

August 28, 2019

171-16

Via Delivered

Andrea Dear, MCIP RPP
Development Planning, Heritage and Design

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Dear,

**RE: 299-307 John Street South & 97 St. Joseph's Drive
Resubmission & Planning Justification Report Addendum
UHOPA-18-04/ZAC-18-009**

Following our December 22, 2017 submission of the subject application, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has received comments from the municipal departments and external agencies and participated in the January 10, 2019 Design Review Panel meeting. In response to the comments received, please find the following documents enclosed:

- Five (5) copies of the revised architectural drawing package prepared by SRN Architects;
- Five (5) copies of a revised Zoning Sketch prepared by UrbanSolutions;
- Five (5) copies of a revised draft Zoning By-law and draft Official Plan Amendment prepared by UrbanSolutions;
- Five (5) copies of a revised Urban Design Brief prepared by SRN Architects;
- Five (5) copies of a revised Sun/Shadow Study prepared by SRN Architects;
- Five (5) copies of a revised Visual Impact Assessment prepared by SRN Architects;
- Five (5) copies of a Transportation Impact and TDM Study Addendum prepared by NexTrans; and,
- Five (5) copies of a comment response, revised Functional Servicing Report and revised Grading Plan prepared by S. Llewellyn & Associates.

Notable changes to the design since the initial application submission include the following:

- The three (3) residential towers have been reduced in height from 26, 30 and 36 storeys originally proposed to 23, 25 and 26 storeys. This modification was made to implement the City's Tall Building Guidelines to not exceed the height of the Escarpment. The current concept wherein the 26 storey tower is located at the north end of the site is in keeping with the as-of-right zoning intent which permits higher building heights in this location.
- The podium height has been lowered from five (5) storeys to four (4) storeys to respond to concerns regarding transition in scale from the site to the existing low-rise built form in the

surrounding area. This reduction corresponds with the City's Urban Design Guidelines as the podium is now within the 45 degree angular build to plane from 80 percent of the right-of-way width.

- The towers have been reorientated from an east-west orientation to a north-south orientation (parallel with John Street South) to ensure that Escarpment views remain permeable.
- Residential suites have been introduced along the eastern façade to improve the interface between the site and Woolverton Park.
- The total residential unit count has decreased from 923 (1,086 uph) to 723 (824 uph), as a result of the height reduction.
- The revised design includes a stairway providing public access from grade to the parking structure to introduce a visual break in the John Street South façade and enhance site connectivity.

Shadow Study Analysis

The enclosed revised Sun/Shadow Study prepared by SRN Architects demonstrates a significant improvement in terms of shadowing on the surrounding area as a result of the redesign. This analysis has been prepared in keeping with the City's Terms of Reference for Shadow Impact Study for Downtown Hamilton. While the subject lands are not within the Downtown Hamilton Secondary Plan area, these terms are regarded as the 'best practice' for evaluating the impact of a proposed development in terms of sun and daylight access to the surrounding context.

The Terms of Reference contain criteria for evaluating shadow impact on the public realm, including the following which apply to this proposal:

- Shadows from proposed development shall allow for a minimum of three (3) hours of sun coverage between 10:00 am and 4:00 pm as measured from March 21st to September 21st on public sidewalks and public and private outdoor amenity space; and,
- Shadows from the proposed development shall allow for a minimum 50% sun coverage at all times of the day as measured from March 21st to September 21st on public parks.

The subject lands are located immediately west of Woolverton Park. As demonstrated in the updated Sun/Shadow Study, the proposed development does not cast any shadows on the park from the approximate hours of 10:00 am to 2:00 pm in March and September, or between 10:00 am to 1:00 pm in June. Moreover, the municipal sidewalks affected by the proposed development are provided with at least three (3) hours of continuous sun coverage. The proposal therefore satisfies the first criterion stated above.

The park would have at least 50% sun coverage until 5:22 pm in March, 4:41 pm in June, and 5:06 pm in September. The park would receive less than 50% sun coverage for approximately two (2) hours before sunset in March and September, and four (4) hours before sunset in June. However, the study demonstrates that similar shadows would be cast on Woolverton Park if the as-of-right building height, as permitted by the existing Zoning By-law, were constructed on the subject lands. In addition, there are times of the day where the as-of-right shadow has a greater adverse impact on the park than the proposed shadow (e.g., March and September after 6:00 pm). The articulation of the building massing and tower separation allows sun to permeate through to the park where it would not occur under the as-of-right

conditions. Therefore, the new net shadow, taking into account the shadow which would be cast beyond the as-of-right build height, is minimal and does not have significant adverse impacts on the park.

Draft Official Plan Amendment & Zoning By-law

This resubmission includes a revised draft Official Plan Amendment which proposes to change the land use designation from Neighbourhoods to Mixed Use – Medium Density on Schedule E-1 – Urban Land Use. This amendment represents a natural extension of the existing Mixed Use – Medium Density designated lands north of the site along John Street South. The Mixed Use – Medium Density designation is appropriate as the lands are located in close proximity to an *Urban Corridor* and within the Neighbourhood element of the Urban Structure and are adjacent to the Growth Plan’s Urban Growth Centre for Hamilton. In addition, the predominant built form permitted in the Mixed Use – Medium Density (E.4.6.9) designation is achieved through the podium and point tower design of the proposed development which includes retail and service commercial stores at grade. The draft Zoning By-law has also been revised to implement the Official Plan Amendment.

