

URBAN DESIGN REPORT - Sun/Shadow Review and Visual Impact Assessment

Tivoli Condos – 108 James Street North



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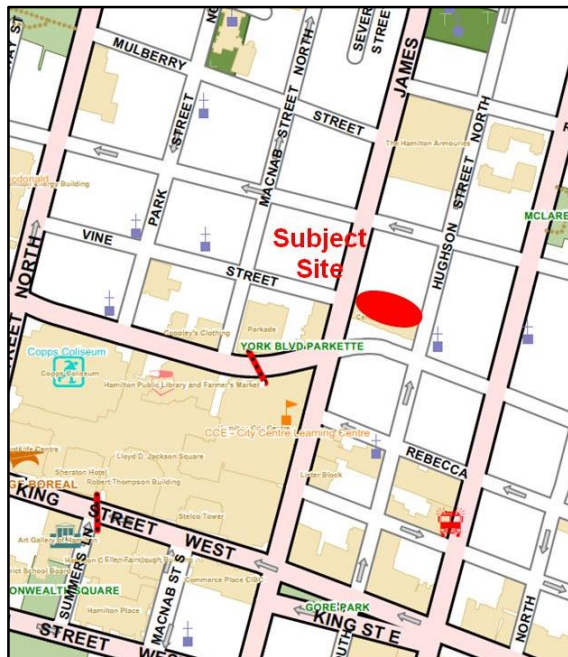
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1 Introduction

1.1 Background

McCallum Sather Architects (MSA) and GSP Group have been retained by the owners, 150735 Ontario Ltd. (Diamante Investments Ltd.), to prepare an Urban Design Report in support of the proposed redevelopment at 108 James Street North, 111 and 115 Hughson Street North (the “site”) in the City of Hamilton. Situated in downtown Hamilton on the east side of James Street North and the west side of Hughson Street north of Wilson Street (Figure 1), the site contains the remainder of the Tivoli auditorium. The proposed development included a mixed-use podium with 3 floors of commercial space and 106 condominium apartment units above. Surface parking as well as enclosed stacked parking is proposed (total 69 spaces). The Site is approximately 1,336 square metres (±0.13 hectares) in size.

Figure 1: Site Location



The proposed development as designed by MSA includes the adaptive reuse of the front portion of the former church and the addition of a point tower to the rear. A new building will be constructed behind the Church façade providing access from Hughson Street. Sitting on a 3-storey podium, the new residential tower will be 19 storeys for a total of 22 storeys in height.

1.2 Proposed Applications

The purpose of this Zoning By-law Amendment application is to permit the redevelopment of the site for a new mixed use building and the revitalization of the former Tivoli Theatre. In total, the building will be 22 storeys in height. A three storey podium fronting James Street North will provide an entry-way with a cafe/retail and rear parking on the ground level, a restaurant on the 2nd floor, and offices and residential amenity space on the 3rd floor. The upper 19 floors would include 106 residential dwelling units within an elegantly designed point tower. Seventeen (17) surface parking spaces will be provided as well as 52 parking spaces within the building on the ground floor utilizing a parking stacker system.

The site is designated “Downtown Mixed Use Area” in the new Urban Hamilton Official Plan. The front portion is designate “Prime Retail Streets” in the Downtown Hamilton Secondary

Plan, while the rear portion, where the Tivoli theatre remains is designated “Mixed Use Area”. The proposed design is in keeping with the policies of these designations as justified in the Urban Design Brief prepared jointly by GSP Group and McCallum Sather Architects (MSA) submitted to the City with this application.

The Site is split into three (3) Zones in Hamilton Zoning By-law 05-200: the *Downtown Prime Retail Streets (D2) Zone* along its James Street North frontage; the *Downtown Mixed Use (D3) Zone* to the rear where the remaining Tivoli theatre is located; and the *Downtown Multiple Residential (D6) Zone* directly north of the auditorium fronting Hughson Street where an single detached dwelling is currently located. It is intended that the property be rezoned to one comprehensive Zone – a site specific *Downtown Prime Retail Streets (D2) Zone*.

The D2 Zone permits multiple dwellings and a range of commercial uses including commercial entertainment (e.g., a theatre), restaurants, retail uses, studios and personal services. However, the D2 Zone restricts the location of commercial entertainment, restaurant and studio uses within a building. Section 6.2.3 e) i) requires that commercial entertainment, restaurants, retail and studio uses only be permitted within the ground floor facing the street. Therefore, an amendment to the by-law will be required to permit the second floor to be used for restaurant, commercial entertainment (theatre) and/or studio uses.

An outdoor commercial patio is proposed in conjunction with a future café on the ground floor. An outdoor commercial patio is not permitted where side lot lines abut a Downtown D6 Zone pursuant to Section 4.20 c) i). The lands to the north, on the west side of Hughson Street are zoned in the Downtown D6 Zone. As such, an amendment to the By-law is required to permit an outdoor commercial patio.

Parking for the residential component of the development will be provided within the building at ground level as well as surface parking located to the rear. All parking will be accessed from Hughson Street. In addition to the proposed 17 surface parking spaces, 52 parking spaces will be provided using a parking stacker system on the ground floor of the building. Parking stackers are not recognized in the Hamilton Zoning By-law; accordingly, an amendment to the By-law will be required to permit the use of parking stackers for the

proposed development. No parking will be provided for the commercial component of the development and the parking spaces will be labelled/signed for the exclusive use of the residents of the Tivoli Condos.

Modifications to the *Downtown Retail Streets (D2) Zone* zoning regulations will be required to permit a maximum height of 22 storeys, to recognize the location of the remaining Tivoli Theatre, and to address the new building design and parking configuration. Generally, the following zoning modifications are required:

- a) An increase in the maximum building height of the point tower from 22 metres to 75.1 metres (Section 6.2.3 b) i));
- b) An decrease in the minimum area of the ground floor façade composed of windows and doors from 80% to 58.9% (Section 6.2.3 c) iii) 1);
- c) An increase in the maximum area of the façade of the second and third storey composed of windows from a 40% maximum to a 71.5% maximum (Section 6.2.3 c) iii) 2);
- d) An increase in the maximum ground floor storey height from 4.5 metres to 5.1 metres (Section 6.2.3 c) iii) 3);
- e) A reduction in the number of required residential parking spaces from 101 spaces to 69 spaces (Section 5.6a);
- f) A reduction in the number of required barrier free parking spaces from 3 to 2 (Section 5.2b);
- g) A variance to the definition of “parking space” to permit parking stackers; and
- h) Other technical variances as may be identified related to the elevation and specific building design features.

1.3 Report Purpose and Content

The purpose of the Urban Design Report is to provide an assessment of the proposed development pursuant to the design policy context applicable to the site. It is principally concerned with three components: (1) the consistency of the proposed development with the City’s design policies and guidelines; (2) the impact of the proposed development on sunlight

access and shadowing; and (3) the visual impact of the proposed development on the streetscape and surrounding built environment.

The report includes seven sections, as follows: Section 2 provides an overview of the physical conditions of the site and its context; Section 3 provides an overview of the relevant City design-related policies and guidelines, Section 4 provides a detailed outline of the proposed development concept for the site; Section 5 illustrates the sun-shadow model for the site and assesses impacts; Section 6 illustrates photo montage graphics and assesses the visual impact of the proposed development; Section 7 provides a detailed assessment of the proposed development as per the design policies and guidelines; and Section 8 provides conclusions regarding the appropriateness of the proposed development's design.

2 Physical Context

2.1 Site Location and Description

The Site is located in downtown Hamilton on the east side of James Street North, the west side of Hughson Street North, north of York Boulevard (refer to Figure 1). The property has a frontage of ±22 metres on James Street North, a frontage of ±22 metres along Hughson Street North and a combined area of ±2,791 square metres (±0.28 hectares). A shared right of way provides access from Hughson Street North to the rear; this right of way also provides access to 2 adjacent properties to the north fronting James Street. The front portion of the site is currently vacant while the rear portion contains the former Tivoli theatre/auditorium.

2.2 Existing Site Conditions

The site's James Street North frontage is currently vacant and was previously occupied by the Tivoli theatre (refer to Image 1). While originally constructed as a carriage factory in 1875, this function for the property ceased in 1901, and by 1908, it was established as the first in a sequence of theatres: the Wonderland, succeeded by the Colonial (1910-1912, and the Princess (1913-1923). These were located within the original carriage factory, later serving as the lobby to the Tivoli Theatre. In 1924, the complex was substantially enlarged with the addition of the auditorium to the rear of the property and renamed "The Tivoli" serving as a

Image 1: Tivoli Theatre early 1900s



prominent vaudeville and motion picture venue, and noted for being the first cinema in Hamilton to present movies with sound tracks.

In late June 2004, the 1875 carriage factory portion of the Tivoli Theatre complex suffered structural failure of its south (front) façade and was demolished; however, the rear auditorium portion of the theatre remains and will form an integral component to the future redevelopment of the Site. Image 2 illustrates the current condition of the Site.

Image 2: James Street View (Source: Google Earth 2013)



A Heritage Impact Assessment prepared by McCallum Sather Architects and submitted as a part of this application provides greater detail regarding the demolition of the front portion of the building as well as the heritage features of the remaining Tivoli auditorium.

2.3 Surrounding Community Conditions

James Street North can aptly be described as an urban village unto itself with a diversity of buildings, activities and people; and its mixture of local pubs, clubs, cafes, bistros and shops. The character of James Street at this location is eclectic and pedestrian friendly. A range of era, material and details are used along the street with significant ground floor glazing for ground floor retail, and smaller windows on the second and third floors for a mixture of uses. While the building height varies, they generally have a cornice detail to mark the building edge. Buildings are generally 3 storeys in height with minimal setbacks to the street to create a continuous built edge conditions. The former Tivoli Theatre has long been recognized as an important historical downtown landmark.

The CBC Hamilton and Art Gallery of Hamilton Art Annex is located immediately to the north of the Site fronting James Street and represents the gateway to the James Street North Arts District. It is three storeys in height (refer to Image 2) and is currently one of the few contemporary urban design elements in the district. North of the site fronting Hughson Street is a parking lot. A one storey commercial strip plaza is located to the south (Image 3) with surface parking fronting York Boulevard. A three storey mixed use building is nearing completion to the west at the northwest corner of James and Vine Streets (Image 4). Finally, the parking lot associated with St. John's Lutheran Church is located immediately across Hughson Street to the east.

The character of James Street at this location is that of eclectic buildings with minimal setbacks to the street to create a varied but a continuous built edge condition. The former Tivoli Theatre has long been recognized as an important downtown landmark in its own right as well as a major component in the James-Main historic streetscape which includes St. Paul's, the former Bank of Montreal, the Sun Life and Pigott buildings, all of which are designated under the Ontario Heritage Act. However the adjacent properties to the north and south are more contemporary buildings built in a more modest style and with lower quality materials.

Image 3: Commercial Plaza (south)

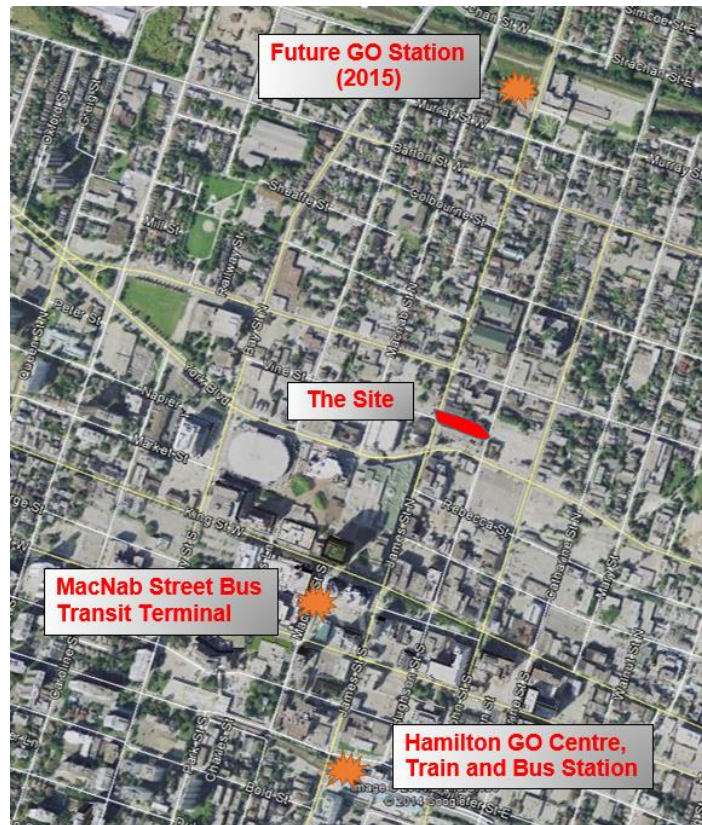


Image 4: Mixed Use Building (west)



The area is well served by public transit. Hamilton Street Railway currently operates two transit routes, Route 2 (Barton) and Route 3 (Cannon) along James Street North in front of the Site. In addition, bus service is provided along York Boulevard and John Street. In addition, the site is situated two blocks north of the MacNab Transit Terminal, ±750 metres north of the Hamilton GO Centre Train and Bus Station on Hunter Street and ±750 metres south of the new GO Centre at James Street North and Murray Street providing access to all corners of the City of Hamilton and beyond. Furthermore, the Hamilton Rapid Transit Preliminary Design and Feasibility Study identifies a light rail transit route (i.e., the “A-Line”) along James Street North.

Figure 2: Community Context



3 Proposed Development

3.1 Design Vision

The proposed development, the “Tivoli Condos”, is located in the heart of Hamilton’s burgeoning arts community and where the monthly “art crawl” takes place. The historic vaudeville theatre on the eastern half of the property has driven much of the conceptual development of the design. Given the uniqueness of the site, the Tivoli Condos propose a development which not only provides much needed density to Hamilton’s Downtown Core, but also has the opportunity to directly contribute and benefit from the cultural activities – both historical and contemporary. The development is intended to re-activate the Tivoli site by transforming it into a mixed-use residential development that will invigorate James Street North in Downtown Hamilton. The development has been designed to:

- Blend the former building’s history with a modern, contemporary lifestyle with an entrance marquee that reflects on the original Tivoli theatre;
- Capitalize on the views of the lake Ontario shoreline to the Niagara Escarpment afforded by the central location;
- Sympathetically incorporate and complement the remaining heritage theatre into the new development on the site;
- Provide a range of unit types, styles and sizes to accommodate a broad range of lifestyle needs;
- Re-activate the James Street North frontage with activity-generating commercial uses and outdoor areas on the ground floor;
- Incorporate a modest amenity area on the podium rooftop that includes both outdoor sitting areas as well as indoor recreational space; and
- Provide an innovative and visually attractive addition to the skyline of Downtown Hamilton.

The proposed development will contain a mix of commercial retail, condo amenity, condo units and at grade parking. In total, the proposed development will contain the following elements:

Figure 3: Urban Context

(Source: MSA 2014)



- 19 floors of residential units (106 units);
- commercial office space ($\pm 317 \text{ m}^2$) and accessory amenity/party room ($\pm 99 \text{ m}^2$) and fitness room ($\pm 130 \text{ m}^2$) associated with the residential units on the 3rd floor;
- A restaurant ($\pm 317 \text{ m}^2$), gallery ($\pm 130 \text{ m}^2$), events room ($\pm 168 \text{ m}^2$) on the 2nd floor, as well as crush space ($\pm 155 \text{ m}^2$), a coat check area ($\pm 26 \text{ m}^2$), kiosk/office ($\pm 15 \text{ m}^2$) and washrooms (94 m^2) associated with the refurbished theatre; and
- a café/bar ($\pm 107 \text{ m}^2$) on the 1st floor as well as the theatre lobby /stair ($\pm 52 \text{ m}^2$).

Figure 3 includes a rendering of a view from James Street North, while Figure 4 is an excerpt from the Site Plan illustrating the basic features of the development.

The new building addresses the urban context through a podium and tower massing concept. The podium portion of the first three floors of the building is designed at a civic scale to mark the building's presence on the street as an historical landmark and as a publicly accessible building.

While it would be desirable to set the tower back from James Street and to terrace the floor plate, this option has not been pursued due to the limitation imposed by the remaining heritage Tivoli theatre to the rear and the need to propose a building with an efficient and optimized parking strategy, structural system, core and unit layouts. The 4th and 5th residential floors are setback ± 3.5 metres from the front line; and the setback of the tower is further reduced to 1.9 metres for the remaining condominium floors above. In contrast, a substantial setback has been provided from Hughson Street (± 46 metres) to the point tower. No developed area is proposed above the (former) Tivoli theatre or the majority of the enclosed ground floor parking area. Cutting the floor plate back further would create units which would no longer be functional (they are already quite compact) and would not be able to make the project economically feasible especially considering the substantial cost and effort to rehabilitate the significant heritage component of the building.

Podium

At grade, the podium provides connection to public activities on the street but also provides a connection to its history through the retention of the Tivoli theatre to the rear. Architecturally, the podium provides a physical connection to the Tivoli theatre through the building, while referencing the history through the use of material and details, and by recreating an entrance on James Street with a sense of drama and procession.

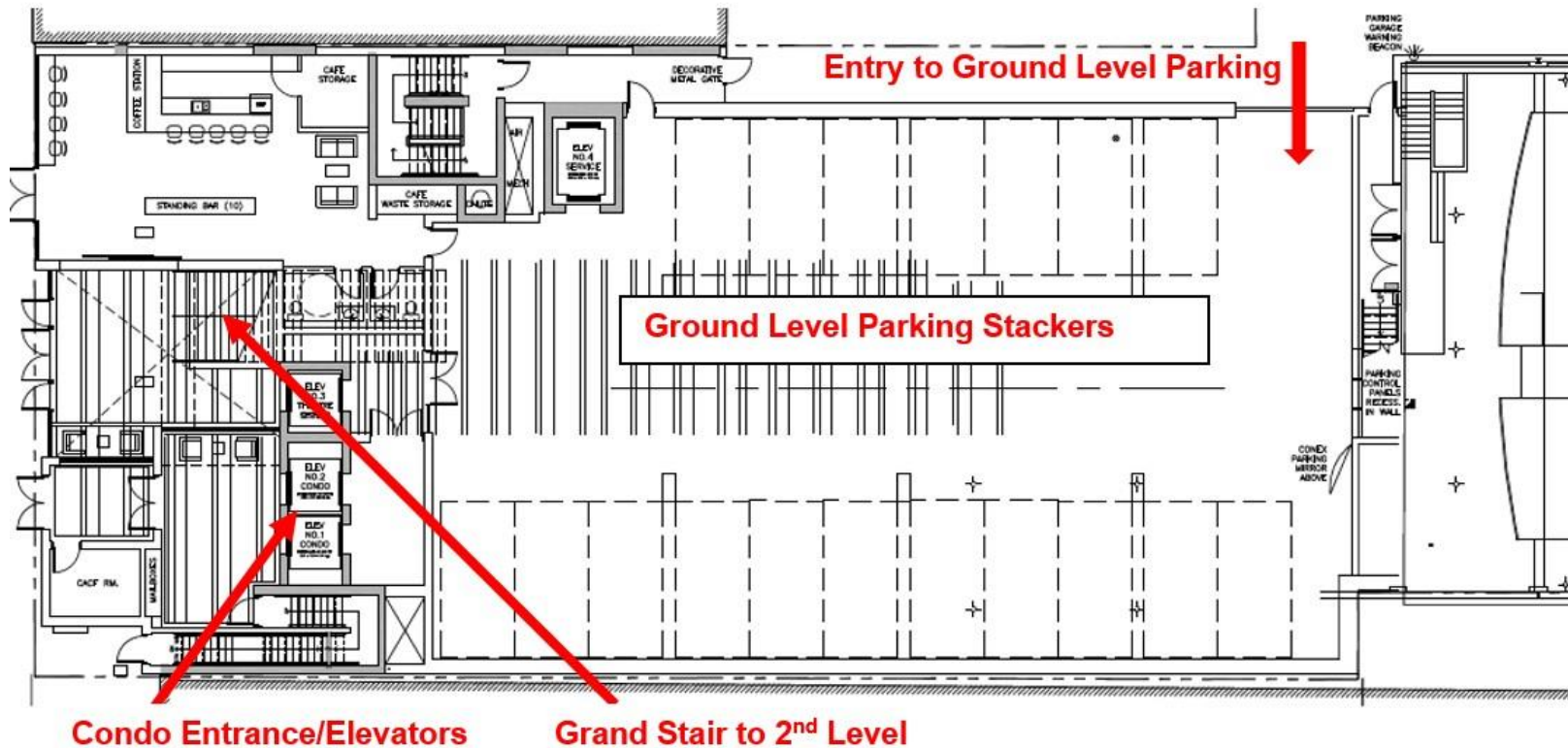
The podium is distinguished from the tower materially through the use of stone veneer cladding which gives it a more ceremonial and grand presence at the street level. The sidewalk widens in the front of the building providing a generous spill out of space for a café/bar. A re-interpretation of a Theatre Marquee marks the main public entrance while a grand stair and accessible elevator leads up to the theatre level behind the primary glass façade as illustrated in the Podium Perspective (Figures 5), the Ground Floor Plan (Figure 6) and the Second Floor Plan (Figure 7) as prepared by McCallum Sather Architects (MSA). Additionally there is a break between the podium and the tower both in setback and materials to mark the historic line of three storey buildings along the street.

Figure 5: Podium Perspective (MSA November 2014)



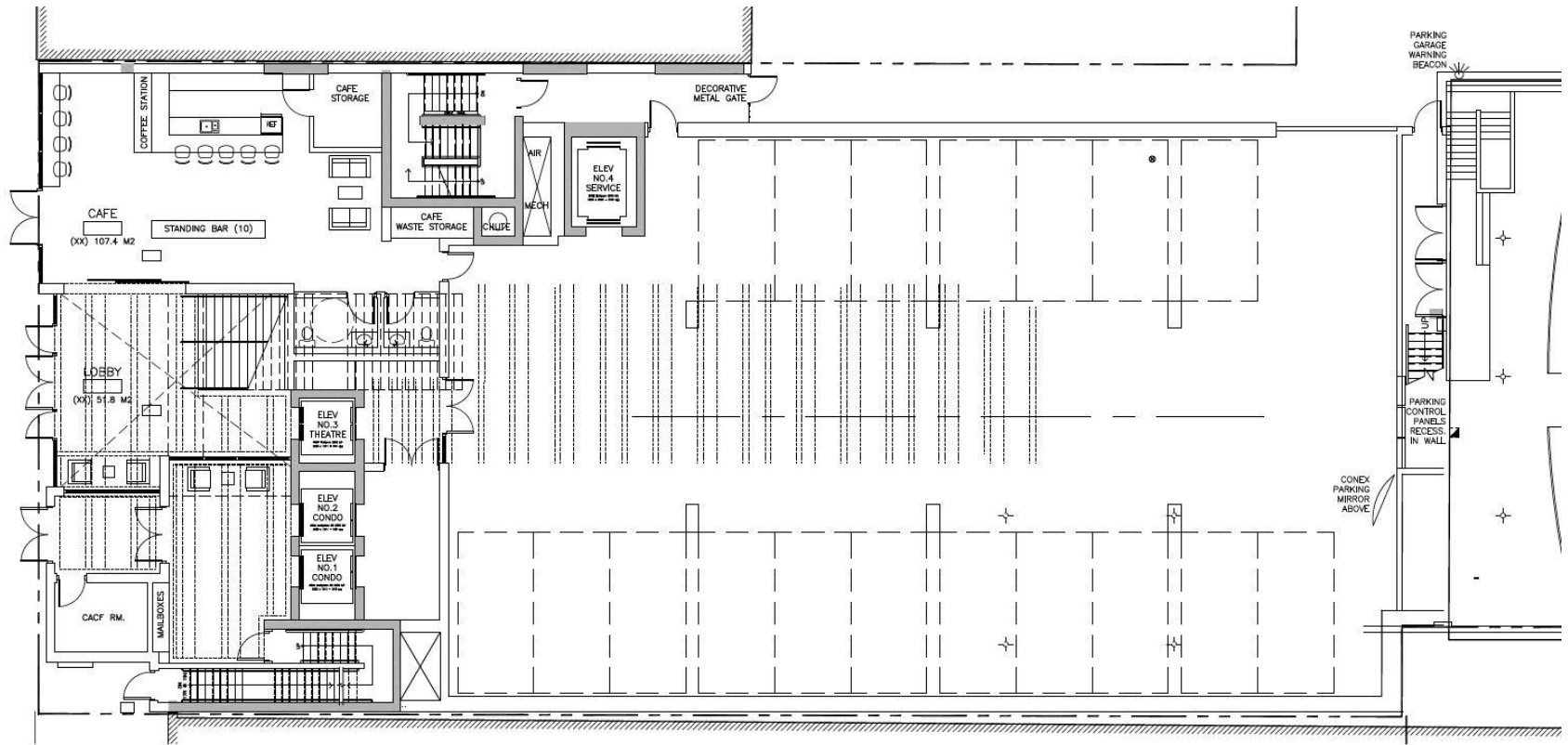
These details and amenities are designed to increase visual connection into the building, and invite passersby to experience the building and establish the Tivoli theatre as a prominent landmark on the street.

Figure 6: Ground Floor Plan (MSA November 2014)



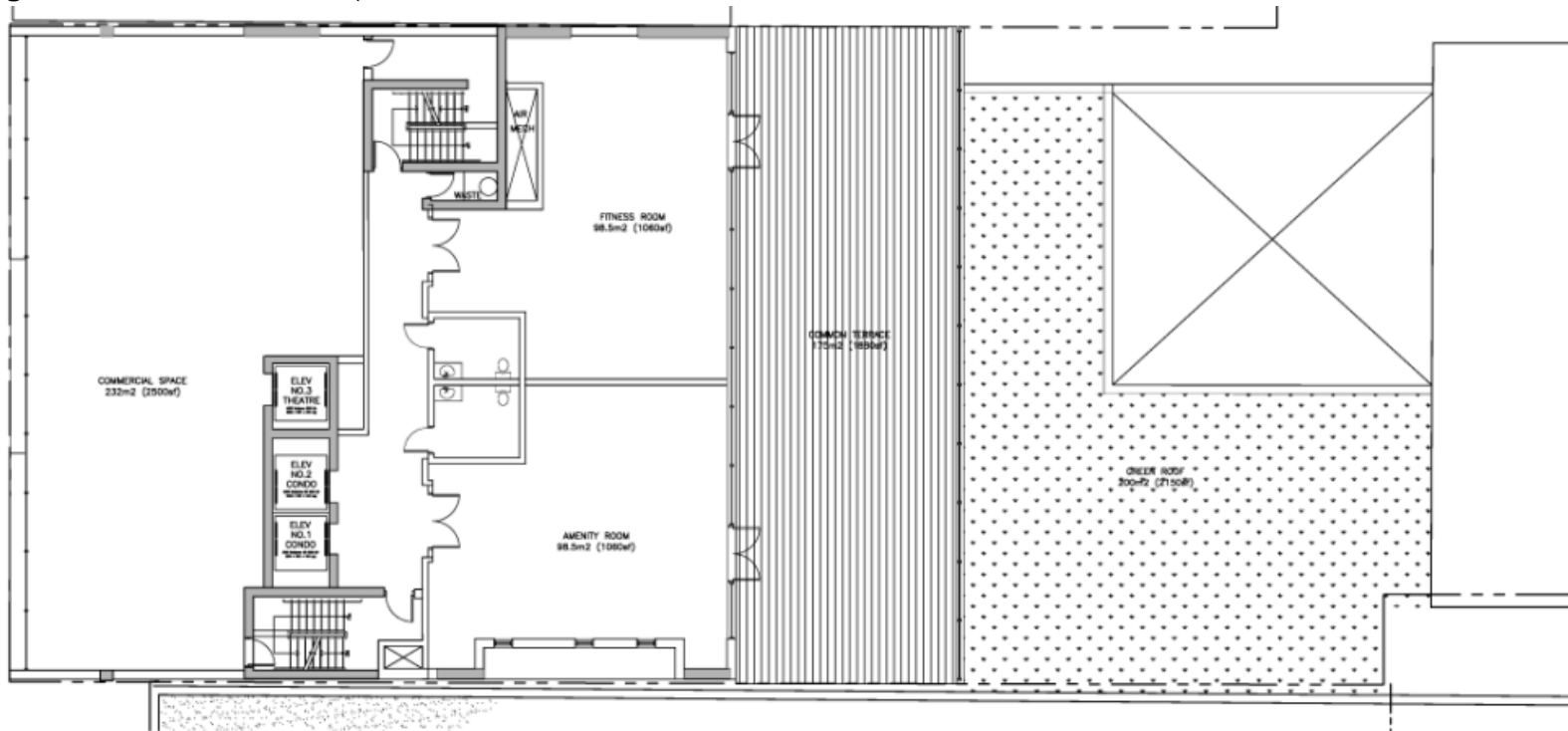
On the second level (Figure 7) a restaurant, gallery and event space are proposed to enhance, serve and connect to the existing auditorium. The auditorium is also served by a new kiosk, coat room and washroom which help support the function of the Tivoli as a performance space.

