



PLANNING JUSTIFICATION REPORT

41-53 King Street West, Hamilton, ON

Mixed Use Development

Prepared for: Hi-Rise Development Advisors

By: UrbanSolutions Planning & Land Development Consultants Inc.

Date: June 2017



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1.0 Introduction

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained by Hi-Rise Development Advisors Inc. (owner) to prepare the necessary *Planning Act* application to facilitate a high density mixed use development on the lands municipally known as 43-51 King Street East, in Hamilton, Ontario.

The purpose of this report is to provide an overview of the subject lands and a detailed description of the proposal, together with a detailed review of the applicable land use planning policy framework. This report will also provide the planning justification in support of the proposed development through evaluation of the planning merits of the Zoning By-law Amendment (ZBA) application.

1.1 Location

The subject site is located in the downtown core in the City of Hamilton. Specifically, the subject property is located on the northeast corner of King Street East and Hughson Street North, as indicated below in Figure 1. The subject site also has frontage along the south side of King William Street.



Figure 1 – Subject Lands – 43-51 King Street East., Hamilton

King Street East is a major west corridor through the Downtown Hamilton. Hughson Street runs north, with connection to King William Street, which runs east. The lands are legally described as Lot 5 and Part of Lot 6 North side of King Street between Hughson and John Street and Lot 28 and Part



of lots 26 and 27 South side of King William Street between Hughson and John Street and Part of Alleyway between Hughson, King William, John & King all in Nathaniel Hughson Survey in the City of Hamilton.

1.2 Site Description

The subject property can generally be described as being “L” shaped, measuring 0.40 hectares in size. The site has frontage on King Street East of +/- 27.20m, along Hughson Street North of +/- 86.62m and along King William Street of +/- 64.21m.

The portion of the subject lands municipally known as 41-53 King Street East are currently improved with a two storey building which was the previous location of the S. S. Kresge & Co. Department Store. The portion of the lands located along King William Street are currently used as a parking lot.

The immediate surrounding land use context can be seen in Figure 2 below. The surrounding area is primarily a mixed use district. North of the subject site, along King William St, are a number of existing mixed use buildings. These include buildings with restaurants as well as personal service shops on the ground level and residential or office uses above. Further north and northeast are large surface parking lots.



Figure 2 – Aerial Photo, subject site and surrounding area

To the south of the subject site is Gore Park. Along the park there are a number of commercial building ranging in height from three to fifteen storeys. Further south is the John Sopinka Courthouse, while southeast is the Royal Connaught, a 14 storey residential condominium building with future commercial uses as grade.



Immediately west of the subject site is the Right House, Hamilton's first department store. Buildings located within this City block are generally three to four storeys and are comprised of commercial uses. To the east of the site are a majority of three storey commercial buildings spanning along King Street East.

2. Proposed Development

It is the intent of the owner to develop two towers, being 25 and 34 storeys, on a podium ranging in height from 3 to 6 storeys. The proposal consists of 528 residential units and approximately 1,869m² of ground floor commercial space. The building will be served by 2 below grade and 5 above grade parking levels, with a total of 420 parking spaces. A Site Plan of the proposed development is located in Appendix A.

2.1 Planning Applications

On December 12, 2016, UrbanSolutions met with City of Hamilton staff for a Formal Consultation meeting to review the subject site and the proposed development. This Formal Consultation process confirmed that a Zoning By-law Amendment application would be required.

The purpose and effect of this Zoning By-law Amendment application is to change the zoning from Downtown Prime Retail Streets (D2) Zone on the south portion and Downtown Mixed Use (D3) Zone on the north portion, to a site specific 'D3' Downtown Mixed Use Zone. This will permit two multi-unit towers, of 25 and 34-storeys, with commercial uses on the ground level, along with a site specific parking requirement.

In addition to this Planning Justification Report, the Formal Consultation meeting confirmed that the following studies/documentation are required with for the submission of a complete application:

- Survey Plan;
- Site Plan and Building Elevations;
- Urban Design Report;
- Visual Impact Study;
- Sun/Shadow Study;
- Cultural Heritage Impact Assessment;
- Record of Site Condition;
- Wind Study;
- Functional Servicing Report;
- Transportation Impact Study;
- Parking Analysis; and,
- Transportation Demand Management Option Report.



3. Supporting Studies

In addition to this Planning Justification Report, the required studies have been completed in support of this proposal. The following is intended to provide a brief summary of the findings of each supporting study.

3.1 Urban Design Report, including Visual Impact Assessment and Sun/Shadow Study

Michael Spaziani Architect Inc. (MSAi) was retained to complete an Urban Design Report in support of the proposed development.

In addition to the applicable planning policy framework, the Report assessed the character of the surrounding area including building height, views and vistas, built heritage and façade composition.

The Report also included a detailed sun shadow analysis. The analysis was completed in keeping with City of Hamilton requirements in this regard and concluded public open spaces and private amenity areas will not be adversely impacted by the proposed development.

A visual impact analysis was also completed as part of the Report. The intent of this component was to assess significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks and skylines which enhance the overall physical character of the area when viewed from the public realm. This portion of the report confirms the development responds to the greater context of Downtown Hamilton, maintain existing views with no adverse impact while creating exciting new views.

Overall, the Report concludes the development is appropriate from an urban design perspective.

3.2 Cultural Heritage Impact Assessment

A Cultural Heritage Impact Assessment (CHIA) was completed by Megan Hobson, M.A. DIPL, Architectural Historian and Conservation Specialist. Her report outlined a recommended conservation strategy and mitigation measures for the subject site.

This report was considered by the Hamilton Municipal Heritage Committee at their April 13, 2017 meeting, wherein the Committee voted not to designate the building under Part IV of the *Ontario Heritage Act*.

A complete newbuild for the site is envisioned, wherein the King Street façade is proposed to replicate the existing façade to be demolished.



3.3 Wind Study

RWDI Inc. was retained to complete a Wind Study for the proposed development. The object of the study was to provide a quantitative assessment of the predicted wind conditions in and near the proposed development in response to the applicable policy framework.

The Study confirms minimal changes in wind conditions are predicted at greater distances from the development. While wind conditions will increase near the development, wind comfort conditions are predicted to be satisfactory at grade. Mitigation measures are proposed for two areas and they include the outdoor amenity areas on the podium as well as the northwest corner of the site.

3.4 Functional Servicing Report

A Functional Servicing Report was prepared by S. Llewellyn & Associates Limited. The report, dated April 2017, concludes that the proposed development can be constructed to meet the requirements of the City of Hamilton.

The recommendation was made to incorporate a 111m³ storage tank in the underground parking garage to provide adequate stormwater storage during storm events.

3.5 Transportation Impact Study, including Parking Analysis and Transportation Demand Management

NexTrans Consulting Engineers prepared a combined Transportation Impact Study, Parking Study and Transportation Demand Management (TDM) Report, dated April 2017.

The analysis acknowledges future background traffic conditions will be impacted by the land reduction to accommodate the future Light Rail Transit. However, the Study concludes the future total traffic conditions will continue to operate at acceptable levels of servicing.

In the review of parking, NexTrans confirms Zoning By-law No. 05-200 requires a total of 528 parking spaces while 420 are proposed having an average rate of 0.8 spaces per unit. The Report states this ratio is justified and reasonable for the context and location of the development.

