



Planning Justification Report

46-52 JAMES ST. N.

Zoning By-law Amendment

August 2015

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Submitted to:

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1. Introduction

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) was retained by The Hi-Rise Group (The Applicant) on behalf of L.I.U.N.A. Local 837 Lister Property Corporation (The Owner) of the lands commonly referred to as the site of the former William Thomas building in downtown Hamilton, Ontario. It is their intent to develop the property with a 20 storey student residence (lodging house) and commercial uses.

The purpose of this report is to provide an overview of the subject lands and a detailed description of the proposal, along with an outline of the supporting studies and a detailed review of the existing land use planning policy framework. This report will also provide the planning justification in support of the proposed development.

1.1 Location

The subject property is located on the east side of James Street North and south side of Rebecca Street and is directly north of the Lister Block. Further, the property is legally described as Part of Lots 46, 47, and 48 On the South Side of Rebecca Street, Between James Street and Hughson Street Nathaniel Hughson Survey (Unregistered) in the City of Hamilton, and illustrated in Figure 1 below.



Figure 1 – Subject Property

1.2 Site Description

The L-shaped property is approximately 1,809 m² (0.44 acres) in area having approximately 21.08 metres of frontage on James Street North and 19.27 metres on Rebecca Street. The vacant site is the location of the former William Thomas building which was demolished in 2010, with the exception of the heritage façade which was removed and catalogued in a warehouse to be reconstructed as the podium façade along James Street.

The subject property is adjacent to Jackson Square Mall which includes a 26 storey office building (Stelco Tower) to the west of the King Street East and James Street North intersection. Further, the surrounding uses include several 3-4 storey buildings with retail uses on the ground floor and offices above, as well as the Lister Block to the south – a 6-storey designated heritage building with retail and restaurant uses on the ground floor and office space above. Given its downtown context, there are a range of existing residential, retail, employment, restaurant, and other similar type uses.

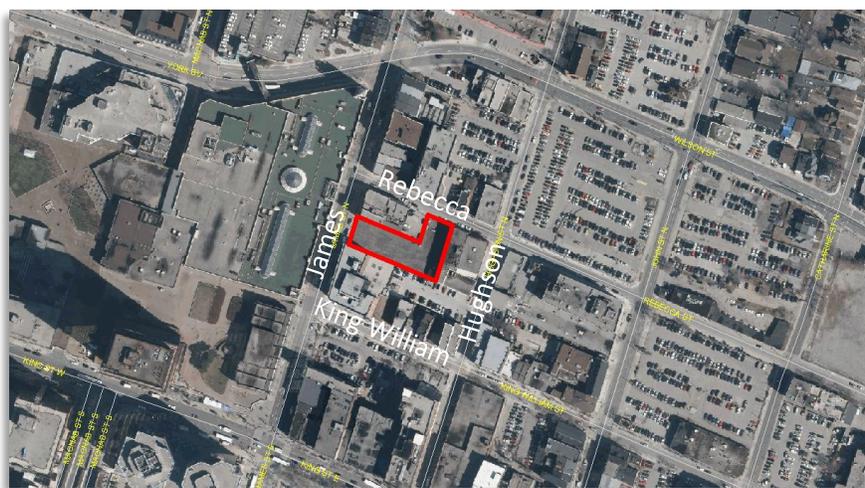


Figure 2 – Subject Lands & Surrounding Area

2. Proposed Development

The development proposes a 20 storey student residence (lodging house) and at-grade commercial uses with a total height of 65 metres, which excludes the mechanical penthouse (which is an additional 5.0 metres to the top) and a total Gross Floor Area (GFA) of 21,270 m². Of those 20 storeys, the building proposes a 4 storey podium component at a height of 15.9 metres primarily fronting on James Street and transitioning down

to a 1 storey podium along the south, east, and north property lines. The façade of the four storey podium would see the reconstruction of the dismantled heritage façade of the former William Thomas building. The podium proposes approximately 232.25 m² of retail space on the ground floor to be accessed from James Street with the remainder of the 4 storey podium space serving as common area space for the lodging house. The balance of the building on floors 5-19 would serve as a lodging house comprised of 384 beds in 127 suites. The tower component will utilize stepbacks and other architectural tools to differentiate the heritage podium façade from the tower.

