

PLANNING JUSTIFICATION REPORT

108 James Street North



November 2014

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CONDOS

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Table of Contents

PLANNING JUSTIFICATION REPORT	i
1 Introduction.....	1
1.1 Background.....	1
1.2 Purpose of the Application.....	1
2 Physical Context.....	4
2.1 Site Description and Context.....	4
3 Proposed Development.....	7
3.1 Access and Pedestrian Movements.....	12
3.2 Parking.....	14
4 Policy, Regulatory and Guideline Context.....	17
4.1 Provincial Policy Statement, 2014.....	17
4.2 Places to Grow Growth Plan for the Greater Golden Horseshoe, 2006.....	18
4.3 Urban Hamilton Official Plan.....	18
4.3.1 Downtown Urban Growth Centre.....	18
4.3.2 Residential Intensification.....	19
4.3.3 Downtown Urban Mixed Use Area.....	20
4.3.4 Views and Vistas.....	25
4.4 Downtown Hamilton Secondary Plan.....	25
4.4.1 Heritage.....	25
4.4.2 Prime Retail Streets.....	26
4.4.3 Mixed Use Areas and Medium Density Residential.....	27
4.4.4 Height.....	28
4.4.5 Mobility Streets.....	29
4.5 Beasley Neighbourhood Plan.....	29
5 Zoning By-law 05-200.....	31
5.1 Façade Composition:.....	32
5.2 Permitted Uses:.....	33
5.3 Height Modification.....	34
5.3.1 Height and Building Mass.....	35
5.3.2 Height and Sun Shadow.....	37
5.3.3 Height and Existing Views.....	39
5.3.4 Height and Proposed Views - Visual Changes.....	45
5.4 Parking Modifications.....	51
6 Public Consultation.....	52
7 Summary Analysis.....	52
7.1 Compatibility and Transitions.....	53
7.2 Transit Orientation.....	54
7.3 Building Height, Mass and Design.....	55
7.4 Conclusion and Recommendations.....	57

List of Figures

- Figure 1: Site Location
- Figure 2: Community Context
- Figure 3: Urban Context
- Figure 4: Proposed Site Plan
- Figure 5: Podium Perspective
- Figure 6: Ground Floor Plan
- Figure 7: Second Floor Plan
- Figure 8: Excerpt from Plan 62R-10419
- Figure 9: Tivoli Theatre Street Façade
- Figure 10: Downtown Secondary Plan Excerpt
- Figure 11: Beasley Neighbourhood Plan Excerpt
- Figure 12: James Street Façade (Proposed)
- Figure 13: Building Height Above 10 Storeys
- Figure 14: View Looking Southeast (After)
- Figure 15: View Looking South (Before)
- Figure 16: View Looking South (After)
- Figure 17: View at James/York Looking North (Before/After)
- Figure 18: View at Hughson/Wilson Looking Northwest
- Figure 19: View at Hughson and Cannon
- Figure 20: Escarpment View of Downtown Skyline

List of Tables

- Table 1: Residential Intensification Criteria
- Table 2: Urban Design Policies
- Table 3: Built Form Policies
- Table 4: D2 Zoning Regulation Comparison
- Table 5: Massing and Building Design
- Table 6: Sun/Shadow Summary

Appendices

- Appendix A: Draft Zoning By-law Amendment
- Appendix B: Community Open House Comment Summary