Figure 7: Second Floor Plan (MSA November 2014)



The Third Floor provides commercial office space looking out onto James Street, as well as common amenity space for the condominium residents. Figure 8 illustrates a proposed outdoor terrace looking out onto a green roof situated above the gallery and commercial space on the second level.

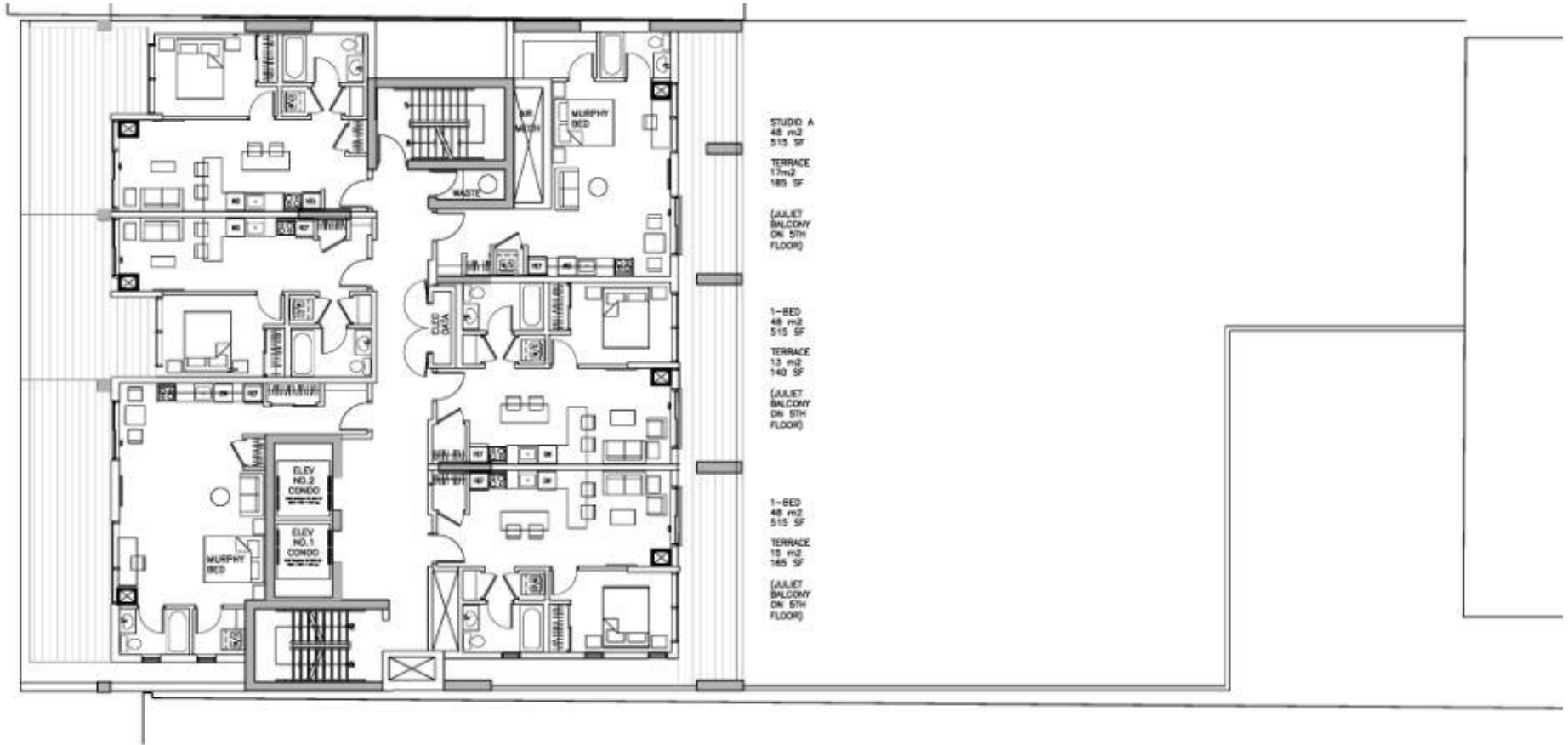
Figure 8: Third Floor Plan (MSA November 2014)



The first three levels of the Tivoli are designed to respond to its urban context and its relationships with the adjacent former Union Furniture building to the north with respect to scale and proportion of glazing.

The Fourth and Fifth Floor are setback from the podium and contain 6 units per floor as illustrated in Figure 9. All of these units are under 50m² in size and include terraces.

Figure 9: Fourth and Fifth Floor Plans (MSA November 2014)



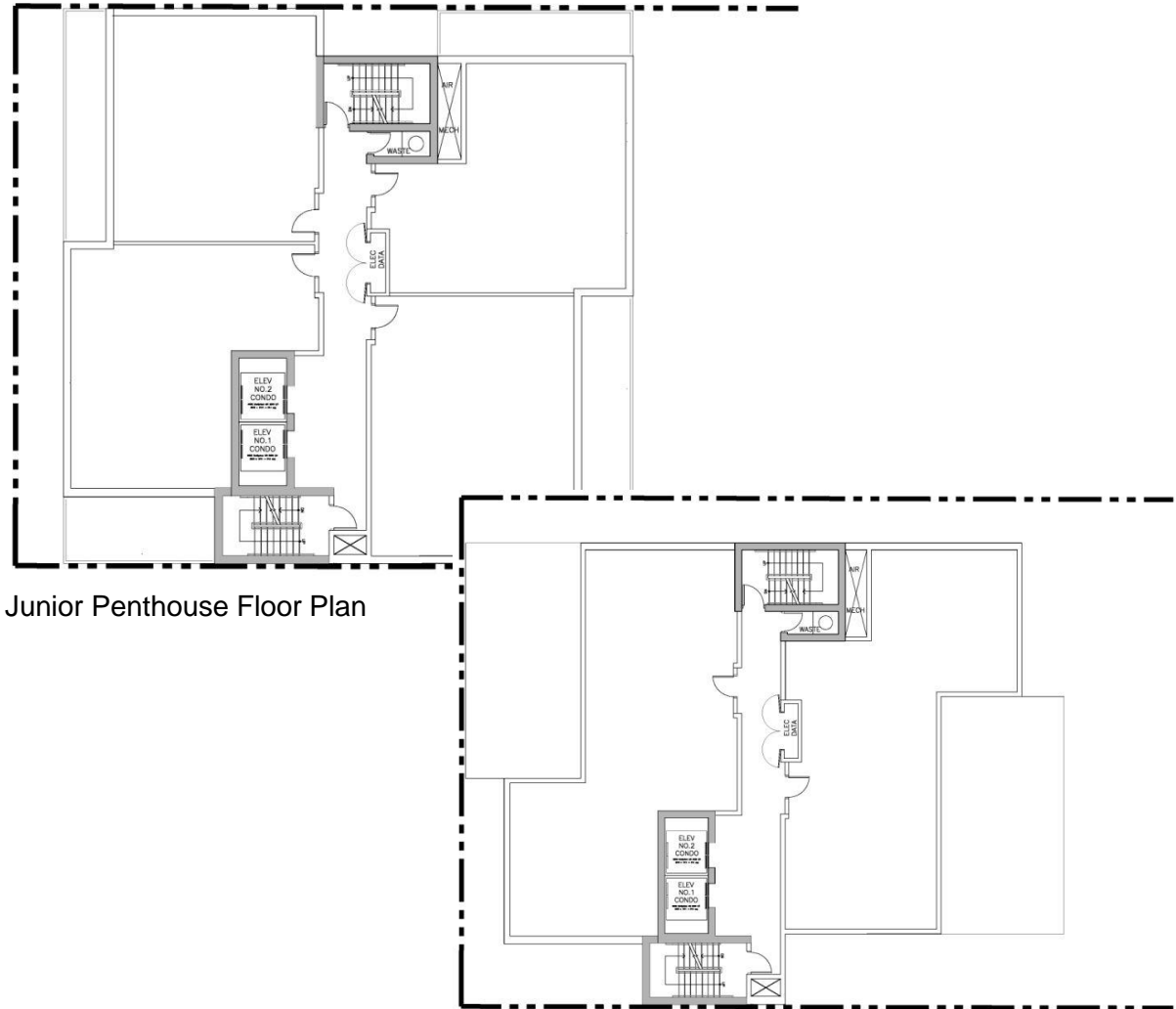
Floors six (6) to nineteen (19) of the tower portion are also clad in metal. Glazing is expansive within the units and solar control is provided through aluminum louvers. Extruded balconies provide visual interest and may offer opportunities to introduce a coloured element. A typical floor plate within the condominium tower contains 6 units per floor ranging in size from 49 m² to 69 m² as illustrated in Figure 10.

Figure 10: Typical Floor Plate for Floors Six to Nineteen (Source: MSA November 2014)



The top three floors contain penthouses with tempered glass balconies. Floors twenty (20) and twenty-one (21) contain four junior penthouses per floor while the top floor contains a full penthouse with a terrace. Figure 11 illustrates the proposed floor plates for these units.

Figure 11: Junior Penthouse and Penthouse Floor Plans



Junior Penthouse Floor Plan

3.2 Built Form and Architecture

The proposed development will contain a mix of commercial retail, condo amenity, condo units and at grade parking. In total, the proposed development will contain ±106 residential units and approximately ±1,380 square metres of commercial floor space.

The following summarizes the details of the existing building and new building:

3.2.1 Existing Building

The front portion of the property is vacant. The original carriage factory situated here was built in 1875 in Second Empire style by Hamilton architect Albert H. Hills. The carriage factory was converted to a theatre by 1908. Between 1908 and 1924 the building housed a sequence of theatres known as the Wonderland, the Colonial, and the Princess. These were located in the original carriage factory, which later served as the lobby to the Tivoli Theatre. In 1924 the building was substantially enlarged with the addition of an auditorium to the rear and renamed “The Tivoli”, serving as a prominent vaudeville and motion picture venue and noted for being the first cinema in Hamilton to present movies with sound tracks.

Subject to substantial renovations in 1943, 1947 and 1954, the Tivoli ceased to operate as a movie theatre in 1989 (refer to Image 5) and was then adaptively reused as a retail location for music sales, and subsequently, by various community theatre groups.

In late June 2004, the 1875 carriage factory portion of the Tivoli Theatre complex suffered structural failure of its south façade. City Council approved a demolition permit in 2004 for the remnant carriage factory portion excluding the 1908 lobby portion. The partial demolition of the carriage factory portion was required to stabilize the building and render its safe and secure. The stabilization process also involved removal of the designated James Street west façade and a number of architectural features. Following failure of the roof structure and the masonry wall on the south side of the carriage factory portion of the theatre complex, in 2004 subsequent demotion work was carried out to stabilize existing building fabric including the demolition of the 3-storey “Tivoli” building fronting James Street.

Image 5: Tivoli Historical Photograph
(Source: MSA HIA 2014)

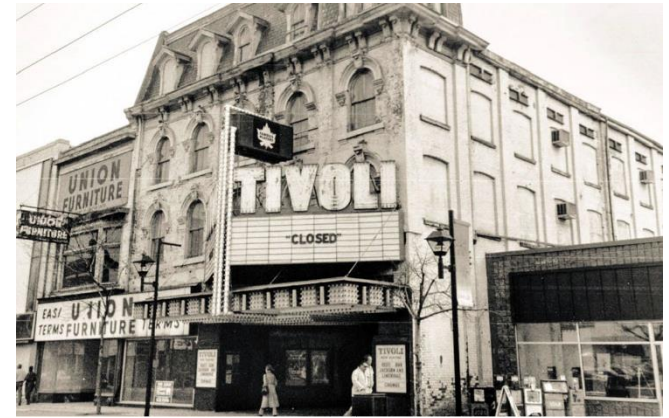
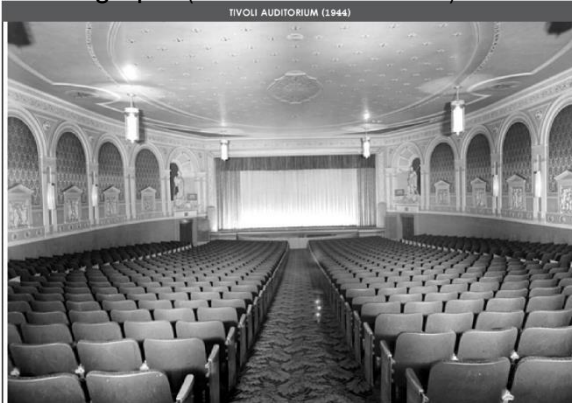


Image 6: Tivoli Theatre Historical Photograph (Source: MSA HIA 2014)



Currently, only the rear theatre portion of the building remains. Pursuant to the Heritage Impact Assessment (HIA) prepared by McCallum Sather Architects (MSA) dated April 2014, the interior of the auditorium was designed by Toronto architect B. Kingston Hall, in an Italian Renaissance style featuring the proscenium, elliptical ceiling, decorative cornice and frieze, and five-arch colonnades along each of the side walls (refer to Image 6). The arches adjacent to the stage contain bronze statues of Caesar and Minerva, and the bases of the remaining arches are decorated with medallions representing the four seasons. These original elements represent the remaining features identified in the reasons for designation for the property and do not include any exterior features. The auditorium has functioned as a performance venue up until 2012. The Lobby has suffered failure at its west façade and has temporary hoarding to protect the space.

The following are the site conditions of the remaining building and its system from a site visit undertaken by MSA in 2014:

- *Structure, Masonry:* currently in fair condition, but requires some repair.
- *Roof Assembly:* according to the 2007 inspection, the roof leaks and requires replacement. In 2010 some stabilization work was undertaken. Downspouts were noted as cracked and leaking on the site.
- *Doors and windows:* require replacement and security hardware.
- *Walls:* Plaster finish – isolated to extensive repairs are required
- *Heating/Air Conditioning:* no system exists on site
- *Electrical, plumbing:* new upgraded systems required.
- *Code Compliance:* requires building and fire code upgrade such as sprinkler system, fire exit adjustment, fire alarm systems, fire curtain repair, barrier-free access, hazardous material abatement (if any);
- *Acoustics, Noise Control:* amplification and insulation required
- *Sightlines:* insufficient verticality for dance
- *Stage:* requires reinforcement re-surfacing and re-equipping

The HIA identified the following features of the building to be retained:

- The proscenium
- The ceiling with its elliptical design
- The decorative cornice and frieze below, and along each side wall: a colonnade comprising five round arches sprung from coupled pilasters
- The two arches on either side of the stage sill contain the original bronze statues of Caesar Augustus and the goddess Minerva
- Medallions depicting the four seasons located at the base of each of the other eight arches.

The auditorium theatre portion of the Tivoli building to the rear of the property will be retained and ultimately refurbished, and an addition will be constructed to the front portion of the building connecting to James Street North. The renovation to the existing theatre hall will be largely concerned with providing a new lobby connection to James Street. Within the existing retained theatre auditorium, a new balcony, stairs and elevator are proposed. Accompanying building elements (washrooms, coat room and offices) are proposed as part of the new construction to the west of the retained theatre. Selected areas of the theatre's interior will be restored as part of a Heritage restoration plan to be developed in a phased strategy.

While the exterior of the theatre is not designated as a heritage resource, the proposed design of the development still seeks to blend traditional and contemporary materials and finishes along James Street as a whole. The intent is to sensitively combine a blend between new and old.

3.2.2 New Building

The proposed Tivoli Condos is located on James Street North in the heart of Hamilton's burgeoning arts community and where the monthly "art crawl" takes place. The historic vaudeville theatre to the east has driven much of the conceptual development of the design. Given the uniqueness of the site, the Tivoli Condo proposes a development which not only provides much needed density to Hamilton's Downtown Core, but also has the opportunity to directly contribute to and benefit from the cultural activities – both historical and contemporary.

The first three levels of podium are scaled to match the adjacent commercial building to the north with the 2nd floor elevation matching the 2nd storey (former) balcony entrance to the theatre. The James Street façade has been designed to provide openness and visual connection to the proposed commercial retail space intended to animate the street and give access to the theatre on the second level. Given the uniqueness of the site, the Tivoli Condo proposes a development which not only provides much needed density to Hamilton's Downtown Core, but also has the opportunity to directly contribute to and benefit from the cultural activities both historical and contemporary.

The new building addresses the urban context through a podium and point tower massing concept. The podium portion of the first three floors of the building is designed at a civic scale to mark the building's presence on the street as a landmark and as a publicly accessible building.

While it would be desirable to set the tower back from James Street and to terrace the floor plate, this option was considered but not pursued due, in part, to the substantial setback provided off of Hughson Street and, more importantly, the need to propose a building with an efficient and optimized parking strategy, structural system, core and unit layouts. Cutting the floor plate back further would create units which would no longer be functional (they are already quite compact) and would not be able to make the project economically feasible especially considering the substantial cost and effort to stabilize and rehabilitate the significant heritage component of the theatre building.

Podium – Built Form and Architecture

At grade, the podium provides connection to public activities on the street but also provides a connection to its history through the retention of the historical theatre to the rear of the property. Bridging between the podium and the heritage theatre is provided through a two storey connection zone. The connection zone connects to the sidewalk and street to the west and open into a gallery space that transitions through a restaurant, potential arts program and crush space. The crush space is geared toward enhancing the theatre experience by creating

accessible washrooms for the theatre, coat check and ticketing program. It is important to note that this entire experience is now accessible and open to the public.

Architecturally, the podium provides physical connection to the rehabilitated theatre including rehabilitated theatre. The plans for the space will draw upon historic imagery of the former theatre spaces and present opportunity for education and sustainable design.

The podium is distinguished from the tower materially through a solid frame clad with limestone. The use of robust and quality materials further emphasizes the importance of the Tivoli theatre and connects it to other prominent buildings downtown. The tower itself complements the existing Hamilton skyline and has a slender profile.

The arrangement of program and amenities are designed to increase visual connection into the building, and invite passersby to experience the building and gain a new understanding of the built heritage of the site. In addition, they will potentially provide an important architectural reference to understand Hamilton's ongoing renaissance.

Fourth and Fifth Floors – Built form and Architecture

The fourth and fifth floors are allocated for condo units and are set back from the podium and tower levels to give a necessary break between the scale and character of the retail and commercial elements on the street, with the condo suites above. These two floors are clad in metal panels of a distinctive colour to emphasize the break between the podium and tower. A parapet detail is proposed as part of the design for the fourth floor terrace guard.

Floors Six to Nineteen

Floor Six to nineteen represent the tower component of the development. These floors provide a range of balconies clad in metal panels and curtain wall glazing with spandrel panel. The exterior coloration of the tower is matched to heritage colours found in the theatre. It is the intent of the design to create balconies mimicking the frame of a proscenium and play upon the concept of stage and performance. The Tivoli has long been an "interior" experience and now it becomes extroverted by the tower design. Figure 12 includes the southwest perspective illustrating the colouration and of the metal panel and curtain walls,

Figure 12: Southwest Perspective
(MSA Nov 2014)



Figure 13: Northeast Perspective
(MSA Nov 2014)



while Figure 13 illustrates the range in balconies and relationship of the tower to the existing Tivoli auditorium to the rear.

Floors Twenty to Twenty-two

The top three floors contain penthouses. Floors twenty (20) and twenty-one (21) contain junior penthouses while the top floor contains a full penthouse with a terrace. The exterior of these penthouse units are clad with the same metal panels as the lower floors.

Figure 14 includes the north and south elevations of the building. While these elevations have relatively few openings due to their proximity to the property line, the bulk of the 'blank wall' is reduced by the edges which dissolve from the notches in the floor plate. Additionally the stair is articulated by coloured paneling to form a pattern to give the tower an identity from a distance. The field colour of the panels are silver and the accents are selected from the original theatre; red from the seats and Tivoli branding, and blue from the ceiling and ornamental accents

Figure 15 includes the east and west elevations of the building. Both the east and west elevations are articulated by balconies, notches and alternating floor plans (an 'A' and 'B' option for alternating 'box seats'). The East Elevation is has a strong presence along James street with the Marquee for the main public entry, canopies, feature wall for the condo entry and the stone cladding to give the building a sense of permanence and quality. The colour accents which are picked up in the North and South elevations are carried in the balconies to create a unified aesthetic.

Figure 14: North and South Elevations

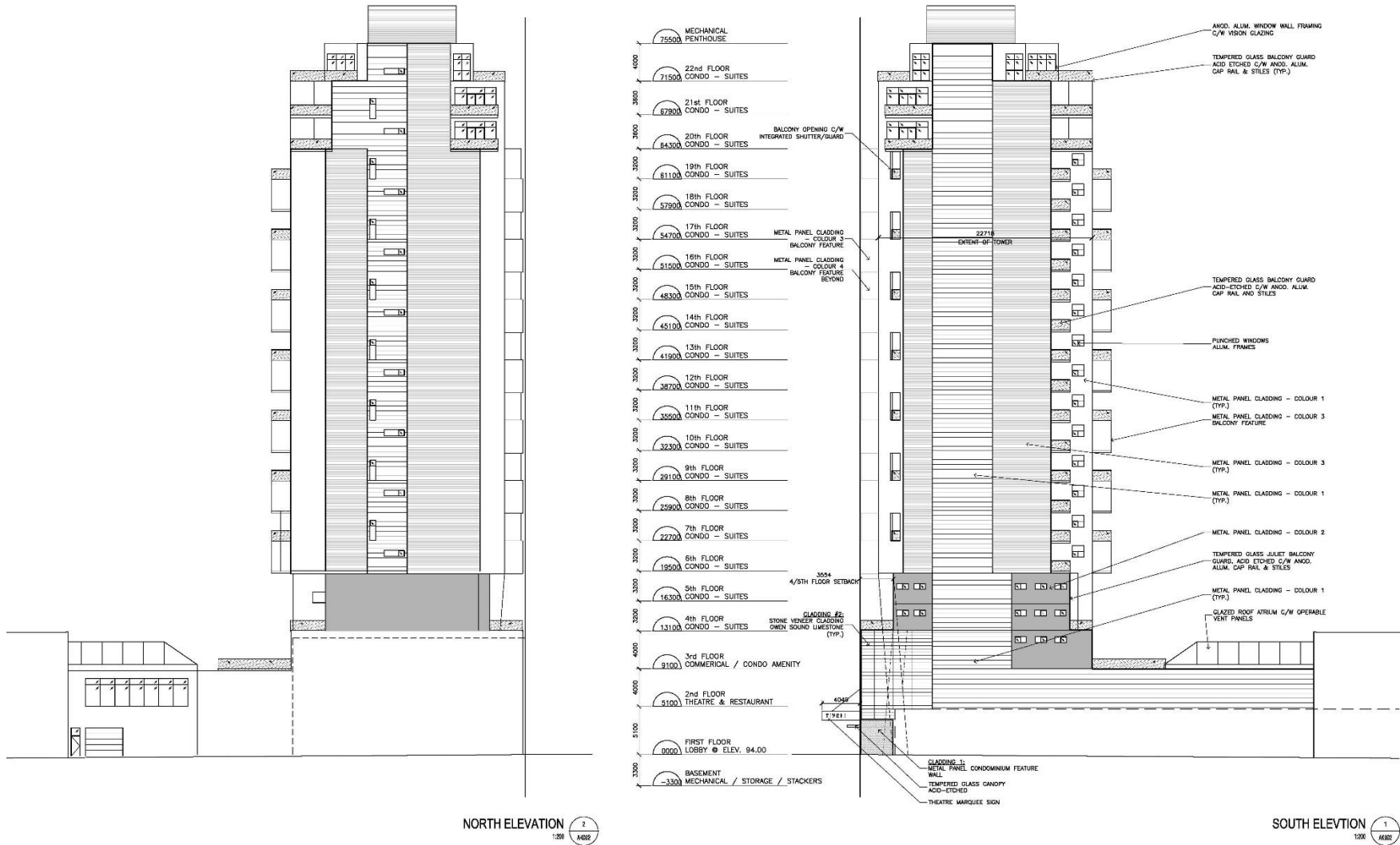
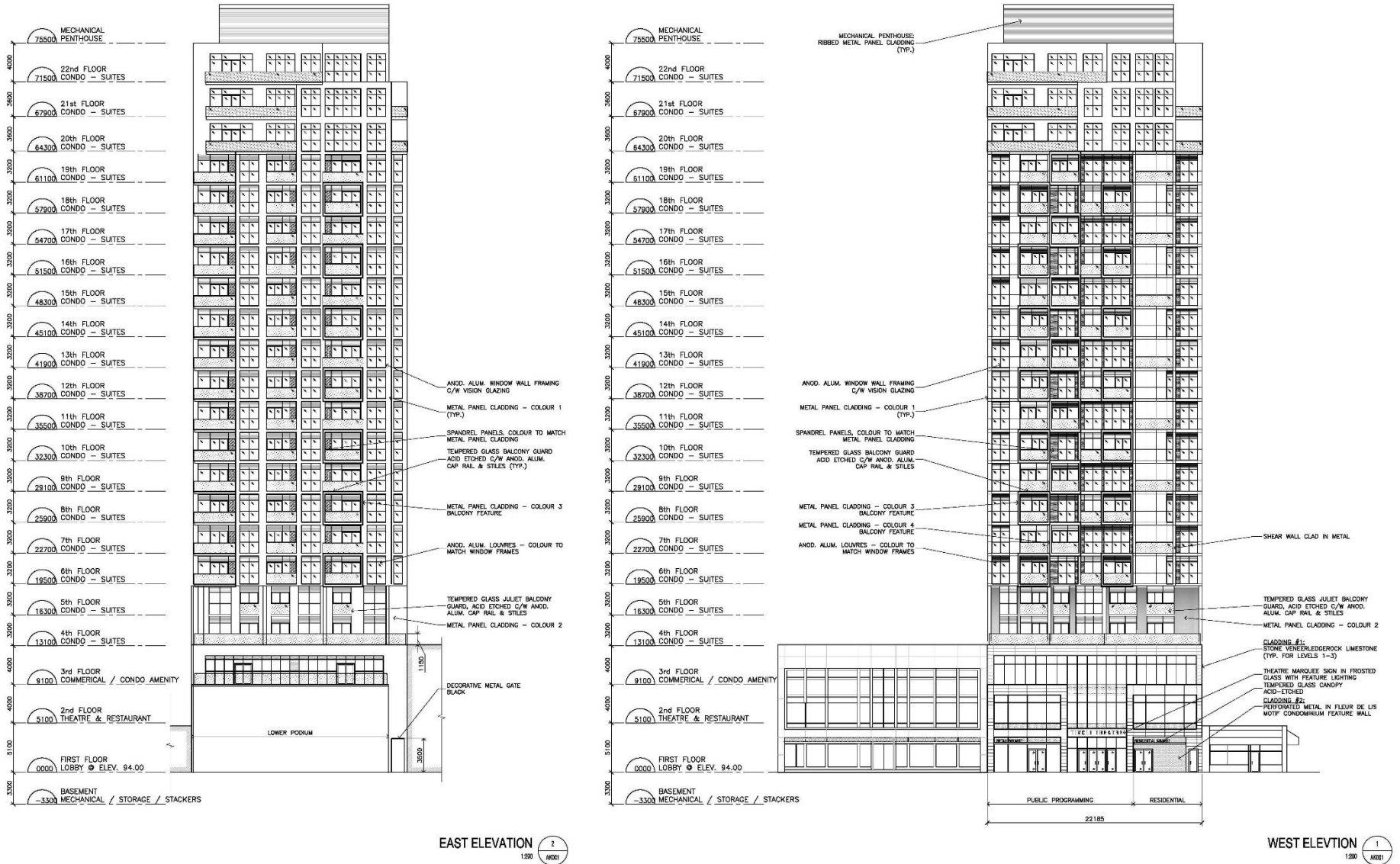


Figure 15: East and West Elevations

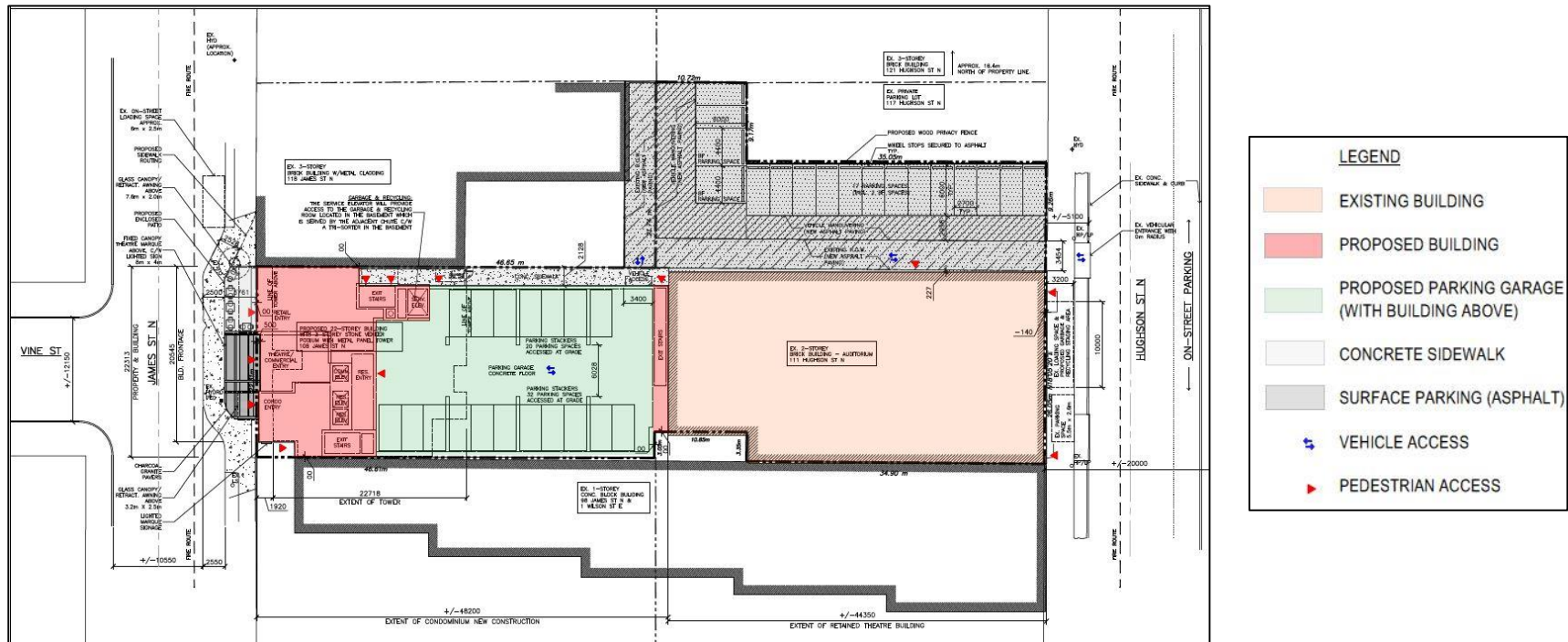


3.3 Circulation

3.3.1 Vehicular

Vehicular access to the site is currently provided off Hughson Street (a northbound one way street) by way of a single land right of way. The land is owned by the applicant; however, the adjacent development to the north fronting James Street North have legal access over this lane by way of a right-of-way established on title. Currently this 3.4 metre wide right-of-way provides access to and from the site and adjacent lands. The intent is to continue to access the new Tivoli by way of this land; however, additional lands have been purchased and form part of this development to enhance the access and to provide additional parking. The Ground Floor Circulation Plan included in Figure 16 illustrates the extent of the existing right-of-way as well as the additional lands purchased for parking purpose.

