

October 12th, 2021

368-20

Via Digital Submission

Ms. Anita Fabac, MCIP, RPP
Manager, Development Planning, Heritage and Design

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

Dear Ms. Fabac:

**RE: 1842 King Street East, Hamilton
Official Plan & Zoning By-law Amendment Resubmission (UHOPA-21-009, ZAC-21-21)**

Following our April 19th, 2021 submission of the subject applications, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has received comments from the municipal departments and external agencies regarding the subject applications, in addition to the Design Review Panel comment summary package dated August 12th, 2021. Feedback has also been obtained from the September 23rd, 2021 Neighbourhood Information Meeting with area residents. In response to the comments received, UrbanSolutions is pleased to submit the enclosed revised supporting materials to address comments received from City staff for the lands known municipally as 1842 King Street East in the City of Hamilton.

The Concept Plan has been altered in several areas to address concerns raised by various City departments. Notably, the King Street East site access has been widened to accommodate both the median proposed by Paradigm Transportation Solutions and the fire truck turning radii required to navigate the site. Additionally, the interface along the King Street East access has been enhanced to consolidate sidewalk paving and increase the landscape strip.

The following comment response is specific to the matters raised in the City of Hamilton comments related to the initial Official Plan & Zoning By-law Amendment submission and the Design Review Panel comment summary dated August 12th, 2021:

Development Planning – Daniel Barnett

- 1. The massing and scale of the proposed development represents a significant departure from what exists in the area and is not compatible with the massing and scale of the existing area. The proposed density of 525 units per hectare represents an increase of approximately 2.6 times greater than what is currently envisioned for this area and therefore represents a significant departure from the current maximum residential density. The majority of the existing multiple dwellings in the area are narrow in lengths, with lengths of typically 30 metres or less, whereas the proposed development consists of two buildings along each street frontage, the westerly building being approximately 75 metres in length and the easterly building being approximately 65 metres in length.*

Comment Response: As noted by City staff in their March 29, 2021 Staff Report (PED17010(i)), the City has proposed an 'Ambitious Density' scenario to accommodate the growth and intensification targets up to 2051 set out by the Growth Plan. The 'Ambitious Density' scenario seeks to increase Hamilton's current objective of 40% intensification occurring within the Urban Boundary to 50% to 2031, 60% to 2041 and 70% to 2051. As the subject lands represent an underutilized 6.5 acre site with frontage on two Minor Arterial Roads, the property is a prime candidate for accommodating the density proposed on site in order to aid the City in achieving the intensification targets which have been identified.

The City-Wide Corridor Planning Principles and Design Guidelines note that where a building is greater than 60 metres in length, it should be divided into two separate built forms above the 3rd storey. The proposal's design takes this into account and implements a distinction in materiality below and above the 3-storey mark of the proposed façade. Additionally, step backs have been proposed at the 6th-storey as well as the 10th-storey to aid in enhancing the public realm presented by the development along King Street East and Lawrence Road and ensure appropriate massing transition to adjacent and abutting land uses.

Further, the supporting studies completed for the proposed development verify that the built form does not present any adverse impacts to the public realm, shadow impacts, wind conditions and compatibility of the site. This is confirmed by the conclusions of the Urban Design Brief, Sun/Shadow Study, Wind Impact Study and Planning Justification Report.

- 2. The existing building height along both King Street East and Lawrence Road consists of predominately low rise built forms and the planned building height along King Street East ranges in height from 11 – 14m based on the new commercial zoning which would traditionally accommodate a building height of between 3 to 4 storeys. The proposed height of 44 metre represents a significant departure from both the existing and planned building heights.*

Comment Response: The area surrounding the subject lands are not unfamiliar with mid to high-rise dwelling forms as 4-7 storey multiple dwellings currently exist adjacent to the property, directly across Lawrence Road to the south. Additionally, several 11-storey multiple dwellings are located approximately 350.0 metres east of the site on King Street East. The design decisions made for the proposed massing were carefully informed by the City-Wide Corridor Planning Principles and Design Guidelines. Contained in Appendix A of this cover letter are the angular plane sketches completed for the site. The Angular Plane Sketch illustrates several different applications of the angular plane; the cyan line illustrates the 45-degree angular plane taken from 80% of the R.O.W., the red line shows the proposed angular plane (61-degrees), while the blue line represents the 45-degree angular plane taken from the as-of-right height permitted in the Major Institutional Zone (49-degrees). As shown in Appendix A; while the proposed tower design does not meet the 45-degree angular plane prescribed by the Guidelines, the tower design is proposed to implement a similar angular transition in height to the abutting land uses. Further, approximately 1/3rd of the lot lines surrounding the site meet the angular plane standards. It is also important to note that the as-of-right height and setback attributed to the existing zone of the subject lands would still breach the preferred 45-degree angular plane. Additionally, the public will not generally be experiencing the proposed massing from 80% of the R.O.W., as pedestrians would be situated at the ultimate R.O.W. width on the sidewalk, approximately 5 – 6 feet from ground level. Accordingly, the proposed angular plane the

