

SUMMARY OF POLICY REVIEW

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

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| <p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b)</p> | <p>In areas of archaeological potential, an Archaeological Assessment shall be required as part of a complete Zoning By-law Amendment application.</p> | <p>The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential.</p> <p>The subject property at 325 James Street North is comprised of a three storey brick building, constructed circa 1910 (Former Harbour Mission) and is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property at 309 James Street North is currently vacant but was formerly comprised of a two and a half storey buff brick building, constructed circa 1900 with a 1952 addition (Former International Hotel). In addition, the subject properties are located in the James Street North Cultural Heritage Landscape and the Central Established Historical Neighbourhood.</p> <p>As noted in previous Cultural Heritage comments, a Notice of Intention to Demolish was required for a property listed on the Municipal Heritage Register. The applicant submitted a formal Notice to staff along with a Cultural Heritage Impact Assessment in August 2023 for the former building located at 309 James Street North.</p> <p>Staff reviewed the Cultural Heritage Impact Assessment submitted to support the Notice of Intention to Demolish 309 James Street North and provided comments to the applicant, dated August 24, 2023.</p> |

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| <p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b) (Continued)</p> | | <p>A staff report recommending removal from the Municipal Heritage Register was presented to Hamilton Municipal Heritage Committee, Planning Committee and Council, who removed the property from the Register on November 15, 2023. The Building Permit for demolition was issued in February 2024.</p> <p>In reviewing the Cultural Heritage Impact Assessment provided for the subject application, staff note that the majority of the comments provided to the applicant in August 2023 as part of the Notice of Intention to Demolish have been addressed. The report considers impacts and mitigation measures for the onsite built heritage resource at 325 James Street North, as well as impacts and mitigation measures for adjacent resources and the James Street North Streetscape. Staff note that the recommended Vibration Study, Symbolic Conservation Strategy/ Commemoration Plan and Construction Hoarding Plan will be captured as future conditions of a Site Plan Control application.</p> <p>In addition to staff’s review, Cultural Heritage Impact Assessment reports are forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete, or the clearance of any conditions on any development approvals.</p> <p>The Cultural Heritage Impact Assessment was reviewed at the Policy and Design Working Group’s July 12, 2024, meeting.</p> |

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| <p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b) (Continued)</p> | | <p>The applicant submitted the Cultural Heritage Impact Assessment required by the Holding Provision Removal. Cultural Heritage staff are generally comfortable with the removal of Holding Provision H21 and replacement with the forthcoming site specific zoning (H180), as the proposed design is compatible, yet distinguishable, from on site and adjacent heritage resources. However, staff note that comments from the Policy and Design Working Group are outstanding, and staff may have additional/ revised comments following their receipt. Staff are awaiting the formal minutes from the Policy and Design Working Group and recommend that the Holding conditions from Holding Provision H21 be incorporated into the recommended site specific Holding Provision.</p> <p>A Building Permit for the demolition of 309 James Street North was issued in February of 2024.</p> <p>The proposal complies with this policy.</p> |
| <p>Health and Public Safety – Noise</p> <p>Policy: B.3.6.3.7</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 February 2024, was submitted in support of the application. The Noise Study concludes the following:</p> <ol style="list-style-type: none"> 1. Warning clauses are required to be inserted into all Offers and Agreements of Purchase and Sale or Lease for units identified in the study. 2. Central air conditioning units are required for all units identified in the study. 3. STC-43 rated exterior wall construction and STC-35 rated Window and Patio Doors are recommended for all units. |

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| <p>Health and Public Safety – Noise</p> <p>Policy: B.3.6.3.7 (Continued)</p> | | <p>4. A letter to confirm proper STC values for acoustically tested windows are supplied should be required.</p> <p>5. A Qualified Acoustical Consultant will be required to certify the required noise control measures have been incorporated into the plans prior to issuance of a building permit.</p> <p>6. A Qualified Acoustical Consultant certify that the approved noise control measures have been professionally installed prior to issuance of occupancy permits.</p> <p>These matters will be addressed through a future Site Plan Control application.</p> <p>The proposal complies with this policy.</p> |
| <p>Function</p> <p>Policy: E.2.3.1.6</p> | <p>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.</p> | <p>The application proposes additional housing units in the form of a mixed use building with commercial uses at grade and residential units above the ground floor.</p> <p>The proposal complies with this policy.</p> |
| <p>Function</p> <p>Policy: E.2.3.1.9</p> | <p>The Downtown Urban Growth Centre 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 application proposes to increase the density at 309 James Street North, an underutilized urban parcel containing a vacant building.</p> <p>The proposal complies with this policy.</p> |