1 Introduction

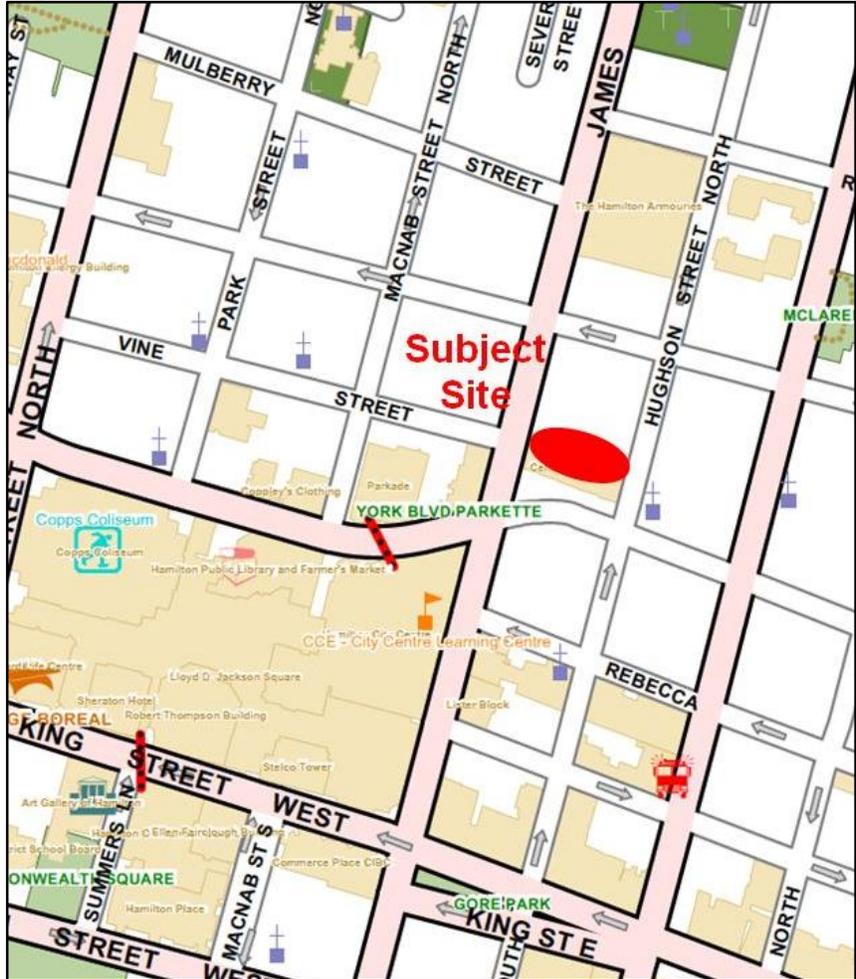
1.1 Background

GSP Group has been retained by the owners, 150735 Ontario Ltd. (Diamante Investments Ltd.) to prepare a Planning Justification Report in support of a proposed redevelopment at 108 James Street North and 111 and 115 Hughson Street North (the “site”) in the City of Hamilton. Situated in downtown Hamilton, this through-lot is located on the east side of James Street North and the west side of Hughson Street North, north of York Boulevard (Figure 1). The site currently contains the remaining theatre portion of the historic Tivoli as well as a single detached dwelling fronting Hughson Street North. It is intended that the existing dwelling (115 Hughson Street North) be demolished to provide surface parking for the proposed residential component of the redevelopment.

1.2 Purpose of the Application

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.

Figure 1: Site Location



The site is designated “Downtown Mixed Use Area” in the new Urban Hamilton Official Plan. The front portion is designated “Prime Retail Streets” in the Downtown Hamilton Secondary Plan, while the rear portion, where the Tivoli theatre 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 a 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 Multiple Residential 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 D6 Zone. As such, an amendment to the By-law is required to permit an outdoor commercial patio fronting James Street.

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* regulations will be required to permit a maximum height of 22 storeys, and to address the new building design and parking configuration. Generally, the following zoning modifications are required:

- (i) An increase in the maximum building height of the point tower from 22 metres to 75.1 metres (Section 6.2.3 b i));
- (ii) An decrease 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);
- (iii) An increase in the maximum area of the façade of the second and third storey composed of windows from a 40% maximum to a 72% maximum (Section 6.2.3 c iii) 2);
- (iv) An increase in the maximum ground floor storey height from 4.5 metres to 5.1 metres (Section 6.2.3 c iii) 3);
- (v) A reduction in the number of required residential parking spaces from 101 spaces to 69 spaces (Section 5.6a);
- (vi) A variance to the definition of “parking space” to permit parking stackers; and
- (vii) Other technical variances as may be identified related to the elevation and specific building design features.

2 Physical Context

2.1 Site Description and Context

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 (refer to Image 1).