NexTrans confirms that the Transportation Demand Management measures outlined have been included and are consistent with the City of Hamilton's TDM Land Development Guidelines.



3.6 School and City Recreation Facility and Outdoor Recreation/Parks Assessment

The Formal Consultation process confirmed the need for a School and City Recreation Facility and Outdoor Recreation/Parts Issues Assessment. In response, UrbanSolutions offers the following:

The City of Hamilton is served by two publicly funded school boards being the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSD). Noted in Figure 3 below, are the schools that are available to future students living at 43-51 King Street East, Hamilton. The HWDSB and HWCDSD are circulated on Zoning Amendment applications through the City of Hamilton and are able to ensure that new developments are accommodated through appropriate catchment area projections.

	Hamilton-Wentworth District School Board (HWDSB)	Hamilton-Wentworth Catholic District School Board (HWCDSD)
Elementary	Dr. J. Edgar Davey	St. Lawrence
Secondary	Sir John A. Macdonald	Cathedral
International Baccalaureate	Glendale	-
French Immersion	Earl Kitchener	St. Joseph
	Ryerson	-
	Westdale	-

Figure 3 – Schools within the catchment area of 43-51 King Street East, Hamilton.

The subject site is located within the Downtown core of the City of Hamilton and within close proximity to a number of parks and open spaces. Figure 4 below depicts both the subject lands and surrounding outdoor amenity space available to the public. Directly across the street from the subject lands is Gore Park, which hosts a number of events throughout the year.

Two future parks are also shown below within walking distance of the subject site; the southeast corner of Wilson Street and Hughson Street and the northeast corner of King William Street and John Street. The proposed development will also have on-site passive amenity areas for residents to enjoy.



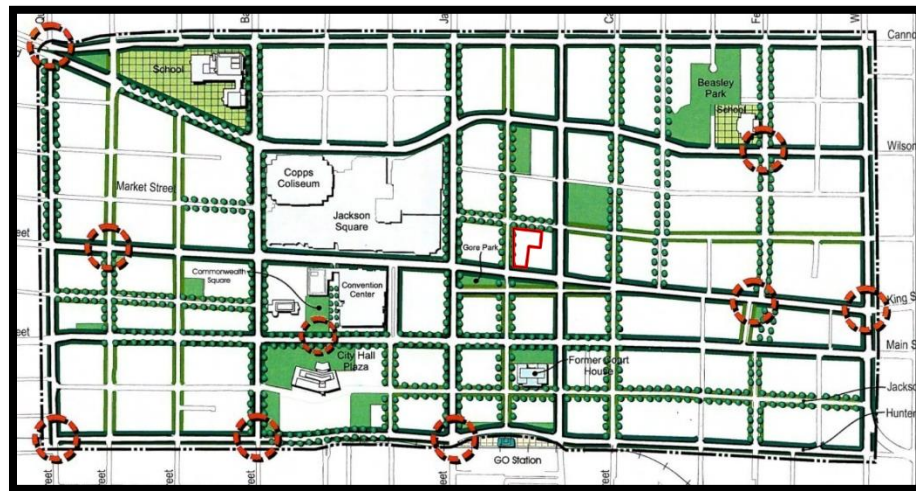


Figure 4 – Surrounding Public/Open Space, Schedule L-7 Streets, Gateways & Public Spaces, The New Land Use Plan for Downtown Hamilton, July 2001

The location of the development is well served by a number of municipal community centres such as YMCA, YWCA, Beasley Community Centre, Ryerson Community Recreation Centre. The Downtown location is also well served by a number of private arts and recreational facilities.

The subject lands and proposed development will be well served by existing and proposed schools, parks and recreational facilities.

3.7 Phase 1 and 2 Environmental Site Assessment and Future Record of Site Condition.

A Phase 1 and 2 Environmental Site Assessment was completed by Landtek Limited. The report concluded that there was fill materials, as well as Asbestos-containing material and lead based paint that are to be removed from the subject site.

A Record of Site Condition (RSC) will be completed at a later date to satisfy conditions of site plan approval.

4. Planning Policy Framework

The following Section is intended to provide a review of the applicable planning policy framework of the subject site. In this proposal, the Provincial Policy Statement, Places to Grow – Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, the Downtown



Secondary Plan and the City of Hamilton Zoning By-law No. 05-200 are all applicable policies to consider.

4.1 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land.

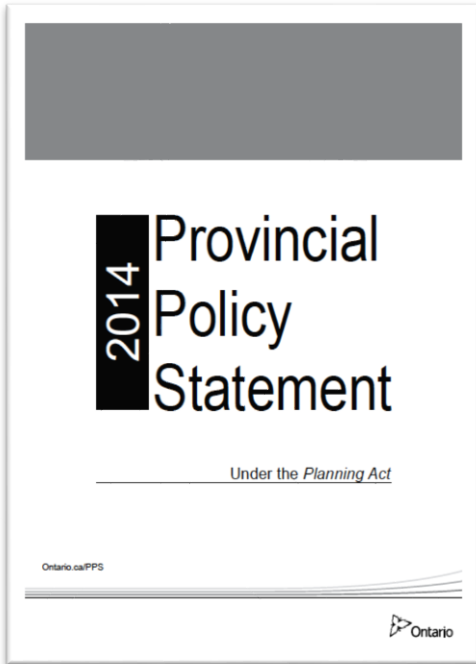
The PPS is issued under Section 3 of the *Planning Act*, with the most recent version coming into effect on April 30th, 2014. Currently Section 3 of the *Planning Act* requires that land use planning decisions be consistent with the PPS ensuring the matters of provincial interest identified in Section 2 of the *Planning Act* are addressed.

The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The PPS provides the following direction to approval authorities to manage and direct land use to achieve efficient and resilient development and land use patterns:

1.1.1 Healthy livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Accommodating the appropriate range and mix of residential (including second units, affordable housing and housing for older person), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and



- public services facilities are or will be available to meet current and projected needs; and,
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure and public service facilities beyond a 20-year time horizon.

1.1.3.1 Settlement area shall be the focus of growth and *development*, and their vitality and *regeneration* shall be promoted.

1.1.3.2 Land use patterns within settlements areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;

2. 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;

3. minimize negative impacts to air quality and climate change, and promote energy efficiency;

4. support active transportation;

5. Are transit-supportive, where transit is planned, exists or may be developed; and,

6. are freight-supportive; and,

b) 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.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the



availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The development is consistent with these aforementioned policies of the PPS. The proposed mixed use development will contribute to an appropriate range and mix of residential units in the neighbourhood and provide local commercial uses, while making efficient use of serviced land within the settlement area. The redevelopment represents an appropriate form of intensification as appropriate development standards have been introduced into the proposed site specific zone to ensure it has been designed to be compatible with the surrounding neighbourhood.

In response to Section 1.2.6 of the PPS, a Record of Site Condition will be pursued as the development proceeds for the purpose preventing adverse effects from contaminants and minimizing risk to public health and safety. A Phase 1 and Phase 2 Environmental Site Assessment has been prepared and submitted with the complete application.

The PPS also provides the following direction on housing, public spaces and parks, economic prosperity, and energy conservation:

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

1.5.1 Healthy, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;



Section 1.6 of the PPS regarding Infrastructure and Public Service Facilities contains specific policies with regards to efficient use and optimization of existing sewage, water and stormwater facilities.

