarpment is part of Hamilton’s unique identity and contributes significantly to the character of the Downtown. Significant views to this natural features shall be protected.</p> <p>6.1.10.5 – In order to understand and limit the loss of views to the Niagara Escarpment significant view locations and corridors have been identified on Appendix C – Downtown Hamilton – Viewshed Analysis. The City of Hamilton shall prepare visual impact guidelines and a visual impact assessment</p>	<p>The proposal does not comply with these policies</p> <p>The Downtown Hamilton Secondary Plan established limitations on maximum building height and policy restrictions that do not permit a building to exceed the height of the Niagara Escarpment. In addition to protecting the views of the Niagara Escarpment, it is noted that the Views and Vista’s policies of Volume 1 of the Urban Hamilton Official Plan also protect views of the Hamilton Harbour and Downtown Skyline.</p> <p>The Visual Impact Assessment evaluated view impacts from three prominent places York Boulevard Gateway, Bayfront Park and Sam Lawrence Park.</p> <p>In respect to York Boulevard Gateway, the study concludes that the proposed development is not visible from this view however, in staff’s evaluation of the before and after views from the York Boulevard Gateway it is noted that while part of the proposed development is obscured by existing buildings, the top of the proposed 30 storey tower and the westerly portion of the 39 storey tower are visible from this view. Additionally the proposed building appears to obstruct the existing view of the Escarpment that exist between the buildings at 100 and 119 King Street West.</p> <p>In respect Bayfront Park, the study notes that there are a number of buildings that either exceed the height of the Escarpment or appear to exceed the height of the escarpment, and concludes</p>

	<p>shall be prepared in accordance with the guidelines.</p> <p>6.1.10.6 – A Visual Impact Assessment may be required for development located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May be Impact to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – View Analysis.</p> <p>6.1.10.7 – Visual Impact Assessment shall be required for development on properties identified as Locations Where There Are Impacts to Views as identified on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis.</p> <p>6.1.10.8 – Development shall be required to provide setbacks, stepbacks, or reduced height in order to mitigate the impact of the proposed development on existing views.</p>	<p>that the proposed building will be perceived together with other tall building within the downtown. In evaluating the proposed development staff note that while part of the development is obscured by the existing Landmark Place building part of the proposed development are visible on either side of Landmark Place, additionally the building massing of the proposed 30 storey tower fills in an existing gap that exists between Landmark Place and other existing buildings, thereby obscuring the view of the escarpment that currently exist in that gap. Additionally the 30 storey building exceeds the height of the Escarpment and the building massing as seen from Bayfront Park shows an encroachment beyond the Escarpment, whereas the portion of the 39 storey tower not obscured by Landmark Place shows a significant projection above the height of the Escarpment. Reducing the building height to align with the maximum height restrictions in the Downtown Hamilton Secondary Plan would assist in achieving a building massing that is more closely aligned with the visual height of the Escarpment as seen from Bayfront Park.</p> <p>In respect to Sam Lawrence Park which is located above the Escarpment. The study concludes that the proposed view from Sam Lawrence Park demonstrates that the proposed towers will fit within the existing context and add interest to the evolving skyline, and that architectural expression will provide added style to the built form context. Based on staff review of the before and after images it is the opinion of staff that the visual impacts of the proposed development are most clearly seen from Sam Lawrence Park. The 39 storey tower appears to exceed the height of Landmark Place, and clearly project beyond the portion of the Niagara Escarpment that is seen on the opposite side of the Hamilton Harbour. Additionally staff note that the cumulative visual impacts of the 39 storey tower, 30 storey tower, and Landmark Place appears to obscure a substantive section of the Hamilton Harbour and the Escarpment beyond, and the cumulative impacts of the development give the appearance of a</p>
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		<p>wall of buildings with only a small break between the 39 storey tower and Landmark Place.</p> <p>The Visual Impact Assessment also provided an evaluation of the street level views for the streetscape and Escarpment as seen from the local streets. Staff note that in respect to the view of Catharine Street South looking north the proposed 30 storey tower will almost completely obscure the view of Landmark Place, which staff note is a prominent built form and visual marker in the downtown. Additionally, staff note that in the view from Catharine Street South looking north the proposed 39 storey building significantly project beyond the massing of the existing building at 55 Catharine Street south whereas it appears that the if that building complied with the existing maximum height restrictions only a modest projection beyond the massing of 55 Catharine Street South would be seen from this view. Views were also provided for the view along Jackson Street East and staff note that building mass would obscure the existing built form beyond such as Landmark Place and the building at 154 Main Street East, additionally the visual massing of the building along Jackson Street East puts into perspective the large size and scale of the development in comparison to the existing small narrow streets.</p> <p>In the opinion of staff the proposed development will have an adverse visual impact from Sam Lawrence Park and cumulative visual impacts created by the proposed buildings and existing buildings from Bayfront Park</p>
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<b>Guidelines:</b>	<b>Tall Building Guidelines</b>	
	<p>The following is an analysis of the proposed development in respect to the Downtown Hamilton Tall Building Guidelines, however it is noted that the setbacks, stepback, separation distances, transition requirements, maximum floor plates and other provision of the Guidelines were formulated under the context of tall building with a maximum height</p>	