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 building height varies, they generally have a cornice detail to mark the building edge. Building are generally 3 storeys in height with minimal setbacks to the street to create a continuous built edge condition. 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 3 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 North 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 (Image 5).

Image 2



Image Reference:

2. CBC Hamilton and Art Gallery of Hamilton Art Annex (north of Site)
3. York Boulevard (south of Site)
4. James Street North (west of Site)
5. Hughson Street North (east of site)

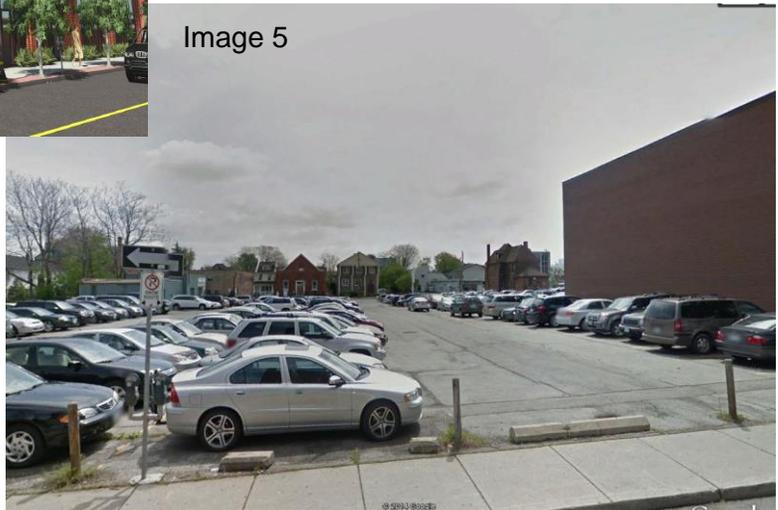
Image 3



Image 4



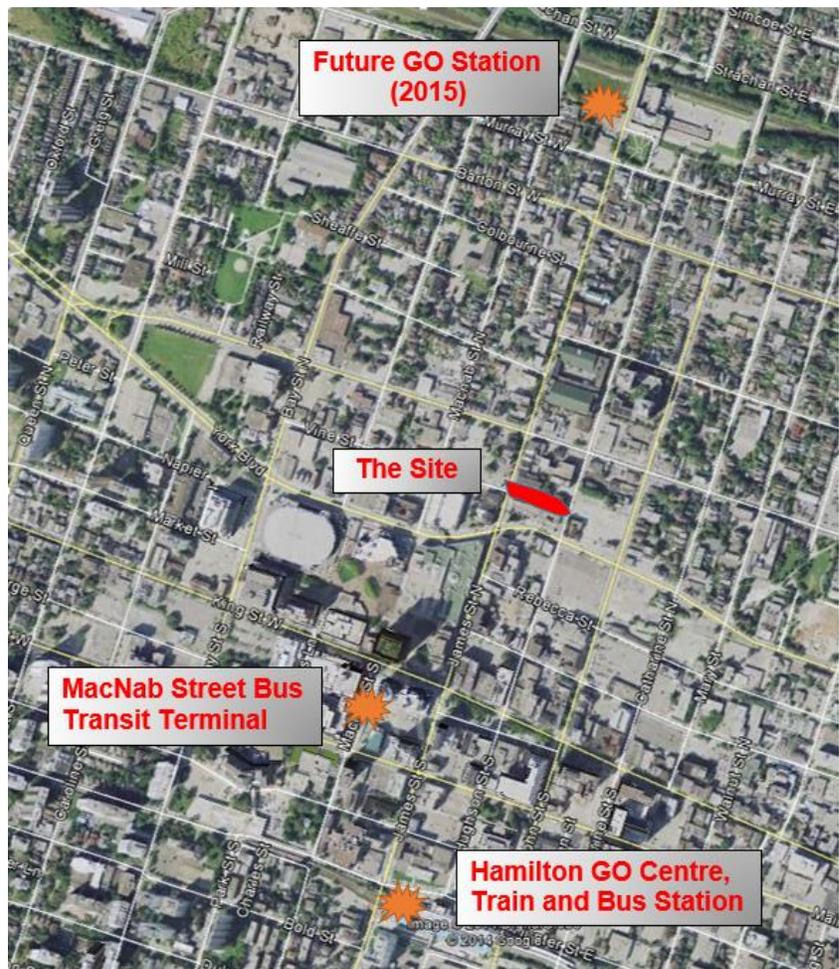
Image 5



James Street North to the west is a 2-lane, two-way street with parallel on-street parking on both sides; however, there is no on street parking directly in front of the Site along James Street as the site is located at the terminus of Vine Street and pavement extends further out in front of the site within the municipal right of way. Hughson Street North is a 2-lane north bound one-way street with parallel on-street parking on the east side.