massing presents would breach the 45-degree angular plane by an even lesser degree for the common pedestrian. Further, when providing feedback on the proposal, the Design Review Panel supported the development - noting that the proposed step backs are appropriate for terracing and transition scaling for the neighbourhood. Taking the above under consideration, although the proposed tower design does not meet the angular plane guidelines, the angular plane intent of appropriate transition in massing and height for the purpose of ensuring compatibility has been appropriately addressed.

- 3. The Sun/Shadow study needs to identify the specific criteria for the evaluation in terms of expectations for the length of sun access onto public sidewalks. Best practices is for a minimum of 3 hours of sun on public sidewalks between 10 am and 4 pm. It doesn't appear that the minimum 3 hours of sun access to the public sidewalk between 10 am and 4 pm is being achieved. An update to the Sun Shadow Study is therefore required.*

Comment Response: The Sun Shadow Study has been revised to address the comments noted above and has been included in the resubmission package. The revised Study concludes that the proposed shadowing of the public realm and neighbouring properties is minor and meets the intent of the City's policies.

- 4. The Wind Study methodologies identified do not appear to include either wind tunnel testing or digital testing of the specific building form proposed for the site. Wind evaluation should include testing of the specific built form that is proposed rather than generalize built forms. The Wind Study should be updated to include testing of the specific built form and to evaluate any changes in the design.*

Comment Response: The Wind Impact Study has been revised to address the comments noted above and has been included in the resubmission package. The Wind Study notes that wind tunnel testing can be conducted at a later design stage to quantify the level and frequency of high wind activity, confirm the need for wind control features and to optimize mitigation efforts.

- 5. Regarding the Noise Study, an evaluation of the noise impacts from Kenilworth Avenue needs to be undertaken. An evaluation as to whether there are any stationary noise sources that may impact the proposed development needs to be undertaken. An evaluation of the impact of noise impacts generated by the development on itself and adjacent lands needs to be undertaken. An evaluation of the impact on any terrace if it is greater than 4m, the roof top amenity areas and any at grade amenity areas is also required.*

Comment Response: The Noise Impact Study has been revised to address the comments noted above and has been included in the resubmission package for City staff's review. The noise impacts from Kenilworth Avenue were calculated and it was determined that given the elevation difference and the shielding of the concrete bridge, the traffic noise level will not have an acoustical noise impact on any of the proposed residential units. Further, the noise conditions on the proposed amenity areas and terraces are projected to fall within acceptable levels with the help of the proposed safety railings which reduce the noise levels at those locations.

- 6. A Phase 1 and Phase 2 ESA has been submitted with the applications. Approval from the Ministry of the Environment, Conservation and Parks (MECP) will be required for completion of an RSC. If*

the RSC is not completed prior to the Amending By-law being Adopted by Council an 'H' Holding Provision to complete the RSC will need to be included in the Amending Bylaw.

Comment Response: The required Remedial Action Plan is presently being prepared by Landtek Limited in response to the results of the Phase 2 Environmental Site Assessment that was completed. As the Record of Site Condition will be included as a condition of Site Plan approval, we do not believe it is necessary to add a secondary layer of control and approvals in order to ensure the Record of Site Condition is completed.

Transportation Planning – Sandra Lucas

Comment Response: Comments have been noted and reflected on Site Plan and the required Functional Design drawing required for the proposed diverter island at the King Street East access has been provided in the resubmission package.

Natural Heritage – Melissa Kiddie

Comment Response: The Landscape Plan and Tree Preservation Plan has been revised to address the comments received from Natural Heritage and a Comment Response Letter has also been prepared to provide any necessary clarifications.