Figure 16 – Circulation Movements



3.3.2 Pedestrian

The area around the Tivoli site has a walkability score of 100 (out of 100). The proposed development both draws from and contributes to the pedestrian quality of the neighbourhood and minimizes reliance on cars in favour of active and public transportation.

Pedestrians are linked into the site via James Street North and Vine Street to the west and Hughson Street from the east. North and south of the site there are several significant community resources and facilities such as the Hamilton GO Centre Train and Bus Station, the MacNab Street (Bus) Transit Terminal, Lloyd D. Jackson Square, Hamilton Farmers Market, Nation's Food (grocery store) and the Hamilton Public Library, all of which connect pedestrians to the site.

Pedestrians are connected to the commercial component of the development directly from James Street through the generous lobby area that offers a choice of a café/bar at grade, or up the grand stair to the second level. Connections on the second level are given to a proposed restaurant which has two separate dining spaces on James Street, and through a large gallery space which connects eastward to crush space, ticket kiosk and other support spaces associated with the historic Tivoli auditorium. These pedestrian connections are fully accessible.

James Street also provides a private entrance to the Tivoli condominiums. This entrance is fully accessible.

Access to garbage chutes are given at each level within the condo in the core which are then brought to the basement to a garbage room with a service elevator for collection. The service elevator serves the basement, grade and the second floor commercial space for garbage removal and access. At grade the service elevator opens into the parking garage where bins can be wheeled to Hughson Street for pick up, and delivery orders can also be received.

3.4 Access and Pedestrian Movements

Pedestrians are linked into the site via Vine Street and James Street North from the west and Hughson Street to the east. South of the site are several significant nodes, resources and facilities linked to James Street including the Hamilton GO Centre – Train and Bus Station on Hunter Street, the MacNab (Bus) Transit Terminal south of King Street, Lloyd D. Jackson Square, the Hamilton Farmers Market and the FirstOntario Centre all of which connect pedestrians to the site. The new GO Centre under construction at Murray and James Street will also connect pedestrians to the site by 2015. Furthermore, the Hamilton Rapid Transit Preliminary Design and Feasibility Study identifies a light rail transit route (i.e., the “A-Line”) along James Street North.

Pedestrians are connected to the commercial and condominium component of the development directly from James Street. The north entrance is connected to a general lobby area that offers a choice of an at-grade café / bar, a grand stair and elevator to the 2nd and 3rd floor commercial space and theatre. The southern entrance provides private condominium access to the tower. Both accesses from James Street North are fully accessible

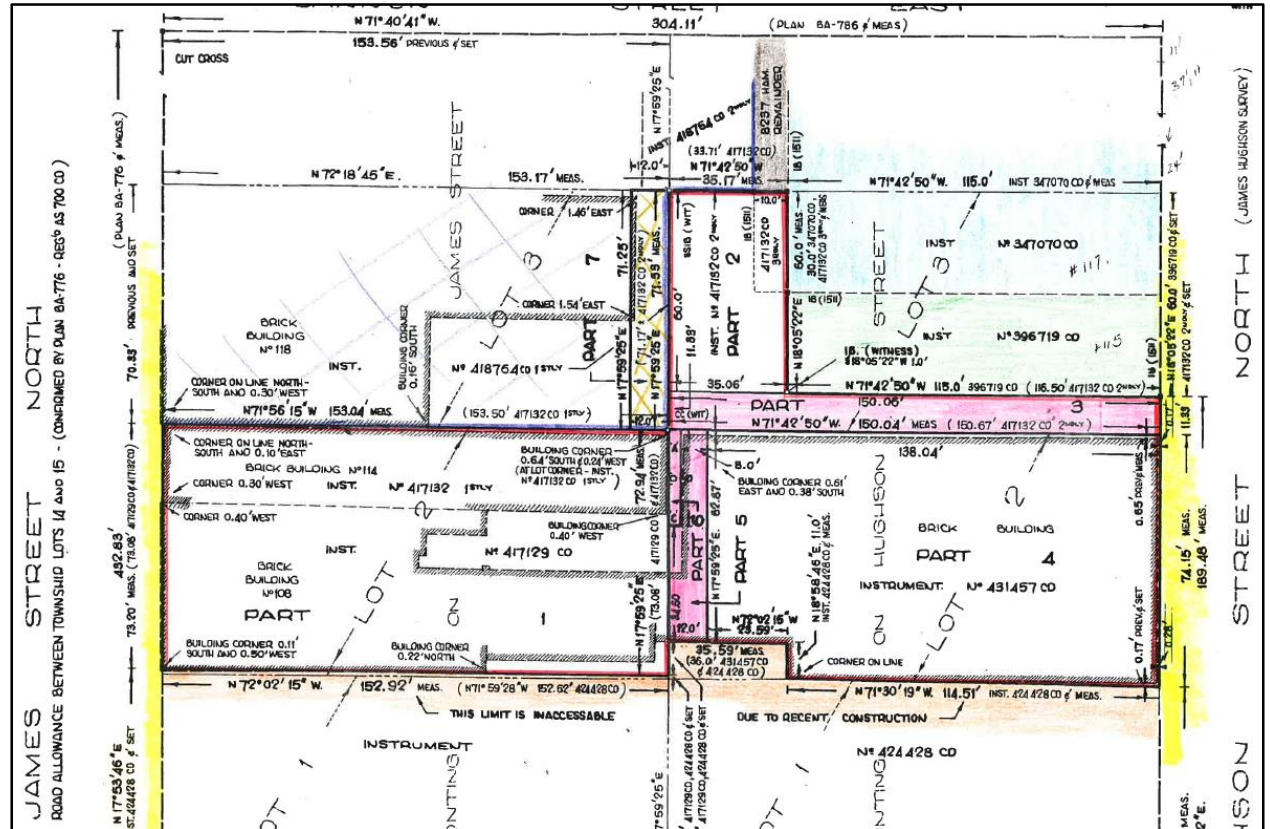
The site is constrained in terms of access because of its size and context. There is currently no vehicular access to the site from James Street. The former Tivoli theatre occupied the entire site with no vehicular access from James Street and no on-site parking provided. Deliveries to the theatre were received off Hughson Street.

Vehicular access to the site is currently provided off Hughson Street by way of a single lane right of way. The land is owned by the applicant; however, the adjacent development to the north fronting James Street North has legal access over this lane by way of an easement established on tittle. This 3.4 metre wide easement provides access to and from the site and adjacent lands. The intent is to continue to access the new Tivoli Condos by way of this lane; however, additional lands were purchased (111/115 Hughson Street) to enhance the access and to provide additional parking.

There are three (3) rights-of-way/easements affecting the Tivoli Property. Figure 8 provides a sketch of the property based on Reference Plan 62R-10419. The original Tivoli Property is

outlined in red with the recently acquired residential lot at 115 Hughson Street highlighted in green. The details of each right-of-way is described as follows:

Figure 17: Excerpt from Plan 62R-10419



There are two rights-of-way encumbering the Site which are highlighted in pink. These encumber Parts 3, 5 and 6 on Plan 62R-10419. The right-of-way over Part 3 is the one along the northern boundary of the theatre building for parking access. The right-of-way over Parts 5 and 6 cover the alley between the Hughson Street and what was considered the James

Street buildings on the site. Clarification is being sought from the Land Registry office regarding which adjacent properties are supposed to benefit from these easements.

The right-of-way *benefiting* the Site is cross-hatched in brown. This is the right-of-way over the rear portion of the adjacent neighbour's property. It burdens Part 7 on Plan 62R-10419, which is part of the adjacent property fronting James Street to the north. This right-of-way was intended to allow the James Street portion of the Tivoli Property to access the parking lot portion at the back and to the north, at a time when the James Street portion, Hughson Street portion and parking lot portion of the Tivoli Property were separate properties.

3.5 Parking (Vehicular and Bicycle)

The provision of parking for the residential condominium owners will be contained internally and externally on the site with access from Hughson Street. 17 surface parking spaces are proposed including 3 barrier free spaces situated along the northern property boundary. In addition, a total of 52 parking spaces will be provided at grade within an enclosed garage located within the new building. Access to these spaces will be controlled through a garage door and traffic light. These internal spaces will be provided through a parking stacker system which allows three rows of cars to be stacked in a semi-automatic system.

In addition car share spaces and bicycle parking will be provided within the parking structure for use by residents of the development. A total of two bike share locations are situated within 250 metres of the development and will assist in encouraging alternative modes of travel. In addition to the bike share locations, a total of 72 vertical bicycles spaces will be provided within the basement level of the development

The development is located within the City of Hamilton's Downtown Core, which provides a variety of shops and services for catering for everyday needs, including supermarkets, restaurants, banks, medical centres and employment opportunities. This includes Jackson Square which is located within 300 metres walking distance of the development which houses a variety of commercial uses as well as the Hamilton's Farmer's Market and a grocery store; Nation's Fresh Foods.

The development is located within close proximity to extensive public transport services, including train and bus service as well as is located along a future Light Rapid Transit Corridor. Each of the available public transport service provides a high frequency service and direct links to nearby activity centres as well as employment centres within the Greater Toronto Hamilton Area.

A Parking Study prepared by Paradigm Transportation Solutions Ltd. dated November 2014 demonstrate the appropriateness of the requested parking modifications.

3.6 Landscaping and Amenity Spaces

At grade, feature stone work will be provided at the front entry way on James Street. Landscape features will be provided for the outdoor seating area such as canopies, trellises and screens to provide some privacy and shelter from sun and wind.

On the third floor a large terrace is provided for condominium residents and will be designed to mitigate the summer wind conditions through screens, landscaping and overhead trellises. Additionally, a green roof over the theatre connection area is proposed to provide a pleasant view to the residents. Condominium amenity space will be provided on the third floor in the form of party room and fitness space.

4 Planning Policy

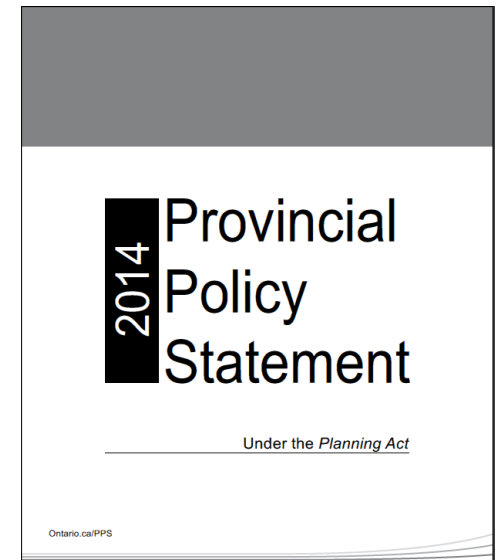
4.1 Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) establishes land use policies for lands in urban and rural areas, the boundaries of which are defined by municipalities through local planning processes under the authority of the Province. The Site is designated Urban in the Urban Hamilton Official Plan and as such is within the *settlement area* as defined by the PPS.

The PPS promotes healthy, liveable and safe communities in Section 1.1.1 through the efficient use of land and resources, promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; accommodating an appropriate range and mix of residential uses, avoiding development which may cause public health and safety concerns and the expansion of settlement areas and promoting cost-effective development patterns.

The PPS provides significant policy direction regarding intensification. Policy 1.1.2 states that within settlement areas, sufficient land shall be made available through intensification and redevelopment. In addition, Policy 1.1.3.3 states that Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Finally, Policy 1.1.3.3 states that planning authorities shall establish and implement minimum targets for implementation and redevelopment within built-up areas, based on local conditions.

This proposed infill development implementing zoning variances is consistent with the PPS as it directs growth to the settlement area. The proposal will provide an excellent opportunity for intensification within the downtown built-up area of the city where it will be compatible with the existing neighbourhood. The proposed development will allow for the efficient use of land and infrastructure by directing intensification onto lands that are within the downtown urban growth centre and designated for residential growth.



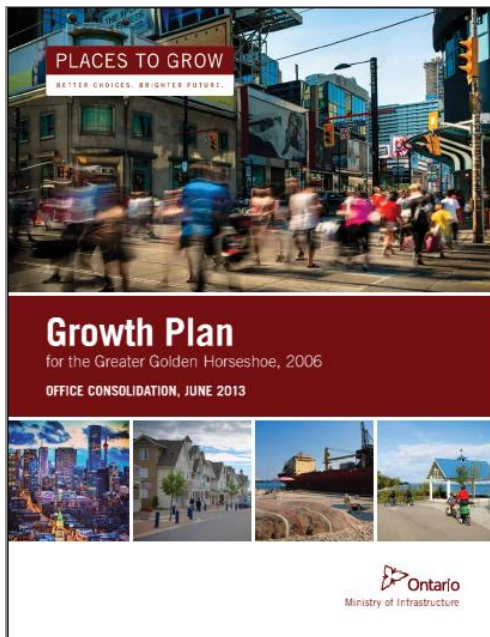
Finally, consistent with the PPS, the proposed infill development supports long-term economic prosperity by optimizing land, infrastructure and public service facilities and utilizing existing built infrastructure. The existing road network and municipal services can accommodate the proposed infill development.

Therefore, the proposed redevelopment is consistent with the Building Healthy and Strong Communities policies of the PPS.

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

The Places to Grow Growth Plan (The Growth Plan) provides growth management policy direction on matters that affect how our communities develop, including transportation, infrastructure planning, land use planning, urban form, and housing, in the interest of promoting economic prosperity and protecting our natural environment. The Guiding Principles of the Growth Plan emphasize creating complete communities that *“are well designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs, and easy access to storey and services to meet daily needs.”*

Downtown Hamilton is identified as an “Urban Growth Centre” as defined by the Growth Plan. As per Policy 2.2.4.3, such areas are to be planned to be investment focal points for a broad range of uses, support and accommodate major transit infrastructure, serve as higher density employment areas, and accommodate a significant share of population and employment growth. Policy 2.2.7.2 sets a minimum gross density target of 200 persons and jobs per hectare to be achieved by at least 2031. Furthermore, areas in proximity to higher order transit stations (generally 500 metres) are identified as “Major Transit Station Areas”, which, according to Policy 2.2.5, are to be designed to achieve increased densities that support the viability of existing and planned service levels and to provide access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter pick-up/drop-off areas.



The proposed redevelopment is consistent with the Growth Plan in that it is located within the Downtown Urban Growth Centre; will achieve a minimum density target in excess of 200 persons and jobs hectare; is within walking distance (± 750 metres) to a higher order transit stations; and will achieve a density that will support the viability of existing and planned service levels. The development is particularly well situated to provide access to various transportation modes.

4.3 Urban Hamilton Official Plan

The City of Hamilton's new Urban Hamilton Official Plan was approved with modifications by the Ministry of Municipal Affairs and housing on March 16, 2011, and approved (with some exceptions) by the Ontario Municipal Board on August 16, 2013. The Urban Official Plan provides direction and guidance on the management of our communities, land use change and physical development over the next 30 years.

4.3.1 Downtown Urban Growth Centre

Hamilton's urban area includes a number of structural elements including: urban nodes, urban corridors, major activity centres, neighbourhoods, employment areas, and major open spaces as defined in Volume I Policy E.2.0. The Site is designated within the DOWNTOWN URBAN GROWTH CENTRE node on Schedule E – Urban Structure. Pursuant to Policies E.2.3.1.9 and E.2.3.1.10 the Downtown Urban Growth Centre shall generally have the higher density within the City with a minimum overall density of 150 persons and jobs per hectare and will accommodate approximately 20% of the City-wide residential intensification representing a 5,000 to 6,000 dwelling units.

4.3.2 Residential Intensification

Residential intensification Policy B.2.4.1.3 a) states that the Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target. This proposal provides an opportunity to increase the housing stock within the Downtown Urban Growth Centre by ± 106 units which will contribute to meeting the 20% intensification target.

According to Policy B.2.4.1.4 residential intensification development must be evaluated based on a set of criteria. Table 1 identifies the relevant criteria as well as how the proposed development satisfies the each criterion.

Table 1: Residential Intensification Criteria

Residential Intensification Criteria	Conformity of Proposed Design
<p>a) <i>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;</i></p>	<ul style="list-style-type: none"> The relationship to James Street is enhanced through the podium which grants access to the public to a greater capacity and provides a more dynamic pedestrian character through the provision of exterior lighting, a terrace space and greater transparency.
<p>b) <i>the development's contribution to maintaining and achieving a range of dwelling types and tenure;</i></p>	<ul style="list-style-type: none"> The development is to be comprised of ±106 dwelling units including one and two bedroom units ranging in size from 43m² to 69m².
<p>c) <i>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;</i></p>	<p>The compatible integration of the redevelopment in terms of:</p> <p>Use: The proposed mixed use building supports the surrounding area through the provision of retail which would help anchor the development and revitalization along James Street. A café / bar / restaurant would provide a much needed gathering place for theatre goers and existing commercial buildings while the residential dwellings provide the intensification for the growing economy of Hamilton's downtown.</p> <p>Scale: A human scale is maintained in the podium of the first three levels of development to match the scale of the existing development along James Street. The tower which rises above the podium responds to the greater height of the buildings in downtown such as the Pigott Building, the commercial towers at 1 and 10 MacNab St., 1 King Street and the Empire Apartment buildings at 101-192 Hughson Street and 44 Robert Street, and Landmark place (43-storeys) at 100 Main Street East.</p>

Residential Intensification Criteria	Conformity of Proposed Design
	<p>Form: Datum lines, structural rhythms and urban relationships from the original building are maintained in the retained section and are referenced through materials, massing and the landscaped area along James Street and the podium. The tower's shadow minimally impacts the neighbourhood with its small footprint.</p> <p>Character: The proposed podium and tower responds to the landmark qualities of many of the buildings within the neighbourhood. The use of limestone relates to the Bell, Pigott and Bank of Montreal buildings and responds to and differentiates from the masonry of the original James Street Baptist and St. Paul's Presbyterian. The use of glass and colour also responds to the Neo Gothic quality of these church buildings. The new tower evokes a more contemporary approach to materials and utilizes coloured metal panels that are inspired from the ceiling patterns and heritage colours found inside the Tivoli.</p>
<p><i>d) the development's contribution to achieving the planned urban structure as described in Section E.2.0 - Urban Structure</i></p>	<ul style="list-style-type: none"> • The Site is appropriated located within the designated DOWNTOWN URBAN GROWTH CENTRE node pursuant to Schedule E – Urban Structure. • Policies E.2.3.1.9 and E.2.3.1.10 the Downtown Urban Growth Centre note that these areas shall generally have the higher density within the City with a minimum overall density of 150 persons and jobs per hectare and will accommodate approximately 20% of the City-wide residential intensification representing 5,000 to 6,000 dwelling units. • The proposed redevelopment proposes an overall density of ±379 units per hectare and provides ±106 dwelling units which will contribute the residential intensification unit target of between 5,000 and 6,000 new dwelling units by 2030.

Residential Intensification Criteria	Conformity of Proposed Design
e) <i>infrastructure and transportation capacity</i>	<ul style="list-style-type: none"> • James Street North is designated as a major arterial road in the Urban Hamilton Official Plan with the capacity to accommodate the projected traffic demands. • The requested density will support the public transit facilities in proximity to the Site and assist in justifying the proposed LRT along James Street.

Therefore, the proposed redevelopment is in conformity with the residential intensification policies of the Official Plan.

4.3.3 Downtown Urban Mixed Use Area

The Site is further designated DOWNTOWN URBAN MIXED USE AREA on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and coincides with the historic downtown of Hamilton and the boundaries of Downtown Hamilton Secondary Plan. Lands within this designation are intended to accommodate a full range of retail, service commercial, institutional, cultural, entertainment, and office uses as well as a range of residential uses. In this regard, the proposed mixed use development includes both residential and service commercial uses.

Pursuant to Policy E.4.4.3 the Tivoli’s proposed addition of ±106 dwelling units and commercial restaurants will clearly increase the number of people who work and live in the Downtown; which will, in turn, enhance the day and night activity and contribute to its planned function as “*a vibrant people place*”.

The Plan provides specific design policies related to the Downtown Mixed Use Area. Policy E.4.4.10 notes that these areas are to be designed as pedestrian focused areas with a high level of pedestrian comfort and amenities. The proposed 22 storey building along James Street addresses the pedestrian scale because it:

- results in less building mass and greater views around the building and for the proposed residential dwellings;

- has less impact in shading along James Street and Hughson Streets with its north/south orientation as a point tower; and
- allows for conservation and reanimation of the rear portion of the Tivoli theatre.

In addition, when combined with the new identifiable marquee feature that ties in with the Tivoli Theatre, the point tower further articulates the “new” Tivoli as a landmark along James Street North. Buildings are to be situated close to and oriented to the street. In terms of building mass, Policy E.4.4.11 requires consideration of pedestrian nature of the area and suggests consideration of massing techniques such as stepped back or terraced floors.

Along James Street North the building is situated at the street line reflecting the original location of the carriage factory entrance. This presence along the street is enhanced through the provision of a commercial café/retail use which increases the hours of operation and the frequency of use. In addition, the ground floor is enhanced through greater physical and visual connection through the building up a grand stair, through a gallery to the theatre kiosk, coatroom and “crush” space in front of the new theatre entrance.

The original Hughson Street setback is maintained as no changes are proposed to the exterior of the theatre.

This designation also supports reduced parking requirements recognizing the high level of transit service to the area (Policy E.4.4.14). The proposal includes a request for a parking reduction on the basis of the high level of transit service to this area including HSR bus service along James Street as well as existing GO train service from Hunter Street to the south as well as future GO train service from Murray Street to the north.