The area is well served by public transit. Hamilton Street Railway (HSR) currently operates two transit routes, Route 2 (Barton) and Route 3 (Cannon) along James Street in front of the site. In addition, bus service is provide along 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 future GO Centre at James and Murray Streets 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

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:

- 19 floors of residential units (106 units);
- commercial office space ($\pm 232 \text{ m}^2$) and accessory amenity and fitness rooms associated with the residential units ($\pm 200 \text{ m}^2$) on the 3rd floor;
- A restaurant, commercial space, gallery and an events room ($\pm 664 \text{ m}^2$) on the 2nd floor, as well as crush space, a coat check area, kiosk/office and

Figure 3: Urban Context



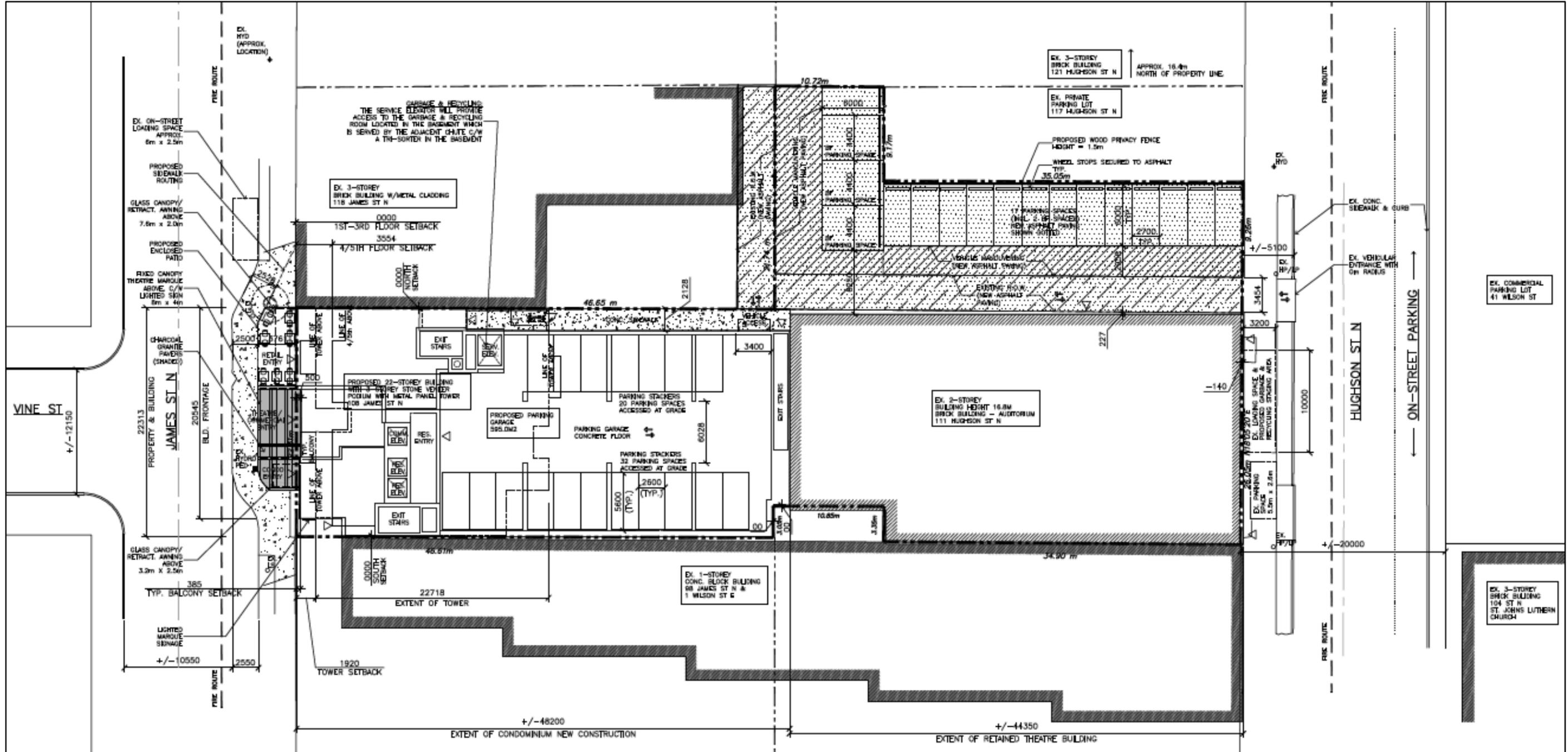
- washrooms (total 290 m²) associated with the refurbished theatre; and
- a café/bar on the 1st floor as well as the entrance lobby to the condominiums above.