With respect to vehicular parking, 23 parking spaces are provided on one level of underground parking (1 van/delivery parking space, 1 barrier-free space, and 21 vehicle spaces). Ramp access to the underground parking garage would be from Rebecca Street and will be screened from view using design and art elements. A pedestrian plaza and a bright and inviting entrance to the building are provided from Rebecca Street. Approximately 232 long-term bicycle parking spaces will be provided in a secure room on the ground floor for residents of the lodging house and an additional 19 short-term spaces will be provided outside of the building for temporary use for visitors.

Although the unit arrangements may change over time subject to market demand, a typical floor may include 7 private three bedroom units (21 beds), a total gross floor area of 749.4 m² for each floor, and an individual unit gross floor area of 75.1 m². Each unit will include a small standard kitchen and bathroom for tenants. The building will not include a large commercial kitchen or meal plan, cafeteria style eating arrangement for students.

In terms of loading, it is not anticipated that regular use of a loading space will be necessary. In the event that loading is required for the retail and lodging house uses, a temporary on-site loading space will be provided in the plaza area from Rebecca Street which will be setback from the building and protected with bollards and will be managed by building staff. Garbage will be stored in the below grade portion of the building and will be brought to the surface bi-way of the parking ramp for private weekly pickup.

A conceptual Site Plan of how the development is intended to proceed is located in Appendix A.

2.1 Planning Chronology

On December 4, 2013, the applicant met with the City of Hamilton Development Review Committee as part of the City's Formal Consultation

Proces. A 20 storey building was proposed with at-grade retail uses, 3 storeys of office uses, 112 dwelling units, and approximately 90 underground parking spaces. Since that time, the project was abandoned and has been replaced with the current development proposal.

2.2 Planning Applications

Through discussions with City Staff, it was acknowledged that a Formal Consultation meeting was not required. A Formal Consultation waiver letter forms part of this submission and has been submitted under separate cover. In this regard, it is our understanding that the following submission materials are required for a complete application:

- Survey Plan;
- Site Plan & Building Elevations;
- Planning Justification Report & Draft By-law;
- Urban Design Report (including Sun/Shadow Study);
- Heritage Report;
- Wind Study; and,
- Parking Study

To accommodate the development as proposed, a Routine Zoning By-law Amendment application is required.

The purpose of the Zoning By-law Amendment application is to amend the existing zoning on Block 1 (James Street North portion) from the Downtown Prime Retail Streets “D2” Zone and on Block 2 (Rebecca Street portion) from the Downtown Mixed Use “D3” Zone to the Downtown Prime Retail Streets “D2-___” Zone, with a Special Exception. The requested change for both blocks to the D2-___ Zone would permit the following zoning changes:

1. Amend the maximum permitted building height to 65 metres whereas the By-law permits 44.5 metres;
2. Amend the maximum building setback from a street line (Block 2 only) to 16 metres whereas the By-law permits 2 metres;
3. Amend the maximum permitted building height for the ground floor to 5.0 metres whereas the By-law permits 4.5 metres;
4. Amend the parking regulations for a lodging house to 23 spaces whereas the By-law requires 128 spaces; and

A copy of the draft Zoning By-law is located in Appendix B.

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 Parking Study

BA Consulting Group Ltd. was retained to prepare a Parking Study in support of the subject application. The submission has been completed in keeping with the City of Hamilton requirements.