Cultural Heritage – Alissa Golden

Comment Response: As identified in the comments, a Stage 1 & Stage 2 Archaeological Assessment was completed in support of the proposed development. The requested Stage 3 Archaeological Assessment has been prepared by This Land Archaeology and received formal clearance from the Ministry of Heritage, Sport, Tourism and Culture Industries on October 4, 2021. The Ministry clearance letter and Stage 3 Archaeological Assessment are enclosed in the following resubmission package. The Documentation & Salvage Report has also been revised by Letourneau Cultural Heritage Consultants to address the comments received and is enclosed in the resubmission package.

Urban Design – Ana Crueru

Comment Response: The Urban Design Brief and Landscape Plan have been revised to address comments provided by Urban Design staff. Further, a comment response letter has been prepared by Whitehouse Urban Design to speak to the specific concerns raised.

A comment was made by Urban Design requesting diagrams indicating the application of the 45-degree angular plane in relation to the eastern property line as well as the Right-of-Ways of King Street East and Lawrence Road. Contained in Appendix A of this cover letter are the angular plane sketches completed for the site. The Angular Plane Sketch illustrates several different applications of the angular plane; the cyan line illustrates the 45-degree angular plane taken from 80% of the R.O.W., the red line shows the proposed angular plane (61-degrees), while the blue line represents the 45-degree angular plane taken from the as-of-right height permitted in the Major Institutional Zone (49-degrees). As shown in Appendix A; while the proposed tower design does not meet the 45-degree angular plane prescribed by the

Guidelines, the tower design is proposed to implement a similar angular transition in height to the abutting land uses. Further, approximately 1/3rd of the lot lines surrounding the site meet the angular plane standards. It is also important to note that the as-of-right height and setback attributed to the existing zone of the subject lands would still breach the preferred 45-degree angular plane. Additionally, the public will not generally be experiencing the proposed massing from 80% of the R.O.W., as pedestrians would be situated at the ultimate R.O.W. width on the sidewalk, approximately 5 – 6 feet from ground level. Accordingly, the proposed angular plane the massing presents would breach the 45-degree angular plane by an even lesser degree for the common pedestrian. Further, when providing feedback on the proposal, the Design Review Panel supported the development - noting that the proposed step backs are appropriate for terracing and transition scaling for the neighbourhood. Taking the above under consideration, although the proposed tower design does not meet the angular plane guidelines, the angular plane intent of appropriate transition in massing and height for the sake of compatibility has been appropriately addressed.

Building Zoning and Engineering – Cam Thomas

Comment Response: Please refer to the enclosed draft Zoning By-law which has been revised to remove those provisions deemed unnecessary by Zoning staff and to add or alter relevant provisions to ensure the site-specific regulations capture all discrepancies from the parent Zoning By-law.

Development Engineering – Peter Dimitroulias

Comment Response: Please refer to the enclosed Comment Response Letter and revised Engineering materials prepared by Lanhack Consulting and Lamarre Consulting Group which aim to address comments received by Development Engineering, Hamilton Water and Infrastructure Planning staff.

Forestry & Horticulture – Stephen Clark

Comment Response: Please see enclosed Landscape Plan prepared by Whitehouse Urban Design as requested by Forestry staff.

Niagara Escarpment Commission – Karen Bannister

Comment Response: The Niagara Escarpment Commission (NEC) comments provided require a Visual Impact Assessment on the basis of Part 2.13.2 of the Niagara Escarpment Plan which states “where a visual impact on the scenic resources is identified as a concern by the implementing authority, a visual impact assessment shall be required”. However, Part 2.1 of the Development Criteria section of the Niagara Escarpment Plan clearly states “The development criteria are to be applied to all development within the area of the Niagara Escarpment Plan in conjunction with the other policies of this Plan”.

Accordingly, given the fact that our site is located outside of the NEC Plan boundary, the requested Visual Impact Assessment should not be required for the proposed development. Further, the Visual Impact Assessment was not identified as a required study during the Formal Consultation process for this proposal. The Formal Consultation process is meant to ensure required submission materials remain consistent for proposed developments.

For the reasons discussed above, our office is of the opinion that the Visual Impact Assessment requested by the Niagara Escarpment Commission should be waived to reflect the jurisdiction of the Niagara Escarpment Plan and to provide consistency in commenting agencies for the applicant.