Section B 3.3 outlines the general urban design policies for all development, with the overall goal of creating “*compact and interconnected, pedestrian-oriented and transit-supportive communities within which all people can attain a high quality of life*”. Table 2 identifies the relevant general design principles and how the proposed development conforms to these design policies:

Table 2: Urban Design Policies

Urban Design Policy	Conformity of Proposed Design
<p>3.3.1.1 <i>Enhance the sense of community pride and identification by creating and maintaining unique places.</i></p>	<ul style="list-style-type: none"> • Park of what makes the James North Community unique is its cluster of creative businesses. The Tivoli theatre has been a core arts facility to the neighbourhood as a cinema and concert venue for generations. Many longtime Hamiltonians have memories of attending movies and functions in the heritage space. The closing of the theatre has left a void for events and performance venues of this size and caliber in the neighbourhood. It is unique in that it is a heritage spaces as well as a cultural institution in the downtown.
<p>3.3.1.2 <i>Provide and create quality spaces in all public and private development.</i></p>	<ul style="list-style-type: none"> • The ground floor program of retail, commercial and condo lobby re-enforce connection and relationship to the historic theatre and are elevated in quality to match the standards of the original architecture. This is achieved through high ceilings, natural light, visual connection and high quality and durable materials. • The connection between spaces both laterally and vertically create interesting spatial relationships which contribute to a sense of gathering. • The development provides two terraces with distinctive characteristics – one on the street which is most accessible and a private terrace for the condo owners on the 3rd floor. • The space will also educate and document the history of the theatre, performances and design through images in the gallery.
<p>3.3.1.3 <i>Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</i></p>	<ul style="list-style-type: none"> • James Street is are oriented for pedestrian activity through a diversity of uses, outdoor terrace space, and textural variety. These access routes are easy to navigate through minimal level changes, slip resistant surfaces, lighting and transparency which create visual connection and intuitive navigation for people of all abilities. The development has a publically accessible ground floor and second floor retail. Access is given to the second floor through a stairwell and elevator.
<p>3.3.1.4 <i>Create communities that are transit-supportive and promote active transportation.</i></p>	<ul style="list-style-type: none"> • The proximity to the GO station, HSR transit hub and connections to bicycle lanes and pathways encourage multimodal transportation to reduce the development's reliance

Urban Design Policy	Conformity of Proposed Design
	<p>on cars. Some parking is provided at grade to minimize the impact of cars on the street and bicycle parking encourages alternate forms of transportation. This location has also been given a walkability score of 100 (out of 100) which means daily errands do not require a personal vehicle to be completed. This therefore reduces the reliance on vehicles and encourages a 'live/work/play' community culture.</p>
<p>3.3.1.5 <i>Ensure that new development is compatible with and enhances the character of the existing environment and locale.</i></p>	<ul style="list-style-type: none"> James Street North can aptly be described as an urban village unto itself with a diversity of buildings, activities and people with an emerging young professional and artistic community. The character of James Street is eclectic and pedestrian friendly. The new development maintains the rear portion of a heritage building to anchor the site to its past, while providing new opportunities for use as a retail and residential building to meet the growing demands of the downtown. The development's commitment to restore and reuse the remaining part of the original building will improve and create a long term plan for one of Hamilton's historic landmarks and creates more activity to link the downtown transit initiatives with the revitalization of James Street overall.
<p>3.3.1.6 <i>Create places that are adaptable and flexible to accommodate future demographic and environmental changes.</i></p>	<ul style="list-style-type: none"> The ground floor could accommodate a range of uses and potential tenants to occupy the space. While a café/bar are proposed and seen as appropriate to the space, it is flexible to be utilized for a range of retail or commercial uses. The condo units are a range of sizes to accommodate a range of demographics in the typical and penthouse floors. Each unit is given access to daylight, views and natural ventilation to individually control comfort.
<p>3.3.1.7 <i>Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.</i></p>	<ul style="list-style-type: none"> Sustainable Sites & Water Efficiency: The development intensifies a pre-existing built up area and actively promotes the use of alternative transportation through connections to public transportation, provision of bicycle storage, access to a car share program and a reduction in parking. Heat island is minimized where possible by providing light materials on the roof and the green roof on the third floor. Exterior lighting will be

Urban Design Policy	Conformity of Proposed Design
	<p>selected to provide safety and atmosphere while minimizing light pollution.</p> <ul style="list-style-type: none"> • Materials & Resources: Locally sourced material will be selected whenever possible to reduce the building's carbon footprint and re-enforce the local vernacular of the site. • Indoor Environmental Quality: The interior spaces are designed to have optimized airflow and ventilation which can be additionally controlled through operable windows and sliding doors for the retail and condo units. Transparency and visual connection have been important features in the design which provide natural light and views to the interior spaces.
<p>3.3.1.8 <i>Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.</i></p>	<ul style="list-style-type: none"> • The point tower promotes intensification to the site and provides the economic sustainability to retain and maintain the existing portion of the Tivoli auditorium.
<p>3.3.1.9 <i>Encourage innovative community design and technologies.</i></p>	<ul style="list-style-type: none"> • The revitalization of the theatre through the provision of crush space, a kiosk, coat check and washrooms provides an innovative opportunity to ensure the fiscal longevity of the theatre. • The constraints of the site have encouraged an innovative approach to parking with a combination of surface parking with stackers and a car share program.
<p>3.3.1.10 <i>Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.</i></p>	<ul style="list-style-type: none"> • See 3.3.1.7 for features of sustainability

Policies B.3.3.2.3 through 3.3.2.10 inclusive identify key design principles that must adhered to and therefore apply to the site. These design principles are identified in Table 3 to follow as well as a discussion of how the Tivoli redevelopment adheres to these principles:

Table 3: Urban Design Principles

Urban Design Principle	Conformity of Proposed Design
<p>3.3.2.3 <i>Urban design should foster a sense of community pride and identity.</i></p>	<p>The Tivoli fosters a sense of community pride and identity by:</p> <ul style="list-style-type: none"> • Providing a quality design and building construction including locally quarried stone, curtain wall and balcony detailing, metal cladding • Recognizing, protecting and incorporating the historic Tivoli auditorium into the overall project design. • Maintaining the relationship of façades and tower on James Street • Re-enforcing the node or identifiable point from a distance with the tower. • Converting the former Tivoli theatre/auditorium into an accessible public venue for an extended period of time. <p>The Tivoli contributes to the character and ambiance of the community through a retail terrace along James Street with the associated lighting and landscape to reanimate the James Street frontage and gives the public greater access to its assets.</p> <p>The point tower does not block any significant views to the Niagara Escarpment or Bay front.</p>
<p>3.3.2.4 <i>Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces.</i></p>	<p>The Tivoli creates quality spaces by:</p> <ul style="list-style-type: none"> • Developing a logical organization of program. Adding a new front lobby, grand stair, crush space, kiosk, coatroom and washrooms in the front of the heritage Tivoli auditorium provides a new publically accessible building and commercial space; which, in turn, enables Hamiltonians to once again appreciate and experience the Tivoli theatre in a new way. The street terrace connects to the ground level café. This part of the street is one of the only areas on James with a wider sidewalk. This illustrates the historic importance of the site. It also acts as an exterior “crush” zone and can be further animated by a street café. The terrace space is oriented where there is the most visibility, traffic and connection to other nodes such as the GO station, City Hall and the Lister Block. The new building is oriented in front of the existing auditorium which a clear differentiation of the commercial/theatre entrance and the condominium entrance. • A thoughtful composition of mass and materials where original and new construction creates a harmonious relationship. Great care has been

Urban Design Principle	Conformity of Proposed Design
	<p>taken to design a simple and elegant addition so that the architecture does not overpower or compete with the original design but responds to its character and quality by using building materials such as locally quarried stone, curtain wall and balcony detailing, and metal cladding that are consistent and compatible with the surrounding context.</p> <ul style="list-style-type: none"> • Creating an animated street edge with an outside café in front of the building along James Street; • Including transitional areas between the public street and the private condominium entrance through the use of landscaping, planters, and accent lighting; and • Creating a public space along James Street that is human in scale, comfortable and publically visible with ample building openings and glazing.
<p>3.3.2.5 <i>Places that are safe, accessible, connected and easy to navigate shall be created by using [various] design applications, where appropriate.</i></p>	<p>The Tivoli incorporates the following design applications promoting a <i>safe, accessible, connected and easy to navigate</i> development:</p> <ul style="list-style-type: none"> • The sidewalks along James Street connect directly to pathways leading to the building entrances. • The building is fully accessible. • The building entrances along James Street are visible from the street and provide shelter at entrance ways. • A public transit stop is located directly immediately north of and across from the building on James Street. • Lighting will be provided at a pedestrian scale to ensure safety and promote wayfinding
<p>3.3.2.6 <i>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.</i></p>	<p>The Tivoli enhances the character of the existing environment by:</p> <ul style="list-style-type: none"> • Respecting the existing cultural heritage features of the former and remaining designated theatre by recreating a grand entrance and marquee and providing accessible updated washroom facilities, as well as crush space, a ticket kiosk and coatroom. The new tower incorporates the colours of the interior of the Tivoli theatre into the glass walls along the sides of the residential point tower. • The limestone proposed for the podium complements the existing material of existing heritage buildings along James Street.

Urban Design Principle	Conformity of Proposed Design
	<ul style="list-style-type: none"> The Tivoli encourages a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent property and the public realm through a point tower.
<p>3.3.2.7 <i>Places that are adaptable in accommodating future change are desirable.</i></p>	<p>The design of the Tivoli is adaptable in accommodating future change in the following manner:</p> <ul style="list-style-type: none"> The interior space within the podium could be used for a variety of purposes due to the size and nature of the space. On the ground level this amounts to ±107m² of commercial space. The residential unit sizes range to accommodate changing desires and needs. In addition, the building is fully accessible and fully accessible units will be offered to meet the changing physical needs of residents. The Tivoli provides an innovative design, built form and public spaces through the podium and the integration of a designated (interior) building, and balances it with the simplicity of the plan and open spaces to maximize adaptability.
<p>3.3.2.8 <i>Urban design should promote environmental sustainability.</i></p>	<ul style="list-style-type: none"> The long term sustainability of the project is considered through several environmental initiatives which apply both active and passive strategies to the site as well as the revitalization of the Tivoli auditorium. Geo-exchange and solar collection are currently being considered for renewable energy and local materials, green roofs, and a living wall will be incorporated in the design. Details of these elements are provided below: Indigenous Plants - Local plants such as a hosta, begonia and tall grasses bring seasonal variety and also limit the need for irrigation and stormwater runoff. Green Roof - The green roof is located on Level 3 to create a buffer between the private condo terrace and the theatre. Additionally, it can absorb rainwater, provide insulation, create a habitat for wildlife, and provide a more aesthetically pleasing landscape, and help to lower urban air temperatures and prevent heat island effects. Local Materials - Locally sourced material will be selected whenever possible to reduce the building's carbon footprint and re-enforce the local vernacular of the site.

Urban Design Principle	Conformity of Proposed Design
	<ul style="list-style-type: none"> • Led Lighting - Exterior lighting will be selected to provide safety and atmosphere while minimizing light pollution. LED lights and controls are used for energy saving measures within the development. • Potential Systems – <ul style="list-style-type: none"> ○ Solar Collection - Solar power (electricity) is produced by direct transformation of solar energy into current through photovoltaic panels (solar PV), or by the concentration of solar energy to create steam and drive a turbine (concentrated solar power). The Tivoli may use arrays which would be integrated into the south and west facades to convert solar energy in the form of light hits the solar panel, which excites electrons in the panel and create an electric current to be used as a complementary system within the development. ○ Source Energy Pipe - This system uses a precast concrete sewer/storm water pipe that incorporates a heat extraction system embedded in the pipe wall. It is a system which extracts geothermal heat from the ground plus heat from the effluent in the pipe. The system connects to a heat pump in a building, which elevates the low level heat from the pipe and provides heating to the building. ○ Source Energy Wall - This system uses a precast sandwich panel with photovoltaic (PV) panels to generate electricity. This system has a heat extraction system embedded in the wall behind the PV to capture waste heat for use in the building through a heat pump. The system also reduces the temperature build-up behind the PV panels increasing the PV electrical generating efficiency by up to 20%. Research data has demonstrated that the Wall system generates heat energy approximately equal to the level of electrical energy generated.
<p>3.3.2.9 <i>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...</i></p>	<p>The Tivoli redevelopment serves to enhance and support community health and well-being by:</p> <ul style="list-style-type: none"> • Creating a high quality, safe streetscapes, that encourage physical activity and active transportation; • Providing an accessible redevelopment including stimulating amenity areas,

Urban Design Principle	Conformity of Proposed Design
	<ul style="list-style-type: none"> • Providing a compact development that contains both commercial and residential land uses in proximity to public transit facilities and open spaces • Reducing air and noise pollution by facilitating and promoting the use of active transportation modes (cycling, public transit, car share, etc.), and promoting energy efficient design of the building.
<p>3.3.2.10 <i>Streets shall be designed not only as a transportation network but also as important public spaces</i></p>	<p>The Tivoli redevelopment promotes a well-designed streets and public realm by providing:</p> <ul style="list-style-type: none"> • Adequate and accessible space for pedestrians and bicycles as well as transit and other vehicles along James Street North; • Maintaining a continuous sidewalk along James Street; • Providing pedestrian amenities such as lighting, seating, way-finding signage, and urban Braille; • Providing Amenities and spaces that encourage pedestrian activity and animate the streetscape including a patio/sidewalk cafés along James Street.

Policies B.3.3.3 through B.3.3.11 of the Urban Hamilton Official Plan provide general design policies related to *built form*. The policies note that “*Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived.*” Table 4 identifies the built form policies relevant to the site and how the proposed development conforms to these policies:

Table 4: Built form

Built Form Policies	Conformity of Proposed Design
<p>3.3.3.2 <i>New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</i></p> <p>a) <i>Creating transitions in scale to neighbouring buildings;</i></p> <p>b) <i>Insuring adequate privacy and sunlight to neighbouring properties; and</i></p>	<ul style="list-style-type: none"> • The tower has been designed to respect and integrate with the height, scale and character of neighbouring buildings. • The Tivoli provides horizontal separation and transition down to adjacent lower-scale buildings. • The proposed podium, with its point tower and north/south orientation maintain access to sunlight and sky view to surrounding streets, sidewalks and private spaces, and neighbourhood properties. • The rear building façade and location of the existing theatre along Hughson Street will not change. However, the existing dwelling will

Built Form Policies	Conformity of Proposed Design
<p>c) <i>Minimizing the impacts of shadows and wind conditions</i></p>	<p>be removed providing greater views and light into the site. In order to ensure that the tower fits within the existing context, the 4th and 5th floors have been setback 3.5 metres from the podium to create a physical and visual break in the tower. The remaining floors of the tower are brought forward at a height that is above the pedestrian realm. The tower is setback ±68 metres from Hughson Street above the podium.</p> <ul style="list-style-type: none"> • The sun/shadow analysis included in the Urban Design Report and discussed in Section 5 of this Report demonstrates how the proposed narrow tower building design protects access to sunlight and minimizes the shadowing of neighbourhood streets and properties. There are no residential amenity areas, residential building façades or public open spaces affected by the addition during the spring and summer months. • The conclusions of a Pedestrian Level Wind Study undertaken by RWDI and submitted with the subject rezoning application concludes that <i>“the resultant wind conditions will meet the wind safety criterion on all pedestrian areas throughout the year, and the proposed development will not negatively affect wind conditions in the surrounding areas.”</i> • The Study further concludes that <i>“higher- than- desired wind speeds may be experienced along the west side of the proposed development at the entrances and the outdoor seating area along James Street North, and the outdoor amenity areas at the 3rd and 4th floors. Wind mitigation measures have been recommended...to improve these wind conditions to appropriate levels.”</i> • The suggested mitigation measures include tall parapets/screens, landscaping and overhead trellises. • These recommendations will be implemented in the final design.
<p>3.3.3.3 <i>New development shall be massed to respect existing and planned street proportions.</i></p>	<ul style="list-style-type: none"> • Proposed podium matches the height and scale of the adjacent building to the north. Prior to the demolition of the front portion of the theatre, it was 4 storeys in height. The coloured metal panels are inspired from the ceiling patterns and heritage colours found within the Tivoli.

Built Form Policies	Conformity of Proposed Design
	<ul style="list-style-type: none"> • There is a break in the building massing to match the adjacent 3 storey building to the north in the podium which also represents a break in materials between the podium and tower.
<p>3.3.3.4 <i>New development shall define the street through consistent setbacks and building elevations.</i></p>	<ul style="list-style-type: none"> • The former Tivoli Theatre was clearly a landmark in downtown Hamilton. Architecturally the podium provides physical connection to the Tivoli theatre through the building, while referencing its history through the use of materials, details and by re-creating an entrance with a sense of drama and procession. • The original presence and setback on James Street is restored with the new podium. As noted in Image 7 opposite, the Tivoli was taller than the original building to the south and had a strong street presence. • The setback on Hughson Street is maintained at the street level as no changes are proposed to the exterior of the theatre.) • At grade it matches the original setbacks and the building projects outward above to shelter the entrance from rain and snow as did the original marquee feature.
<p>3.3.3.5 <i>Built form shall create comfortable environments by:</i></p> <ol style="list-style-type: none"> <i>Locating principal façades and primary building entrances parallel to and as close to the street as possible;</i> <i>Including ample glazing on ground floors to create visibility to and from the public sidewalk;</i> <i>Including a quality landscape edge along frontages where buildings are set back from the street - NA</i> <i>Locating surfacing parking to the sides or rear of sites</i> 	<ul style="list-style-type: none"> • All principal façades and primary building entrances are parallel to James Street with zero setback consistent with the historic relationship of the former Tivoli theatre. • Transparency and visual connection has been added at the connection between the proposed and remaining portion of the building which invite passersby into the new and adapted development. • Due to the location of the building along James Street and the building's historic context, landscaping will be limited to planters at the doorway entrances on the condo terrace. A green roof is also proposed on 2nd storey.

Image 7: Historical Photograph of Tivoli Theatre 1900s



Built Form Policies	Conformity of Proposed Design
<p><i>or buildings, where appropriate; and,</i></p> <p>e) <i>Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</i></p>	<ul style="list-style-type: none"> • All parking is located to the rear of the site off Hughson Street North. • A point tower is proposed with stepped back 4th and 5th floors, as well as stepped back penthouses to minimize the impact of wind and shadows.
<p>e) <i>infrastructure and transportation capacity</i></p>	<ul style="list-style-type: none"> • Access to GO train transit, HSR bus transit routes and the potential for future LRT contributes to the infrastructure and transportation capacity of the site.

4.3.4 Views and Vistas

The Official Plan describes views and vistas as “*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 an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings.*” In this regard, existing significant vistas applicable to the Site would include the panorama of the Niagara Escarpment and the Downtown Skyline as viewed from various vantage points throughout the City. Views worth considering in the context of the development would be views of the escarpment to the south and views that look at the façade relationships on James Street North and South. Section 6 of this Report provides a visual impact assessment to address views and vistas.

Finally, the general policies defer to the Downtown Hamilton Secondary Plan for more specific land use and design policies.

4.4 Downtown Hamilton Secondary Plan

The future vision for Downtown Hamilton is one with “*a vibrant focus of attraction where all our diverse people can live, work and play. The future Downtown must be built on a human scale, with streetscapes offering comfort, access and safety for pedestrians. The Future Downtown shall combine the best of our heritage with new commercial and domestic*

architecture and use. The future Downtown shall redirect our gaze from the urban core to the surrounding neighbourhoods, the waterfront, and the escarpment, seamlessly lining commerce, housing and recreation.” (Volume 2 Policy B.6.1.2)

The Tivoli represents a unique opportunity to assist in realizing this vision for the Downtown. The proposed density will bring people downtown where they can live work and play. The podium has been designed at a human scale with a common terrace on the 3rd floor, outdoor patio space at the ground level, and accessible inviting entrances from James Street that offer comfort, access and safety for pedestrians. The new Tivoli Condos and commercial uses provide for the continued use of the former Theatre and combine it with a new commercial development and an exciting residential tower.

4.4.1 Heritage

One of the five themes of the Downtown Secondary Plan pertains to respecting design and heritage. Policy 6.1.4.1 a) recognizes that conservation and adaptive reuse of heritage structures not only enhances the Downtown but can serve as a catalyst for other public and private investments. In addition, the Secondary Plan promotes the conservation of significant built heritage resources. In this case, the front façade of the former James Street Baptist church along James Street is a designated built heritage resource within the Downtown that will be conserved, refurbished and adaptively reused to form part of a larger, sustainable redevelopment project.

A detailed Heritage Impact Assessment was completed by MSA and submitted to the City under separate cover. This Assessment concludes that while the remaining Tivoli theatre is prominently situated in Hamilton’s historic fabric, the proposed redevelopment will help preserve its most essential features which will be tied into a new addition. The proposed design will not only leverage its historical value for prospective investors, but will also contribute to the downtown regeneration through a mixed used addition, and increased density to James Street North. The development also ensures proper maintenance and repair to the remaining heritage structure through the condominium agreement.

While the original carriage factory on James Street was lost to demolition in 2004, some of the original characteristics and function will be restored with the re-established James Street

frontage. The original building on James Street North featured an octagonal ticket office and an ornamental sign marquee, above which was vertical "Tivoli" sign projecting at right angles to the street. A new contemporary marquee has been designed to mark the main entrance for the new building.

Though the original Tivoli theatre was accessed up 9 stairs to the main seating area in the auditorium, performance spaces often showcase a grand stair to evoke the drama of the theatre. In this regard, the main lobby off James Street will have access to a grand stair and elevator to bring the visitors to the new entrance off the balcony level.

Finally, the theatre will require support from "front of the house" elements such as a foyer, box office, crush space and accessible washrooms – all of which will be provided on the 2nd level.

The dramatic staircase, the public and private experience of gathering and community, and its accessibility to the public are three characteristics that are important to preserve in order to successfully reactivate the Tivoli theatre's former role along James Street.

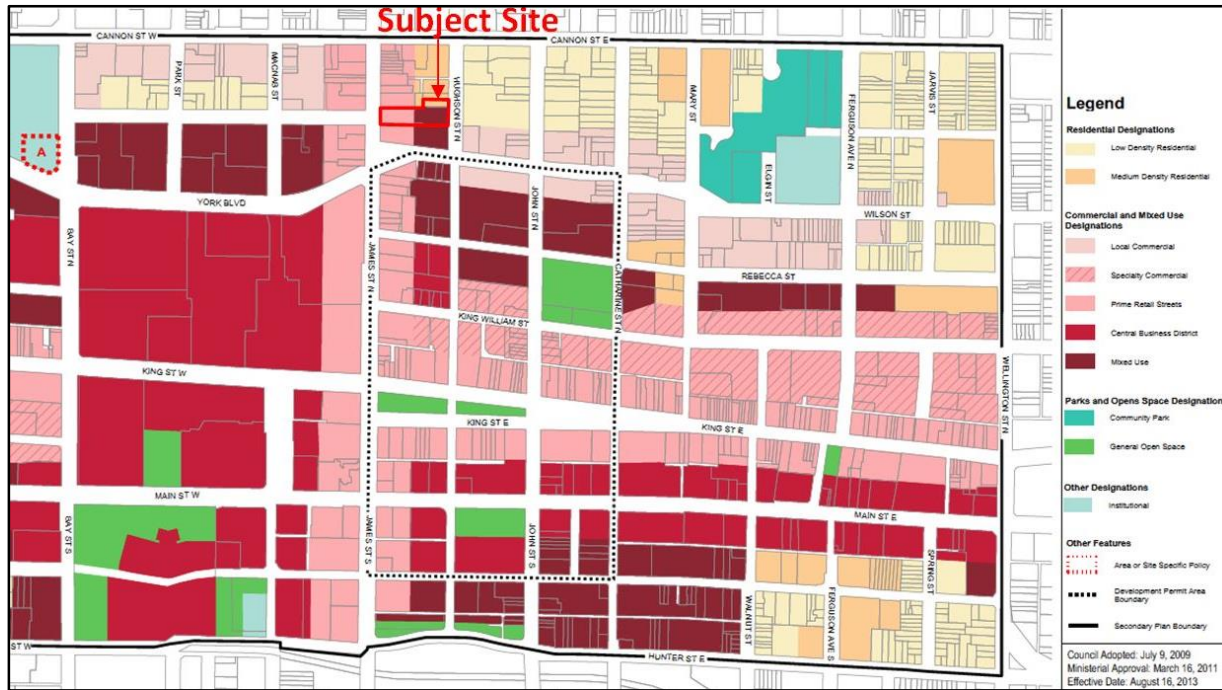
4.4.2 Prime Retail Streets

The western portion of the site fronting James Street North is designated "Prime Retail Streets" in the Downtown Hamilton Secondary Plan (Map B.6.1-1) while the eastern portion fronting Hughson Street is designated "Mixed Use" and "Medium Density Residential" as illustrated in Figure 18. As a part of Hamilton's historical core, the secondary plan provides policy direction regarding redevelopment within this area.

The Prime Retail Streets designation is intended to accommodate mid-rise development forms up to 8 storeys in height. Policy B.6.1.8.7 requires that ground floors be occupied predominantly by street-oriented commercial uses, with upper floors along James Street used for mixed uses such as office, commercial, residential and live/work arrangements. Buildings are to maintain the traditional building line and height at the street to provide an uninterrupted building line, and are to be built at the street line with no setback from the property line. New development is required to provide access to buildings at the street level, with ground floor façades having doors and windows open to the street. Accessory surface parking is not to be

accommodated along the street frontage; rather, new driveway accesses are to be located at the rear of the property, and/or by using alleyway accesses from the rear.

Figure 18: Downtown Secondary Plan Excerpt (Source: Urban Hamilton Official Plan 2014)



In conformity with Policy B.6.1.8.7 the ground floor will be occupied with street oriented commercial uses including a café/bar with an outside patio. On the second level is a continuation of the commercial restaurant use, gallery space and an events room that could be utilized by the community for community events. The 3rd floor has been allocated for some commercial office space as well as condo amenity space including an amenity room, fitness room, and a common terrace facing east for the condo users. The remaining storeys in the tower are intended for residential units. At the street level, the building will maintain the traditional building line and height of the former carriage factory along James Street. Pedestrian access to the Tivoli Condos and new commercial space will be available at street

level from James Street with the ground floor façades providing inviting windows and doors to the street. No parking for the commercial uses proposed. Parking associated with the residential units will be provided off Hughson Street in the form of 17 surface parking spaces as well as 52 spaces within a ground level enclosed stacker system. In this regard, with the exception of height, the proposed Tivoli design meets the intent of the Prime Retail Street policies of the Downtown Secondary Plan.

4.4.3 Mixed Use Areas and Medium Density Residential

“Mixed Use Areas” are intended to serve as a buffer between intensive commercial activities and the residential areas within and around the Downtown. Policy 6.1.9.5 notes that Mixed Use Areas are to accommodate commercial uses that are compatible with and do not detract from residential development. The existing Tivoli Auditorium is located on the land designated Mixed Use Areas. No changes are proposed to this portion of the building and no new uses are proposed.

The small residential properties to the north of the auditorium are designated “Medium Density Residential”. Permitted uses on these lands include stacked townhouses, and low and mid-rise apartment built forms. These lands were purchased to provide improved access to the Site and to provide parking associated with the residential condominium units.

4.4.4 Height

According to Building Heights Map B.6.1-4 of the Secondary Plan a height of between 3 and 6 storeys is permitted for the portion of the property fronting onto James Street and 6 storeys for the portion fronting Hughson Street. However, with respect to density and height, the Secondary Plan (Policy B.6.1.5.6) encourages development density to be achieved by complete site coverage rather than building height. In this regard, Policy B.6.1.5.9 allows building heights to be increased above those shown on Map B.6.1-4, provided the upper storeys are massed, stepped back, or terraced in order to ensure that the additional height above that permitted shall not result in: increased sun shadow impacts on public sidewalks or public spaces, and shall address the following:

- a) Coverage of the site, in accordance with this Plan, is achieved;
- b) Sun shadow impacts on public side-walks or public spaces;

- c) Wind impacts on public sidewalks; and
- d) Impacts on streetscapes and views of streetscapes, landmark structures or heritage buildings from public sidewalks.

In addition, proposed increases in height must demonstrate design consideration for the surrounding built form. (Policy 6.5.1.12)

The Tivoli proposes a 19 storey slender point tower above a 3 storey podium. As a result, a sun/shadow analysis, wind impact analysis and visual impact analysis were prepared in support of the redevelopment.

The Sun/Shadow Analysis and Visual Impact Analysis were completed and included as a part of the Urban Design Report dated November 2014 completed jointly by GSP Group and MSA and submitted as a part of this application. The Sun/Shadow Analysis demonstrates how the massing of the slender point tower design minimizes the sun shadow impact on public sidewalks and public spaces. The Visual Impact Analysis concludes that the proposed redevelopment will not result in a negative visual impact on views of James Street North, Hughson Street, York Boulevard, the Niagara Escarpment or from the public realm. (An excerpt from this Analysis is included in Section 5.5 of this Report.) Finally, a Pedestrian Wind Assessment dated November 2014 completed by RWDI and submitted as a part of this application concludes that the Tivoli design will not cause unacceptable wind impacts on James or Hughson Streets. The Assessment notes that “higher-than-desired wind speeds may be experienced along the west side of the proposed development at the entrances and the outdoor seating area along James Street North, and the outdoor amenity areas on the 3rd and 4th floors”; however, the owner intends to implement the recommended wind mitigation measures. Therefore, the resultant wind conditions will meet the wind safety criterion in all pedestrian areas throughout the year, and the proposed development will not negatively affect wind conditions in the surrounding areas.

In conformity with Policies B.6.1.5.6 and B.6.1.5.9 the Tivoli proposes significant lot coverage as well as a significant height increase based on an appropriate point tower massing design that will not result in increased sun shadow impacts on public sidewalks or public spaces, will

not cause unacceptable wind impacts on James or Hughson Streets, and will not have a negative visual impact on views of James Street, Hughson Street, the escarpment or from the public realm.

4.4.5 Mobility Streets

James Street North is designated as a “mobility street” in the Secondary Plan with a design function of being a primary north-south street and one of two Prime Retail Streets in the Downtown that provide key pedestrian and traffic linkages to the harbour and the Escarpment. The design objectives of the street include wide public sidewalks, strengthened pedestrian linkages to east-west streets and transit hubs, and the protection of views southward along James Street toward the Escarpment.¹ The Tivoli proposes the introduction of new commercial space and ±106 new residential units. The increase in pedestrian traffic along James Street associated with these new uses is appropriately situated on this mobility street and reinforces its intended function. The proposed new units will also serve to support the use of public transit in the downtown in conformity with Policy B.6.1.10.2 b) 3 storey well-proportioned and articulated podium base, with a strong relationship to the existing context of James and Hughson Streets and their associated public realm.

4.4.6 Mobility Streets

James Street North is designated as a “mobility street” in the Secondary Plan with a design function of being a primary north-south street and one of two Prime Retail Streets in the Downtown that provides key pedestrian and traffic linkages to the harbour and the Escarpment. The design objectives of the street including wide public sidewalks, strengthened pedestrian linkages to east-west streets and transit hubs, and the protection of view southward along James Street toward the Escarpment.² The Tivoli proposes the introduction of new commercial space and ±106 new residential units. The increase in pedestrian traffic along James Street associated with these new uses is appropriately situated on this mobility street and reinforces its intended function.

¹ Policy B.6.1.14 Table B.6.1.14.1: Mobility Streets

² Policy B.6.1.14 Table B.6.1.14.1: Mobility Streets

The proposed new units will also serve to support the use of public transit in the downtown in conformity with Policy B.6.1.10.2 b).

