



October 18, 2017

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Planning & Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton ON L8P 4Y5

RE: Television City Development, 163 Jackson Street, Hamilton

Thank you for requesting comments on the development plan for the subject site.

These comments are submitted on behalf of the Durand Neighbourhood Association (DNA). We refer to the Planning and Urban Design Rationale prepared by Bousfields Inc. (PUDR), the Downtown Secondary Plan (DTSP), Urban Hamilton Official Plan (UHOP), Provincial Places to Grow Policy, and the Draft Tall Building Guidelines Policy.

First, we would like to acknowledge the positive aspects of this plan. The retention and re-use of the Pinehurst Mansion, with a planned parkette or pedestrian plaza at the front of the property will bring much-needed green space to the neighbourhood and allow public interaction with, and appreciation of, a beautiful, heritage stone mansion. As the developer may be aware, the Durand Neighbourhood has only one small park within its boundaries and very little in the way of unpaved public areas. Although this planned amenity for the neighbourhood is relatively small, we anticipate it will be appreciated by residents of and visitors to the Durand neighbourhood.

The planned number of bicycle parking spaces – 500 – is certainly a positive and progressive feature for this new development, and will be much appreciated by residents of the new buildings.

There are a number of other features with which we take issue:

Proposed Height and Built Form

There are many justifications stated for the proposed height and design of these buildings (30 and 40 storeys) in the Planning and Urban Design Rationale report. The Durand Neighbourhood Association does not consider its objection to the height of the proposed development as evidence of “NIMBY”. The

Durand neighbourhood already includes many tall apartment buildings, up to 25 storeys, and we recognize that intensification of the downtown area is a long-term plan promoted by the province and the municipality. Currently the Durand neighbourhood is the densest in population in the City of Hamilton, and we acknowledge that density will increase as single-family homes continue to be converted to multi-unit residences and redevelopment of infill lots takes place as it will at 163 Jackson Street.

We address the statements in the PUDR report point-by-point:

Page	PUDR Report Contention	DNA Comment
8	List of buildings, up to 43 storeys, that are considered “surrounding area”	This list includes many buildings that are outside of the Durand Neighbourhood, but more importantly, none of the buildings listed are sited on top of the Iroquois sand and gravel bar, a topographical feature that, at 110 metres, adds 11-13 metres to properties of the same built height that are just “around the corner”. For example, the Royal Connaught, listed as having 36 stories, is at 95 metres (above sea level), a full 15 metres below the site at 163 Jackson. The buildings listed in the report that have some relevance, such as 67 Caroline Street South (the Bentley) is 22 storeys. None of the buildings listed in the Durand Neighbourhood are above 25 storeys.
pp. 10-13	This section illustrates a thoughtful analysis of the built form in the area surrounding 163 Jackson.	We are in agreement with this illustration and believe it shows the site as a possible “transition zone” from downtown into the residential character of Durand. The Draft Tall Building Guidelines (as cited in PUDR report, page 49), recommends “Intensification and infill projects will be consistent in design with the grid street pattern and architectural character of the adjacent area ” (2.8) and “New buildings should demonstrate similar proportions and massing of adjacent heritage structures and continue the rhythm of the traditional street façade” (3.1. e.) and “Modern approaches are a suitable option as long as they respect and enhance the existing historic character of adjacent buildings” (3.1. g.)
p. 28	PUDR cites UHOP Urban Structures Policy in support of higher densities in Schedule E – Downtown Urban Growth Centre	We agree the proposed development is within the urban growth centre, however the site is at the south-western edge of the rectangle drawn on the map. It is understood that higher densities and taller buildings are planned for within the rectangle, however, the DNA advocates for an area of “transition” as stated in the Draft Tall Building Guidelines (3.2) “To ensure a sensitive and