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 development 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.

Figure 4: Proposed Site Plan



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.

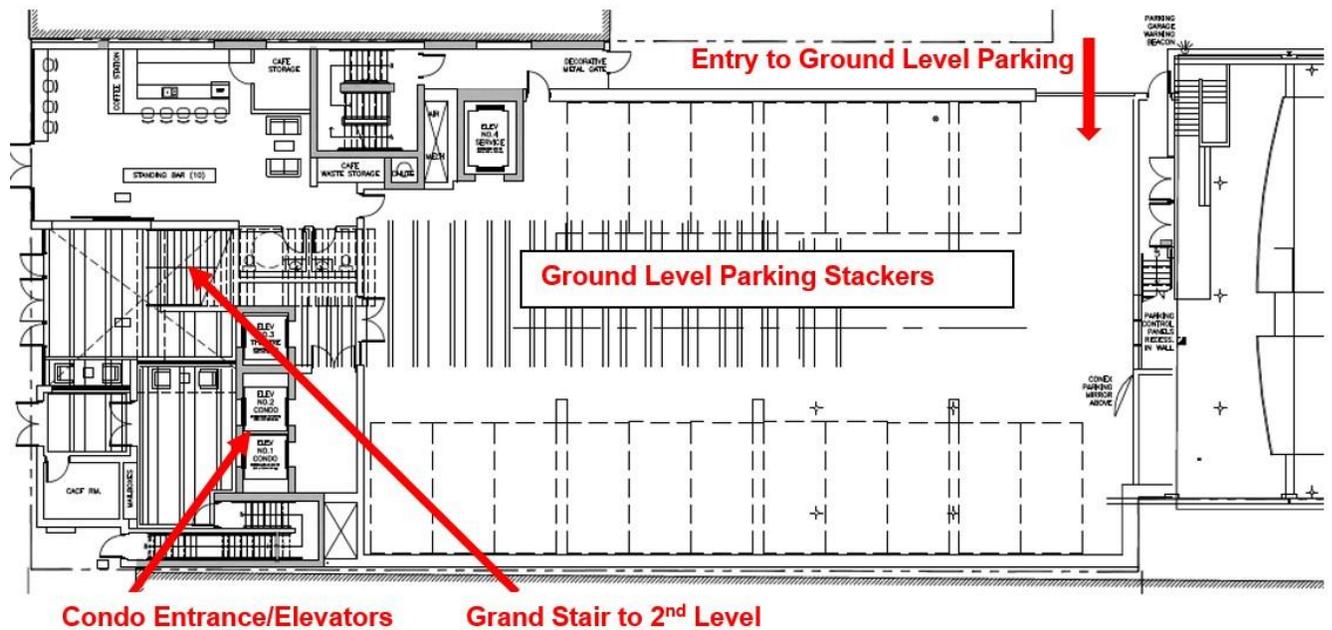
The podium is distinguished from the tower materially through the use of stone veneer cladding which gives it a more ceremonial and grand presence at the street level. The sidewalk widens in the front of the building providing a generous spill out of space for a café/bar. A re-interpretation of a Theatre 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)