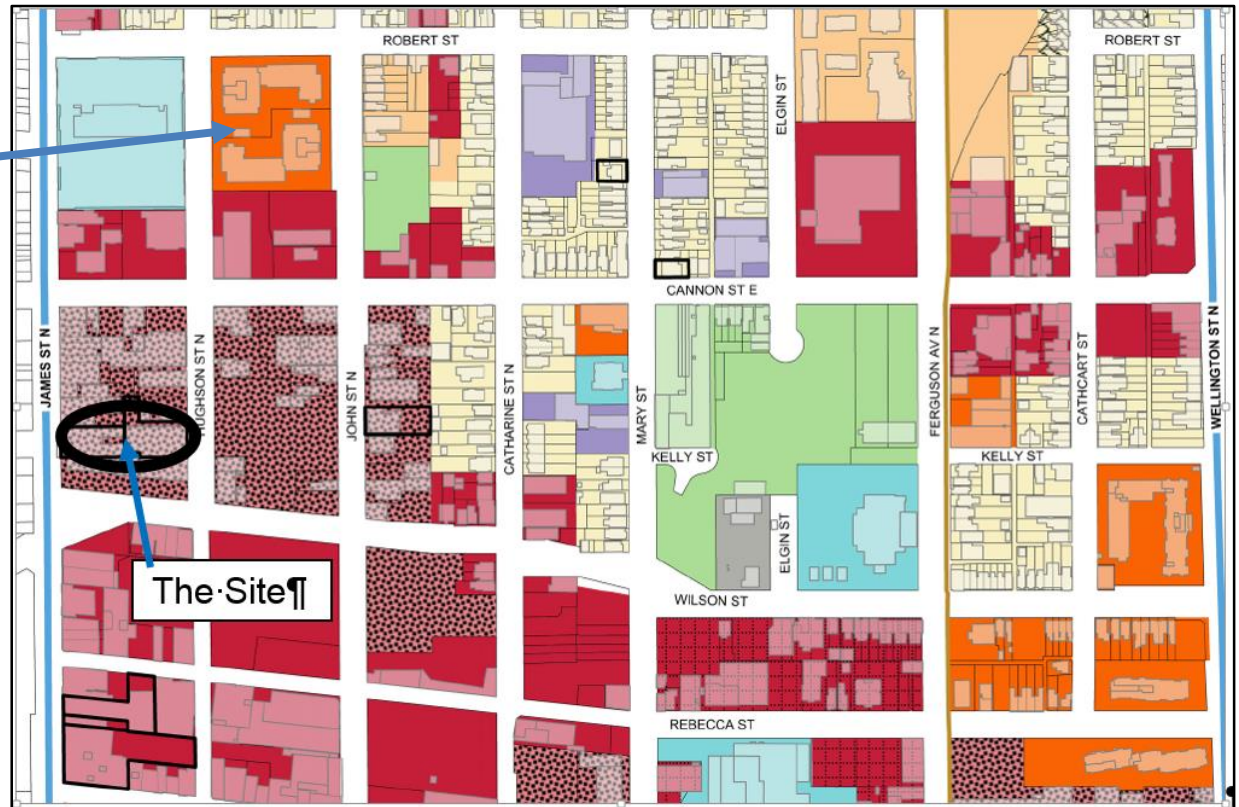
4.5 Beasley Neighbourhood Plan

Neighbourhood Plans provide detailed information about development in a specific area. While not formally adopted as amendment to the Official Plan, Neighbourhood Plans are planning documents adopted by Council to direct neighbourhood planning. Pursuant to the UHOP Policy F.1.2.7 any proposal for development or redevelopment must conform to the designations and policies in the Neighbourhood Plan.

The site is located within the Beasley Neighbourhood which was approved by Council in 1973. While this Neighbourhood Plan was approved more than 40 years ago, Neighbourhood Plans continue to be used by the City as guides to future development as they illustrate how development was planned for the area at a more detailed level. Pursuant to the Beasley Neighbourhood Plan as shown on Figure 19, the Site is designated “*Commercial and Apartments*” and intended for mixed use development. The property also has a *Heritage District* component in recognition of the James Street Baptist Church building. The proposed redevelopment is consistent with the Neighbourhood Plan designation.

With respect to height, it is interesting to note in the Beasley Neighbourhood Plan that there are *High Density Apartments* identified one block to the north on the south side of Robert Street, between Hughson and John Streets. This designation reflects the 18-19 storey Empire apartments that have been located within this neighbourhood for quite some time and are illustrated in Figure 19.

Figure 19: Beasley Neighbourhood Plan Excerpt (Source: City of Hamilton 2014)



4.6 Hamilton Zoning By-law 050200

The Site is zoned “D2” Downtown Prime Retail Streets, “D3” Downtown Mixed Use and the “D6” Downtown Multiple Residential in Hamilton Zoning By-law No. 05-200. It is intended that the zoning be consolidated to a modified Downtown Prime Retail Streets “D2” District Zone. Table 5 illustrates the applicable D2 zoning regulations and how they compare with the proposal.

Table 5: D2 Zoning Regulation Comparison

“D2” District	Required	Provided	Compliance
Building Setback from James Street street line (max.)	2m (1 st storey)	0 m	<input checked="" type="checkbox"/>
	0.5m (2 nd /3 rd storey)	0.5 m	<input checked="" type="checkbox"/>
4 th /5 th Floor Setback from James Street	No specific req’t	3.5 m	NA
Tower Setback from James Street (excluding balconies)	No specific req’t	1.9 m	
Tower Setback from Hughson Street	No specific req’t	68 m	
Building Height	7.5m (min)/22m (max)	75.1m (22 storeys)	<input checked="" type="checkbox"/>
Landscaped area	No specific req’t	200 m ² (green roof)	NA
Width of the ground floor facade (min.) (James Street = front lot line)	75% of front lot line (22.3 m x 75%=16.73)	91.9% (20.5m)	<input checked="" type="checkbox"/>
Area of the ground floor facade composed of windows and doors (James Street)	Min 80% (89.4m ²)	58.9% (65.9m ²)	<input checked="" type="checkbox"/>
Area of the second and third storey facade composed of windows	Max 40%	Max 71.5%	<input checked="" type="checkbox"/>
Storey Height :			
• Ground Floor Storey height	3.6m (min)/4.5m (max)	5.1 m max	<input checked="" type="checkbox"/>
• 2 nd and 3 rd storey height	3.0m (min)/4.0m (max)	4.0 m	<input checked="" type="checkbox"/>
Rooftop mechanical equipment shall be located and/or screened from view of any abutting street	Rooftop mechanical equipment screened.		<input checked="" type="checkbox"/>
Exterior building cladding, except decorative architectural features/accessories, for the first 3 storeys shall be of either one or a combination of no more than two of the following: brick; concrete panels; stone block, stone veneer	<ul style="list-style-type: none"> Stone veneer cladding and metal panels Decorative architectural features at condo entry. 		<input checked="" type="checkbox"/>

"D2" District	Required	Provided	Compliance
or artificial stone; stucco; or, metal and metal panels, excluding aluminum siding or any metal variant thereof			
Commercial Restaurant parking	0	0	<input checked="" type="checkbox"/>
Residential Parking <ul style="list-style-type: none"> 1/unit where the unit gfa is greater than 50m² 0.33/unit where the unit gfa is 50m² or less 	1 x 98 = 98 spaces 0.33 x 8 = 3 spaces <hr/> Total = 101	69 <ul style="list-style-type: none"> 17 surface parking spaces 52 parking spaces provided using semi-automatic stackers car share proposed 	<input checked="" type="checkbox"/>
• Barrier Free Parking	3 spaces (min)	3 spaces	<input checked="" type="checkbox"/>
Loading	Not permitted in any yard abutting a street unless screened from view by a 1.8m high fence and setback 3.0m from the street line.	Existing loading space provides no screening or setback from Hughson Street.	<input checked="" type="checkbox"/>

4.7 Façade Composition

Three zoning modifications are required to accommodate the proposed facade along James Street North. Specifically:

1. A reduction in the minimum area of the ground floor façade composed of windows and doors from 80% to 58% (Section 6.2.3 c) iii) 1) ;
2. An increase in the maximum area of the second and third storey façade composed of windows from 40% to 72% maximum (Section 6.2.3 c) iii) 2); and
3. An increase in the maximum ground floor storey height from 4.5 metres to 5.1 metres (Section 6.2.3 c) iii) 3).

The purpose of the first requirement for a minimum of 80% of the ground floor façade to be composed of windows and doors is to ensure that new buildings provide transparency and visual connection to the street. As illustrated in Figure 12, the new façade provides large

expanses of glass at points of entry. The condominium entrance has been designed to differentiate the commercial component from the condominium while still providing transparency and visual connection to the street. On the basis of this proposed design, the requested zoning modification is considered appropriate.

Figure 20: James Street Façade (Source: MSA 2014)



The second zoning regulation permits a maximum of 40% of the 2nd and 3rd story facades along Jackson street to be composed of windows. The intent of this requirement is to reflect and maintain the traditional 2nd and 3rd storey facades of building along James Street. In contrast, the adjacent building to the north provides a more contemporary façade. In this instance the architect proposes large expanses of glass to allow light into the building and

allow pedestrians to see into and through the building to the grand stair leading to the theatre. On the basis of this proposed design, the requested zoning modification is considered appropriate. This design is based largely on the need to connect the heritage theatre functionally and visually with the street. On this basis, the zoning modification is considered appropriate.

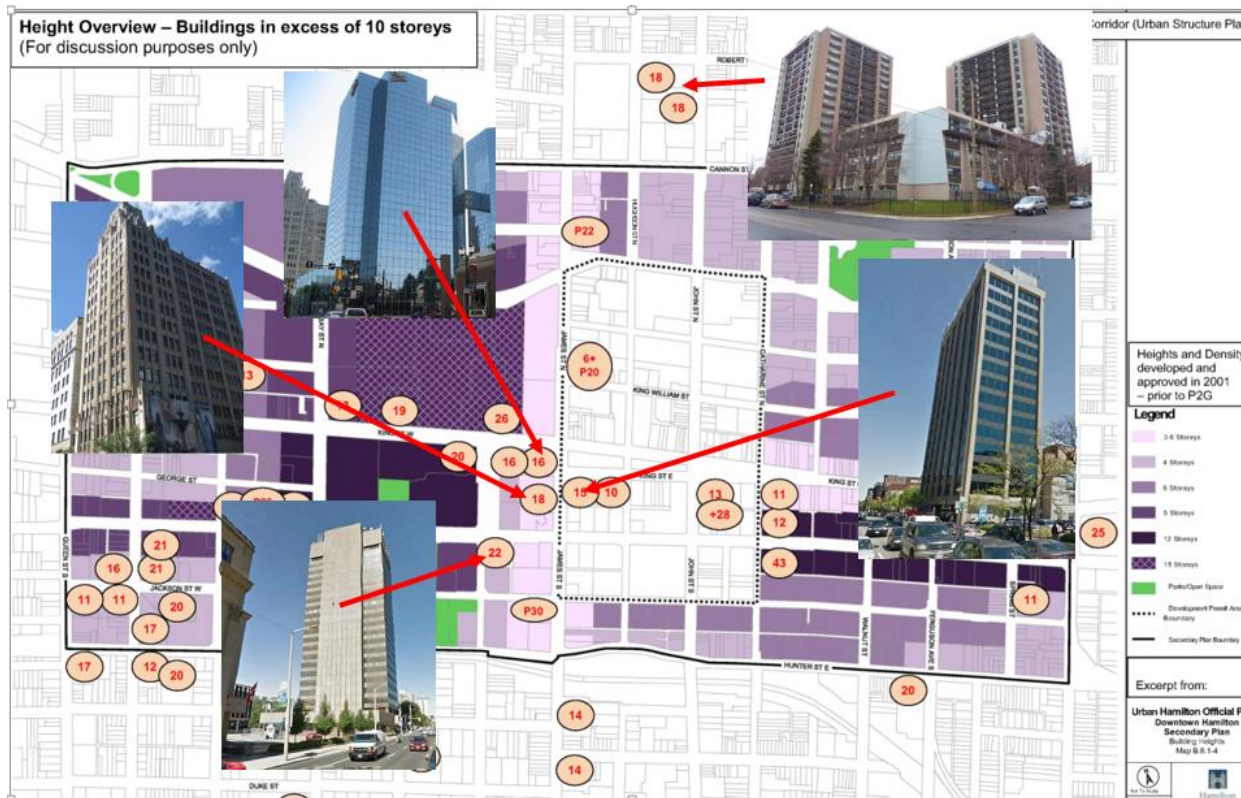
The third requirement pertains to the height of the ground floor. The requested increase is to the ground floor storey height is required in order to line up the floor of the 2nd storey to the second floor (former balcony entrance) to the existing heritage theatre. The proposed first floor height reflects the first floor height of the adjacent building creating a continuous visual first floor height.

4.8 Height Modification

Maximum building height is a basic land use regulation. Its purpose is to help manage the effect that a building has on adjacent properties. The D2 Zone permits a maximum building height of 22 metres whereas the residential component of the Tivoli proposes a maximum height of 75.1 metres (22 storeys) to accommodate the proposed point tower.

The height of the existing built form along James Street varies. The image opposite illustrates the height of buildings along James Street within the Downtown Secondary Plan Area. Figure 21 illustrates the approximate building height of various buildings along James Street in the vicinity of the Tivoli in excess of 10 storeys in height in relation to the Secondary Plan designation.

Figure 21: Building Heights above 10 Storeys (Source: Urban Hamilton Official Plan 2014)



Existing development in the vicinity of the site varies. The character of James Street North is eclectic and pedestrian friendly. A range of era, material and details are used along the street with significant ground floor glazing for retail and smaller windows on the second and third floor a mixture of uses. Buildings have minimal setbacks to the street to create a varied but continuous built edge condition. The proposed placement of The Tivoli including a 3 storey podium and 19 storey point tower, addresses the importance of the site from an historical perspective as a landmark destination along James Street North. The proposal adds to,

rather than detracts from, the existing character of the existing James Street North neighbourhood.

The proposed podium matches the original height and scale of the former carriage factory and is in keeping with adjacent buildings along James Street North to the north and west. The setback from James Street is maintained from the original building while the 4th and 5th floors of the tower are set back moderately ± 3.5 metres. In this regard, the development at grade maintains the original setback. The new podium and tower component respond to the proportion, material and grain of detail in a more contemporary manner. Windows are unobstructed to create clear view into the building, and the stone veneer cladding gives the podium a more ceremonial and grand presence at the street level.

4.9 Design Guidelines

4.9.1 Hamilton Site Plan Guidelines

The Site Plan Guidelines provide the City of Hamilton's design preferences for the site planning process. The general design goal for new development is to promote livability, encourage environmental sustainability, promote universal accessibility, achieve high quality building design, and create a sense of place. The following are the general objectives for the relevant design themes for the site:

- **Street enclosure:** building and landscaping that frames the street and provides a comfortable sense of enclosure.
- **Built heritage:** buildings and structures preserved intact with sympathetic additions and new development.
- **Safety:** increased safety and security through casual surveillance, and reduce fear of using spaces.
- **Accessibility:** barrier-free design for ease of access, mobility, comfort, orientation and safety for people.
- **Site circulation:** accommodates pedestrians, cyclists, and motorists, with safe and direct routes giving priority to the pedestrian.
- **Landscape design:** integrated with buildings and surrounding features to enhance the aesthetics and function of both the site and the neighbourhood.

- **Waste collection:** safe and adequate access, maneuverability and service without disruption to other traffic.
- **Service areas:** located away from public street views while not detracting from adjacent property use;
- **Noise attenuation:** noise sensitive uses and spaces, primarily not subjected to excessive noise levels;
- **Lighting:** lighting levels which provide ease of night time use and create a safe environment for drivers and pedestrians;
- **Signage:** quality site and building signs that are compatible with surroundings and effectively communicate.
- **Building situation:** well-articulated structure and parking situated at less visible locations.
- **Microclimate:** minimized microclimatic impacts on adjacent buildings and streets.
- **Massing and façade:** attractive development and edge to the street.
- **Rooftops:** upper building portions that create interest in the Hamilton skyline.
- **Infill:** strong and enhanced existing character, existing streetscapes, and existing buildings.

Section 4.4 of the Site Plan guidelines addresses Massing and Building Design and notes that both architectural and site design are important to achieve high quality spaces. Table 6 demonstrates how the massing and building design of The Tivoli satisfies the Site Plan Guidelines.

Table 6: Massing and Building Design

	Massing and Building Design Guidelines	Proposal
1.	The principal building façades should be oriented toward the public street and not the parking lots or other areas.	<ul style="list-style-type: none"> • The main façade is oriented towards James Street.
2.	Building designs should typically incorporate the concept of base, middle and cap to create visual interest at grade and reduce the scale of taller buildings. The architectural style and scale of the building should be considered an appropriate design strategies created.	<ul style="list-style-type: none"> • The proposed development incorporates the concept of the base in the podium which has been designed to incorporate and respond to the existing streetscape. • The middle is comprised of the typical units for the condo tower. Coloured metal panels are used to reflect the colours within the heritage Tivoli theatre.

	Massing and Building Design Guidelines	Proposal
		<ul style="list-style-type: none"> The top is finished with 3 levels of penthouses which terrace back and are capped with a mechanical penthouse at the top.
3.	The main façades should have sufficient translucent glazing to provide casual surveillance of outdoor areas.	<ul style="list-style-type: none"> Transparency has been provided along James Street in order to provide casual surveillance to the street and through a proposed café patio in front of the building.
4.	The main entrances to a building should be emphasized through the use of canopies and other treatments that will provide both visual identification as well as weather protection for pedestrians.	<ul style="list-style-type: none"> A re-interpretation of a covered Theatre Marquee marks the main public entrance while a grand stair and accessible elevator leads up to the theater level behind the primary glass façade. These details and amenities are designed to increase visual connection into the building, as well as weather protection for pedestrian.
5.	Tall building located close to the street should have their upper floors step back beyond the base floors to allow sunlight to reach the street, minimize shadow impacts and reduce the scale of the building as perceived along the street.	<ul style="list-style-type: none"> While the tower is not setback from the 3rd storey podium, the 4th and 5th floors have been setback to provide a horizontal break in the building. In addition, the proposed point tower, versus a more traditional block building, will allow sunlight to reach the street and minimize shadow impacts. The setback of the 4th and 5th storeys also serves to reduce the perceived scale of the building along James Street. The minimal setback is also proposed due to coordination with the at-grade parking layout combined with constraints of working within a small site which respond to an existing heritage component to the rear.
6.	Building design should break up large building façades at street level and avoid flat or blank walls. Where large sections of blank walls are unavoidable, architectural techniques such as modulation, display windows, textures and colour changes can be used to enhance the elevations.	<ul style="list-style-type: none"> The proposed elevations provide large expanses of glass at points of entry. The elevations of the tower offer variety and visual interest by combining colour and textural rhythms upside the building. It is important to note that both on the north and south elevations lower level windows address the street and recesses occur to provide oblique windows. This provides modulation within the façade as there is very limited access to directly view

	Massing and Building Design Guidelines	Proposal
		the tower from the north or south given the blocks of continuous building along James. Additionally the building appears to be part of greater podium given the existing one storey narrow commercial lot to the south of the Tivoli.
7.	In urban neighbourhoods with buildings close to lot lines, buildings that abut lower or higher scale buildings should be designed to ensure a transition of scale. Building size and the location of elements such as windows, cornices and roofs can be used to scale and proportion buildings that transition with adjacent structures.	<ul style="list-style-type: none"> • The proposed podium matches the original height and scale of the former carriage house as well as existing development north and west of the site along James Street North. • The colouration in the tower directly relates to the historic colours found in the Tivoli theatre. In the case of this project, the interior becomes extroverted. Conceptually this mimics the relationship between audience and stage.
8.	In urban neighbourhoods, designs that complement the more elaborate existing building in the degree of complexity and detailing are encouraged.	<ul style="list-style-type: none"> • The proposed building incorporates an existing heritage building to the rear which, from the outside has limited detailing architecturally. The new component responds to the landmark qualities found in public assembly buildings. In the case of the Tivoli the “theatre” precedent is expressed through its marquee and use of precious materials. The lights in the marquee mimic those found in historic theatres while being a modern interpretation. The choice of stone distinguishes the building from its neighbours. Additionally the double height entry and stair engage and enlarge the public space. The existing sidewalk widening supports the importance of the Tivoli as a landmark in the City

The proposed development exceeds the ‘as of right’ height allowance of 22 meters due to the complex nature of demands inherent in the site. The placement and height of the tower was determined by the following factors:

- Need to address and sustain a the heritage Tivoli theatre:
 - To offset the cost of interior rehabilitation and stabilization of the roof;

- This large undertaking will ensure the preservation and maintenance of the unique character of the site and how it relates to other buildings which have evolved over time.
- Provide an adequate 'break' between the existing building and the new building so that the elements provide a smooth transition between the old and new.
- Need to provide parking for residential use
 - The need for a residential use which enables the development to be financially viable increases the demand for parking. The below grade parking structure both enables the project to focus on pedestrian friendly activity at grade and also determines the structural grid for the project. The parking has been maximized given the area which was suitable for the use. Changing the structural grid, and therefore the location of the tower would significantly impact the feasibility of the entire development.

The impact of a 22 storey building (75.1 m) has been addressed in the following ways:

- The setback of the 4th and 5th floors from James Street minimizes the visual impact at the street level, and the reduced floor plate of the slender tower minimizes the impact of shadows on the street.
- The development has maintained a base, middle and top and has utilized materials and colour to respond to a heritage building.
- The footprint of the tower has been kept small to reduce the impact on shadows but also provides a vertical datum in the downtown to identify the Tivoli as a significant landmark.

●
Section 4.5 of the Site Plan Guidelines addresses Skyline and Rooftops. The Tivoli will clearly serve as a landmark and point of orientation for pedestrians. The Guidelines note that the shape and massing of the upper portions of a building should be designed to create interest in the Hamilton skyline and upper portion of buildings. Table 7 demonstrates how the Tivoli incorporates the site plan guidelines related to skylines and rooftops.

Table 7: Skyline and Rooftops

	Skyline and Rooftop Guidelines	Proposal
1.	Rooftops should be designed to have some identifiable form. Square or flat roof tops should generally be avoided unless it is appropriate for architectural style or use of rooftop decks and stormwater management proposed. Partial roofs can be used to hide large flat roofs.	<ul style="list-style-type: none"> • The tower indents at the 4th and 5th floors to express the historic street level. • The tower is terraced back at the top for the penthouse units to provide outdoor access. • The roof over the mechanical penthouse will be used to manage the stormwater.
2.	For apartment buildings, portions of the roofs should be considered for decks or patio space.	<ul style="list-style-type: none"> • See above
3.	Roof top mechanical equipment should be enclosed or screened to compliment the overall building shape and form and to reduce noise transferred to adjacent properties. The design of the screening should be integrated with the building design.	<ul style="list-style-type: none"> • The mechanical penthouse is hidden behind the screen in the same metal panels of the tower to create a seamless transition from the rest of the building.

Section 4.6 of the Site Plan guidelines addresses the Design of Buildings on Infill Sites and recognizes that these properties should be given careful consideration to enhance existing streetscapes and complement existing buildings. Table 8 demonstrates how the Tivoli design complements the established neighbourhood character through consideration of a number of elements.

Table 8: Design on Infill Sites

Building Design on Infill Sites	Proposal
<ul style="list-style-type: none"> • New buildings should be scaled to existing adjacent structure; 	The podium is designed to match the scale and material quality of the adjacent buildings.
<ul style="list-style-type: none"> • Existing setbacks and building heights should be respected in determine an appropriate setback and height of new buildings; 	<ul style="list-style-type: none"> • The setback from James Street of the podium is maintained from the original. • The development at grade maintains the original set back.
<ul style="list-style-type: none"> • The proportions and elements of existing buildings should be used where possible to determine an 	Scale and proportion of the original building and buildings along James Street are used to guide the selection of materials and rhythm of structure, program and entry off James Street.

Building Design on Infill Sites	Proposal
appropriate relationship for new buildings;	
<ul style="list-style-type: none"> Roof profiles, windows, entrances and porches that are predominant within the streetscape should be considered in the design of new buildings; and 	<ul style="list-style-type: none"> The tower terraces are setback at both the podium and penthouse units at the top to identify the 'base, middle and top as well a through the use of material and colour. Entrances are visible and intuitive and create more connections within the building.
<ul style="list-style-type: none"> where possible, materials of new construction should be selected from the variety of materials found within the existing neighbourhood 	The limestone material proposed for the base relates to the historic buildings in the area (James Street Baptist, St. Paul's' Presbyterian, Bell Building, Pigott building and Bank of Montreal).

4.9.2 Downtown Hamilton Mobility Street Master Plan (2003)

The Downtown Mobility Street Master Plan is an action strategy intended to guide public realm improvements within the core city; assist with on-going and future streetscape planning; and define specific streetscape implementation linkages and projects which can be realized through capital projects over the next 10 to 15 years. James Street North is identified as a Mobility Street envisioned as *'Heritage' Main Street...complete with extensive areas of intact historic fabric and important heritage institutions and landmark sites...Providing an authentic traditional main street experience from the escarpment to the North End neighbourhood and harbour to the north.*"

The Master Plan identifies a number of public realm improvements along James Street that have already been implemented including the conversion of James Street to two-way street.

James Street North is identified as a Pedestrian Priority Area where a safe pedestrian environment and specific pedestrian needs are to be met. The Tivoli proposes to ensure that this safe pedestrian environment is maintained by bringing the commercial development and a people presence back to the street edge.

James Street in the vicinity of the Site is identified as a *Commercial Streetscape Precinct 2* with the following characteristics:

- **Land Use:** Predominantly local commercial or prime retail streets which may include office, commercial and residential uses above.

In this regard, the proposed use of the Site with commercial development on the first three storeys and residential development above is consistent with Master Plan.

- **Intensity of Use:** High – The streetscape will accommodate local and regional commercial activities throughout the day, early evening and on weekends, while providing access and connection to other areas and destinations within the city.

With the addition of 106 residential units, and commercial uses including a “new” Tivoli theatre with greater support facilities (i.e., accessible, crush space, washrooms, ticket office, etc.), the Tivoli will bring in people to live, work and play in the core in support of the high intensity use this area is intended to be.

- **Streetscape Character:** A predominantly hard surface pedestrian oriented streetscape generally characterized by paving from curb edge to building front, in-ground street trees, street lighting and streetscape furnishings.

The Tivoli proposes an odour patio along James Street which could spill over into the hard surface pedestrian streetscape during the summer months further enhancing the streetscape character by bringing people out onto the streets to dine and socialize.

Finally, Table 9 demonstrates how the Tivoli fulfils the general mobility street streetscape guidelines that apply to private developments as part of the broader streetscape:

Table 9: General Mobility Street Streetscape Guidelines.

Mobility Streetscape Guidelines	Proposal
<ul style="list-style-type: none"> • Provision of a consistent building street wall with buildings situated to address the street and aligned with existing built form; 	<ul style="list-style-type: none"> • The land immediately fronting James Street are currently vacant. However, the portion of the new development fronting James Street mimics the original location of the carriage factory and former Tivoli theatre. In this regard, the street wall will be returned to its original built form. • The James Street relationship is both maintained and enhanced through the podium which grants access to the public at a greater capacity and provides a more dynamic

Mobility Streetscape Guidelines	Proposal
	pedestrian character through the provision of exterior lighting, a terrace space and greater transparency.
<ul style="list-style-type: none"> • Provision of sidewalks a minimum of 1.5 metre wide, as well as a row of medium scale deciduous street trees, overhead street lighting, and appropriate street furnishings; 	<ul style="list-style-type: none"> • The existing sidewalk is maintained on James Street with the potential for the addition of street furnishings associated with the café/bar. • The James Street sidewalk already bumps out into the James Street right-of-way at this location. The wider sidewalk will serve the proposed reinvigorated theatre well on event nights. • This site is not appropriate to plant a row of deciduous trees
<ul style="list-style-type: none"> • Street trees planted 7 to 8 metres on centre with species selection varied from street to street; 	<ul style="list-style-type: none"> • Street trees planted within the right-of-way boulevard may be appropriate at this location.
<ul style="list-style-type: none"> • Extension of the public realm streetscape treatment to abutting private lot frontages; 	<ul style="list-style-type: none"> • The proposed outdoor patio in front of the building along James Street extends the public realm to the street.
<ul style="list-style-type: none"> • Provision of a minimum 2.5 metre pedestrian environment retained between building/curb edge and the outdoor patio use; 	<ul style="list-style-type: none"> • See above
<ul style="list-style-type: none"> • Ensure loading, service and private access lanes do not significantly interfere with the pedestrian environment; 	<ul style="list-style-type: none"> • Loading, service and private areas are located behind the building off Hughson Street and will not interfere with the predominant pedestrian environmental along the James Street. • The Hughson Street entrance is the most appropriate access point to accommodate these demands. Driveways and loading areas along James Street would not be appropriate given the function and character of the street.
<ul style="list-style-type: none"> • Ensure sidewalks and special surface treatments are continuous across loading, service and private access lanes; 	<ul style="list-style-type: none"> • Paving materials are kept continuous across loading and private access lanes to the surface and enclosed stacker parking.
<ul style="list-style-type: none"> • Ensure garbage storage, loading and service areas and parking areas are visually screened from the public street; and 	<ul style="list-style-type: none"> • Garbage storage will be kept in the storage room except on garbage days to minimize the impact on the pedestrian realm.