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| <p>General Land Use Policies</p> <p>Policy: B.6.1.4.6</p> | <p>When considering an application for development, compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts shall be considered. In addition, the transition in height to adjacent and existing building as well as the height, massing and scale of buildings and structures should be compatible and sympathetic to the character and heritage of the neighbourhood.</p> | <p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm. The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadowing would have a significant and potentially larger shadow impact on these parcels due to the permitted massing by the existing zoning regulations.</p> <p>The bulk of the massing has been located along the James Street North and Barton Street West frontages to mitigate overlook concerns, among other things. Furthermore, along the westerly lot line, a 4.5 metre setback to the residential balconies is maintained above the fourth storey.</p> |

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| <p>General Land Use Policies</p> <p>Policy: B.6.1.4.6 (Continued)</p> | | <p>A Noise Study, prepared by dBA Acoustical Consultants Inc., dated February 2024, was submitted in support of the application and the details are included above in the analysis of Policy: B.3.6.3.7. Noise related matters will be addressed through a future Site Plan Control application.</p> <p>A Photometrics Plan will be required if pole lighting is proposed during the Site Plan Control stage.</p> <p>A Transportation Impact Study, prepared by Paradigm Transportation Solutions and dated February 13, 2024, was submitted in support of the application.</p> <p>Transportation Planning staff have confirmed a proposed mixed use building at this location can be accommodated on the surrounding road network at build out within the five year horizon.</p> <p>The proposal complies with this policy.</p> |
| <p>Housing</p> <p>Policy: B.6.1.4.10</p> | <p>The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.</p> | <p>The application proposes a new, mixed use building containing approximately 296 square metres of ground floor commercial space and 127 dwelling units, which includes seven studio units (5.5%), 87 one bedroom units (68.5%) and 33 two bedroom units (26%). A total of 58 parking spaces will be provided, including two barrier free spaces, nine surface parking spaces and 49 underground spaces.</p> |

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| <p>Housing</p> <p>Policy: B.6.1.4.10 (Continued)</p> | | <p>Indoor and outdoor amenity space is proposed on the rooftop.</p> <p>The proposal complies with this policy.</p> |
| <p>Building Heights</p> <p>Policy: B.6.1.4.14</p> | <p>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.</p> | <p>The application proposes a 12 storey mixed use building and the retention of an existing three storey office building, neither of which will exceed 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>The proposal complies with this policy.</p> |
| <p>Low – Rise Buildings</p> <p>B.6.1.4.16</p> | <p>For lands identified as “Low-rise 2” on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following:</p> <p>a) meeting the principles, objectives and policies of this Plan, in particular, Policy B.6.1.4.14 and Policies B.6.1.4.31 through B.6.1.4.39;</p> <p>b) D how the proposed building and site design relate to and is compatible with the existing and/or planned context of the area;</p> <p>c) Demonstrating how the proposed building and site relate to topography, the Niagara Escarpment, and other buildings in the area; and,</p> <p>d) Demonstrating how any impacts on streetscapes and views of streetscapes, landmark structures or cultural heritage resources from public sidewalks or public spaces will be mitigated.</p> | <p>Compliance with policy B.6.14.14 and the relevant policies of B.6.14.31 through B.6.14.39 has been demonstrated above and below.</p> <p>The application proposes a 12 storey, mixed use building. Although limited in height, James Street North is characterized by multiple storey, mixed use buildings with six and eight storey buildings within 350 metres of the subject lands.</p> <p>Furthermore, the proposed 12 storey, mixed use building is below the height of the top of the Niagara Escarpment (191.2 metres above sea level) as confirmed by the applicant’s elevations.</p> |