The Parking Study, dated August 20, 2015, confirms that the proposed development is within an environment where public transit and amenities are in close proximity, proposed area bike lanes, signed routes, and bike share facilities are present, has several publicly available parking facilities in the vicinity of the site that have available parking for short term usage, is consistent with the parking supply of other comparable residences in similar environments, meets and exceeds short-term and long-term bicycle parking requirements, and meets Travel Demand Management (TDM) initiatives through minimizing car parking. In summary, the parking demand will be satisfied on-site without concerns of spillover parking resulting in undue impact on neighbouring properties.

3.2 Urban Design Report

WGD Architects Inc. was retained to prepare an Urban Design Report in support of the proposed mixed-use development. The report documents several key components of the development including the architectural details and façade reconstruction of the proposed development, heritage considerations and permit, massing and building design, urban impact and views, and sun/shadow impacts, among others. In summary, the proposed development is compatible with the built form of adjacent developments and will not negatively impact the surrounding area uses when constructed.

3.3 Heritage Report

Megan Hobson Heritage Consulting Services was retained to prepare a Heritage Report in support of the proposed mixed-use development. The report concludes that the proposed development will preserve an important heritage resources, revitalize an existing vacant lot and contribute to the rejuvenation of the James Street North retail and arts

district, and the proposed commercial store front on James Street North is compatible with the historic use associated with the heritage façade. In summary, the Heritage Report supports the proposed development as appropriate measures have been undertaken in preserving the character and integrity of the previous heritage resource and will be reutilized as part of the proposed podium façade.

3.4 Wind Study

Rowan Williams Davies & Irwin Inc. (RWDI) was retained to prepare a Letter of Opinion with respect to pedestrian wind activity relating to the proposed development. The Letter of Opinion, dated July 21, 2015, confirms that the location, orientation of the development, as well as the inclusion of a podium into the design are all positive design features that reduce the wind impact of the proposed development on the surrounding areas. The report concludes that wind conditions are expected to be similar to those that exists currently and are considered suitable for the intended use.

4. Planning Policy Framework

The following is intended to provide a review of the applicable planning policy framework of the subject lands. In this proposal, the Provincial Policy Statement, Places to Grow – Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law are applicable.

4.1 Provincial Policy Statement

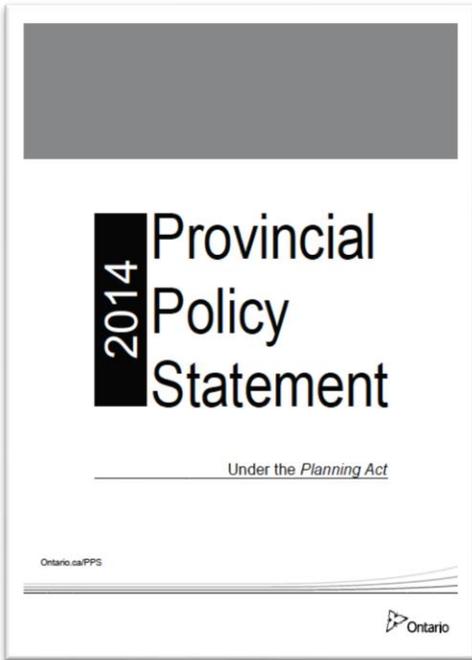
The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and came into effect on April 30th, 2014. In this regard, Section 3 of the *Planning Act* requires that land use planning matters be “consistent with” the PPS.

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 development is consistent with Section 1.1.1 of the PPS.

The Settlement Areas policies of Section 1.1.3.2 of the PPS provide policy direction with regards to land use patterns. In this regard, the development is consistent with the PPS as it provides an efficient and appropriate density and mix of land uses, is appropriate for the infrastructure and public service facilities that are planned or available, is transit-supportive, and makes use of an underutilized site through intensification and redevelopment.

Notwithstanding the above policies, the proposed development is also consistent with Section 1.4 Housing as it provides an appropriate range and mix of housing types and densities required to meet projected requirements. It is also consistent with Section 2.6 Cultural Heritage and Archaeology as the development conserves significant built heritage resources and permits development on adjacent lands to protected heritage property as where it has been evaluated and demonstrated that heritage attributes will be conserved.