Mobility Streetscape Guidelines	Proposal
	<ul style="list-style-type: none"> • Loading and service areas will be provided along Hughson Street and will be scheduled to minimize any negative impacts.
<ul style="list-style-type: none"> • Establish building signage that positively contributes to the quality of the public realm and character of the district 	<ul style="list-style-type: none"> • New marquee signage proposed to reflect theatre precedents. The marquee also emphasizes the importance of the building as a significant public cultural destination.

5 Sun Shadow Analysis

Access to direct sunlight improves the usability and enjoyment of outdoor spaces and allows trees and vegetation to flourish. What is important is the amount of visible sky seen from a street, park, or other open space above and between building masses. Loss of these views reduces access to light, which affects the comfort, quality, and use of the public realm.

Hamilton's climate is characterized by hot humid summers, and cold, grey, damp winters. In summer, shade from trees and light breezes make the public realm more comfortable. In the spring and fall, access to direct sunlight and shelter from the wind becomes very important to improve the comfort usability, and enjoyment of outdoor spaces.

For tall buildings, protecting access to sunlight is generally achieved through good street proportion, overall massing, tower setbacks and separation distance. The sun shadow analysis to following will determine whether the Tivoli will have a negative effect on the environmental quality of surrounding areas through the loss of sunlight or by overshadowing adjacent streets and open spaces.

5.1 Purpose

A 73.5 metre (22 storey) tower is proposed as part of this redevelopment, whereas 22.0 metres is currently the maximum permitted building height as per the Zoning By-law and in keeping with the policies of the Downtown Hamilton Secondary Plan. The proposed development has been purposely designed with a slender tower form, rather than a bulkier slab to minimize potential shadow impacts on surrounding properties. Policy 6.2.3.3.1(h) of the Hamilton Secondary Plan allows for building heights over and above the intended height provided that *“the upper stories are massed, stepped back, or terraced”* so that the additional height *“will not result in increased sun shadow impacts on public sidewalks or public spaces”*. This section is intended to model and assess the proposed development as per the above policy.

5.2 Method

The Sun Shadow Assessment is comprised of computer-generated modeling and assessment of outputs based on the direction of City documents and best practices. The computer-generated model illustrates the following dates and representative times, based on direction from the Hamilton Site Plan Guidelines and other City documents:

- I. March 21st at 10:00 am, 12:00 pm, 2:00 pm and 4:00 pm;
- II. June 21st at 10:00 am, 12:00 pm, 2:00 pm, and 4:00 pm; and
- III. December 21st at 10:00 am, 12:00 pm, 2:00 pm and 4:00 pm.

The model incorporates consideration of two simulated conditions. First, it establishes an as-of-right condition, based on the permitted height under the existing zoning in blue shading. Second, it establishes the additional condition based on increased impacts resulting from the additional height being sought identified in yellow shading on Figures 22 through 24.

5.3 Assessment Criteria

As per the Site Plan Guidelines, sun shadow analysis is to assess the height, mass and/or location of proposed buildings on:

- (i) adjacent residential amenity areas;
- (ii) public open space;
- (iii) public sidewalks; and
- (iv) the face of residential buildings.

Neither the Site Plan Guidelines nor Downtown Hamilton Secondary Plan identifies criteria regarding reasonableness or acceptability of generated shadow impacts. In this absence, MSA has conducted an assessment against the shadow/sun requirements from several municipalities to determine the proposed development's compliance with the standards of comparable municipalities in Ontario, specifically on adjacent residential areas and related amenity spaces. As a general principle, there is no common requirement to limit shadows from casting on adjacent properties. The measurable target of unacceptable sun/shadow

impacts on adjacent land uses is generally that no adjacent property should be in shadow for a single period of time exceeding 4 hours on any given day. Any extent of shadow for a lesser period of time is deemed to be acceptable.

5.4 Sun Shadow Description

5.4.1 Spring and Fall Shadows

During the Spring and Fall Equinoxes (see Figure 22) similar shadows are cast given the location and height of the sun in the sky; accordingly, the sun shadows for March 21 have been modeled to be representative for both seasons. The goal here is to protect adjacent residential amenity areas, public open spaces, public sidewalks and the face of residential buildings in the months between March and September when outdoor activities most frequently occur. To provide adequate sun exposure during these months, development must ensure that these areas and the amenity space on the lands subject to development are not in shadow for more than 4 hours on any given day.

At 10:00 a.m. under the as-of-right condition, James Street in front of the site and half of the adjacent building to the north (118-124 James Street North) is under shadow and a small portion of the property at the northwest corner of Vine and James (121 James Street North) is under shadow as well. The additional height created by the proposed development would extend the shadow entirely over 121 James Street North and halfway into the block (parking lot) to the west, including the southwest corner of the building at 123 James Street North. (Refer to Figure 22a)

At 12:00 p.m. noon, under the as-of-right condition, the eastern half of James Street and the sidewalk in front of the site and the adjacent building to the north (118-124 James Street North) is under shadow. The additional height would extend the shadow to both sides of the street as well as the westerly sidewalk and building facades of 123, 129, 133 and 135-145 James Street north. (Refer to Figure 22b)

At 2:00 p.m. under the as-of-right condition the majority of the adjacent building to the north (118-124 James Street North) including the rear parking area and laneway is under shadow,

with the exception of the front façade. The additional height would extend the shadow to the interior of the block including the rooftops of the adjacent development to the north including the properties at 118-124, 126-128, and 130-136 James Street North, and the rear portion of the building at 127 Hughson Street. No shadow is cast along James Street or the front facades of any building along James Street or Hughson Street at this time of the day. (Refer to Figure 22c)

At 4:00 p.m. under the as-of-right condition, the building would shadow the interior of the block including the rear half of the adjacent building to the north (118-124 James Street North), and the rear parking lot. In addition, the parking lots associated with the building at 117-121 Hughson Street and a small portion of the parking lot associated with the church across the street, will be under shadow. The additional height would extend the shadow to the entire building at the southwest corner of Hughson and Cannon Street (127 Hughson Street). Also under shadow will be the front and north side façade of the building at the southeast corner of Hughson and Cannon Streets (138 Hughson Street), as well as the north Cannon Street sidewalk in front of 31 Cannon Street. (Refer to Figure 22d)

Figure 22 – Sun Shadow Diagrams – Spring Equinox (March 21 – all times)

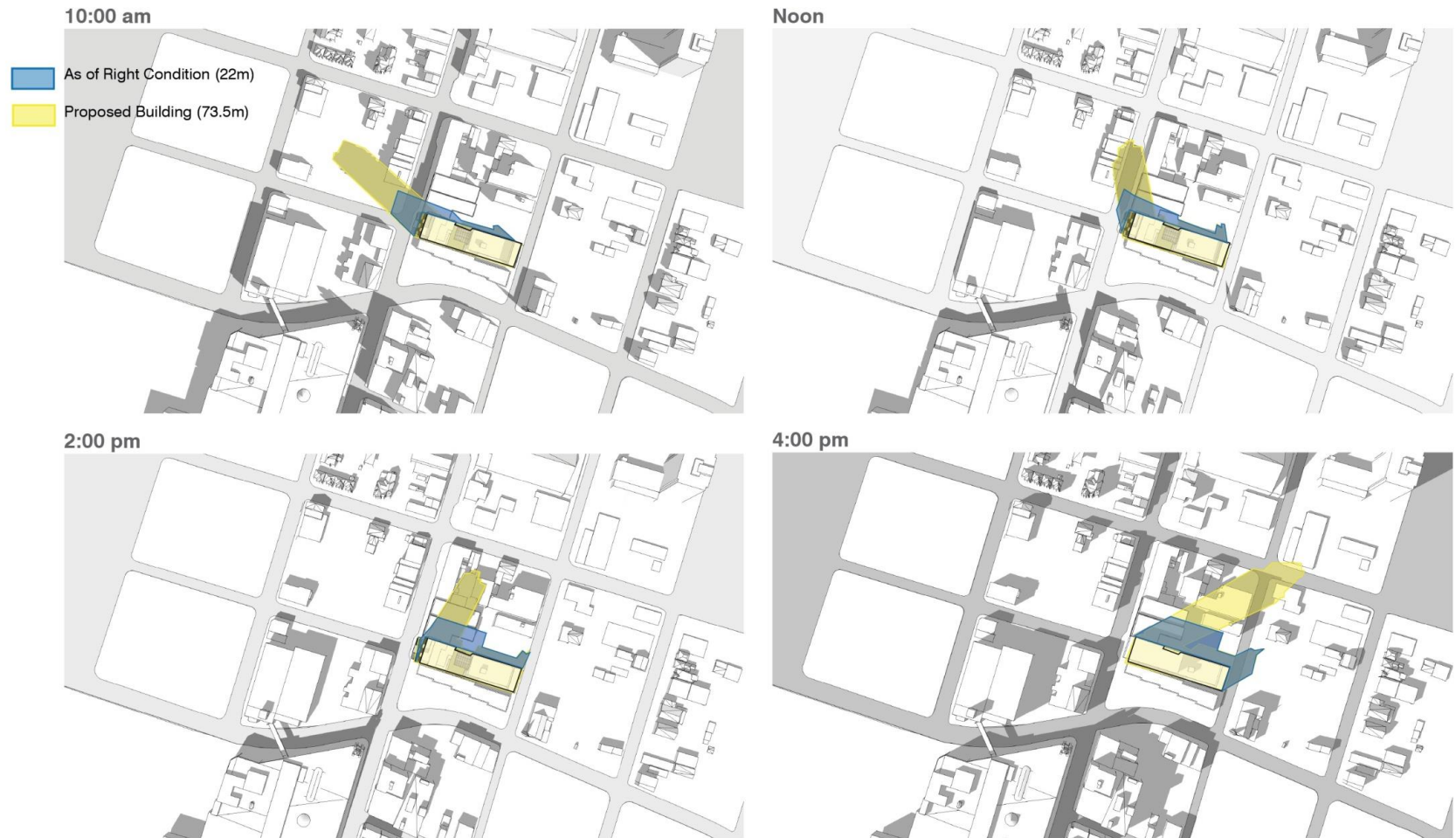
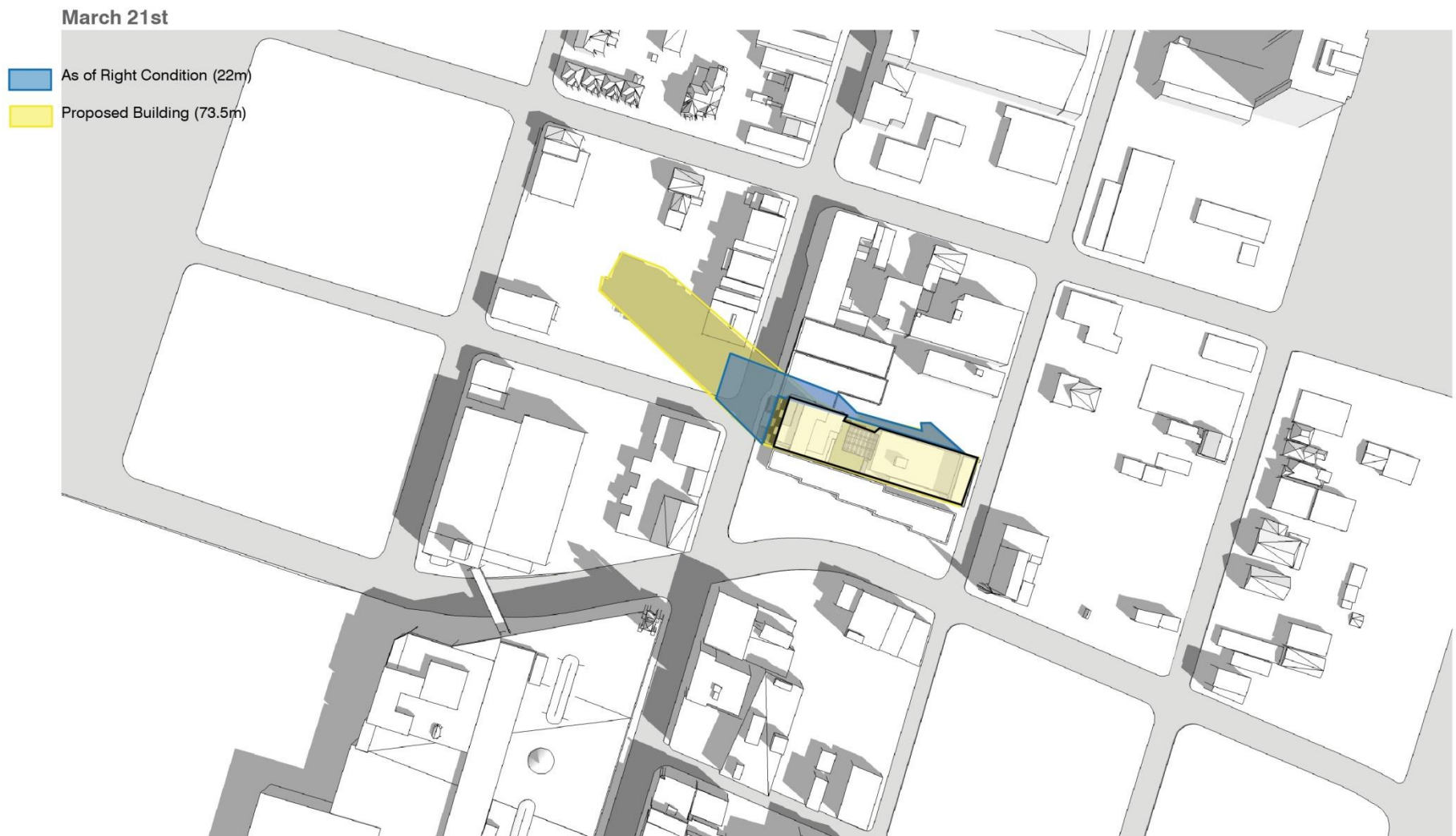


Figure 22a - Sun Shadow Diagram - Spring Equinox (10:00a.m.)



At 12:00 p.m. noon, under the as-of-right condition, the sidewalk along the full length of the site and the courtyard associated with St. Paul's church along the north side of Hughson Street are in shadow. With the added height, the shadow extends northwesterly resulting in shadow over the parking lots north of Hughson Street and south of Main Street. The point tower design result in a narrower shadow along the north side of Hughson Street leaving the eastern half of the St. Paul's courtyard in sunlight. There are no residential amenity areas, residential building faces or public open spaces affected by the added shadow at this time of the day. (Refer to Figure 22b)

At 2:00 p.m. under the as-of-right condition the sidewalk along Hughson Street extending the length of the site and St. Paul's Church is under shadow, as well as the amenity space beside St. Paul's along Hughson Street. In addition, the sidewalk along James Street along the width of the site is in shadow. With the added height the shadow extends to the amenity space adjacent to St. Paul's and along the west side of the sidewalk along James Street South. Once again, there are no residential amenity areas, residential building faces or public open spaces affected by the added shadow at this time of the day. (Refer to Figure 22c)

At 4:00 p.m. under the as-of-right condition, the shadow leaves the majority of the St. Paul's amenity space along Hughson Street and creates shadow along the sidewalks at the four corners of the James Street/Hughson Street intersection. With the added height, the shadow extends further northeast now casting shadows on the commercial office buildings and parking lots east of James Street and south of Main Street. In addition, the north and south sides of sidewalks along a limited stretch of Main Street, west of Hughson Street will be under shadow. There are no residential amenity areas, residential building faces or public open spaces affected by the added shadow at this time of the day. (Refer to Figure 22d)

Figure 22b - Sun Shadow Diagram –Spring Equinox (12:00 p.m.)

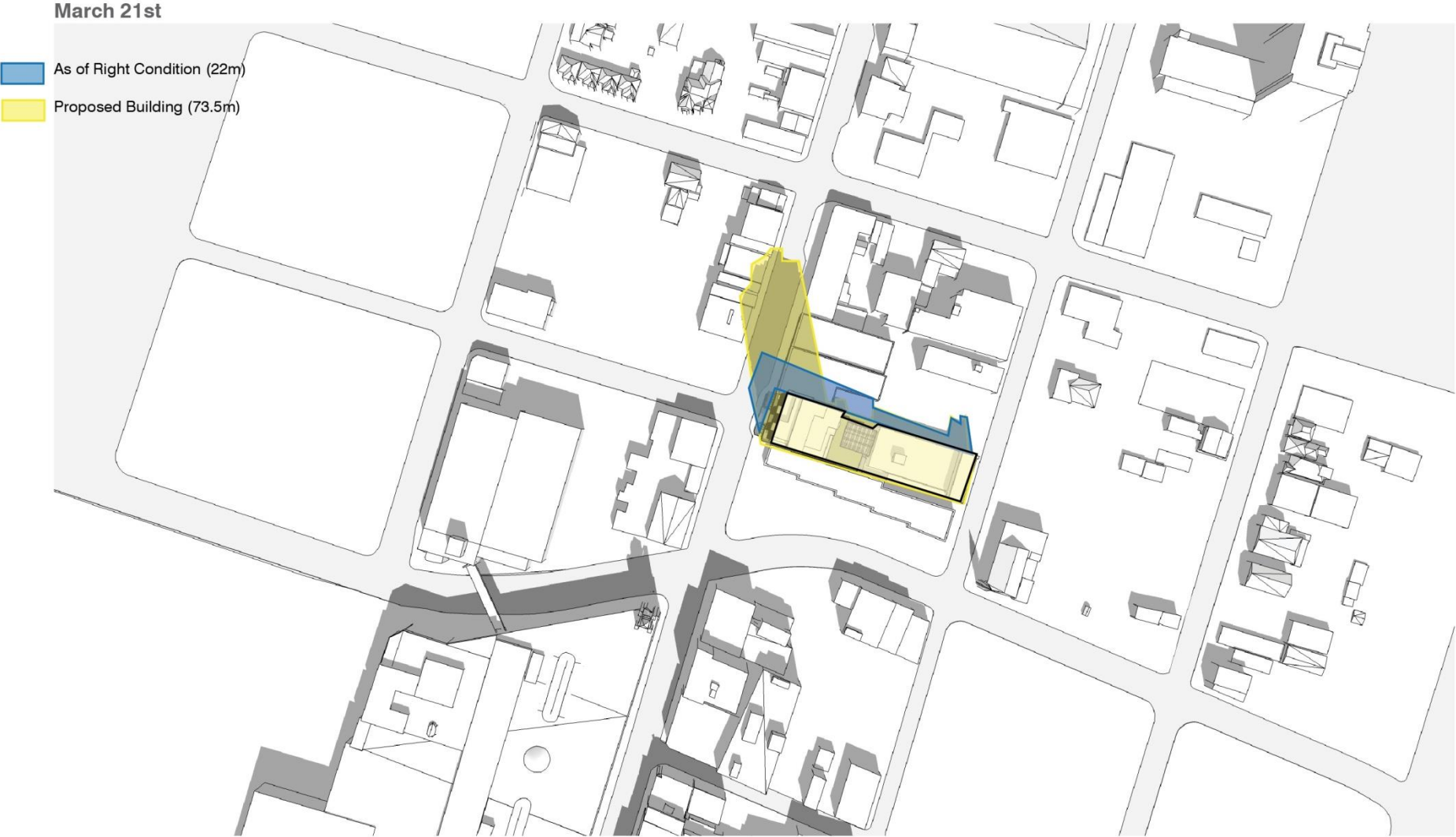
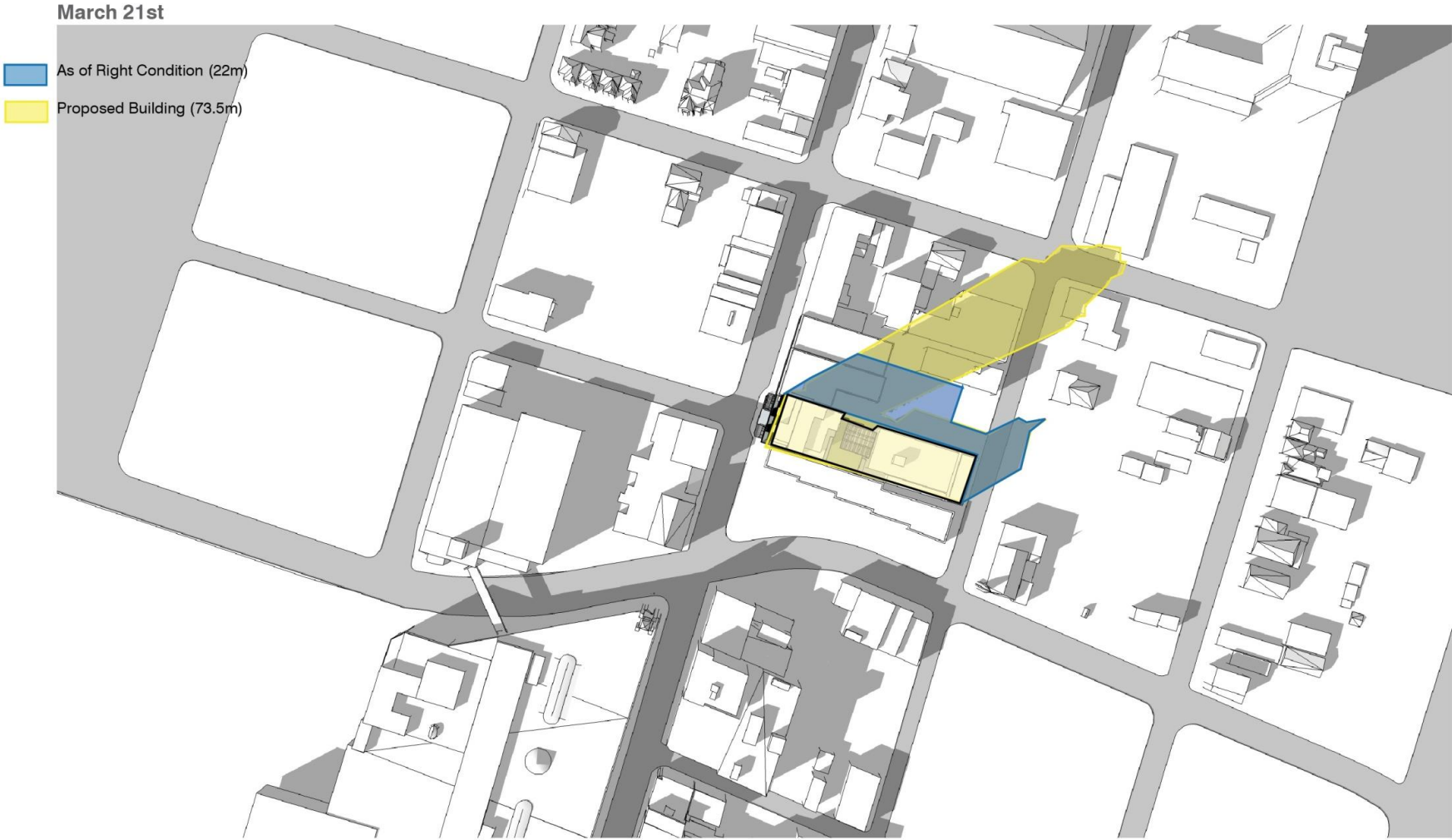


Figure 22c - Sun Shadow Diagram – Spring Equinox 2:00 p.m.)



Figure 22d - Sun Shadow Study – Spring Equinox (4:00 p.m.)



5.4.2 Summer Shadow

During the Summer Solstice (see Figure 23), the sun is at its highest point this time of year and, accordingly, the impact of shadows cast is limited at this time. This time of year typically has the most outdoor activity in the neighbourhood given the sunlight. At all times of the day under the as-of-right condition, shadows cast are generally contained close to the site and along the adjacent sidewalks, although for limited periods of time there are limited shadows that extend to the sidewalks along the north side of Hughson Street and the east side of James Street south.

The additional height casts shadows that are generally limited to:

- The street and sidewalks of James and Vine Street in front of the building at 9:00 a.m. (Figure 23a),
- The street, the sidewalk and roof of the adjacent building to the north at 12:00 p.m. (Figure 23b),
- the roof of the adjacent building to the north at 2:00 p.m. (Figure 23c), and
- the parking lot associated with adjacent development to the north at 4:00 p.m. (Figure 23d).

In this regard there are no residential amenity areas, residential building faces or public open spaces affected by the added shadows in July. The only public sidewalk that is in shadow throughout the day is along the east side of James Street; however, this shadow exists in the as of right condition.

Figure 23 - Sun Shadow Diagram – Summer (All times)

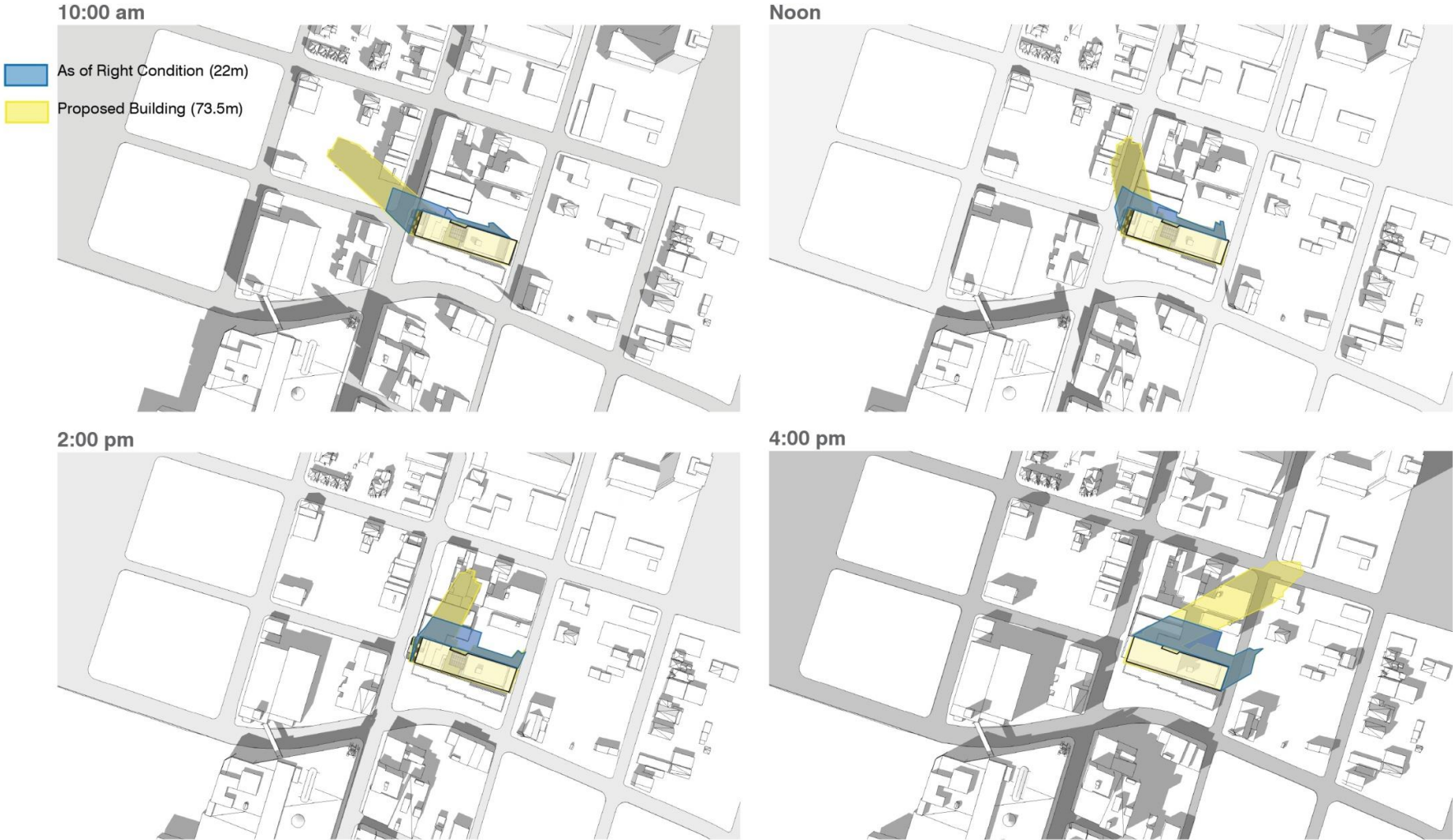


Figure 23a - Sun Shadow Diagram – Summer (10:00 a.m.)