Policy direction is provided in Section 1.7 of the PPS to support long-term economic prosperity.

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- b) promote the use of active transportation and transit in and between residential, employment, and institutional uses and other areas;

Section 2.6 outlines policies regarding Cultural Heritage and Archaeology resources:

2.6.3 Planning authorities shall not permit development and site alteration on adjacent land to protected heritage property 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.

The proposal represents appropriate residential intensification having an appropriate range of housing types and densities, along with commercial uses, in an area with adequate infrastructure and public service facilities. The site is within the Downtown Hamilton core, with access to parks and recreation facilities, and schools, and has access to public transit nearby with Hamilton Street Railway (HSR). Active transportation will be facilitated via the existing walkability of the neighbourhood and access to the City's bike share service. The development's design, location and density will support the use of active transportation and use of the existing transit service in the area. In addition, appropriate contributions to public spaces and parks in the city will be secured with the approval of the development. The intent is that the proposed units will contribute to the range and mix of dwelling types and tenure in the regional market area. As a form of development within the built boundary, the proposal makes efficient use of municipal services while contributing the economic prosperity and energy conservation of the neighbourhood, municipality and the province.

In response to the cultural heritage matters outlined in Section 2.6 of the PPS, the proposal has been considered by the City of Hamilton Heritage Committee and in the Cultural Heritage Impact Assessment included with the application submission package.

As outlined above, the development is consistent with the PPS. The proposed uses are an efficient use of serviced land and represents an



appropriate form of intensification that has regard for the existing character of the neighbourhood.

4.2 Places to Grow – Growth Plan for the Greater Golden Horseshoe, 2006

The Greater Golden Horseshoe (GGH) is one of the fastest growing regions in North America. In order to accommodate such growth, the Province of Ontario adopted the Places to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan). This provincial plan provides the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region to 2041. Section 5(b) of the *Planning Act* requires that decisions that affect planning matters shall conform to or shall not conflict with provincial plans, including the Growth Plan.

Section 2.2.1 of the Growth Plan provides policy direction as to where and how the municipalities should grow. Specifically, for all of the City of Hamilton, the Growth Plan forecast provides for a population of 780,000 by 2041.

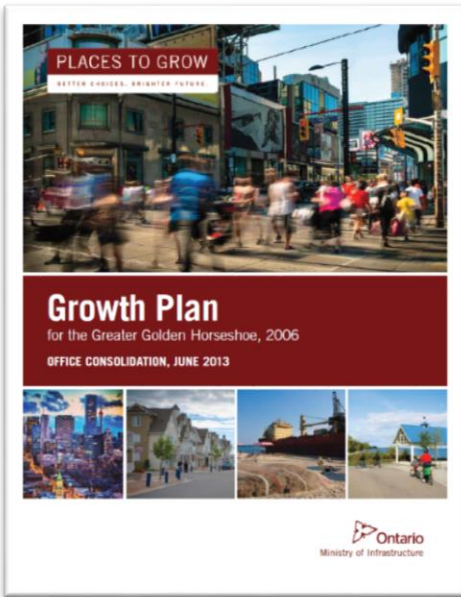
The vision for the GGH is found in certain principles of the Growth Plan, and provides the basis for guiding decisions on how land is to develop. These principles include the following:

- Build compact, vibrant and complete communities;
- Plan and manage growth to support a strong and competitive economy;
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form;

2.2.2 Managing Growth

1. Population and employment growth will be accommodated by –

- a) directing a significant portion of new growth to the built-up areas of the community through intensification
- b) focusing intensification in intensification areas
- c) building compact, transit-supportive communities in designated greenfield areas
- d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments
- e) providing convenient access to intra- and inter-city transit
- f) ensuring the availability of sufficient land for employment to accommodate forecasted growth to support the GGH’s economic competitiveness
- g) planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance



commuting and to increase the modal share for transit, walking and cycling

- h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services
- i) directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas
- j) directing major growth to settlement areas that offer municipal water and wastewater systems and limiting growth in settlement areas that are serviced by other forms of water and wastewater services
- k) prohibiting the establishment of new settlement areas.

The proposed development exemplifies the type of development required to achieve the population growth target established by the Province as it is a form of new growth in a built-up area, is a form of intensification in an identified intensification area, has access to multiple forms of transportation and active transportation options, while contributing to the development of a complete community utilizing existing infrastructure.

Section 2.2.3 General Intensification of the Growth Plan states:

1. By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area.
2. If at the time this Plan comes into effect, an upper- or single-tier municipality is achieving a percentage higher than the minimum intensification target identified in policy 2.2.3.1, this higher percentage will be considered the minimum intensification target for that municipality.
3. If at the time this Plan comes into effect, an upper- or single-tier municipality has established in its official plan an intensification target that is higher than the minimum intensification target identified in policy 2.2.3.1, this higher target will be considered the minimum intensification target for that municipality.
4. The Minister of Infrastructure may review and permit an alternative minimum intensification target for an upper- or single-tier municipality located within the outer ring to ensure the intensification target is appropriate given the size, location and capacity of built-up areas.
5. The Minister of Infrastructure, in consultation with affected municipalities will verify and delineate the built boundary.



6. All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target. This strategy and policies will –

- a) be based on the growth forecasts contained in Schedule 3, as allocated to lower-tier municipalities in accordance with policy 5.4.2.2
- b) encourage intensification generally throughout the built-up area
- c) identify intensification areas to support achievement of the intensification target
- d) incorporate the built boundary delineated in accordance with Policy 2.2.3.5
- e) recognize urban growth centres, intensification corridors and major transit station areas as a key focus for development to accommodate intensification
- f) facilitate and promote intensification
- g) identify the appropriate type and scale of development in intensification areas
- h) include density targets for urban growth centres where applicable, and minimum density targets for other intensification areas consistent with the planned transit service levels, and any transit-supportive land-use guidelines established by the Government of Ontario
- i) plan for a range and mix of housing, taking into account affordable housing needs
- j) encourage the creation of secondary suites throughout the built-up area.

7. All intensification areas will be planned and designed to –

- a) cumulatively attract a significant portion of population and employment growth
- b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods
- c) provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places
- d) support transit, walking and cycling for everyday activities
- e) generally achieve higher densities than the surrounding areas
- f) achieve an appropriate transition of built form to adjacent areas.

8. Ministers of the Crown and municipalities will use infrastructure investment and other implementation tools and mechanisms to facilitate intensification.

The proposal represents an appropriate form of intensification as it contributes to and conforms to the General Intensification polices outlined above in Section 2.2.3.



Section 2.2.4 Urban Growth Centres states:

1. Urban growth centres for the GGH are identified in Schedule 4.
2. The Minister of Infrastructure, in consultation with municipalities that have urban growth centres, will determine the approximate size and location of the urban growth centres.
3. Municipalities will delineate the boundaries of urban growth centres in their official plans.
4. Urban growth centres will be planned –
 - a) as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses
 - b) to accommodate and support major transit infrastructure
 - c) to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses
 - d) to accommodate a significant share of population and employment growth.
5. Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum gross density target of –
 - a) 400 residents and jobs combined per hectare for each of the urban growth centres in the City of Toronto
 - b) 200 residents and jobs combined per hectare for each of the Downtown Brampton, Downtown Burlington, Downtown Hamilton, Downtown Milton, Markham Centre, Mississauga City Centre, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill/Langstaff Gateway, Vaughan Corporate Centre, Downtown Kitchener and Uptown Waterloo urban growth centres
6. If at the time this Plan comes into effect, an urban growth centre is already planned to achieve, or has already achieved, a gross density that exceeds the minimum density target established in Policy 2.2.4.5, this higher density will be considered the minimum density target for that urban growth centre.