	<p>of 30 storeys and that in the context of taller building in excess of 30 storeys different guidelines, such as large setbacks, stepbacks, separation distances, smaller floor plates, increased transition requirements, amongst others may be necessary. It is noted that as an evaluation of appropriate standards for building greater than 30 storeys in height was not undertaken, as staff cannot determine what guidelines may still be appropriate, or what guidelines would need to be changes and to what degree the change may be in the context of building greater than 30 storeys in height.</p> <p>The analysis provided below is in respect to the proposed development against the standards established for building with a maximum height of 30 storeys.</p>	
<p><b>Neighbourhood Transition</b></p> <p>Section: 3.2</p>	<p>3.2 – The location, shape and form of Tall Buildings should respond to the surrounding neighbourhood context.</p> <p>To ensure that new development is sensitive to and compatible with the existing or planned low-rise residential neighbourhoods, tall buildings should be designed to transition in scale towards existing or planned low-rise residential and existing or planned open spaces areas. Tall building should be designed to:</p> <ul style="list-style-type: none"> <li>a) Limit the maximum height, including mechanical units, balconies, railings, overhangs and other projections, and employ measures such as the use of setbacks, stepbacks, and building</li> </ul>	<p>The proposed development is located along a narrow street in which there are existing low-rise built forms. The scale and massing of the proposed development stands in sharp contrast to the existing low-rise built form that exist along Jackson Street East.</p> <p>The proposed development is providing a 12.5 metre setback from the adjacent properties to the east and north, however as previously noted the guidelines were established based on a tall building with a maximum height of 30 storeys.</p>

	<p>articulation to minimize shadow impacts on properties;</p> <p>b) Transition to the height of adjacent existing residential development the portion of the building base adjacent to the low-rise residential building should not exceed the height of the adjacent development; and,</p> <p>c) The tower portion of a building should be set back a minimum of 12.5 metres (excluding balconies) from the property line adjacent to residential neighbourhood to mitigate shadow impact and protect privacy and overlook.</p>	
<p><b>Views &amp; Landmarks</b></p> <p>Sections: 3.6, 3.6 a), b), c), d), e), f), and g)</p>	<p>“3.6 – Tall Buildings within Downtown Hamilton should respond to the city’s unique topography and landscape, including the Escarpment and the Waterfront.</p> <p>3.6 a) – Any development application shall identify, maintain and enhance viewing opportunities towards the Escarpment;</p> <p>3.6 b) – Tall building should be located in a fashion that preserves key views to existing landmarks and termini to and from the Downtown;</p> <p>3.6 c) – Tall buildings shall contribute to an interesting skyline and be sufficiently spaced apart to minimize the loss of sky views;</p> <p>3.6 d) – The silhouette of existing important landmark building should be protected, and</p>	<p>A Visual Impact Assessment was submitted with the applications for an Official Plan Amendment and a Zoning By-law Amendment. As outlined in detail in the Downtown Hamilton Secondary Plan section above respecting visual impact, the proposed development has a visual impact on the view of the Escarpment and views from the Escarpment and on the City Harbour as seen from above the Escarpment.</p> <p>The proposed development has a visual impact on an important landmark building (Landmark Place) obscuring view of Landmark Place along Catharine Street South looking north and partially obscuring views of Landmark Place from Sam Lawrence Park on top of the Escarpment.</p>