In summary, the proposed development is consistent with the aforementioned sections of the PPS as well the plan as a whole.



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

The Places to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the Region through 2041.

Section 2.2.1 of the Growth Plan provides policy direction as to where and how the municipalities should grow. As per Schedule 2, Downtown Hamilton is identified as an Urban Growth Centre and Built-Up Area. The vision for the Greater Golden Horseshoe (GGH) provides the basis for guiding decisions on how land is to develop. These principles include:

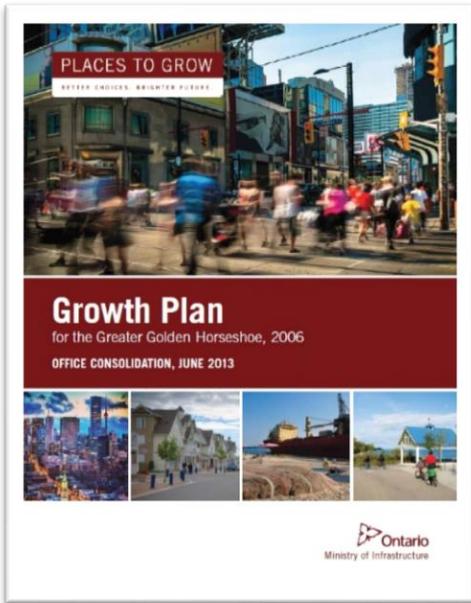
- Build compact, vibrant and complete communities;
- Plan and manage growth to support a strong and competitive economy;
- Complete communities are defined by the Growth Plan as meeting people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure, including affordable housing, schools, recreation and open space for their residents; and,
- The Growth Plan contains general policies promoting and encouraging intensification and establishing specific intensification areas and targets. The Growth Plan also supports building compact, transit supportive communities and directing all growth to settlement areas.

The proposed development conforms to the Growth Plan as it provides a range of land uses that meet the needs of the area residents, promotes intensification, encourages transit-supportive uses, and thus provides for a complete community.

4.3 Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) outlines the framework that will lead to a sustainable healthy future by providing direction and guidance on land use changes over the next 30 years.

As per the UHOP, the subject property is designated *Downtown Urban Growth Centre* on Schedule E – Urban Structure and is designated *Downtown Mixed Use Area* on Schedule E-1 – Urban Land Use Designations (See Figure 3 below). The purpose of the Downtown Mixed Use Area designation is to accommodate a full range of retail, service



commercial, institutional, cultural, entertainment, and office uses as well as a range of residential uses.

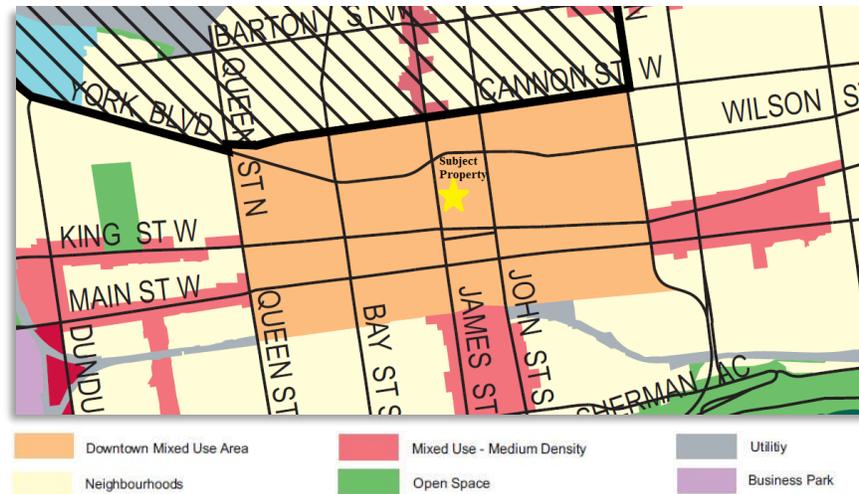


Figure 3 – UHOP Schedule E-1 Urban Land Use Designations

The following UHOP land use policies are applicable to the proposed development. In considering the Zoning Amendment, it is necessary to have regard for Section B.2.4 – Residential Intensification and B.3.3 – Urban Design Policies of the UHOP.