As the proposed development is located within the City of Hamilton Urban Growth Centre, it contributes to achieving the Growth Centre policies contained in Section 2.2.4.

2.2.5 Major Transit Station Areas and Intensification Corridors

1. Major transit station areas and intensification corridors will be designated in official plans and planned to achieve –



- a) increased residential and employment densities that support and ensure the viability of existing and planned transit service levels
- b) a mix of residential, office, institutional, and commercial development wherever appropriate.

2. Major transit station areas will be planned and designed to provide access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter pick-up/drop-off areas.

3. Intensification corridors will generally be planned to accommodate local services, including recreational, cultural and entertainment uses.

King Street is an identified intensification corridor near major transit station areas. The Light Rail Transit project for the City of Hamilton identifies station stops on King Street at Mary Street and James Street with a high-order pedestrian route to the Hamilton Go Centre.

The proposed development conforms and implements the Growth Plan.

4.3 Urban Hamilton Official Plan

The City of Hamilton's Urban Hamilton Official Plan (UHOP) was adopted by Council and received final approval from the Ontario Municipal Board on August 16th, 2013.



Figure 5 – Urban Structure – Schedule E

Schedule E – Urban Structure applies a *Downtown Urban Growth Centre* designation for the subject lands, shown in Figure 5.

Applicable policies from Chapter E of the UHOP with regards to Hamilton's Downtown Urban Growth Centre include:



Downtown Urban Growth Centre - Function

2.3.1.2 The Downtown Urban Growth Centre 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.

2.3.1.3 The Downtown Urban Growth Centre shall provide services to residents across the City as well as to neighbouring municipalities.

2.3.1.4 The Downtown Urban Growth Centre shall function as a major employment centre for the City. Major business, professional, and government offices shall be directed to the Downtown.

2.3.1.5 The Downtown Urban Growth Centre shall serve a regional retail function by providing retail stores and services which appeal to a broad regional market and serve residents across the City and the surrounding area as well as providing day-to-day retail facilities and services to serve Downtown residents.

2.3.1.6 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.

2.3.1.7 The Downtown Urban Growth Centre shall be promoted as the centre for major public facilities, cultural facilities and uses, and major entertainment uses, and shall function as the cultural and institutional centre of the City.

2.3.1.8 The Downtown Urban Growth Centre shall function as a major transit hub for the City with a GO rail station and higher order transit systems extending out from the Centre.

Downtown Urban Growth Centre - Scale

2.3.1.9 The Downtown Urban Growth Centre shall generally have the higher density within the City with a minimum overall density of 250 persons and jobs per hectare. Overall density in excess of this target may be achievable and warranted. Increases to this density target shall be considered as part of a review of the Downtown Hamilton Secondary Plan. The density targets shall be evaluated based, in part, on the results of the Downtown Office Strategy and the impacts on existing infrastructure and transportation networks.

2.3.1.10 It is anticipated that the Downtown Urban Growth Centre will accommodate approximately 20% of the City-wide residential intensification over the time period of this Plan which equates to a range of 5,000 to 6,000 dwelling units.



2.3.1.11 The Downtown Urban Growth Centre shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space.

Downtown Urban Growth Centre - Design

2.3.1.13 The Downtown Urban Growth Centre shall be designed with a strong pedestrian focus to create a comfortable and animated pedestrian environment.

2.3.1.14 The Downtown Urban Growth Centre shall be designed to accommodate all modes of transportation with a focus on transit and active transportation including pedestrian and cycling trips within the Downtown and between the Downtown and the surrounding Neighbourhoods.

2.3.1.15 Parking shall continue to be provided within the Downtown Urban Growth Centre to serve the needs of residents, employees, and consumers, and shall increasingly be provided in underground or above ground structures where feasible.

2.3.1.16 Reduced parking requirements shall be considered to encourage a broader range of uses and densities and to support transit.

The Downtown Urban Growth Centre designation in the UHOP Urban Structure has been established to implement the Urban Growth Centre policies of the Growth Plan. The proposed development contributes to the planned function of the Downtown Urban Growth Centre at an appropriate scale while applying appropriate design standards. Accordingly, the development complies to the Urban Growth Centre policies contained in Chapter E of the UHOP.

Schedule E.1 – Urban Land Use Designation applies the *Downtown Mixed Use Area* designation for the subject lands, as illustrated in Figure 6 below.

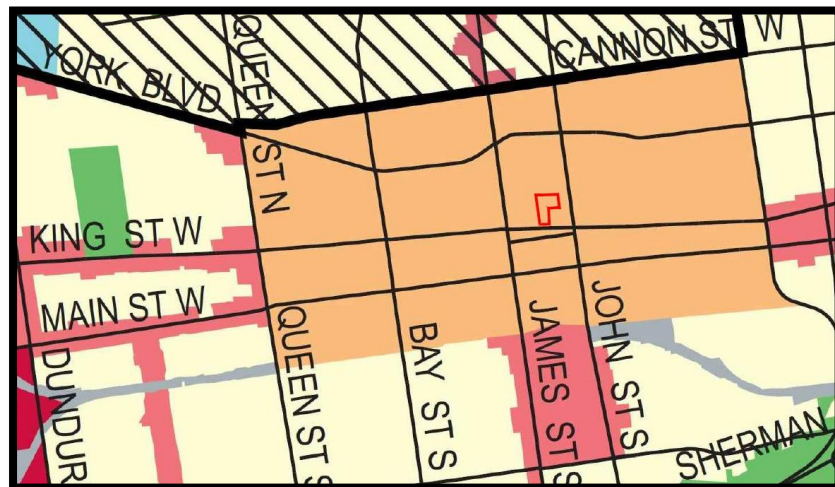


Figure 6 – Urban Land Use Designations – Schedule E-1



Applicable policies from Chapter E of the UHOP with regards to Hamilton's Downtown Mixed Use Area designation included:

4.4 Downtown Mixed Use Designation

The area designated Downtown Mixed Use is the historic downtown of Hamilton. Its boundaries coincide with the Downtown Hamilton Secondary Plan, it is intended to have a full range of retail, service commercial, institutional, cultural, entertainment, and office uses as well as a range of residential uses.

Downtown Mixed Use - Function

4.4.1 The range and breadth of commercial uses are intended to serve a broad regional market and also provide day-to-day retail goods and services to Downtown residents.

4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial development shall be designed and oriented to enhance the street life of the Downtown.

4.4.3 Increasing the number of people who work and live the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.

Downtown Mixed Use - Permitted Uses

4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices including major offices, personal services, live work units, artist studios, financial establishments, restaurants, and medical clinics; (OPA 64)
- b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
- c) arts, cultural, entertainment, and recreational uses;
- d) accommodation, such as hotels, motels, conference and convention centres; and,
- e) residential uses.