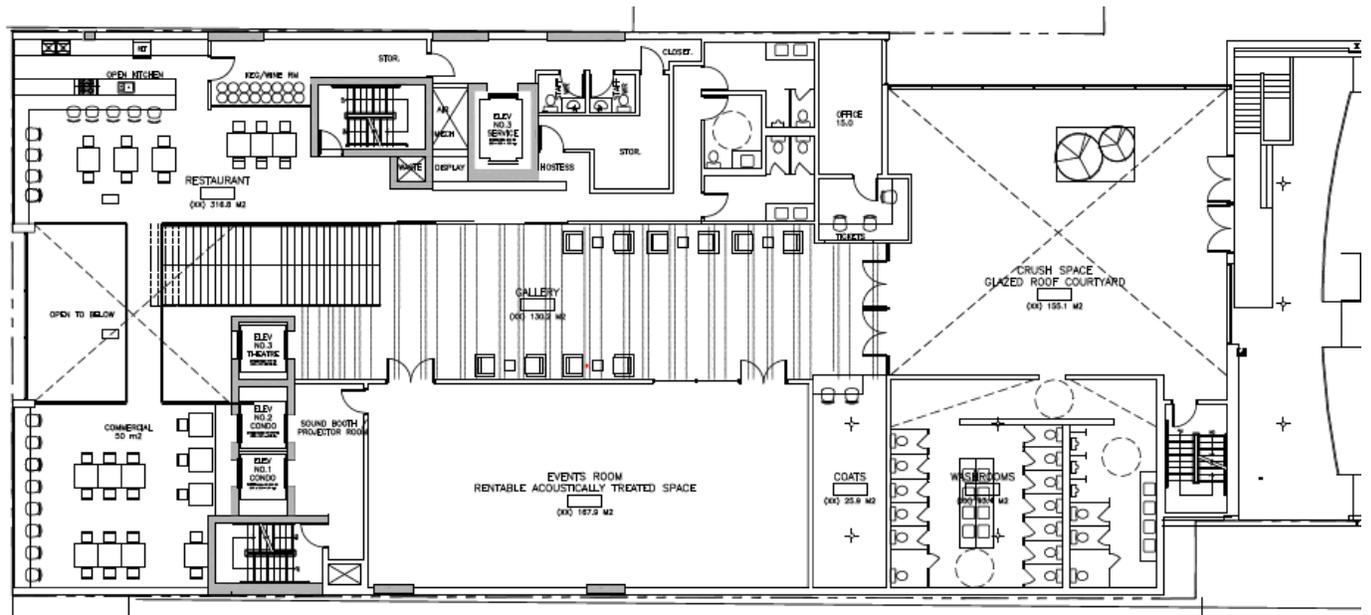
These details and amenities are designed to increase visual connection into the building, and invite passersby to experience the building and establish the Tivoli theatre as a prominent landmark on the street.

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 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 floors 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 (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 also 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.

The top three floors contain penthouses with tempered glass balconies. Floors twenty (20) and twenty-one (21) contain junior penthouses while the top floor contains a full penthouse with a terrace.

