

March 2, 2022

368-20

**Via Digital Submission**

Ms. Anita Fabac, MCIP, RPP  
Manager, Development Planning, Heritage and Design  
&  
Ms. Shannon McKie, MCIP, RPP  
Manager, Zoning and Committee of Adjustment

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Fabac & Ms. McKie:

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

Following our October 12<sup>th</sup>, 2021 resubmission 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 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 to address concerns raised by various City departments. Specifically, the proposed massing along King Street East has been altered in height through the implementation of step backs and a repositioning of height towards the centre of the site. The podium height along both the King Street East and Lawrence Road frontages increased from 1-storey to 2-storeys and the step back depth from the street was increased in order to balance the height of the building and break up its perceived height. The tiered building height adjacent King changed from 6-, 10- and 12-storeys to 2-, 7- and 9-storeys. As a result of the alteration in proposed massing, the total unit count has been reduced from an initial 1407 units to 1351 units total. Additionally, the interface along the King Street East access has been enhanced to consolidate sidewalk paving and increase the landscape strip.

In support of this submission, the project team has prepared revised and updated plans and reports, together with comment responses to summarize how their respective updates address specific comments from the various departments as summarized at the conclusion of this cover letter.

The following comment response is specific to the matters raised in the City of Hamilton comments related to the Official Plan & Zoning By-law Amendment resubmission dated October 12<sup>th</sup>, 2021:

### **Summary of Development Planning Comments:**

- *Density is still considered excessive for area of City*

**Comment Response:** Through the various revisions to the proposed height and massing contained on the site, the quantity of proposed residential units has decreased from the initially proposed 1407 units to 1351 total. In other words, the proposed density for the site has now been decreased from 525 units per hectare to 504 units per hectare. While a net residential density of 500 units per hectare is generally the maximum for Central Hamilton in the Urban Hamilton Official Plan, in City Staff Report PED21067(a), the City of Hamilton provided their proposed amendments to the UHOP to accommodate applicable intensification targets without expansion of the Urban Boundary. Specifically, the Urban Structure section is proposed to be amended to identify 500 units per hectare as the minimum net residential density in Central Hamilton, as opposed to the maximum. Additionally, Urban Nodes and Corridors are proposed to be considered as strategic growth areas where higher density compact built forms are to be encouraged and promoted. While not applicable currently, the policy direction indicates a noticeable change in what can be considered appropriate density within new developments as a result of the decision to accommodate 81% of residential intensification within the existing Urban Boundary. Further, both the Provincial Policy Statement and Growth Plan provides strong policy direction to optimize the use of land and infrastructure through compatible density. As the proposed density is decreasing slightly to ensure the built form and massing responds to its neighbourhood context to ensure no adverse impacts, it can be determined that the proposal has an appropriate density given the property size and surroundings. Further, the Functional Servicing Report prepared by Lanhack Consulting and Transportation Impact Study prepared by Paradigm conclude that the municipal servicing infrastructure and traffic network are able to accommodate the proposed density without presenting adverse impacts to the surrounding neighbourhood.

- *Building slab exceeding 60m in length is not compatible with massing and scale of the existing area*

**Comment Response:** For buildings greater than 60 metres and greater than 3 storeys high, the City-Wide Corridors Planning Principles Guideline encourages a building be divided into two separate built forms above the 3<sup>rd</sup> storey. The intent of this guideline is to be mindful of the negative impacts resulting from a canyon effect and shading along the street for great lengths. The revisions to the proposed step backs, increase in podium height to 2-storeys, reallocation of height to the centre of the site and increase in depth of step backs along the King Street East frontage adequately address the intent of the applicable guidelines. As confirmed by the revised Sun/Shadow Study, the resulting shadows of the development do not encroach past the as-of-right shadows established for the property and maintain 3-hours of continuous sun light on both the Lawrence Road frontage and the northern sidewalk of the King Street East frontage. Further, the step backs provided, along with the reallocation of massing height and articulation of the proposed 2-storey podium appropriately mitigate potential for canyon effect on the bordering right-of-ways. Accordingly, despite the proposal exceeding the 60-metre slab length guideline, the intent of the guideline is maintained and accommodated through the proposed massing design.

- *Even with step backs and setbacks provided, the massing does not provide adequate transition to existing low-rise buildings in the area.*

Comment Response: The revisions to the proposed massing and height distribution throughout the site has improved upon the proposal's transition to the existing low-rise buildings in the area. Specifically, by relocating the tallest portions of the King Street East multiple dwellings towards the centre of the site supports an enhanced transition in building height and massing to the abutting properties to the north, east and west. Further, the proposed podium fronting King Street East and Lawrence Road has been increased from 1-storey to 2-storeys. Through the change in articulation and massing at the second storey, the potential for canyon effect has been minimized; improving the public realm and enhancing the transition to the existing low-rise buildings in the area. As currently proposed, the revised massing does not present any adverse shadow impacts to surrounding land uses as confirmed by the revised Sun/Shadow Study.

- *Staff note that the proposed angular plane of the massing is not consistent with angular plane best practices set out in the City Wide Corridor Planning Guidelines*

Comment Response: While the proposed massing still does encroach into the 45-degree angular plane prescribed in the City Wide Corridor Planning Guidelines, the reallocation of height towards the centre of the site greatly improves upon the previously proposed angular plane interfaces on the northern property line wherein it changed from 59-degrees to 45-degrees as per the angular plane reductions illustrated in the Architectural package. The reallocation of height towards the centre of the site has also improved upon the angular planes on the east and west property lines. Less emphasis was placed on the Lawrence Road angular plane interface due to the mid-rise nature of the properties which are adjacent to the site, across Lawrence Road.