4.4.5 Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.



Prohibited Uses

4.4.6 Notwithstanding Policy E.4.4.4, the following uses shall be prohibited on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations: (OPA 64)

- a) drive-through facilities;
- b) gas bars and car washes;
- c) vehicular service stations as a primary use;
- d) vehicle dealerships; and, e) garden centres as a primary use.

Downtown Mixed Use - Scale

4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.

4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including affordable housing, that may be integrated with business uses including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.

4.4.9 Permitted uses shall be located in both single and mixed use buildings.

Downtown Mixed Use - Design

4.4.10 The Downtown Mixed Use area shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities. Buildings shall generally be situated close to and oriented to the street. Retail buildings shall have storefronts and other active uses opening onto the sidewalk. On the pedestrian predominant streets, new development shall enhance pedestrian comfort and street activity and where possible increase the built block face. New development in other areas of the Downtown Mixed Use area should create a comfortable pedestrian environment.

4.4.11 Building mass shall consider the pedestrian nature of the area designated Downtown Mixed Use. Massing techniques such as stepped back or terraced floors may be required.

4.4.12 Streetscape plans shall provide details for upgraded streetscape treatments, especially on pedestrian predominant streets.

4.4.13 Streets within the Downtown Mixed Use area shall be designed to accommodate the automobile, transit and active transportation, including pedestrian and bicycle trips within the Downtown and from the surrounding Neighbourhoods. Along pedestrian predominant streets, sidewalk widths shall be maximized where possible and a broad range of sidewalk activities, permitted where space allows, to promote sidewalk cafés, sidewalk kiosks, street vendors, and performers.



4.4.14 Reduced parking requirements shall be considered in recognition of the high level of transit service to the area designated Downtown Mixed Use.

The Downtown Mixed Use Area designation of the UHOP Urban Land Use Designations has been established to implement the Urban Growth Centre policies of the UHOP Urban Structure. The proposed development contributes to the planned function of the Downtown Mixed Use at an appropriate scale while applying appropriate design standards. Accordingly, the development complies to the Urban Growth Centre policies contained in Chapter E of the UHOP.

Chapter B, Section 2.4.1 – of the UHOP contains the following applicable General Residential Intensification policies

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.
- b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.
- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the 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; e) the development’s contribution to



achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

The proposed development assist the municipality in achieving the above noted intensification objectives. Further, it satisfies the evaluation criteria established in Section 2.4.1.4 through the use of appropriate design elements as established by the MSAi Urban Design Report.

Chapter B, Section 3.3 of the UHOP recognizes the important role of urban design in providing value to the community.

Section 3.3.2.3 contains the urban design principals to foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;



- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;
- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;
- e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
- f) providing pedestrian-scale lighting;
- g) designing streets and promoting development that provides real and perceived safety for all users of the road network;
- h) including urban braille components in streetscape improvements;
- i) considering traffic calming techniques in redevelopment projects and secondary planning; and,
- j) creating places and spaces which are publicly visible and safe.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:



- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.7 Places that are adaptable in accommodating future change are desirable and should be created by:

- a) designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;
- b) encouraging design that accommodates the changing physical needs of people and their lifestyles through all stages of their lives; and,
- c) encouraging innovative design of built forms and public spaces.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms;
- b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;
- d) encouraging the use of Leadership in Energy and Environmental Design (LEED) or other environmental building rating tools for buildings and infrastructure for all development and redevelopment;
- e) encouraging the reduction of resource consumption in building and site development and avoiding the release of contaminants into the environment; and,
- f) encouraging energy efficiency in neighbourhood design and development as set out in Section B.3.7.1.



3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active transportation;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for passive and active recreation and use;
- c) encouraging development of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
- d) reducing air, noise, and water pollution through the following:
 - i) facilitating and promoting the use of active transportation modes through building and site design;
 - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
 - iii) using appropriate pavement treatments;
 - iv) promoting energy efficient design of sites and buildings; and,
 - v) promoting innovative construction materials and techniques.

3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:

- a) adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;
- b) continuous sidewalks;
- c) landscaping such as street trees and landscaped boulevards;
- d) pedestrian amenities such as lighting, seating, way-finding signage, and urban braille;
- e) on-street parking;
- f) public art; and,
- g) amenities and spaces that encourage pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés.

With regards to Urban Design and Built Form, Section 3.3.3 offers:

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.

3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,



c) minimizing the impacts of shadows and wind conditions.

3.3.3.3 New development shall be massed to respect existing and planned street proportions.

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law. 3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

The proposed development assist the municipality in achieving the above noted urban design principals.

The proposal implements the Downtown Urban Growth Centre designation outlined in the UHOP Urban Structure and the Downtown Mixed Use Urban Land Use designation.

4.5 Downtown Secondary Plan

Volume 2, Chapter B.6.1 of the UHOP contains the policies of the Downtown Secondary Plan. The Secondary Plan Land Use Plan Map B.6.1-1 identifies the subject property being within the Prime Retail Streets designation for the portion of the lands fronting King Street and the Specialty Commercial Designation for the portion of the lands fronting King William Street.

Section 6.1.8.7 of the Secondary Plan confirms the intent of the Prime Retail Streets designation is to accommodate mixed use buildings built close to the street line. The proposal includes the development requirements of Section 6.1.8.7(d) with ground floor facades comprised of windows and doors, no setback from the property, not parking along the street frontage with driveway access at the rear of the property.



Section 6.1.8.8 of the Secondary Plan outlines the similar intent of the Special Commercial designation being to accommodate mixed use buildings.

The Development Permit Sub-Areas Map B.6.1-6 applies the Gore DPA designation to the southerly half of the property fronting King Street while applying the Lister DPA to the northerly half of the property fronting King William Street. The objective of both DPAs is similar in that new development is to have regard for the existing character of the Gore and Lister districts. Section 6.1.11.4(d) regarding the Gore DPA and 6.1.11.5(f) regarding the Lister DPA both require new facades to be consistent with the existing street scape while allowing increase to height provided they are stepped back.

The development conforms to the Downtown Secondary Plan.

4.6 City of Hamilton Zoning By-Law No. 05-200

The City of Hamilton Zoning By-Law No. 05-200 is the applicable zoning by-law for the subject site. Currently, the south half of the property fronting King Street is located in the Downtown Prime Retail Streets (D2) Zone while the north half of the property fronting King William Street is located in the Downtown Mixed Use (D3) Zone.

A Zoning By-law amendment is required to place the entire development into one zone, allowing a high density mixed use building having site specific regulations and a reduced parking ratio. A draft Zoning By-Law is contained in Appendix B.



Figure 7 – Hamilton iMapper – Zoning By-Law No. 05-200



5. Analysis

When evaluating the merits of the proposed use, it is appropriate to review the proposal against the upper tier policy documents. In this instance, the upper tier documents include the Provincial Policy Statement and the Growth Plan. The proposal exemplifies a development that contributes to creating vibrant communities, and represents an efficient use of land and services, which are themes echoed throughout these policies. By being consistent with the PPS and conforming to the Growth Plan, the proposal address matters of provincial interest identified in the *Planning Act*.