Design Review Panel – Joe Buordolone

The Design Review Panel comment summary was provided to our team for review on September 24th, 2021. The Design Review Panel supported the proposal and stated that the proposed stepbacks are appropriate terracing and transition scaling for the neighbourhood. The Panel also appreciated the simple design of the architecture, the roof top terraces, green roofs and how the podiums complement each other. While the Design Review Panel was largely supportive and complementary of the proposed design, the comment summary provided constructive input on several components of the design as follows:

- The Panel recommended the possibility of adding stepbacks to the building along the frontages on King Street East and Lawrence Road to improve compatibility with the existing neighbourhood height.

Comment Response: Although the proposed tower design does not meet the angular plane guidelines, the angular plane’s intent of appropriate transition in massing and height to adjacent land uses has been maintained. As currently proposed, the massing does not present any adverse shadow impacts to surrounding land uses as confirmed by the Sun/Shadow Study. With respect to compatibility, the Urban Hamilton Official Plan defines compatibility as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Bearing this definition in mind, the proposed built form maintains compatibility with the surrounding land uses by implementing a design which gives appropriate transition consideration to abutting land uses.

- The Panel recommended that those areas along the east and west property line be landscaped.

Comment Response: Appropriate landscape buffers are proposed along the east and west property lines of the site to ensure adequate transition to the existing land uses abutting the site and will be implemented at the Site Plan stage.

- The development should provide signage and implement wayfinding techniques to improve access to the courtyard spaces proposed.

Comment Response: The signage and wayfinding provided on site will be discussed and determined during the detailed design of the Site Plan stage for the proposed development.

- The development should consider including commercial uses to benefit the residential units on site and in the surrounding community.

Comment Response: The proposed density of the development will have a positive impact on the surrounding commercial uses which presently exist in the area. These local businesses will benefit from

the added neighbourhood residents and additional commercial uses may be introduced to the area over time as required by demand.

- The Panel recommended that the development consider including family sized 3+ bedroom units.

Comment Response: The proposed development includes 24 three-bedroom dwelling units and 243 two-bedroom units to provide a variety of dwellings in order to service the varied needs of the housing market.

- Panel had some concerns with the scale of the tower relative along the east and west property lines, particularly for the single detached dwellings on Rosedale Avenue.

Comment Response: Step backs have been proposed at the 6th-storey as well as the 10th-storey to aid in minimizing the canyon effect presented by the development along King Street East and Lawrence Road and to ensure appropriate massing transition to adjacent and abutting land uses to the east and west. These step backs were included in the proposed development with consideration given to the angular plane guidelines laid out in the City-Wide Corridor Planning Principles and Design Guidelines document. Further, the Sun/Shadow Study, Urban Design Brief and Wind Study completed as part of the Official Plan & Zoning By-law Amendment submission package supported the proposed massing in relation to the abutting land uses; concluding that there were no adverse impacts presented.

- Panel recommended the proposal consider distinguishing the floor levels for the facades facing public streets.

Comment Response: A distinction in materiality has been made at the first floor levels of the facades facing King Street East and Lawrence Road through the use of red brick to emphasize the podium. However, further materiality discussions can take place at the Site Plan stage for the proposed development.

- The Panel noted that there will be shadow impacts on heritage buildings to the north side of King Street East and that a Cultural Heritage Impact Assessment should be undertaken.

Comment Response: The Sun Shadow Study completed for the proposed development concluded that the resulting shadow cast by the tower design does not result in adverse impacts as adjacent uses are not subject to prolonged shadows. The study conforms to the standards set out in the City-Wide Corridor Planning Principles and Design Guidelines for evaluating shadow impacts of taller buildings. In addition, no cultural heritage elements were identified as needing to be considered during the Formal Consultation process by the City of Hamilton. Accordingly, a Cultural Heritage Impact Assessment will not be necessary to be completed to ensure the adjacent land uses are free of adverse impacts.

- The Panel recommended reducing parking spaces at grade that are located within the proposed amenity area and slowing of vehicular traffic along the internal road.

Comment Response: While the urban design consideration for reducing parking spaces at grade is noted, those few parking spaces currently provided at the surface level are necessary to satisfy regulations set

out in the Zoning By-law and the Building Code. As such, no reduction in the surface parking spaces provided will be pursued.

- Recommendation made to locate bicycle parking spaces close to King Street East and Lawrence Road.

Comment Response: The exact location of the bicycle parking spaces in relation to King Street East and Lawrence Road can be consideration and discussed during the detailed design of the development at the Site Plan stage.

- The Panel expressed concern with grading and recommended changing proposed grading so that centre of site is level with grading of sidewalks along King Street East and Lawrence Road.