The proposed development is supported by Section B.2.4.1.1 and B.2.4.1.2 of the UHOP as it encourages residential intensification throughout the entire built up area and contributes to the City's intensification targets in an Urban Node – one of the City's primary intensification areas. Further, Section B.2.4.1.4 establishes criteria for which residential intensification will be evaluated such as; the relationship of the proposal to the existing neighbourhood character, the development's contribution to achieving and maintaining a range of dwelling types, and the compatibility of the development with the surrounding area in terms of use, scale, form, and character. The proposed development has been carefully designed so as to promote compatibility within the existing neighbourhood character.

The proposed development meets several of the Urban Design goals, principles, and general policies under Section 3.3 of the UHOP such as; creating pedestrian oriented places that are safe and accessible, promoting transit-supportive development, ensuring that the new development is compatible with its existing environment while respecting existing character and built form, creating a space that is flexible and adaptable to future demographics and environmental changes, and

recognizing and respecting cultural heritage of the area (as demonstrated by the Urban Design Report).

Further, the proposal meets several of the policies of Section 3.3.3 – Built Form in the UHOP such as; creating transitions in scale through stepsbacks, minimizing impacts of sun/shadow and wind, locating principal facades close to the street, and creating a human scale podium that is distinguishable from the tower component and consistent with the existing buildings along the corridor, among others (as demonstrated by the Urban Design Report).

Planning Conclusion: Based on the above review of the applicable UHOP policies, the proposed development conforms to and maintains the general intent of the Plan and will continue to implement the Plans goals and objectives.

4.4 Downtown Hamilton Secondary Plan

The Downtown Hamilton Secondary Plan establishes principles, land uses, development standards, as well as provisions regarding urban design, heritage and transportation, to guide the development and/or redevelopment of lands located in the Downtown Hamilton Secondary Plan area. As per the Plan, the James Street North portion of the subject property is designated *Prime Retail Streets* while the Rebecca Street portion is designated *Central Business District* as per Map B.6.1-1 – Land Use Map.

Prime Retail Streets

Prime Retail Streets are the historical core of the Downtown shopping district and future retail development shall be encouraged along these streets (i.e. James Street). The proposal conforms to the policies of the Plan by providing street oriented commercial uses on the ground floor with residential above, and the building is located close to the street line, among others.

Central Business District

The Central Business District is the office, cultural, and government centre for the entire City and an important retail area for the Downtown and adjacent residential areas. The proposed development conforms to the policies of the Central Business District by contributing to the overall built form of the downtown, creates positive public space between the building and the street line, and clearly defines the entrance to the building.

Development Permit Sub Areas

As per Map B.6.1-6 – Development Permit Sub Areas (DPA), the subject property is located in both the Lister DPA and the Rebecca/Wilson DPA.

Lister DPA

Several Lister DPA policies in Section 6.1.11.5 of the Secondary Plan are being met as per the development proposal such as; pedestrian comfort is being enhanced along James Street North, mixed use development is proposed on a vacant lot, the podium height is consistent with the traditional heights on the street and increased height is stepped back from the street line while minimizing impacts from sun/shadow and wind, and the proposal maintains the building wall line along the street with little to no setbacks.

Rebecca/Wilson DPA

The Rebecca/Wilson DPA is currently dominated by surface parking lots. The policies of the DPA speak to redeveloping such sites with an urban form, higher intensity commercial and entertainments uses, and accommodate low-mid-rise building height to maintain a pedestrian scale along the public street and to achieve a harmonious relationship with adjoining buildings, and public spaces.