5.1 Growth Plan Analysis

Decisions affecting planning matters must conform to Provincial Plans and in this instance, the Places to Grow Growth Plan for the Greater Golden Horseshoe is applicable and two specific sections are most relevant.

Section 2.2.2.1 of the Growth Plan contains policy direction in terms of how population and employment growth is to be accommodated. This direction is quoted below followed by a Planning Comment to demonstrate conformity:

1. Population and employment growth will be accommodated by –

a) directing a significant portion of new growth to the built-up areas of the community through intensification

Planning Comment: The subject lands are within the built-up area as identified on Appendix – G “Boundaries Map (Built Boundary & Central Area Boundary)” of the UHOP. As proposed, the development is a form of intensification as defined by the Growth Plan.

b) focusing intensification in intensification areas

Planning Comment: The Section B.2.4.1.3 of the UHOP identifies 3 intensification areas including the Urban Growth Centre, Urban Nodes and Corridors and the Neighbourhoods designation. As proposed, the development is a form of intensification in an intensification area.

c) building compact, transit-supportive communities in designated greenfield areas

Planning Comment: The development represents a compact, transit-supportive built-form within the existing urban area.

d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments



Planning Comment: The Transportation Impact Study, Parking Study & Traffic Demand Management Report submitted in support of this application confirm automobile dependency is reduced as proposed in this development.

e) providing convenient access to intra- and inter-city transit

Planning Comment: The Transportation Impact Study, Parking Study & Traffic Demand Management Report submitted in support of this application confirm convenient access to intra- and inter-city transit is provided.

f) ensuring the availability of sufficient land for employment to accommodate forecasted growth to support the GGH's economic competitiveness

Planning Comment: The proposal contributes to achieving the forecasted growth outlined in Schedule 3 of the Growth Plan.

g) planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling

Planning Comment: The proposal contributes to a balance of housing options in terms of built form and tenure while providing opportunities to increase modal split options.

h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services

Planning Comment: The proposal enhances the area as a complete community as it introduces diversity to the housing built form and tenure with access to existing stores and services.

i) directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas

Planning Comment: The development is within a settlement area.

j) directing major growth to settlement areas that offer municipal water and wastewater systems and limiting growth in settlement areas that are serviced by other forms of water and wastewater services

Planning Comment: The development has access to full municipal services as outlined in the Functional Servicing Report submitted in support of this application.

k) prohibiting the establishment of new settlement areas



Planning Comment: The proposal contributes to achieving the growth targets without establishing a new settlement area.

Section 2.2.3.7 of the Growth Plan contains policy direction in terms of how intensification areas are to be planned and designed. This section is quoted followed by a Planning Comment demonstrating how the proposal fulfills this policy direction.

Section 2.2.3.7 - All intensification areas will be planned & designed to –

a) cumulatively attract a significant portion of population and employment growth

Planning Comment: The UHOP states that 40% of all residential intensification is anticipated to occur within the Neighbourhoods designation which this property is designated.

b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods

Planning Comment: The Urban Design Report submitted in support of this application confirms the development is compatible and contributes to the vibrancy of the neighbourhood.

c) provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places

Planning Comment: The Urban Design Report submitted in support of this application highlights high quality site design and urban design standards that will be further implemented at the site plan stage.

d) support transit, walking and cycling for everyday activities

Planning Comment: The Transportation Impact Study, Parking Study & Traffic Demand Management Report submitted in support of this application highlight the availability of transit, walking and cycling opportunities that exist for everyday activities.

e) generally achieve higher densities than the surrounding areas

Planning Comment: The proposed built form increases the density of the neighbourhood in a compatible manner.

f) achieve an appropriate transition of built form to adjacent areas

Planning Comment: The development establishes a façade and built form at the street line with step backs beyond the podium. The Urban Design Report submitted in support of this application demonstrates the appropriateness of the built form.

With the above planning comments in response to Sections 2.2.2.1 and 2.2.3.7, conformity to the Growth Plan is achieved.



5.2 Urban Hamilton Official Plan Analysis

The Urban Hamilton Official Plan provides direction and guidance on the management of communities, land use change, and physical development over the next 30 years. As amendments to the Official Plan and Zoning By-law are required to permit the proposal, the UHOP provides the framework for evaluating these amendments.

Section B.2.4 of the UHOP recognizes that compatible residential intensification is a “key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets.” As confirmed by Section B.2.4.1.3, the proposal contributes to implanting the growth strategy wherein 20% of all new growth is to occur within the City’s Urban Growth Centre designation as outlined on Schedule E – Urban Structure.

Section B.2.4.1.4 of the UHOP provides evaluation criteria for evaluating residential intensification. This criteria will be quoted below followed by a Planning Comment:

b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

Planning Comment – the proposed building heights will be in keeping with the surrounding area and appropriate regulations for setbacks and lot coverage are included in the amending by-law to ensure shadowing and overlook do not result in undue, adverse impacts. A noise study was not required at the zoning stage, while the traffic and parking analysis confirms there will be no adverse effects in that regard. Site lighting will be reviewed and approved by the City at the site plan application stage.

c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

Planning Comment - the height, massing and scale of the proposal are regulated by the proposed amending by-law to ensure an appropriate relationship is established between the proposed and existing buildings. This is addressed in more detail in the submitted Urban Design Brief.

d) the consideration of transitions in height and density to adjacent residential buildings;

Planning Comment – the podium and two tower design has been established to ensure an appropriate transition in height and density. Being an area characterized by variation, the proposed built form is an appropriate height and density in comparison to adjacent buildings.

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

Planning Comment –The existing irregular lot fabric proposed causes no adverse impacts with the varying lot pattern in the immediate area.



f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

Planning Comment: The property and development will incorporate on-site private amenity while also having access to area public amenities.

g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

Planning Comment – The proposed development will enhance streetscape through the replacement of a vacant building. The proposed zone regulations are in keeping with the site specific requirements in the immediate surroundings.

h) the ability to complement the existing functions of the neighbourhood;

Planning Comment – As proposed, the development fits seamlessly into the existing neighbourhood.

i) the conservation of cultural heritage resources; and,

Planning Comment – addressed via Section 3.0 of this Report.

j) infrastructure and transportation capacity and impacts.

Planning Comment – infrastructure and transportation impacts have been reviewed and assessed via TIS and FSR submitted in support of this application.

The development and draft zoning by-law conform to the Urban Hamilton Official Plan and Secondary Plan.

5.3 Zoning By-law Analysis

Currently, the south half of the property fronting King Street is located in the Downtown Prime Retail Streets (D2) Zone while the north half of the property fronting King William Street is located in the Downtown Mixed Use (D3) Zone.

The draft By-law contained in Appendix B contains a number of modifications that are intended to be enhancements while recognizing the uniqueness of the surrounding area and proposed development. Cumulatively, these modifications regulate the height, massing and scale of the proposal to ensure compatibility with the existing neighbourhood.

The draft By-law proposes a reduced parking ratio. As demonstrated by the parking study submitted in support of this application, the ratio provided is suitable to accommodate occupant parking demand on-site.



5.4 Light Rail Transit

All applicable land use policy documents recognize the importance of building complete communities. To do so, the PPS, the Growth Plan and the UHOP all stress the importance of an integrated and active transportation network.