- *Staff are of the opinion that the size of the site, there is ample opportunity to establish a building that provides a height of 12 storeys which is also appropriately massed to comply with angular planes and reduce the perceived massing from the public realm*

Comment Response: The revisions to the proposed massing and height distribution of the development contain appropriate changes to achieve 12-storeys while reducing the perceived massing from the public realm. Specifically, the step backs implemented along King Street East no longer encroach into the 45-degree angular plane, improve upon the public realm and further respect the angular planes with regards to the east and west property lines.

- *DRP comments noted recommendations for adding step backs along the King Street East and Lawrence Road frontage and expressed concern with scale of the tower relative to the east and west property lines*

Comment Response: As noted above, the proposed development has been revised to take into account the DRP's comments regarding step backs. The King Street East interface now accommodates a step back at the 2<sup>nd</sup> storey and the 12-storey portion of the massing has been relocated towards the centre of the property with the façade along the frontage ranging from 7-storeys to a maximum of 9-storeys.

- *Planning staff did not notice any significant change between the revised Sun Shadow Study and the previous Sun Shadow Study. The revised Sun Shadow Study, does not seem to address the previous comments with respect to identifying specific criteria for evaluation*

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

- *Previous staff comments required that wind evaluation be of the specific built form rather than a generalize built form. The original Wind study pushed wind tunnel testing to a later stage and staff comments required that this be undertaken and the expectation is that it be undertaken a the Official Plan Amendment and Zoning By-law Amendment stage, the revised study again does not undertake a wind tunnel testing or even software testing of the specific built form*

Comment Response: The Wind Impact Study consultant is in the process of conducting wind tunnel testing using a 3D model of the proposed massing and will include the results of this testing in the revised Study that is to be submitted under separate cover.

- *The Noise Study does not appear to evaluate whether any of the nearby commercial properties may constitute a stationary noise source that may impact the proposed development. An evaluation as to whether there are any stationary noise sources that may impact the proposed development needs to be undertaken.*

Comment Response: The Noise Impact Study has been revised to address the comments noted above, as well as the updated Concept Plan. It is included in the resubmission package for City staff's review.

- *Including commercial uses in the proposed development should be considered. The response provided does not adequate address the comment of the DRP, which suggested including commercial into the proposed development for the benefit of residents on site and the surrounding community, whereas the response focus on how the proposed increase in density will help existing commercial in the area or spur demand for more commercial development which would ultimately be accommodated not on site but elsewhere.*

Comment Response: The proposal is not planned to accommodate commercial uses as the developer did not intend on providing a mixed-use development on the subject property. Further, the existing commercial uses in the area can adequately accommodate any demand brought on by the proposed development. The proposed development aims to be strictly residential in nature and the proposed Zoning By-law Amendment for the lands does not permit commercial land uses. Through the exclusion of commercial units on the ground floor, the development delivers a greater number of residential units to the housing market which increases housing affordability in the neighbourhood and aids the City in meeting intensification targets set out by the Province.

- *Source Water Protection would require a Hydrogeological Brief conducted by a qualified professional (P.Eng, P.Geo) that discusses soil/groundwater conditions to properly characterize potential dewatering needs.*

Comment Response: A Hydrogeological Investigation was prepared by Landtek Limited and submitted for review in the October 12<sup>th</sup>, 2021 resubmission package. As confirmed by the planner on file, the Hydrogeological Investigation was circulated to Development Engineering along with the other supporting material contained in the resubmission package. As no indication was given by Development Engineering that they had reviewed the submitted Report, it has been included again in this resubmission package.

- *Visual Impact Assessment is requested to be prepared by Niagara Escarpment Commission.*

Comment Response: 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”. 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 as directly stated in their own policy document. Further, the NEC was not circulated during the Formal Consultation process for this proposal. Those public agencies who are circulated for an Official Plan & Zoning By-law Amendment application should remain consistent with those agencies which were circulated during the Formal Consultation process.

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 Architectural Comparison Package prepared by Graziani + Corazza;
- One (1) copy of the revised Architectural Drawing Set prepared by Graziani + Corazza;
- One (1) copy of the revised draft Zoning By-law Amendment prepared by UrbanSolutions;
- One (1) copy of the Urban Design Report Addendum 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 Comment Response Letter prepared by Lanhack Consultants;
- One (1) copy of the Comment Response Letter prepared by C3 Water;
- 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 Section Drawings 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;
- One (1) copy of the revised Hydraulic Assessment prepared by Lanhack Consultants;
- One (1) copy of the revised Pedestrian Wind Assessment Addendum Letter prepared by RWDI;

- One (1) copy of the revised Noise Impact Study prepared by dBA Acoustical Consultants;
- One (1) copy of the Transportation Impact Study Addendum Letter prepared by Paradigm Transportation Solutions;
- One (1) copy of the Hydrogeological Investigation prepared by Landtek Limited; and,
- One (1) copy of the revised Sun/Shadow Study prepared by R. Bouwmeester & Associates.

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)  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.