4.5 Zoning By-law 05-200

As per City of Hamilton Zoning By-law 05-200, there are two zones that currently apply to the subject property. As shown below in Figure 4, the majority of the east-west oriented portion of the property fronting on James Street North is zoned *Downtown Prime Retail Streets “D2” Zone*. The north-south oriented portion of the property which fronts on Rebecca Street is zoned *Downtown Mixed Use “D3” Zone*. The purpose of the D2 zone is to allow for a wide range of permitted uses, including retail and residential while imposing specific regulations to control measures such as building setbacks, height, and parking.

As stated previously in Section 2.2 of this report, the intent of this application is to rezone the entire property from the D2 and D3 Zones to D2-____ Zone, with a Special Exception to allow for relief from the By-law on some of the regulations including, building height, parking, and setbacks.

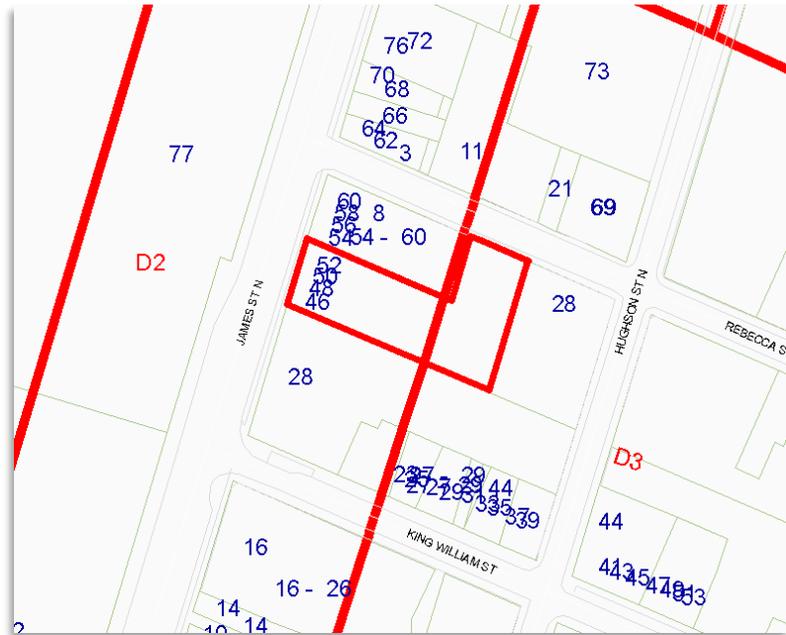


Figure 4 – Zoning Map from City of Hamilton iMapper

5. Analysis

As mentioned previously, the proposal is consistent with the PPS and conforms to the Growth Plan. Further, the proposal maintains the general intent of the UHOP by meeting several of the key policies that drive development in Hamilton’s Downtown core. When evaluating the merits of the proposed development, it is important to revisit the Amendments that are being sought and how they maintain the general intent of Zoning By-law 05-200.

1. Amend the maximum permitted building height to 65 metres whereas the By-law permits 44.5 metres;

Planning Response: Several of the UHOP policies support increased heights in the Downtown core if design elements such as massing, scale, built form, sun/shadow and wind, setbacks, among others, can be sensitively addressed with respect to their impacts on adjacent properties. This proposal addresses a number of those elements through its design.

2. Amend the maximum building setback from a street line (Rebecca only) to 16 metres whereas the By-law permits 2 metres;

Planning Response: This provision is being met along James Street North by maintaining the existing building wall line along the street, which is particularly important as it is identified as the Downtown Prime Retail Street. Although the building is not situated at the lot line along Rebecca Street, a proper landscape or public realm treatment can be considered to maintain the intent of this provision by contributing to the building/street line relationship.

3. Amend the maximum permitted building height for the ground floor to 5.0 metres whereas the By-law permits 4.5 metres;

Planning Response: The proposed podium façade will utilize the former William Thomas heritage building façade as an adaptive reuse project. Therefore, it is appropriate to increase the height of the ground floor slightly to re-establish the original façade.