Accordingly, the entire King Street corridor is recognized as a higher order transit corridor, providing linkages to inter and intra-regional transit in a mixed use centre where active transportation is also encouraged.

To implement this vision, on April 26, 2017 Council for the City of Hamilton appropriately voted to file an updated environmental assessment with the Province to advance the LRT project.

The proposal exemplifies the form of development that can be realized along the LRT investment.

6. Conclusion

Hi-Rise Development Advisors Inc. is the owner of lands municipally known as 41-53 King Street East, in Hamilton, Ontario. The lands are located in a mainly mixed use area, within the Downtown Core of the City. It is the intent of the owner to develop two towers, of 25 and 34 storeys, on a podium ranging in height from 3 to 6 storeys, with a total of 528 residential units and approximately 1,869m² of ground floor commercial space. There will be a total of 420 parking spaces.

The proposal has been reviewed against the applicable Provincial and Municipal policies, as well as the existing surrounding land use context. To allow this development, which upholds the intent of upper-tier policies, a Zoning By-Law Amendment is required.

The purpose of the Zoning By-law Amendment application is to change the zoning from the existing Downtown Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone, to a site specific Downtown Prime Retail Streets (D2) Zone containing appropriate regulations for height, massing and scale. A copy of the draft Zoning By-law is contained in Appendix B.

The proposed development is consistent with and conforms to the applicable planning policy framework as noted below:

- The application is consistent with the Provincial Policy Statement;
- The application conforms to the Growth Plan as it represents an appropriate form of intensification in an existing built-up area;



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- The application is consistent with the Provincial Policy Statement;
- The application conforms to the Growth Plan as it represents an appropriate form of intensification in an existing built-up area;
- The proposed site specific policy supports the intent of the Downtown Growth Centre and Downtown Mixed Use area designations in the Urban Hamilton Official Plan; and,
- The proposed Zoning for the lands includes appropriate zoning regulations and implements the intent of the Official Plan and Provincial Plans.

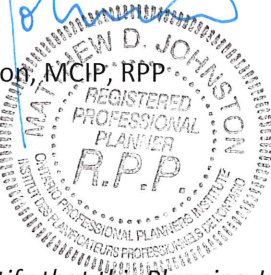
Based on a review of the subject lands, surrounding uses, supporting studies, the applicable planning and policy framework and the expressed vision of City Council, the application facilitates an appropriate form of land development and represents good planning.

Respectfully submitted this 2nd day of June, 2017.

Regards,

UrbanSolutions Planning & Land Development Consultants Inc.

Matt Johnston, MCIP, RPP
Principal



Katie Rauscher
Planner

I hereby certify that this Planning Justification Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

This report has been prepared based on a review of the subject application and cannot be used for any other purpose.



Appendix A

Concept Plan





GENERAL NOTES

1. For landscaping, refer to landscape drawings.
2. For proposed grading, refer to landscape drawings and approved grading plan.
3. All perimeter existing information indicated taken from survey.
4. All work to be done in conformance with the 2012 Ontario Building Code (O.B.C., as amended)

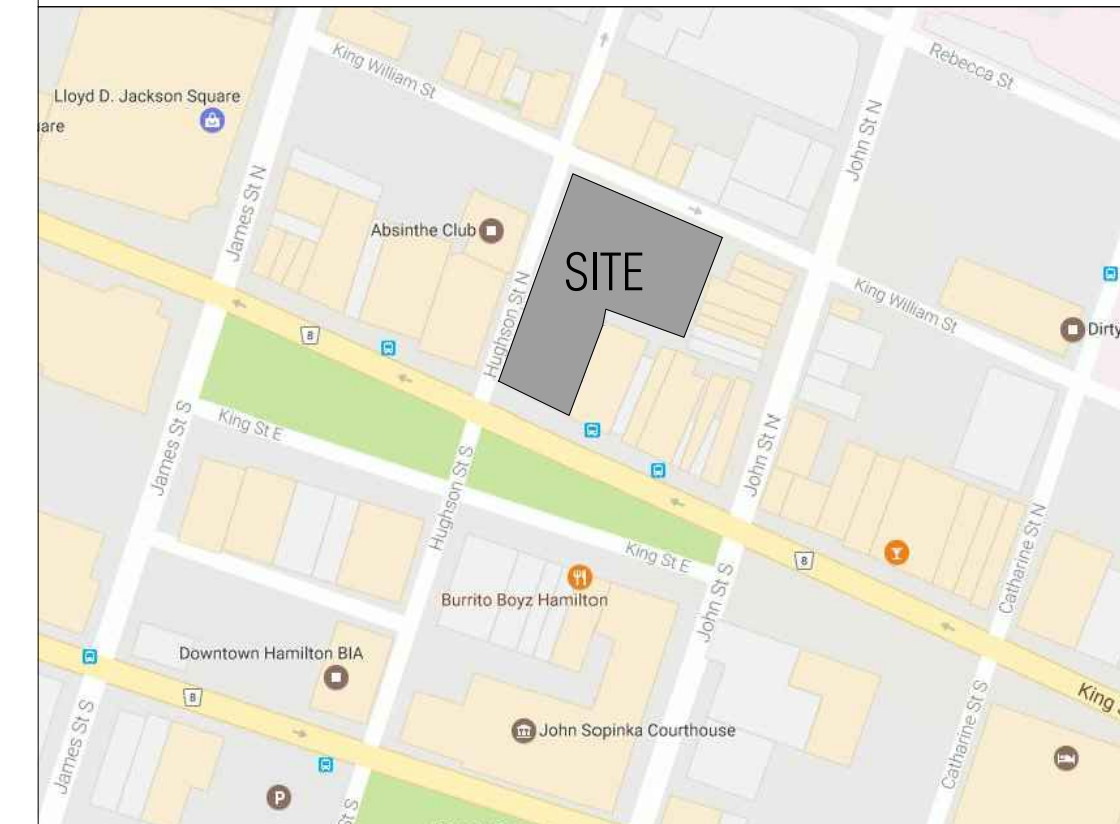
SURVEY INFORMATION

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LIST OF DRAWINGS

- A 100 Cover Page
- A 101 Site Plan
- A 201 Underground Plan
- A 301 Ground Floor Plan
- A 302 2nd Floor Plan
- A 303 3rd Floor Plan
- A 304 4th-5th Floor Plan
- A 305 6th Floor Plan
- A 306 7th Floor Plan
- A 307 8th-25th Floor Plan
- A 308 26th-34th Floor Plan
- A 309 Mechanical
- A 310 Roof Plan
- A 401 Exterior Elevations
- A 402 Exterior Elevations
- A 501 Building Sections

KEY PLAN



Job #:1388.16 - King Street E				
Date: May.10, 2017				
Project Statistics				
	Permitted / Required	Tower A	Tower B	Total
01. Site Area				3922.45m2 42221ft2
02. T.F.A				
Residential				
Above Grade				43586m2
Below Grade				
Retail				
Above Grade				1259m2
Office				
Above Grade				610m2
Total				45455m2
03. G.F.A				T.B.D
03. F.S.I				11.59
04. Setbacks (m) *				
Above Grade				
North				
East				
South				
West				
Below Grade				
North	0			0
East	0			0
South	0			0
West	0			0
05. Unit Count **				
1 Bedroom		152	164	316 60%
2 Bedroom		102	110	212 40%
Total				528 100%
06. Parking				
Residential				420
Visitor/Retail				
Total				420
07. Bike Parking				
Residential				
Visitor				
Total				
08. Lockers				
09. Building Height				
(To Main Roof Slab)		25STY - 77.5M	34STY - 105M	
(To Mech. Penthouse)		83.5M	111M	
10. Amenity Space				
Indoor		508m2	548m2	1056m2
Outdoor				6405m2
Total	20m2/unit=10440m2			7465m2

* Setbacks to main building face
 ** Final unit count may vary depending on market demand

This drawing, as an instrument of service, is provided by and is the property of Graziani + Corazza Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Graziani + Corazza Architects Inc. of any variations from the supplied information. Graziani + Corazza Architects Inc. is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. engineering information shown on this drawing. Refer to the appropriate engineering drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of the authorities having jurisdiction. Unless otherwise noted, no investigation has been undertaken or reported on by this office in regard to the environmental condition of this site.