Page	PUDR Report Contention	DNA Comment
		compatible approach to the existing and/or planned residential neighbourhoods , tall buildings should be designed to transition in scale towards existing or planned low-rise residential and existing or planned open space areas”.
p. 31	<p>Urban Design Policies Policy 3.3.2.3 as cited in the PUDR report: that urban design should “foster a sense of community pride and identity by:</p> <ol style="list-style-type: none"> 1. Respecting existing character, development patterns, built form and landscape; 2. Promoting high quality design consistent with the locale and surrounding environments; 3. Recognizing and protecting cultural heritage; 4. Conserving and respecting the existing built heritage features, and; 5. Demonstrating sensitivity toward community identity through understanding character of place, context and setting in both the public and private realms, among other things.” 	<p>We agree with the policy 3.3.2.3 as cited in the PUDR report.</p> <p>Our argument here is not with the policy but our belief that the development plan for 163 Jackson Street does not fulfill the intent or spirit of the guidelines.</p> <p>In other statements, the PUDR report states the goal is to create a “sleek built form” (p. 16) and “iconic new buildings” (p. 3). We believe the purpose of the design is to create a shock to the senses of the viewer of these modern glass buildings in the midst of a historic brick and stone landscape, in order to create a statement, regardless of the current surrounding built form.</p>
p. 32	<p>Urban Design Policies Policy No. 3.3.2.4 This policy speaks to quality spaces. Specifically we focus on the cited statements:</p> <ol style="list-style-type: none"> 2. Using consistent materials, compatible with the surrounding context; and 3. Creating a continuous animated street edge in urban environments. 	We do not believe the proposed design, use of materials, height and massing fulfills these goals.
P. 32	<p>Urban Design Policies Policy No. 3.3.2.6 “Compatibility with surrounding areas is desirable”, specifically:</p> <ol style="list-style-type: none"> a. Complementing and animating existing 	Again, this project goes against all of these principles and goals.

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	<p>surroundings through building design and placement;</p> <p>b. Respecting existing cultural heritage features of the existing environment by re-using, adapting and incorporating existing characteristics;</p> <p>c. Complementing existing massing patterns, rhythms, character, colour and surrounding context, and;</p> <p>d. Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.</p>	
p. 32	<p>Built Form Policies 3.3.3.1, 3.3.3.2, and 3.3.3.3.</p> <p>According to PUDR report, these policies specify: “new development shall be located and organized to fit within the existing or planned context of an area” and “shall be designed to minimize impact on neighbouring buildings and public spaces by such things as creating transitions in scale to neighbouring buildings, ensuring adequate privacy and sunlight, and minimizing the impacts of shadows and wind conditions” and “shall be massed to respect existing and planned street proportions.”</p>	<p>The proposed development is designed to NOT fit with the existing or planned context of the area, and maximizes rather than minimizes impact on neighbouring buildings because there is no transition to the residential landscape, and does not ensure privacy and sunlight to neighbouring buildings. The buildings are designed with the balconies on the eastern and western sides of the buildings, ensuring a full view into neighbouring backyards on Wesanford Place and Hunter Street and the balconies/windows of neighbouring apartment buildings on Hunter and Jackson streets.</p>
p. 36	<p>Downtown Secondary Plan</p> <p>The PUDR report acknowledges Policy 6.1.5.6 that “it is the intention that density of development be achieved through complete site coverage rather than through building height” and the “minimum height permissions are 2-storeys”</p>	<p>We agree with this policy and point out that the development does not meet this policy.</p>

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	and “the maximum permitted height for the subject site is 4-storeys”.	
p. 37	Downtown Secondary Plan Policy 6.1.7.9 “b. Ensuring that new development is compatible with existing structures and streetscapes in terms of design, scale, massing, setbacks, heights, integration and the built form and use ”.	The proposed development does not meet this standard.
p. 38	DTSP – Medium Density Residential Designation Policies The PUDR report cites Map B.6.1-1 and states “designation permits stacked townhouses, low-rise apartment and mid-rise apartment built forms”. This is expanded upon on page 41 (see next) and acknowledges the requirement for a Zoning By-Law Amendment and change to UHOP.	The proposed design does not fit with this policy. The DNA does not agree with a Zoning By-Law amendment or change to the Official Plan.
p. 41	DTSP – Policy 6.1.5.11 “provides that maximum building heights within the Downtown shall be no greater than the height of the Escarpment ”.	With the location of this site on the peak of the Iroquois sand bar, at 110 metres, and the publication of “9-foot ceilings” on all floors, a 40-storey building will be greater than the height of the Escarpment, one of our “prized elements” in Hamilton.
p.45	Durand Neighbourhood Plan The PUDR report acknowledges the Durand Neighbourhood Plan and the objectives: “the introduction of more family housing; preserving distinct low density residential uses, directing large scale commercial uses to the block south of Main and north of Jackson Street”.	The development plan for 163 Jackson ignores the vision of the Durand Neighbourhood Plan.
p. 46	City of Hamilton Zoning Bylaw 05-200 The minimum height for this site is 9 metres, maximum 15 metres.	The proposed building height is 125 metres.
p. 47	City of Hamilton Updated Zoning Bylaw Maximum building height proposed	The proposed building height is 125 metres a request to go beyond the zoning bylaw by 284%!