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| <p>Low – Rise Buildings</p> <p>B.6.1.4.16 (Continued)</p> | <p>e) Demonstrating how the proposed development mitigates impacts to on site or adjacent cultural heritage resources; and,</p> <p>f) That the above noted considerations have been demonstrated through the studies required as part of a complete application.</p> | <p>The proposed 12 storey building will exceed the height of most buildings in the area, however, six and eight storey buildings are located within 350 metres of the subject lands.</p> <p>Per Appendix “C”, Viewshed Analysis of the Downtown Hamilton Secondary Plan, the view corridor to the Niagara Escarpment is maintained through the application. The applicant included a Visual Impact Assessment within the Urban Design Brief in support of the application. The Visual Impact Assessment concludes views to Hamilton Harbour will not be altered or impeded, however, changes to the downtown skyline are expected although will be minimal and mitigated through the use of a building podium and setbacks.</p> <p>A Building Permit for the demolition of 309 James Street North was issued in February 2024, and Cultural Heritage staff have confirmed they are generally comfortable with the removal of Holding Provision H21 and support the forthcoming site-specific zoning.</p> <p>The proposal complies with this policy.</p> |
| <p>Built Form</p> <p>Policy: B.6.1.4.25</p> | <p>In addition to Section B.3.3 – Urban Design Policies of Volume 1, development in the Downtown shall achieve the following:</p> <p>a) Eliminating expanses of blank walls.</p> | <p>Blank walls are avoided through the application and limited to a small portion below the fourth storey podium along the westerly lot line that will be partially covered by the existing residential building adjacent to the subject lands.</p> |

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| <p>Built Form</p> <p>Policy: B.6.1.4.25 (Continued)</p> | <p>b) Integrating roof top design and function with the surrounding buildings and public spaces. This shall be achieved through:</p> <ul style="list-style-type: none"> i) Integrating roof design with the building architecture; ii) Designing the tower top of tall buildings so that they are a recognizable landmark that contributes to an iconic and distinctive skyline; iii) Ensuring that roof top mechanical equipment, as well as stair and elevator towers, are sized and located so that they are screened from view from the street; iv) Developing rooftop terraces, gardens, and associated landscape areas for private amenity areas, climate enhancement and for storm water management; and, v) Incorporating best practices and appropriate technology to reduce energy consumption and improve air quality. | <p>The application proposes a rooftop amenity space setback from exterior walls below that draws on the design and fenestration of the proposed 12 storey mid rise building containing a mix of uses.</p> <p>The mechanical room is setback from exterior walls below as to limit and potentially eliminate the view from the street.</p> <p>The application proposes an outdoor gym to activate the rooftop while providing an outdoor terrace above the fourth storey building podium.</p> <p>The proposal complies with this policy.</p> |
| <p>Built Form</p> <p>Policy: B.6.1.4.28 and B.6.1.4.29</p> | <p>All development shall:</p> <ul style="list-style-type: none"> a) Be massed to frame streets in a way that respects and supports the adjacent street proportions; b) Be compatible with the context of the surrounding neighbourhood; c) Contribute to high quality spaces within the surrounding public realm; and, d) Provide high quality spaces within the buildings themselves. | <p>The application proposes a 12-storey, mixed use building that appropriately frames both James Street North and Barton Street West. Although limited in height, James Street North is characterized by multiple storey, mixed use buildings with six and eight storey buildings within 350 metres of the subject lands. High quality spaces in the public realm will be required to be implemented through the Site Plan Control phase. The application proposes an indoor library, gym, lounge, lockers, bicycle parking and boardroom space.</p> |

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| <p>Built Form</p> <p>Policy: B.6.1.4.28 and B.6.1.4.29 (Continued)</p> | <p>Residential development shall provide amenity space within new developments in the form of private or semi-private parkettes, rooftop gardens or internalized open spaces within courtyard areas created by new buildings.</p> | <p>Based on the above, staff are satisfied the buildings provide high quality spaces.</p> <p>The proposal includes an outdoor terrace above the fourth storey, residential balconies and a rooftop indoor amenity space with an accessory outdoor gym.</p> <p>During the Site Plan Control phase, minor revisions to the Site Plan and Elevations as well as the submission of a Landscape Plan will be required to be reviewed by Urban Design staff.</p> <p>The proposal complies with this policy.</p> |
| <p>Transition in Scale</p> <p>Policy: B.6.1.4.32</p> | <p>Transition between development, and adjacent streets, parks or open spaces shall ensure access to sunlight and sky view.</p> | <p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton as listed in the Guidelines. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm.</p> |