Comment Response: The proposed grading of the subject lands balances multiple different components from pedestrian connections to below grade infrastructure including the proposed parking garage and municipal servicing. The grades as currently proposed contemplate the best use of stormwater management opportunities, lot efficiency and pedestrian interaction with the site.

- The Panel recommended improving the streetscape on both King Street East and Lawrence Road by having units that exit at grade, encourage active uses, minimizing the amount of vehicle entrances and eliminating blank walls.

Comment Response: The proposed development includes walk-out units at grade along both the King Street East and Lawrence Road frontages which enhance the streetscape. The site design has attempted to minimize the quantity of vehicle entrances to the property while maintaining adequate vehicle distribution to and from the site onto surrounding streets. Accordingly, only one vehicular entrance has been proposed on the King Street East frontage and Lawrence Road frontage. Further, the implementation of landscape buffering in front of the proposed walk out units help to animate the streetscape. As previously mentioned, further façade materiality discussions can take place at the Site Plan stage for the proposed development.

- The Panel recommended that the development look at opportunities to reuse components of the existing building on-site as part of the development in order to improve the environmental footprint.

Comment Response: The registered owner of the subject lands is intending on LEED certifying the proposed development through the implementation of geothermal heating systems, green roofs and more to mitigate greenhouse gas emissions and maintain a low carbon footprint. The Documentation & Salvage Report completed as part of the Official Plan & Zoning By-law Amendment submission package identified some components of the existing structure on site which can be taken off property and salvaged such as chalkboards, doors, ceramic wall tiles and marble windowsills. Further opportunities to reuse components of the existing building on site can be explored and considered at the Site Plan stage of the project.

It is our opinion that the following submission adequately addresses all issues identified by the respective City departments. This submission includes the necessary material to bring forward the Official Plan and Zoning By-law Amendments to Planning Committee.

In keeping with the above, please find enclosed:

- One (1) copy of the revised Concept Plan prepared by Graziani + Corazza Architects;
- One (1) copy of the revised Architectural Drawing Set prepared by Graziani + Corazza Architects;
- One (1) copy of the revised draft Zoning By-law Amendment prepared by UrbanSolutions;
- One (1) copy of the Neighbourhood Information Meeting Minutes prepared by UrbanSolutions;
- One (1) copy of the revised Urban Design Report prepared by Whitehouse Urban Design;
- One (1) copy of the revised Landscape Plan and Tree Preservation Plan prepared by Whitehouse Urban Design;
- One (1) copy of the Comment Response Letter prepared by Whitehouse Urban Design;
- One (1) copy of the revised Functional Servicing Report prepared by Lanhack Consultants;
- One (1) copy of the revised Grading Plan prepared by Lanhack Consultants;
- One (1) copy of the revised Servicing Plan prepared by Lanhack Consultants;
- One (1) copy of the Existing Catchment Area Plan prepared by Lanhack Consultants;
- One (1) copy of the Proposed Catchment Area Plan prepared by Lanhack Consultants;
- One (1) copy of the revised Hydraulic Assessment prepared by C3 Water;
- One (1) copy of the revised Stormwater Management Report prepared by Lamarre Consulting Group;
- One (1) copy of the revised Hydraulic Assessment prepared by Lanhack Consultants;
- One (1) copy of the revised Wind Impact Study prepared by RWDI Consulting Engineers & Scientists;
- One (1) copy of the revised Noise Impact Study prepared by dBA Acoustical Consultants;
- One (1) copy of the Hydrogeological Brief prepared by Landtek Limited;
- One (1) copy of the revised Sun/Shadow Study prepared by R. Bouwmeester & Associates;
- One (1) copy of the revised Documentation & Salvage Report prepared by Letourneau Cultural Heritage Consultants;
- One (1) copy of the Comment Response Letter prepared by Letourneau Cultural Heritage Consultants;
- One (1) copy of the Ministry Clearance Letter re: Stage 3 Archaeological Assessment prepared by This Land Archaeology.

We look forward to working with you and your staff in the review of this resubmission. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

- cc. New Horizon Development Group
Councillor Sam Merulla, Ward 4, City of Hamilton (Cover letter & Concept Plan only)
Mr. Steve Robichaud, MCIP, RPP, Chief Planner and Director of Planning, City of Hamilton (Cover letter & Concept Plan only)
Ms. Shannon McKie, MCIP, RPP, Senior Project Manager, City of Hamilton (Cover letter & Concept Plan only)
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.