	<p>the view corridor leading to them should remain legible;</p> <p>3.6 e) – Tower setbacks should be increased to preserve the view to an existing important local landmark;</p> <p>3.6 f) – Views of the Escarpment should be preserved; and,</p> <p>3.6 g) – An assessment of impact on views to/from the Escarpment will be required as part of development applications.</p>	
<p><b>Building Base Height and Scale</b></p> <p>Sections: 4.2.2, 4.2.2 a) and b)</p>	<p>“4.2.2 – Building bases should fit harmoniously with the existing street and neighbourhood context, by respecting the scale and proportions of adjacent uses, including existing streets, parks and open spaces.</p> <p>4.2.2 a) – Façade height should reflect the existing adjacent building façade height but not be lower than 7.5 metres for any portion of a building along a streetline;</p> <p>4.2.2 b) – Maximum building base height at the streetline should be equal to the width of the right-of-way to ensure sunlight access to the sidewalk across the street.”</p>	<p>The City of Hamilton Zoning By-law establishes a building base façade height of 7.5 metres for building along both Catharine Street South and Jackson Street East, whereas the proposed development is seeking to increase the façade height to 16.0 metres. It is noted that both streets are narrow streets and the 16.0 metre façade height will exceed the width of the right of way for both streets. Based on the existing context of the street which is dominated by low to mid-rise built forms the scale of the podium and along with the balance of the building are resulting in a built form that is in sharp contrast to the existing context of the area. The higher building base will also result in an adverse shadow impact along Catharine Street South.</p>
<p><b>Floorplate Size and Shape</b></p> <p>Section: 4.3.1 a)</p>	<p>The maximum gross floor area for the floor plate of the tower portion of a tall building proposed should not exceed 750 square metres for residential purpose and 850 square metres for offices, excluding balconies; however, in small sites, smaller floorplates may be required when applying all appropriate setbacks. Larger floorplates may only be</p>	<p>The concept plans provided identify a 665 square metre floorplate for the 30 storey tower and 722 square metre floorplate for the 39 storey tower, however staff note that it is not clear if the floorplate size noted is for only the top two floors of each tower or for the balance of the tower. If the floorplates size noted is only the top two floors than the balance of the tower will exceed the maximum gross floor area for the floorplate of 750 square metres.</p>

	permitted where the other guidelines of this document can be met to the City’s satisfaction.	
<p><b>Placement, Stepbacks &amp; Separation Distances</b></p> <p>Sections: 4.3.2, 4.3.2 c), g)</p>	<p>“4.3.2 – Tall building towers should be sited to minimize shadow and adverse wind impacts on adjacent properties and public spaces. Tall building towers should be sited to provide sufficient privacy between the building and adjacent properties.</p> <p>4.3.2 c) – Towers should be stepped back a minimum of 3.0 metres from the building base along all streets.</p> <p>4.3.2 g) – Towers should be separate by at least 25.0 metres with a minimum 12.5 metre setback from the side and rear property lines to allow for adequate light, views and privacy.</p>	<p>The proposed towers are setback a minimum of 3.0 metres from most parts of the building base, however portions of the proposed towers are providing no stepback of the tower from the building base creating a tower that extends from grade to tower top 30 to 39 storeys in height. Therefore, the proposed development is not achieving a minimum 3.0 metre setback from the building base.</p> <p>The proposed development is maintaining a minimum 12.5 metre setback form the northerly and easterly lot lines and is maintaining a separation distance of more than a 25.0 metre setback between the two towers.</p>
<p><b>Tower Top Height</b></p> <p>Section: 4.4 j)</p>	<p>In addition to meeting the performance standards and guidelines contained within this document, the maximum tall building height within the Downtown should be no greater than the height of the top of the Escarpment. Given that the elevation increases gradually towards the Escarpment, buildings may potentially be taller the farther away they are from the Escarpment.</p>	<p>The tall building guidelines clearly note that maximum tall building height within the Downtown should be no greater than the height of the top of the Escarpment.</p>