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	is 44 metres.	

Urban Hamilton Official Plan Notes – Not Included in PUDR Report

Policy 2.4.1.4 – This proposal does not meet the following criteria:

- 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; (only two per cent three-bedroom and no affordable units included);
- 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;

Policy B.2.4.1.4 – This proposal does not meet the following criteria:

- b) compatibility with adjacent land uses including matters such as **shadowing, overlook**, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the **height, massing, and scale of nearby residential buildings**;
- d) the consideration of **transitions in height and density to adjacent residential buildings**;
- i) the conservation of cultural heritage resources.

Policy 3.4.3.3 (from Chapter B – Communities)

The proposed development does not meet the following policy statements:

New development or redevelopment in downtown areas containing heritage buildings or adjacent to a group of heritage buildings shall:

- a) encourage a consistent street orientation in any new building forms;
- b) maintain any established building line of existing building(s) or built form by using similar setbacks from the street;
- c) support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;
- d) encourage building heights in new buildings that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established cornice lines of adjacent buildings or other horizontal architectural forms or features; and,
- e) reflect the character, massing, and materials of surrounding buildings.

Policy 3.4.3.4 states: “The City shall encourage the use of contemporary architectural styles, built forms, and materials which **respect the heritage context.**” The proposed development does not meet these criteria.

Policy 3.3.6 – Urban Systems and Designations

In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton; and,
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

This site is .44 h and the proposed number of units far surpass what is allowable.

Policy 3.6.7 – Urban Systems and Designations states:

- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

Tall Building Guidelines (Draft – May 2017)

The proposed development at 163 Jackson Street does not follow many of the guidelines set out in the draft Tall Building Guidelines. We refer to the PUDR report, pp. 49-52 as follows:

2.8 Neighbourhoods

“The vision for Neighbourhoods is within the Downtown area is to support intensification while being **consistent with the character of each area**” “a. intensification and infill projects will be consistent in design with the grid street pattern and **architectural character** of the adjacent area.”

3.1 Heritage Conservation

“e. New buildings should demonstrate **similar proportions and massing of adjacent heritage structures** and continue the rhythm of the traditional street façade.” And “g. Modern approaches are a suitable option as long as they respect and enhance the **existing historic character of adjacent buildings.**”

3.2 Neighbourhood Transition

“To ensure a sensitive and compatible approach to the existing and/or planned residential neighbourhoods, tall buildings should be **designed to transition in scale towards existing or planned low-rise residential and existing or planned open space areas.**” “c. Transition to the height of

adjacent, existing residential development. The **proposed base building height should be consistent with the height of the adjacent low-rise building.**

3.6 View and Landmarks

“a. Any development application should identify, maintain and enhance **viewing opportunities to the Escarpment.**”

5.2.1 Building Base Placement and Setbacks

“b. The facades of the building base should align with adjacent building facades and align with existing street wall.”

5.2.2 Building Entrances

“Primary building entrances should front onto public streets, should be clearly visible and accessible from adjacent sidewalks”.

5.2.3 Façade Articulation

“Building bases should be articulated with high-quality design elements and materials that fit the **surrounding character area and neighbouring buildings.**”

5.2.4 Public – Private Transitions

“b. Align public entrances flush with public sidewalks.”

Items 4.2.2 and 4.2.4 address the specific design element of having entrances to retail/commercial spaces “inset, while the tower components overhand and rest on columns that surround each of the tall buildings”. This element would, in our opinion, create a more “forbidding” space, leading to a less successful outcome for retail/commercial tenants with low visibility from the sidewalk and street.