This drawing is not to be used for construction purposes until countersigned by the Architect.

This drawing is not to be scaled. All architectural symbols indicated on this drawing are graphic representations only.

issued for revisions



RESIDENTIAL DEVELOPMENT

43 King St

Hamilton ONTARIO

Project Architect: B.GRAZIANI
 Assistant Designer: R.LINCOLN
 Drawn By: R.LINCOLN
 Checked By: D.BIASE
 Plot Date: May. 16, 2017
 Job #: 1388.16

SITE PLAN AND STATS

Appendix B

Draft Zoning By-Law



CITY OF HAMILTON

BY-LAW NO. - ____

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 43-51 King Street East in the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 16-003 of the Planning Committee, at its meeting held on the ____ day of ____, 2017, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map ____ of Schedule "A" -Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, ____) Zone for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional special exception as follows:

" ____ . Within the lands zoned Downtown Prime Retail Streets (D2, ____) Zone, identified on Map ____ of Schedule "A" to By-law 05-200 and described as 43-51 King Street East, the following special provisions shall apply:

Notwithstanding Sections 5.5, 5.6a) i., 6.2.3a) i), ii), and iv), 6.2.3b) and 6.2.3c) ii) the following special provisions shall also apply:

REGULATIONS

a) Building Setback to property line

i) Maximum 0 metres for five storey podium

ii) Minimum 4.5 metres for the north and east face of the building

iii) Minimum 2.5 for the south and west face of the building



b) Building Height

i) Maximum building height shall be 111 metres.

c) Parking

i) A minimum of 1 barrier free parking space shall be required.

ii) A minimum of 420 parking spaces shall be required.

3. That Schedule F – Figure 1 of By-law 05-200 be amended by identifying the subject lands with a maximum height of ## metres.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the Planning Act.

5. That this By-law No. ____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

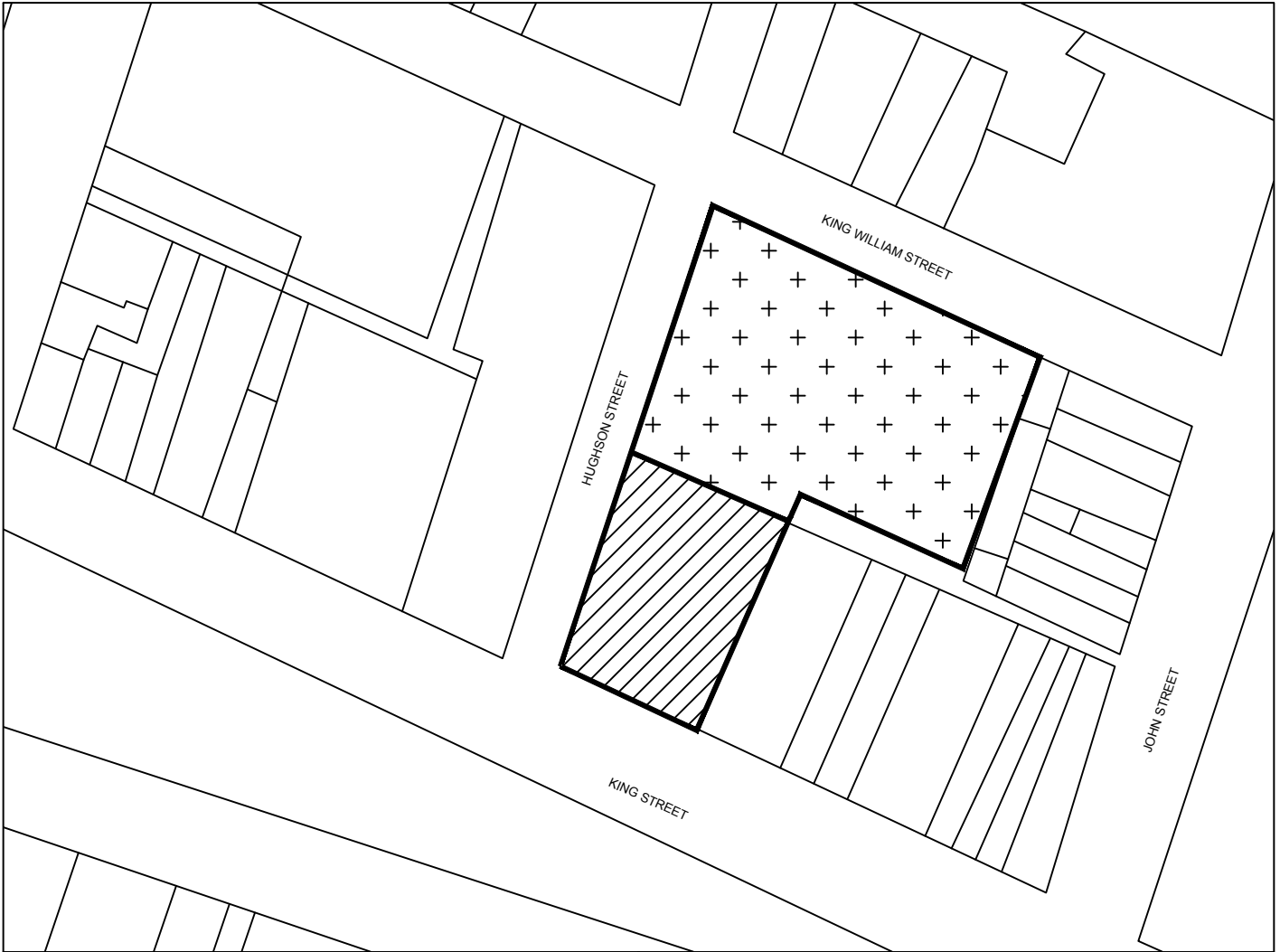
PASSED this ____ day of June, 2017.

Mayor

Clerk

ZAR-17-_____





This is Schedule "A" to By-law No.
17- _____

Passed the _____ day of _____, 2017

_____ Clerk

_____ Mayor

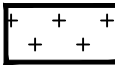
DRAFT


Schedule "A"

Map Forming part of
By-law No. 17-

to Amend By-law No. 05-200

Subject Property
43-51 King Street East

 Block 1 - change in zoning from "D3",
to "D2-___"

 Block 2 - change in zoning from "D2"
to "D2-___"

Scale: N.T.S	File Name/Number:
Date:	Planner/Technician:
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	