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| <p>Transition in Scale</p> <p>Policy: B.6.1.4.32 (Continued)</p> | | <p>The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadow would have a significant, potentially larger, impact on these parcels. Based on the above, staff are satisfied the application ensures access to sunlight and sky view.</p> <p>The proposal complies with this policy.</p> |
| <p>Transition in Scale</p> <p>Policy: B.6.1.4.33</p> | <p>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"> a) The development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context; b) The development is adjacent to a cultural heritage resource or a cultural heritage landscape; or, c) The development is adjacent to existing or planned parks, or open spaces. | <p>The application proposes a 12 storey mixed use building that incorporates a four storey podium and setbacks above the fourth storey. The bulk of the massing has been located along the James Street North and Barton Street West frontages. Furthermore, along the westerly lot line, a 4.5 metre setback to the residential balconies is maintained above the fourth storey.</p> <p>The application proposes the retention and adaptive reuse of an existing heritage building on the same lot. The intent of this policy is to ensure transitions to adjacent cultural heritage resources and landscapes.</p> <p>The application is not for lands adjacent to parks or open space.</p> <p>The proposal complies with this policy.</p> |

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| <p>Public Realm</p> <p>Policy: B.6.1.4.35 and B.6.1.4.36</p> | <p>Proposed development shall allow for a minimum of three hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.</p> <p>Proposed development shall allow for a minimum of 50% sun coverage at all times of the day as measured on March 21st to September 21st on public plazas, existing and planned parks, and open spaces, school yards, and playgrounds.</p> | <p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton as listed in the Guidelines. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm. The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadow would have a significant, potentially larger, impact on these parcels. Based on the above, staff are satisfied the application minimizes shadow impacts on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.</p> <p>The proposal complies with this policy.</p> |

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| <p>Public Realm</p> <p>Policy: B.6.1.4.38 and B.6.1.4.39</p> | <p>Proponents shall be required to submit a Shadow Impact Study and a Pedestrian Level Wind Study, in accordance with Chapter F – Implementation Polices of Volume 1, to demonstrate that the height, orientation, design and massing of a building or structure does not unduly overshadow, block light, result in the loss of privacy of adjacent residential uses, or create uncomfortable or unsafe wind conditions. Studies shall be completed to the satisfaction of the City and shall demonstrate conformity with Policies 6.1.4.34 through 6.1.4.38.</p> | <p>A Pedestrian Wind Assessment, prepared RWDI, dated December 2023, was submitted in support of the application. It concludes that the proposed development would not result in significant wind impacts due to the positive design features and the placement of adjacent buildings. An additional wind analysis will be completed through the Site Plan Control phase and the amenity area wind mitigation measures will be implemented.</p> <p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. Staff discussion regarding the Shadow Study is contained above through policies B.6.1.4.35 and B.6.1.4.36.</p> <p>The proposal complies with this policy.</p> |
| <p>Cultural Heritage Resource Policies</p> <p>Policy: B.6.1.11.1</p> | <p>Heritage buildings and streetscapes define Downtown Hamilton as a unique place. The existing concentration of heritage built form is one of the key strengths and opportunities in Downtown Hamilton. The Downtown Hamilton Secondary Plan recognizes the value of heritage buildings, streetscapes, and the cultural landscape and places a priority on their retention and enhancement.</p> <p>Cultural heritage landscapes shall be protected by retaining major characteristics through the review of <i>Planning Act</i> applications.</p> | <p>A Building Permit for the demolition of 309 James Street North was issued in February of 2024 and Cultural Heritage staff have confirmed they are generally comfortable with the removal of Holding Provision H21 and support replacement with the forthcoming site specific zoning.</p> <p>The proposal complies with this policy.</p> |

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| Cultural Heritage Resource Policies Policy: B.6.1.11.1 (Continued) | Conservation of existing cultural heritage resources shall be a priority in all development. New development shall be compatible with on site and adjacent cultural heritage resources. Adaptive reuse will be given priority for all built heritage resources. | |