Lack of Inclusionary (family-friendly) Units

On page 22 of the Planning and Urban Design Rationale report, the breakdown of units proposed is shown as follows:

Studio - 116

1 Bed - 234

2 Bed - 252

3 Bed – 16

Only two per cent of the total units in the proposed buildings will be “family-friendly”, meaning large enough to accommodate a family with children, and three-bedroom units will be priced beyond the budgets of most young families. Although in its infancy, Ward 2 neighbourhoods are advocating for an inclusionary zoning policy for Ward 2 and the City of Hamilton, to create and retain a diverse mix of housing for various family size requirements. The reason for this advocacy is that as developers build small apartment or condominium units, families that cannot find suitable housing, are forced to move away from the city centre, leading to the closing of schools, and a reduced need for park space within the community.

Design

Recessed Retail/Commercial Spaces – Page 17 of the Planning and Urban Design Rationale report states that the retail/commercial spaces will be recessed underneath the 30 and 40-storey towers. This design feature is not positive, and the report acknowledges that UHOP states: “retail uses shall have storefronts opening onto the sidewalk” (p. 31 of PUDR report). We cannot emphasize enough the importance of having an open commercial area. In the film “Citizen Jane”, about Jane Jacobs’ battle to retain and create welcome city spaces, an example was shown of a building similar to this design with recessed retail and forbidding columns. There was very little use of the space after the building and plaza were complete, although the renderings had shown people enjoying the space.

Another aspect of the design is, of course, the material proposed for the buildings – mostly glass. A concern was brought to our attention by a resident of Hamilton outside the Durand neighbourhood. The resident referred to the glare from glass buildings and the introduction of a new study required by some municipalities for reflectivity studies to determine the best placement for buildings of this type. The article is online at: <https://glassmagazine.com/article/commercial/technology-solving-glaring-problem-1210336> We urge the City of Hamilton to require a similar study for this project and all future projects proposing glass as the primary material in tall buildings.

Visitor Parking

At only 30 spaces, the allowance for visitor parking is insufficient. With 618 units, it is unreasonable to expect the buildings will only receive 30 visitors at a time arriving by car. This part of the plan will lead to the requirement for street parking – already at a premium in our downtown neighbourhood. Also, we are concerned about lack of parking for retail/commercial customers as the plan does not specify if parking spaces will be included for the commercial area.

Shadow Study Conclusion

On page 68 of the PUDR report, the opinion of Bousfields Inc. is that “these shadow impacts are adequately limited given the subject site’s urban context”. We draw your attention to the illustrations in the Appendix, showing the projections for shadowing on March and September 21st at 4 p.m., and June 21st at 4 p.m. The result of these projections is that only in winter months will the shadow of the buildings not encroach onto Wesanford Place, both front and back yards. A revision of zoning from 15 metres to 125 metres is not acceptable as it will lower the quality of life and quiet enjoyment of property of neighbouring residents on Wesanford Place and Hunter Street.

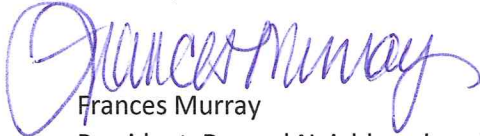
Cultural Heritage Impact Assessment

The report submitted by Goldsmith Bogal and Co. Ltd. Architects was inadequate in terms of addressing the design of the two tall buildings within a historic, heritage neighbourhood. The focus of the report, and its conclusion in support of the design, was based solely on potential shadowing of heritage resources, not the impact of the height, massing and materials proposed for the project.

In conclusion, the Durand Neighbourhood Association appreciates the opportunity to submit comments on the proposed development for 163 Jackson Street. We welcome a mixed use residential and commercial development for this site, however, the design, height and massing of the proposed

development is out of context for the landscape in which it is situated. This conclusion is supported by current Hamilton zoning bylaw, Urban Hamilton Official Plan, Durand Neighbourhood Plan and the draft Tall Building Guidelines.

Sincerely,



Frances Murray

President, Durand Neighbourhood Association

On behalf of the Board of Directors, DNA: Dennis Baker, Roberta Harman, Barb Henderson, Wes Jamieson, David Levy, Paul Nichols, Christopher Redmond, Geoff Roche, Anne Tennier

With files and input by: Janice Brown, Past President

Cc: Jason Farr, City Councillor, Ward 2