4. Amend the parking regulations for a lodging house to 23 spaces whereas the By-law requires 128 spaces (1 space for each 3 persons accommodated or designed for accommodation);

Planning Response: As per the conclusions of BA Consulting Group’s Traffic Study, and given the site’s Downtown location with convenient access to public transportation, bike sharing, and area amenities, along with meeting Travel Demand Management (TDM) initiatives, a reduction in parking to 23 spaces will not create undue impact on the surrounding neighbourhood.

6. Conclusion

UrbanSolutions were retained by The Hi-Rise Group on behalf of L.I.U.N.A. Local 837 Lister Property Corporation (The Owner) of the site of the former William Thomas building site in downtown Hamilton, Ontario. It is their intent to amend the City of Hamilton Zoning By-law 05-200 by requesting relief of the maximum permitted heights, parking regulations, and building setbacks to accommodate a 20 storey building with lodging house and commercial uses.

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

- The proposed development has no adverse impacts on the existing downtown neighbourhood framework;
- The application is consistent with the Provincial Policy Statement;
- The application conforms to the Growth Plan;

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- The application conforms to the Urban Hamilton Official Plan, including the Downtown Hamilton Secondary 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 property, 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 ____ day of August, 2015.

Regards,
UrbanSolutions

Matt Johnston, MCIP, RPP
Principal

Phil Busby
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



Appendix B

Draft Zoning By-law Amendment



CITY OF HAMILTON

BY-LAW NO. - ____

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 46-52 James Street North.

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, S.O. 1999, Chap. 14;

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

AND WHEREAS it is desired to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said comprehensive Zoning By-law will be enacted and come into force and effect in several stages;

AND WHEREAS this By-law is the first stage and is applicable to the Downtown area of the City, as hereinafter described and depicted;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 as amended by Official Plan Amendment No. 200 as adopted by the City of Hamilton by By-law No. 05-153.

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

1. That Map ____ to Schedule "A" of Zoning By-law No. 05-200, as amended, is hereby further amended by:
 - (a) Changing from the Downtown Prime Retail Streets "D2" Zone to the Downtown Prime Retail Streets "D2- ____" Zone, modified, the lands comprised in Block 1.
 - (b) Changing from the Downtown Mixed Use "D3" Zone to the Downtown Prime Retail Streets "D2- ____" Zone, modified, the lands comprised in Block 2.



The extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule C – Special Exceptions of Zoning By-law No. 05-200, as amended, is hereby further amended adding the following:

D2-___. That notwithstanding the provisions in Section 6.2 of the Downtown Prime Retail Streets “D2” Zone, as well as Sections 5.5, 5.6, and 5.7 of the Parking Regulations, and Schedule F – Special Figures, Figure 1 – Maximum Building Heights of Zoning By-law No. 05-200 of the City of Hamilton, the following special provisions shall apply to the lands zoned “D2-___”

1.0 – Regulations

- a) Notwithstanding Schedule F – Special Exceptions, Figure 1 – Maximum Building Heights of the By-law, on lands zoned D2-___, a height of up to 65 metres shall be permitted.
 - b) Notwithstanding Section 6.2.3 (a)(i) of the By-law, on lands zoned D2-___, a maximum building setback from a street line of 16 metres shall be permitted on the Rebecca Street frontage only.
 - c) Notwithstanding Section 6.2.3 (c)(3) of the By-law, on lands zoned D2-___, a maximum height of 5 metres for the ground floor shall be permitted.
 - d) Notwithstanding Section 5.6 (a) of the By-law, on lands zoned D2-___, the required parking for a lodging house with 384 bed shall be 23.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED AND ENACTED this ____ day of _____, 2015.

Mayor

Clerk

ZAC-15-_____



Appendix C

Schedule 'A' Zoning Map