Figure 23b - Sun Shadow Diagram – Summer (12:00 p.m.)

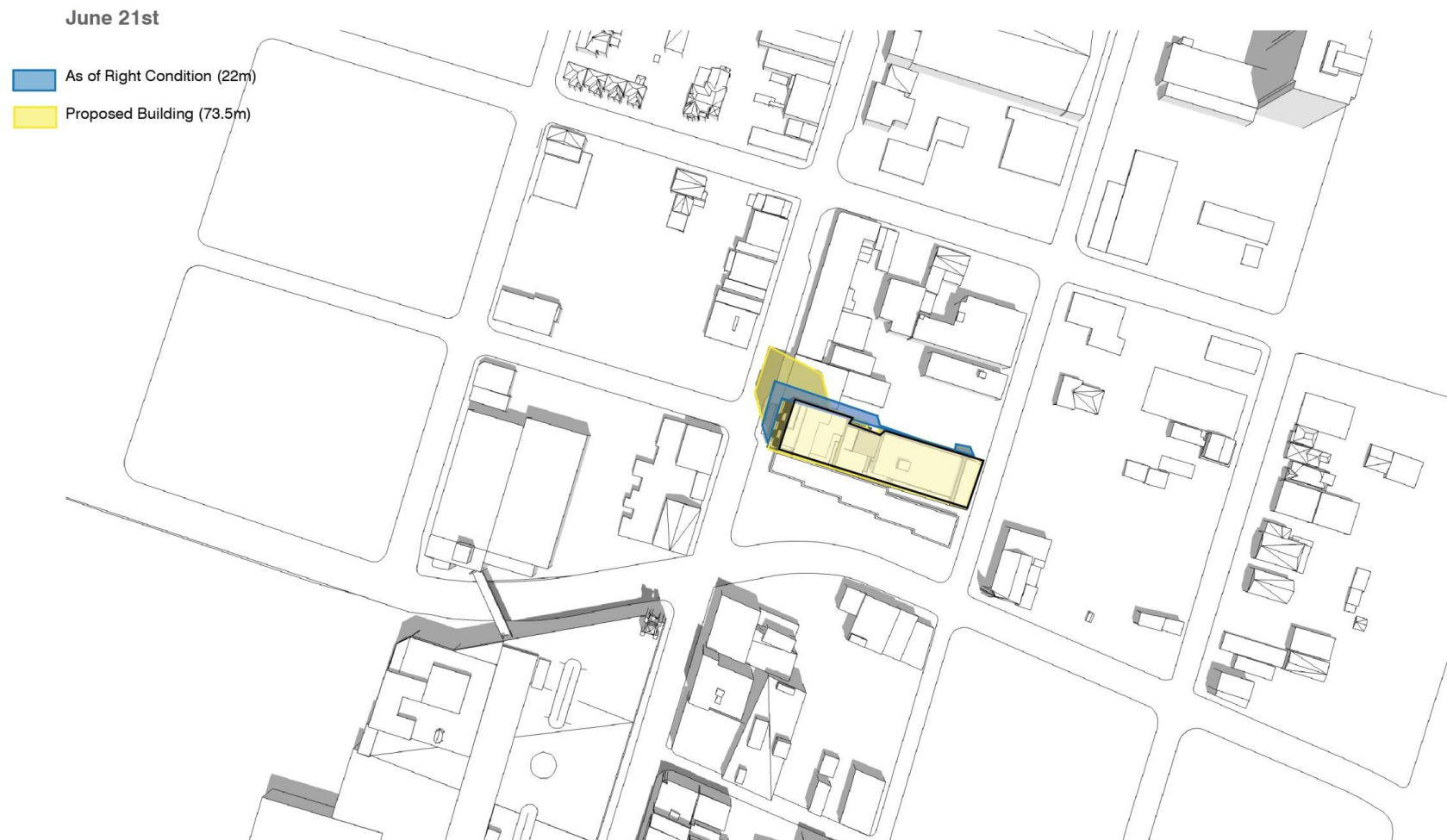
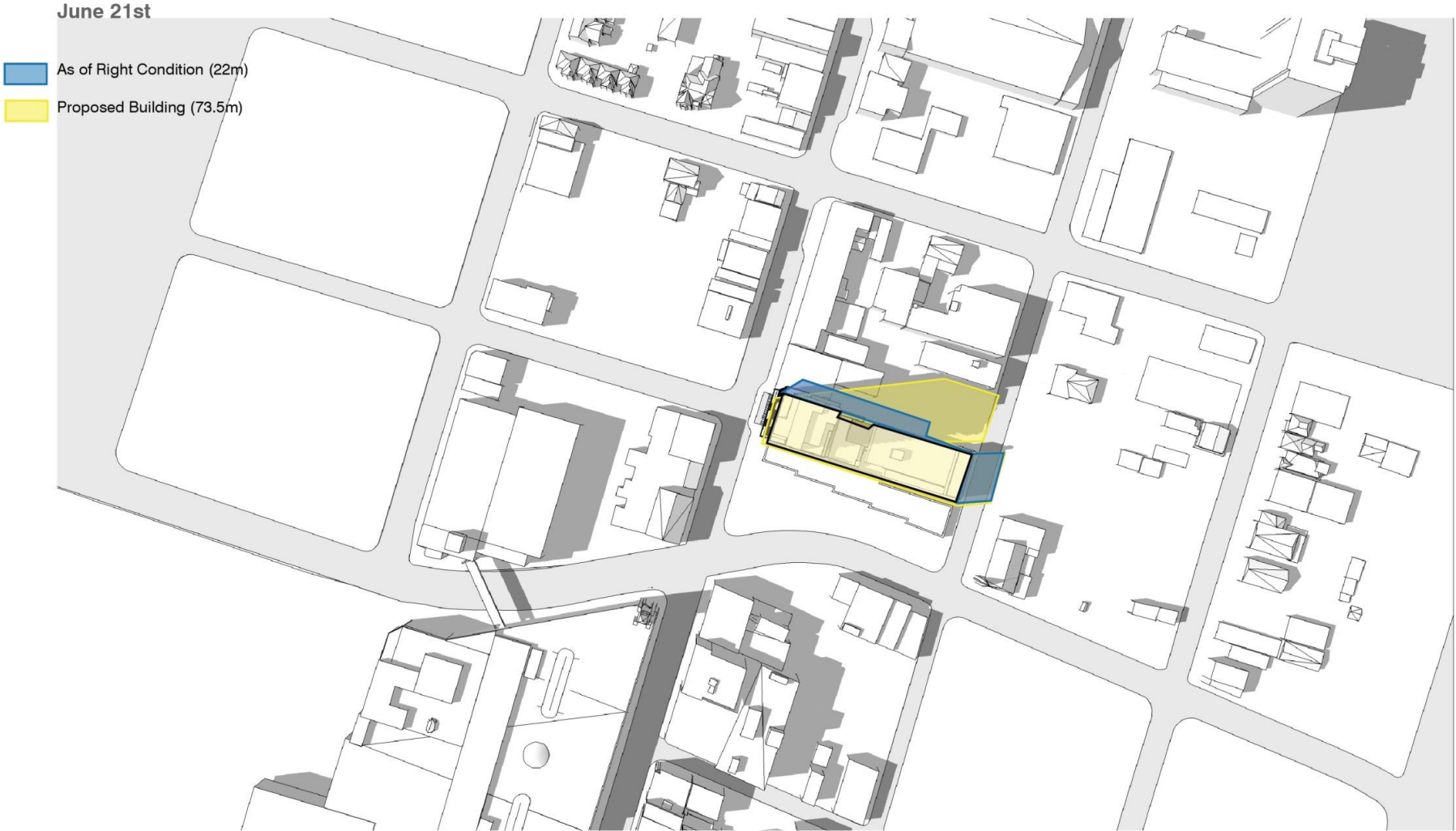


Figure 23c - Sun Shadow Diagram – Summer (2:00 p.m.)



Figure 23d - Sun Shadow Diagram – Summer (4:00 p.m.)



5.4.3 Winter Shadows

During the Winter Solstice (see Figure 24) shadows are cast generally the longest given that the sun is lower on the horizon, and the hours of sunshine and rotation are the shortest of all at this period. This time of year typically has the least outdoor activity in the neighbourhood given the weather and snow.

At all times of the day under the as-of-right condition, the rooftop of the adjacent two buildings to the north and the rear parking lots associated with these building that extend to Hughson Street are under shadow. In addition, the west side of James Street including part of the westerly sidewalk in front of 121-123 James Street are under shadow at 9:00 am and 12 noon.

The additional height casts shadows on the interior of the block west of James Street including a building at the northeast corner of Cannon and MacNab Streets at 10:00 a.m. (Figure 24a); the sidewalk and buildings along the west side of James Street including the first few buildings north of Cannon Street at 12:00 p.m. (Figure 24b); and the rooftops of buildings east of James Street extending mid block north of Cannon Street at 2:00 p.m. (Figure 24c).

The entire area surrounding the subject site and north of Cannon Street is under shadow by 4:00 p.m. (Figure 24d)

Figure 24 - Sun Shadow Diagram – Winter (All times)

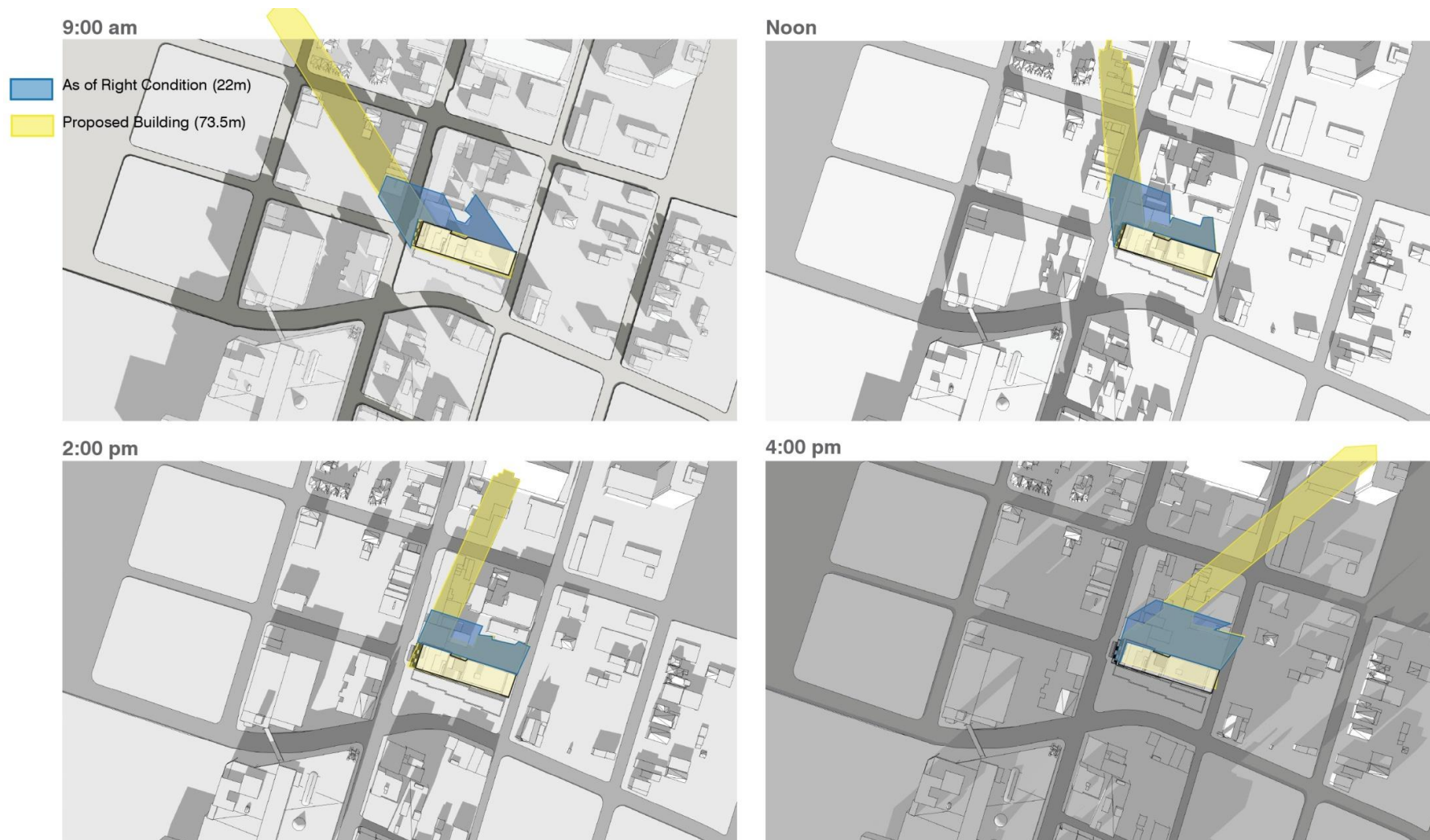


Figure 24a - Sun Shadow Diagram – Winter (10:00 a.m.)



Figure 24b - Sun Shadow Diagram – Winter (12:00 p.m.)



At 2:00 p.m. in December under the as-of-right condition the sidewalk along Hughson Street extending the length of the site and the majority of the courtyard beside St. Paul's Church is under shadow, as well as St. Paul's church itself. In addition, the sidewalk along the west side of James Street extending half way up the block is in shadow. With the added height the shadow extends northerly to slightly past King Street resulting in the sidewalk along the west side of James Street being in shadow for this length as well. There are no residential amenity areas, residential building façades or public open spaces affected by the added shadow at this time of the day. (Refer to Figure 24c)

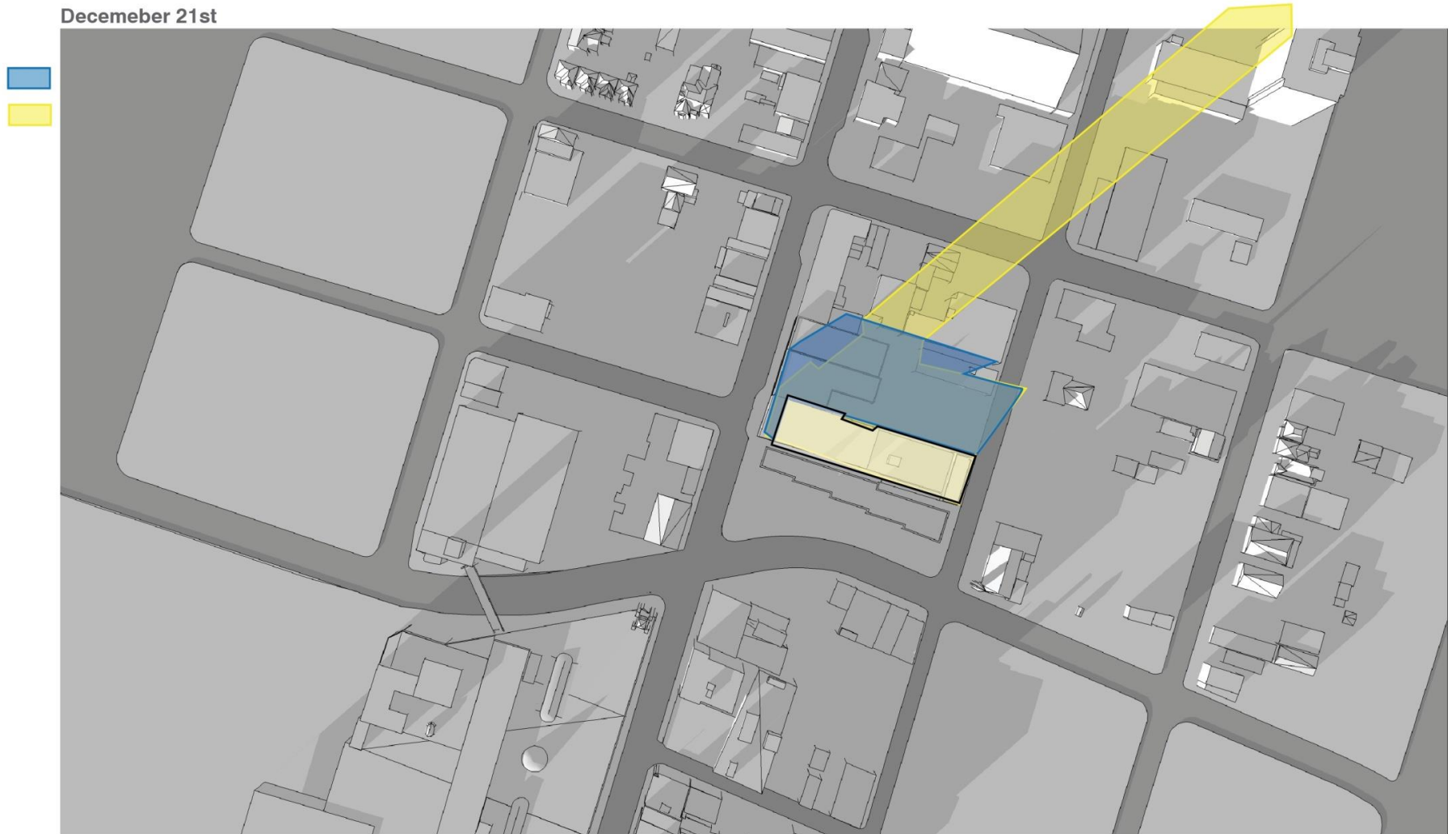
Finally, at 4:00 p.m. in December under the as-of-right condition, the shadow shifts north-east and creates a shadow along the sidewalks at the four corners of the James Street/Hughson Street intersection. This shadow generally extends along both sides of James Street resulting in shadowed sidewalks along James Street between Hughson and Main Streets. With the added height, the December shadow extends further northeast casting shadows over a number of commercial/office buildings and parking lots along Main Street, Hughson Street, and the north side of King Street. These areas are comprised of commercial office buildings and parking lots. This new shadow also extends over a portion of public open space associated with Gore Park between Hughson and John Streets, as well as the mixed use buildings along the west side of John Street south of King William Street. Fortunately, these public open spaces and potential private amenity spaces are only in shadow after 4:00 p.m. over the winter months and will not result in the loss of acceptable sunlight for these areas during the remainder of the day. (Refer to Figure 24d)

In this regard the residential amenity areas, residential building faces and public open spaces affected by the added shadows associated with the proposed development only occur in the winter months (December) after 4:00 p.m. and are limited to a small portion of Gore Park and the 2nd storey of a mixed use building along the west side of John Street, south of King William Street.

Figure 24c - Sun Shadow Diagram – Winter (2:00 p.m.)



Figure 24d - Sun Shadow Diagram – Winter (4:00p.m.)



5.5 Sun/Shadow Impact Analysis

Based on the sun-shadow analysis for the proposed development, in relation to the noted guidelines, the shadow impacts are summarized in Table 10 below. These impacts are reasonable given the following considerations as per the Site Plan Guidelines:

Table 10: Sun/Shadow Summary

	March 21	June 21	December 21
Residential Building Faces	No building face along James Street under more than 4 hours of continuous shadows on March 21 st resulting from additional building height.	No building face along James Street under more than 4 hours of continuous shadows on June 21 st resulting from additional building height.	No building face along James Street under more than 4 hours of continuous shadows on December 21 st resulting from additional building height.
Public Open Spaces/Rear Amenity Areas	No building face along James Street under more than 4 hours of continuous shadows on March 21 st resulting from additional building height.	No building face along James Street under more than 4 hours of continuous shadows on June 21 st resulting from additional building height.	No building face along James Street under more than 4 hours of continuous shadows on December 21 st resulting from additional building height.
James Street North	No sidewalks in shadow for a single period of time exceeding 4 hours on March 21 st resulting from additional height.	No sidewalks in shadow for a single period of time exceeding 4 hours on June 21 st resulting from additional height.	No sidewalks in shadow for a single period of time exceeding 4 hours on December 21 st resulting from additional height.
Hughson Street North	Shadows only evident along Hughson Street at 4:00 p.m. No segment of the right-of-way under more than 4 hours of continuous shadows on March 21 st resulting from the additional building height.	No sidewalks in shadow for a single period of time exceeding 4 hours on June 21 st resulting from additional height.	Shadows only evident along Hughson Street at 4:00 p.m. No segment of the right-of-way under more than 4 hours of continuous shadows on December 21 st resulting from the additional building height.
York Boulevard	No sidewalks in shadow for a single period of time exceeding 4 hours on	No sidewalks in shadow for a single period of time exceeding 4 hours on	No sidewalks in shadow for a single period of time exceeding 4 hours on

	March 21	June 21	December 21
	March 21 st resulting from additional height.	June 21 st resulting from additional height.	December 21 st resulting from additional height.
Cannon Street	Shadows only evident along Cannon Street at 4:00 p.m. No sidewalks in shadow for a single period of time exceeding 4 hours on March 21 st resulting from additional height.	No sidewalks in shadow for a single period of time exceeding 4 hours on June 21 st resulting from additional height.	No sidewalks in shadow for a single period of time exceeding 4 hours on December 21 st resulting from additional height.

The Sun/Shadow Analysis demonstrates how the proposed narrow building design protects access to sunlight and minimizes the shadowing of neighbourhood streets, properties and open spaces. There are no residential amenity areas, residential building façades or public open spaces affected by the added shadows exceeding 4 hours in March, June or December.

6 Visual Impact Analysis

The Official Plan describes views and vistas as “*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 an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings.*” (Policy B.3.3.5) In this regard, existing significant vistas applicable to the Site would include the panorama of the Niagara Escarpment and the Downtown Skyline as viewed from various vantage points throughout the City. Views worth considering in the context of the development would be views to the escarpment to the south, views to and from the pedestrian realm, and views “up” James Street.

6.1 Purpose

Policy 6.2.3.3.1 (h) of the Downtown Hamilton Secondary Plan notes that a visual impact analysis may be required for developments that exceed height maximums as part of the approval process. Policy 6.2.4.3(f) identifies that “*significant views and vistas in the downtown will be protected as development occurs*”, including consideration of a number of elements, including the size and placement of new buildings; building façades that create visual connections to the streets and public spaces; and, orientation of windows, entrances, balconies and other building elements. As per the policy, significant views related to the site are identified as (1) views looking north (up) James Street; (2) views looking down (south) James Street; (3) views looking east; (4) views from the Niagara Escarpment (skyline); and (5) views to and from the public realm along James and Hughson Streets. This section of the report is intended to model and assess the proposed development as per the above policies.

6.2 Method

The visual impact analysis is comprised of modeling and assessment of the illustrated impacts of the proposed development. A digital 3D model of the proposed development concept was developed, illustrating the general massing of the proposed buildings on the site. The model was then referenced to the digital site plan and inserted into photographs of the

site and its context. Photos were taken from the centre of the James Street right-of-way in respect to the Niagara Escarpment views to represent the “average” condition, given that the site is less visible from the western sidewalk and is more visible from the eastern sidewalk.

6.3 Existing Conditions and Zoning Permission

The existing buildings along James Street at this location are comprised of buildings generally 3 storeys in height with minimal setbacks to the street to create a continuous built edge condition. As noted, the former Tivoli Theatre fronting James Street was long recognized as an important downtown landmark. The front portion of the site along James Street is now vacant creating a visual gap in the site and resulting in the western wall of the remaining Tivoli heritage theatre backing onto Hughson Street being highly visible from James Street. The adjacent property to the south (1 storey commercial building), and north (3 storey former Union Furniture building) are more contemporary buildings built in a more modest style. ¶

The existing zoning permissions applicable to the site would allow for a 6 storey (22 metre) building generally built to the street edge with a maximum building setback of 2m from James Street for the 1st storey and 0.5 metres for 2nd and 3rd storeys. The ground floor façade is to occupy $\frac{3}{4}$ of the property width and is to be comprised of mainly (minimum 80%) windows and doors to ensure views to and from the street. The maximum area of the 2nd and 3rd storey façades composed of windows cannot exceed 40%. In order to ensure quality building materials, exterior building cladding for the first 3 storeys is limited to either one or a combination of no more than two principal materials including natural stone and metal panels.

Modifications to the Downtown Retail Streets (D2) Zone regulations will be required to permit a maximum height of 22 storeys, and to address the proposed facades along James Street North including a reduction in the minimum areas of the ground floor façade composed of windows and doors to provide greater privacy to the condominium entrance; an increase in the maximum area of the 2nd and 3rd storey façade composed of windows to provide greater views to the second storey as the entry to the newly renovated theatre to the rear; and, an increase in the maximum ground floor storey height to ensure the floor of the 2nd storey aligns with the (former) balcony entrance to the theatre to the rear.

6.4 Proposed Visual Changes and Evaluation

The existing buildings along James Street at this location are comprised of 3 storey commercial buildings with minimal setbacks to the street creating a continuous built edge condition. As noted, the former Tivoli Theatre was long recognized as an important downtown landmark in its own right. The fact that the front portion of the building has remained vacant since its demolition has created an uncharacteristic gap in the streetscape. The rear portion of the site along Hughson Street contains the remaining theatre portion providing a prominent solid wall along Hughson Street.

The adjacent property to the north (3 storey commercial buildings) represents one of the few contemporary urban design elements in the James Street North district. The proposed front façade of the new Tivoli provides a visual connection to the street and the sidewalks along James Street. The three main entrances to the building along James Street are flush with the sidewalk.

Significant views related to the site are identified as:

- a) views looking north (up) James Street and Hughson Street;
- b) views looking south (down) James Street;
- c) views from the west looking east;
- d) views from the Niagara Escarpment (skyline); and
- e) views to and from the public realm along James and Hughson Streets.

The following provides an overview of the existing baseline views to and from the site.

a) *Views looking north along James and Hughson Streets (Images 8 and 9)*

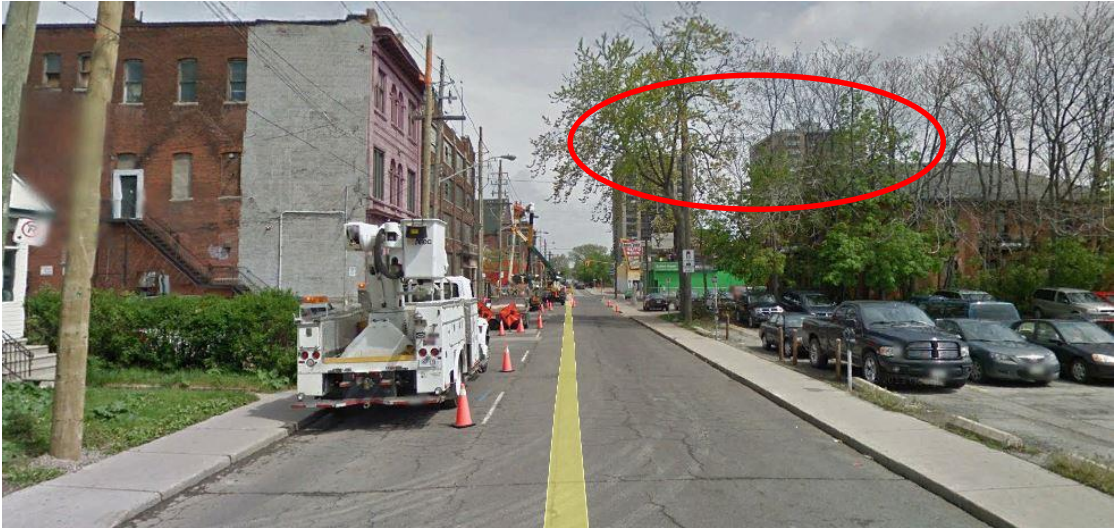
The view “up” James Street towards the bay front from York Boulevard is interesting. The street edge is clearly defined as the majority of the buildings are located at the street edge. The street trees, on street parking on both sides and two lanes of traffic provide an appealing pedestrian streetscape as illustrated in Image 8

Image 8: View of James Street looking north from the Site (Source: Google Earth 2013)



The view “up” Hughson Street is very different as the edge of development along Hughson Street varies. Many of the properties immediately adjacent to the Hughson Street are used for parking purposes including the church to the east and the lands immediately north of the single detached dwelling. From this view the 18 storey Empire Apartments (circled in red below on Image 9) are visible one block to the north on the east side of Hughson Street. .