While the building height and number of units intended to be provided can be characterized as ‘high density’ given the lot area of the subject lands, the High Density – Mixed Use designation of the UHOP is not appropriate for the subject lands because the UHOP limits this designation to Sub-regional Service Nodes at Limeridge and Eastgate, and in the Centre Mall Community Node (E.4.5). Moreover, the range of retail uses permitted in Mixed Use – High Density areas are intended to appeal to a regional market (E.4.5.1) which is not reflective of the planned uses of the proposed development (E.4.6.1, E.4.6.5).

The subject lands are located in the Neighbourhoods designation of the City’s Urban Structure and is within close proximity of a Primary Corridor, according to Schedules E and E-1 of the UHOP. The Mixed Use – Medium Density land use designation of the UHOP is found within Urban Corridor and Neighbourhood elements of the Urban Structure. The intent of this designation is to serve the surrounding community as well as provide day-to-day retail facilities and services to residents in the immediate area. Section E.4.6 of the UHOP contains design criteria for the development of Mixed Use – Medium Density areas. This criteria is quoted below and followed by a planning comment.

- “4.6.16 *New development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density.

- 4.6.17 Areas designated Mixed Use – Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.

- 4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through *new development*...

- 4.6.21 On *non-pedestrian predominant streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street...”

Planning Comment – To ensure a comfortable pedestrian experience along the street, the proposed development maintains a human scale with a one (1) to four (4) storey podium and towers that are set further back from the podium face. The streetscape will be enhanced through variation in building materials, and hard and soft landscaping along the three principal street frontages. The podium is located close to the street, and minimum setbacks are established in the revised amending by-law to ensure sufficient space for streetscape enhancements.

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

Planning Comment - The proposal represents a mix of commercial and residential uses. This compact form of development allows people to live, work and shop in place.

“4.6.24 *New development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing *new development* to minimize the effects of shadowing and overlook on properties in adjacent neighbourhoods.”

Planning Comment – The proposed development has been designed to be compatible with the character, scale and appearance of the surrounding area. The podium and tower design provides for a gradation in building height to the existing low-rise built forms in the immediate area. Application of the 45 degree angular build to plane guideline guided the podium redesign to enhance the compatibility of the proposed development with the existing low-rise dwellings to the north and south, as well as the church located on the northwest corner of John Street South and Charlton Avenue East. Moreover, the revisions presented with this submission to decrease the podium and tower height are intended to minimize shadowing and overlook effects on the adjacent neighbourhood. Appropriate regulations for height and setbacks are included in the revised amending by-law to ensure that shadowing and overlook do not result in undue, adverse impacts.

These changes also further implement the criteria for residential intensification contained in Section B.2.4 of the Urban Hamilton Official Plan, and outlined in Section 5.1 of the Planning Justification Report prepared by UrbanSolutions and submitted in support of the Official Plan Amendment and Zoning By-law Amendment application, dated December 2017.

In addition to the change in land use designation, the enclosed revised draft Official Plan Amendment includes a modification to the maximum building height. The proposed development entails a podium with three (3) 22-23 storey towers, whereas Section E.4.6.7 stipulates a maximum height of six (6) storeys for buildings within a Mixed Use – Medium Density designation. The previous version of the draft Official Plan Amendment proposed an increase to the maximum permitted residential density; however, this modification is no longer required with the proposed change in land use to Mixed Use – Medium Density. For the reasons expressed above in the review of the UHOP policies, this site specific modification is appropriate.

Other than the maximum permitted building height in Section E.4.6.7, the proposal conforms to the Mixed Use – Medium Density policies of Section E.4.6. Commercial uses and multiple dwellings are permitted uses in the Mixed Use – Medium Density designation and the development is located in close proximity

to a Primary Corridor, via Charlton Avenue East. The proposal promotes the continuation of the existing mixed use area immediately north of the site, and achieves the function of the area as a vibrant people place with increased day and night activity. Moreover, as the site is located immediately east of St. Joseph's Hospital, a prominent employment hub in the City, the proposal will promote the function of the surrounding area as a pedestrian oriented and transit supportive node.


In addition to the Official Plan Amendment, the proposed development requires an amendment to the City of Hamilton Zoning By-law Nos. 6593 and 05-200. The purpose of the amendment is to remove the lands from the City of Hamilton Zoning By-law No. 6593 and place the lands in a site specific Mixed Use Medium Density (C5) Zone in the Zoning By-law No. 05-200. A variety of site specific regulations have been included in the proposed site specific Mixed Use Medium Density (C5) Zone to permit the proposed development and to regulate the built form, as shown in the enclosed revised draft Zoning By-law.

We trust this response in conjunction with the materials enclosed satisfies the outstanding concerns related to the Official Plan Amendment and Zoning By-law Amendment application and is sufficient to allow this application to advance to a Public Meeting. Should you have any questions or comments, do not hesitate to contact the undersigned.

Regards,
UrbanSolutions



Sergio Manchia, MCIP, RPP
Principal



Amber Lindsay, MES
Planner

Encl.

cc: Mr. Frank Spallacci, Spallacci and Sons Ltd.
Mr. Steve Robichaud, City of Hamilton (via email)
Ms. Shannon McKie, City of Hamilton (via email)
Mr. Matt Johnston, UrbanSolutions