Image 9: View of Hughson Street looking north from the Site.



b) View looking south (down) James Street (Image 10)

The James Street right-of-way provides a framed view corridor to the Niagara Escarpment. Existing development further south on both sides of James Street hinder views to the Escarpment east and west of this view corridor. The most prominent features are the City Centre clock tower on the west side of James Street and the First City Trust building located at 1 James Street on the east side of the street. Other tall buildings proposed along James Street including the proposed multi-story project for the lands adjacent to the Lister Block and the Connolly (30 storeys), will further frame the view corridor to the escarpment.

Image 10: View of James Street looking south (down) to the Niagara Escarpment (Source: Google Earth 2013)



c) Views looking east from Vine Street (Images 11 and 11A)

The Site is located at the terminus of Vine Street where it intersects with James Street. From Vine Street east, the buildings at the northwest and southwest corner of Vine and James Street frame the view of the Site. The prominent feature at this point is the absence of development at the lot line on the site. It vacancy is uncharacteristic of the former streetscape as illustrated in the historic photograph of the Tivoli included as Image 11A.

Image 11: View looking east from Vine Street (Source: Google Earth 2013)



Image 11A: Historical Image of Tivoli Theatre



d) Views from the Escarpment (Image 12)

From above the Escarpment the skyline of downtown Hamilton is evident. Image 12 illustrates the tall buildings within downtown Hamilton's core, as well as tall buildings outside of the core. The approved Connaught and proposed Connolly and Tivoli redevelopment projects are illustrated for reference purposes.

Image 12: View from Sam Lawrence Park above the Niagara Escarpment, south east of the Site (Source: MSA 2014)



e) *View to and from the public realm along James Street (Images 13 and 14).*

Images 13 and 14 illustrates the current view of the site from James Streets directly in front of the Site and from Hughson Street directly to the rear. Neither of these views provide an inviting pedestrian experience despite efforts to provide landscaping and a park-like setting along James Street to provide access to remaining theatre located on the eastern half of the site. There is no identifiable building entrance from the street.

Image 13: View in front of Site from James Street (Source: Google Earth 2014)



From Hughson Street the existing (heritage) Tivoli theatre building dominates the street view and visually detracts from the adjacent single detached dwelling.

Image 14: View in front of Site from Hughson Street (Source: Google Earth 2014)



6.4.1 Height and Proposed Views - Visual Changes

Policy 6.1.7.13 of the Secondary Plan requires that significant views and vistas in the Downtown be protected as development occurs through: the size and placement of new buildings; the development of building façades that create visual connections to the streets and public spaces; and, the orientation of windows, entrances, balconies and other building elements. This section of the Report demonstrates how the Tivoli appropriately addresses these urban design policies.

6.4.1.1 Views Looking North (Up) James Street:

While the Tivoli will change the view of the skyline, it will do so in a positive manner and to the benefit of the downtown. At the pedestrian level, the building will include a new marquee feature illustrated in Figure 25 providing a distinguished addition to the landmark façade. This feature will have a positive visual impact on the streetscape as a focal point for pedestrians. Development potential to the south of the Tivoli (noted with a red arrow below) will be limited as the site has very little depth and limited parking. Given these constraints among others, the site may be development to be 3 to 5 storeys which will make it appear to be an extension of the project's podium.

Figure 25: Proposed Front Façade in Context (Source: MSA 2014)



While the slender tower above is not set back significantly from James Street, the break in the horizontal plain of the building is broken by the setback of the 4th and 5th floors. The Tivoli's dramatic podium is in proportion to the existing three storey built form along James Street in

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the vicinity. The James Street relationship is both maintained and enhanced through the podium which grants access to the public at a greater capacity and provides a more dynamic pedestrian character through the provision of exterior lighting, a terrace space and greater transparency.

6.4.1.2 Escarpment Views Looking South (Down) James Street:

The James Street right-of-way provides a framed view corridor to the Niagara Escarpment. Existing development further south on both sides of James Street already hinder views to the Escarpment east and west of this view corridor. At the street level current views to the escarpment are limited to a framed view down the middle of James Street as illustrated in Image 15. These tall buildings provide a focal point at the street level and from the sidewalk. There are no direct views to the escarpment over the existing built form.

Image 15: View Looking South – Before (Source: Google Earth 2014)



Based on the modeling, the proposed building mass and design situated tight to the James Street edge will continue to frame this James Street view line corridor to the Escarpment, enhancing the view as one moves southwards on James Street as illustrated in Figure 26. Therefore the visual impact of the proposed development on this view corridor will be positive by reinforcing the framed James Street view corridor to the Escarpment.

Figure 26: View Looking South – After (Source: MSA 2014)



The introduction of the new podium and narrow point tower will change the views considerably at the street level. The change in use creates a desirable, more animated street with an outdoor café along the James Street frontage. An active, inviting street is important to the downtown. The new front façade re-establishes the Tivoli as a focal point at the pedestrian level. The podium design brings James Street to life; whereas this area has been largely unused landscaped open space since the demolition of the former Tivoli years ago.

Once again, at the street level, the slender point tower has been designed with a narrow building footprint.

Figure 27 illustrates a “before” and “after” view of the entire building from James Street looking north. From this location the Tivoli appears to be the only tall feature in the skyline. In this regard, the new building reinforces the landmark feature of the original Tivoli – albeit in a different way that is considered equally acceptable and appropriate within the downtown core.

Figure 27: Views at James/York Looking North (Existing/Proposed)



Views along York Boulevard/Wilson Street must also be considered. Figure 28 illustrates the “before” and “after” view to The Tivoli from the corner of Hughson and Wilson Streets. Currently, the St. John’s Lutheran Church building exhibits the most significant building mass along the north side of the street; however, residential development (Empire Apartments) of greater massing/design can be seen one block to the north at the intersection of Cannon and Hughson Streets as noted in Image 16. In this regard, the views created are not anomalies.

Figure 28: Views at Hughson and York looking North/northwest (Source: MSA 2014)



Image 16: Views at Hughson and Cannon



What these views illustrate is the impending change that, in some locations along James Street, has occurred, while in other locations is just beginning. The view of the proposal from the one storey strip plaza at James and York Boulevard will be similar to the view of the Empire apartments from the corner of Cannon and Hughson Street; until such time as the abutting properties are developed and/or intensified. What is important is that the infill development is done appropriately.

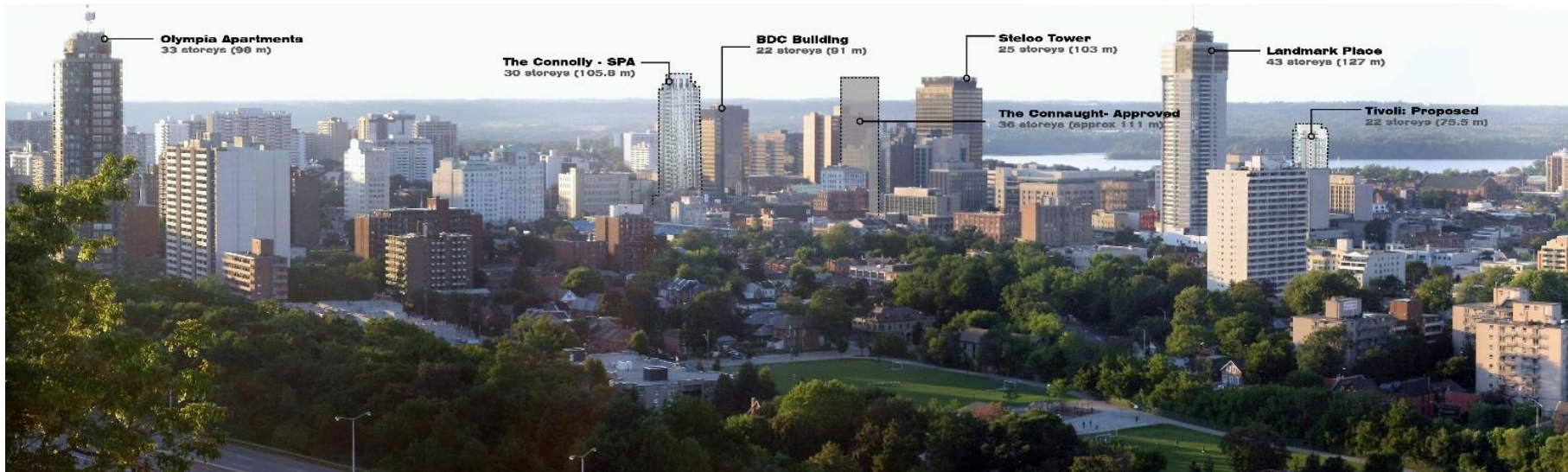
The tower has been designed to respect and integrate with the height, scale and character of neighbouring buildings. There is a break in the building massing to match the original building in the podium which also represents a break in materials between the podium and tower. The proposed podium matches the original height and scale of the Tivoli theatre. Coloured metal panels are used in the narrow point tower to create a “colour field” of greys, blues and greens

to dissolve the mass. In this manner, the colouration in the tower responds to the greater context as the greens and blues relate to the Escarpment and Bay area.

6.4.1.3 View From The Niagara Escarpment (Skyline)

Figure 29 is a photograph taken from Sam Lawrence Park above the escarpment looking northwest. This photograph illustrates the magnificent skyline of downtown Hamilton and how the Tivoli fits in. The Tivoli is located within a cluster of other tall buildings within the downtown. Due to its slender tower design and colouration, the building represents an acceptable addition to the skyline. Its slender massing allow for greater views around the building unlike other slab buildings in the foreground. This view also illustrates other taller building form outside of the downtown that has been appropriately integrated into the fabric of the surrounding community.

Figure 29: Escarpment View of Downtown Skyline (Source: MSA 2014)



6.4.1.4 [Public Realm Views Along James Street](#)

At grade, the podium provides connection to public activities on the street but also provides a connection to its history through the re-establishment of a building at the street line including a new contemporary marquee along the James Street façade. Bridging between the new tower and the existing Tivoli auditorium is achieved through a “connection zone”. Here, the interior program is activated with a restaurant, theatre, crush space, new washroom facilities and historic image gallery with a focus on the Tivoli history.

Architecturally, the podium provides physical connection to the rehabilitated Tivoli auditorium as well as breaks at the 3rd floor to mark the historic height of the neighbourhood. These pieces create a connection to the building’s past, but also bring the facility up to current accessibility, comfort and code standards. Overall the podium and tower design contributes positively to the character of the streetscape along James Street North. The podium is distinguished from the tower materially through a solid frame clad with limestone. The ground level is left open with maximized transparency to create connection and access to the interior spaces. In this regard, the first three levels are designed to respond to its urban context in scale, mass and materials.

The arrangement of program and amenities are designed to increase visual connection into the building, and invite passersby to experience the building and gain a new understanding of the built heritage of the site.

The fourth floor is allocated for condo units, condo amenity and a private roof terrace for the condo users. The next fifteen floors of condominiums include a range of balconies clad in metal panels and curtain wall glazing with spandrel panel. The top three floors contain penthouses. The exterior of these penthouse units are clad with the same metal panels as the lower floors designed to express the qualities of the interior of the Tivoli theatre – expressive, colourful and elegant.

A human scale is maintained in the podium at the first 3 levels of development to match the scale of the original carriage house building. The tower which rises above the podium responds to the greater height of the buildings in downtown Hamilton including the Pigott Building, apartment buildings (Empire Towers) at Robert and Hughson, Landmark Place (43

storey building and 127 metres high), the proposed Connolly development (33 storeys proposed) at James and Jackson Streets, as well as the approved 36 storey Connaught redevelopment.

The podium and tower respond to the landmark qualities of many of the buildings within the neighbourhood. The use of limestone relates to other heritage buildings in the downtown and responds to and differentiates from the masonry of the original Carriage house/Tivoli theatre. The new tower evokes a more contemporary approach to materials and utilizes coloured metal panels to “dissolve into the landscape” through a gradation of green and blue panels which reference the characteristics of the escarpment and Bay area.

As noted, Policy 6.1.7.13 of the Secondary Plan requires that significant views and vistas in the Downtown be protected. The size and placement of the proposed Tivoli redevelopment will allow views and vistas to be protected and/or enhanced to continue to provide a landmark building in Downtown Hamilton. The building façades have been designed to create visual connections to the streets and public spaces; and the orientation of the windows, entrances and balconies all contribute to a positive experience at the street level as well as from the building itself.

6.5 Evaluation/Analysis Summary

The Tivoli fosters a sense of community pride and identity by providing a quality design and building construction including locally quarried stone, curtain wall, balcony detailing and metal cladding. It recognizes, protects and incorporates the heritage Tivoli theatre into the overall project design. The new Tivoli contributes to the character and ambiance of the community through a retail terrace with the associated lighting and landscape which reinvigorates the significant features of the former Tivoli building and gives the public greater access to its assets. Additionally, the tower enables the restoration of a heritage site and establishes jobs and culture related to cinema and performance. Great care has been taken to design a simple and elegant addition so that the architecture does not overpower or compete with the original design but responds to its character and quality. In addition, the redevelopment

creates new public spaces along James street that are human in scale, comfortable and publically visible with ample building openings and glazing.

The tower, which rises above the podium responds to the greater height of buildings in the downtown such as the Pigott building, commercial towers at 1 and 10 MacNab Street, 1 King Street and the apartment buildings at Hughson and Robert, 133 James Street South and Landmark Place (43 storey building and 127 metres high) at 100 Main Street East. The tower reinforces the node or identifiable point of the former carriage factory/Tivoli from a distance.

A number of mitigation measures have been implemented in the design of the podium to ensure the appropriate integration of the Tivoli with the surrounding built form and context. These measures include:

- Limiting the podium height to 3 storeys; which is the same height as adjacent development to the north and west;
- Maintaining the heritage Tivoli theatre which builds on the collective memory of the area while providing new opportunities for place-making and creative industry expression;
- Restoring and reusing the heritage Tivoli theatre;
- Using limestone which complements the Bell, Pigott and Bank of Montreal buildings and responds to and differentiates from the masonry of the original carriage factory/Tivoli theatre;
- Using colour responds to the historic interior of the theatre and plays upon the expressive qualities of set design and drama productions; and
- Differentiating between the public street and the private condominium entrance through the use of contrasting façade materials.

Similarly, a number of mitigation measures have been implemented in the design of the tower to ensure the appropriate integration of the development with the surrounding built form and context. These measures include:

- Keeping the floor plate of the tower to a minimum (i.e. under 700m²) to ensure a sleek tower design that generates narrower shadows that move more quickly.
- Providing appropriate separation from other tall buildings to allow light to penetrate through spaces.
- Stepping back the 4th and 5th floors from the podium.
- Using a contemporary approach to materials and utilizing coloured metal panels inspired by the theatre and set design used in production sets.

Therefore, in conformity with the UHOP significant views and vistas in the downtown continue to be protected taking into consideration the size and placement of the Tivoli. The Tivoli façades create visual connections to the streets and public spaces and the orientation of windows, entrances, balconies and other building elements contribute to the successful integration and transition of this development into the landscape. The significant views related to the site are not negatively affected; rather the new development creates exciting new views that are compatible and appropriate for the landmark cultural Site.

7 Policy and Guideline Assessment

This section outlines how the proposed development satisfies the design policies and guidelines outlined in Section 4, in keeping with the intent of the City's terms of reference for Urban Design Briefs. It synthesizes the design direction and guidance from the policy and guideline context above into eight general design themes, as follows:

- Pedestrian scale
- Compatibility and transitions
- Connections and accessibility
- Transit-orientation
- Building mass
- Building design
- Heritage sensitivity
- Safety and security

The following sections assess the proposed development pursuant to these general design themes of the policy and guideline context

7.1 Pedestrian Scale

The pedestrian scale is primarily concerned with a building's interface with the sidewalk, protection from the elements and creating visual interest. These elements affect how the built form supports the comfort of the pedestrian and how it animates the public realm.

James Street is a predominantly commercial street where transparency at the sidewalk, as well as covered or protected areas provides comfort and interest for the pedestrian. The proposed development creates a physical building form and outdoor spaces that are oriented to the ground and reinvigorate the public realm within a comfortable walking environment. The ground floor of the new building fronting James Street will include a significant amount of glazed windows and doors that provide connectivity between the sidewalk and building, both physically and visually. The new building includes a taller ground floor to reinforce emphasis of the ground floor to the pedestrian realm. The addition of an outdoor patio for the café further reinforces the pedestrian realm and scale of the development. Architecturally, the

podium form reinforces the pedestrian scale with the ground floor height, ground floor materials and set back tower.

In a city with four seasons, protecting pedestrians from the elements is an important consideration in any new development. A proposed modern Tivoli marquee feature will provide shade in the summer months and shelter pedestrians from rain, snow and even wind.

Parking has been placed behind the building and is hidden from view from James Street. The parking garage entrance is located off Hughson Street which has less pedestrian traffic than James Street.

7.2 Compatibility and Transitions

The proposed development is sensitively integrated into the surrounding fabric of James Street South and provides a reasonable transition to the surrounding neighbourhood and abutting properties. Image 17 illustrates existing height in the vicinity of the Site (identified with a red circle). Height above 7 storeys is not an anomaly to this neighbourhood or to the overall skyline looking north to the harbour.

Image 17: Height in Context



What is interesting in the context of James Street in the vicinity of the site is that there is little transition in building height from the street to top of the buildings. The majority are slab buildings that have no podium base or stepping from the front lot line. Specifically, the Pigott Building (18 storeys), Commerce Place (16 storeys), 25 Main Street (22 storeys) and First City Trust (15 storeys) do not provide a podium base or any form of setback from the street above the 3rd storey. Instead, these buildings have been largely built at the street edge and provide limited sun penetration onto the public realm. The shadow and visual impact of the proposed point tower is less of an issue than the slab buildings and clearly preferred in light of the former development character with the exception of the Piggott which uses decorative elements to mark datum on the building.

There are a variety of design approaches to treat the transition space between the public realm and the private interior of the podium 3 storey base of the building. In this case, the podium base promotes an appropriate level of visual and physical access and overlook reflecting the nature of the public commercial building use at grade. All public entrances along James Street to the commercial uses within provide direct, universal access that is flush with the public sidewalk. With respect to the condominium entrance the proposed entrance is clearly differentiated from the public space at grade by the façade treatment. The window glazing proposed will allow views out of the building into the public realm to be maintained.

Above the podium base, the building is massed as a slender tower, rather than a bulkier slab, to minimize visual shadow impacts along the streetscape and surrounding properties. The proposed height of the tower is greater than the permitted maximum building height; however, it is demonstrated to generate reasonable shadow impacts on surrounding properties and streets and reasonable wind impacts (refer to RWDI Pedestrian Wind Assessment dated November 2014) recognizing the urban nature of the site and its context.

The massing of the building on the site provides direct connections to public sidewalks for pedestrians. Given the building fronts James Street and is situated close to the property edge, the building entrances are afforded direct access to the public sidewalk on James Street connecting to the Downtown's overall network of sidewalks. The ground floor

commercial café entrance and condominium entrances on James Street are both impressive and inviting.

7.3 Connections and Accessibility

The proposed development provides an efficient, connected system of movement on the site that effectively distributes traffic, including vehicles and pedestrians, in and out of the site. The one vehicular entrance for the proposed development is from the secondary public street (Hughson Street) to the north and west rather than the principle street (James Street) the building fronts onto. The proposed patio along James Street will not interrupt pedestrian routes or create visibility issues given the extended width of sidewalk pavement that currently exists – but will be better utilized with the change in use.

This proposed development will be fully accessible. The two new pedestrian entrances off James Street will provide complete accessibility to the interior or the commercial and private condominium component of the building, whereas the original carriage factory and Tivoli theatre accesses were not accessible.

The vehicular entrance off Hughson Street is located midblock between York and Cannon Streets to provide separation to traffic flow along Hughson Street.

Given the existing building façade is situated close to the property edge along James Street, the building entrance is afforded direct access the public sidewalk along James Street and connecting to the overall network of sidewalks in Downtown Hamilton. The commercial and residential entrances along James Street reinforce the commercial nature of James Street as well as the street activity James Street is well known for.

7.4 Transit Orientation

The proposed development is designed and oriented to encourage the use of public transit, as well as supporting other modes of transportation such as walking and cycling. This furthers the City's transit-oriented design guidelines. As an infill site, the proposed development capitalizes on existing bus routes on James, York and Cannon Streets, as well as the proximity of the MacNab Transit Terminal, and the Hamilton GO Centre Train and Bus Station, in the interests of reducing automobile dependence. The principle entrance from the

building on James Street provide direct and convenient connections to transit stops along James Street as well as the sidewalk network connecting to broader transit services.

Parking for the proposed development is generally limited, but within the range of acceptable parking required for this type of development within an urban context as demonstrated in the Parking Study completed by Paradigm Transportation Solutions (November 2014). Surface parking and enclosed stacker parking for a total of 69 spaces, coupled with car share opportunities and secure bicycle facilities serve to control and manage the supply of parking and encourage public transit use. Furthermore, the proposed development provides a residential density and ground/second/third floor activities that will support the future transit ridership of a rapid transit route running through Downtown Hamilton along James Street (i.e. the “A-Line”).

7.5 Building Massing

The proposed development establishes a well-defined built form edge along James Street through a combination of ground floor activity and façade articulation. The proposed massing is in keeping with the urban design policies which seek to maximum lot coverage, as the development provides virtually complete site coverage with no surface parking.

The podium base of the new building is situated close to the property edge on James Street; and has been designed at a civic scale to mark the buildings presence on the street as a landmark.

The fourth and fifth floors are set back from the podium and tower levels to give a necessary break between the tower above. Above the podium base, the building is massed as a slender tower rather than a bulkier slab to minimize shadow and visual impacts. The size and shape of the tower floor plate works together with the height and placement of the tower to determine the overall three-dimensional massing of the building and the visual and physical impact it poses on surrounding streets, open spaces, and properties. The floor plate size and rectangular shape have been limited to:

- minimize the shadow impacts and negative wind conditions on surrounding streets, open spaces and properties
- minimize loss of sky view from the public realm;
- allow for the passage of natural light into interior spaces;
- create architectural interest and visually diminish the overall scale of the building mass; and
- present an elegant profile for the skyline.

This point tower is adequately separated from other tall buildings. Accordingly, the slender, point form Tivoli tower with a compact floor plate will cast smaller, faster moving shadows, improve access to sky views, permit better views between buildings and through sites, and will contribute to a more attractive skyline. The smaller floor plate (700m²) also makes interior climate control more energy efficient and increases day-lighting within the building – an important contributor to sustainability and residential liveability.

In addition the stepping of the 4th and 5th floors allows the podium base of the building to be the primary defining element for the Tivoli and adjacent public realm.

Finally, the tower utilizes an alternating floor plate to create modulation and visual interest in the façade, and the penthouse floors are tapered back with expansive terraces in order to reduce the bulk of the tower's profile. These features combined with the high-quality, sustainable building materials and finishes proposed, promote design excellence, innovation and building longevity.

7.6 Building Design

The proposed development is well-composed through a comprehensive architectural approach utilizing a combination of different architectural techniques. This design utilizes and incorporates:

- Carefully considered composition of public and private components arranged on a very narrow infill property;

- A nearly square point tower carved away at its corners and stepped back at the 4-5th floors to respect the existing neighbouring buildings to the north;
- Both horizontal and vertical massing and elements to produce an interesting form;
- Complementary materials, colours, and setback from the podium base and point tower to differentiate these two components;
- A re-interpretation of Theatre Marquee to mark the main public entrance;
- Internalized garbage rooms with access to Hughson Street;
- Rooftop amenity area above the 2nd storey connection to the Tivoli auditorium improving the visual quality of this rooftop; and
- Top storey step backs and roofline profiles that enclose rooftop mechanical equipment to screen and reduce the buildings bulk, while providing a distinct articulation of the skyline.

7.7 Heritage Sensitivity

There is no visual impact to the building as the previously designated carriage factory was demolished in 2004. The remaining designated features will be restored as part of the phasing strategy for the new development and are limited to its interior. The following are design strategies which are implemented in order to create a strong connection to the building's heritage in both streetscape and program:

- The existing brick building of the remaining theatre auditorium will be maintained and stabilized in order to protect its designated interior features.
- At grade, the podium provides connection to the Tivoli theatre physically through the building through an elevator and grand staircase. Its architectural expression may also reference its history through the use of materials, details and by re-creating a sense of drama and procession.
- Main access to the theatre hall will be provided through a new connection at the balcony level.

- The functional program of the theatre will be addressed and improved upon in the new addition through the provision of additional washrooms, an updated ticket wicket, event space, meeting room and coat room and will be updated to meet building and fire codes.
- Accessibility will be provided through a passenger elevator in the building fronting on James while a secondary elevator will be required in the existing theatre to bring patrons down to the seating level.

7.8 Safety and Security

The proposed development provides a safe and secure environment for all users on the site. Promoting “eyes on the street” is maximized in the site and building design. Maximum visual connectivity from James Street to the building’s interior is provided through significant wall glazing of windows and doors, with no continuous extents of “blank” walls, promoting causal surveillance opportunities. The number of windows, glass balcony guards, and exterior lighting will allow for considerable visual access of the entry points and provide the perception of the risk of being observed to potential offenders. These ground level surveillance opportunities are reinforced by those afforded by amenity spaces on the podium rooftop.

The entry points for pedestrian access, as well as separation of public and private space, are clearly delineated through building and site design. Plantings are limited to curb planter boxes and do not interrupt pedestrian routes nor do they create visibility issues given their height.

Enhanced activity in the form of outdoor patios along James Street provide an inviting and safe environment; particularly during summer months when these areas will be most active.

Safety and security associated with the vehicular access to the rear of the development along Hughson Street is limited due to the location and massing of the existing Tivoli theatre building which is located close to the street edge and contains no windows. While no changes are proposed to the exterior of the former Tivoli theatre, the acquisition of the additional residential property to the north provide better access and views into the site from Hughson Street. Security measures will be required to ensure the safety of pedestrian and vehicles entering and exiting the site from Hughson Street.

8 Conclusion

McCallum Sather Architects and GSP Group were retained by Diamante Investments to prepare an Urban Design Report in support of the proposed development for 108 James Street North (the “site”) in the City of Hamilton. Located in Downtown Hamilton, this brownfield site contains the remaining Tivoli theatre and is bound by James Street North and Hughson Street. The proposed development will result in the “clean up” of a brownfield site to residential standards pursuant to the requirement of the provincially mandated Record of Site Condition. This redevelopment will assist in encouraging other brownfield redevelopment along Jams Street for residential purposes. The Tivoli proposes a mixed-use development with three floors of commercial space and condominium apartment units above. The proposed mixed use development as designed by MSA Architects and contained in this Urban Design Report includes three floors of commercial space and condominium apartment units above. In addition, the redevelopment provides for the retention and revitalization of the heritage Tivoli theatre.

This Urban Design Report concludes that the proposed development is appropriate from an urban design perspective for the following reasons:

- It is consistent with the general urban design policies of the Urban Hamilton Official Plan by providing a dense form of development that supports walkability and transit-use, that integrates scale and materiality with the heritage characteristics of the neighbourhood, and that reinforces the streetscape along the abutting public streets;
- It is consistent with the general urban design principles of the Urban Hamilton Official Plan that seek to create “*compact and interconnected, pedestrian oriented and transit-supportive communities within which all people can attain a high quality of life*”;
- It is consistent with the design policies of the “Prime Retail Streets” designation that applies to the site;
- It satisfies the Downtown Hamilton Secondary Plan’s criteria for additional building height in terms of shadow and visual impacts on the surrounding area and streetscape;

- It is in keeping with the objectives, spirit and guidelines of the City's Site Plan Guidelines;
and
- It is a well-designed high quality development that sets a positive precedent for development, redevelopment and heritage preservation along James Street North.