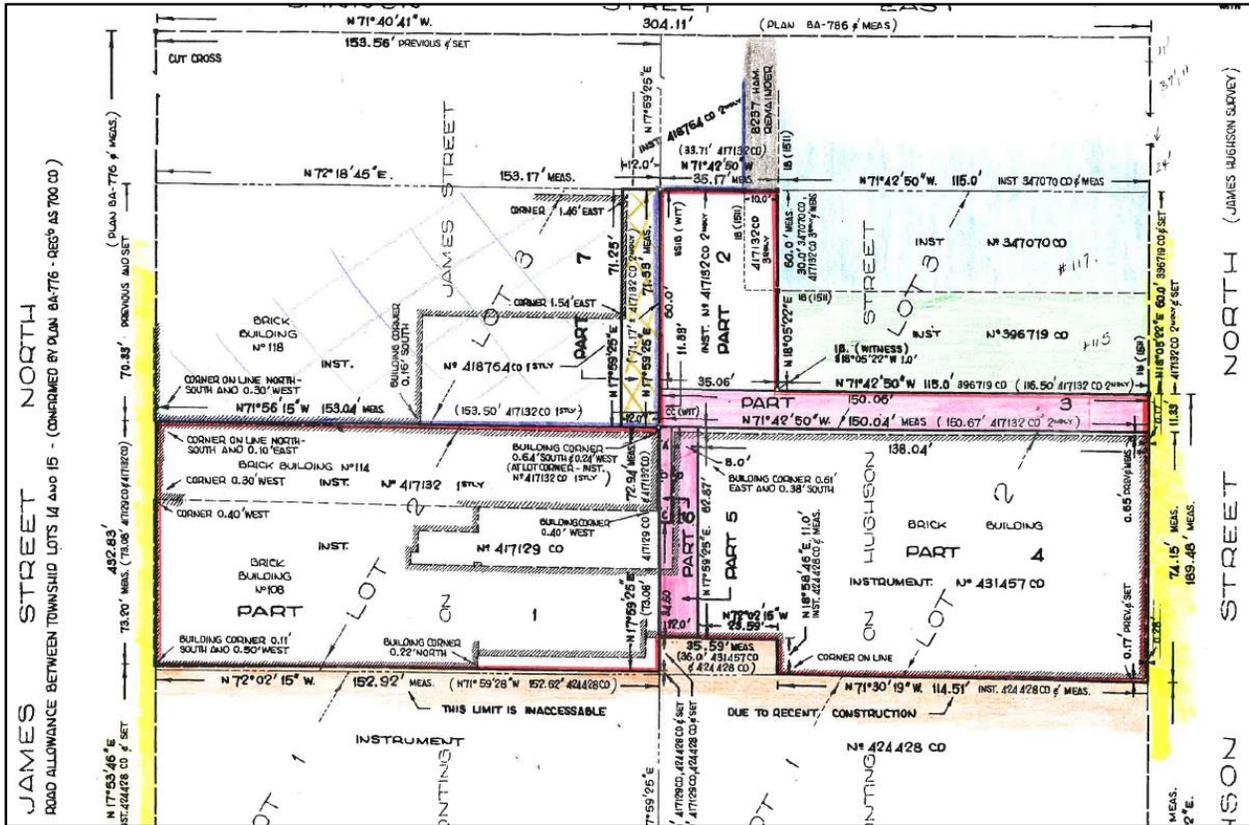
3.1 Access and Pedestrian Movements

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 title. 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 8: 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.

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 northern 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.

3.2 Parking

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 Parking Study prepared by Paradigm Transportation Solutions Limited dated November 2014 submitted with the application provides the following conclusions and recommendations:

- The development is consistent with “The big Move” goals and objectives to transform the GTA transportation system by focusing on building communities that are pedestrian, cycling and transit-supportive and less dependent on automobiles.
- With the area surrounding the proposed development , it is estimated that single occupant vehicle trips is the primary mode of transportation for 51% of residents that live/rent an apartment building based on 2011 TTS data. This dependency is expected to drop to 46% based on the City’s long term modal split projections and targets.
- 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.
- The City of Hamilton’s Bike Share program is readily available within the community which provides a healthy, sustainable, and an affordable form of public transportation. 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.

- A substantial supply of existing private parking lots within the area could be utilized by visitors an/or patrons of the retail establishment if additional parking is required. A survey of the available parking within each of the private lots was undertaken using the aerial imagery obtained through the City of Hamilton's iMapper website. In total there are approximately 979 parking spaces within a reasonable walking distance of less than 400 metres of the development that could be utilized by patrons and visitors of 108 James Street in the vent that additional parking is required.
- Data published by the Institute of Transportation Engineers Parking Generation would suggest that the proposed development would require approximately 48 parking spaces to satisfy the estimated weekday parking demand. Based on the proposed supply of 69 parking spaces (17 parking spaces at grade and 52 spaces provided on stackers), the development is able to accommodate the peak parking demand based on the Institute of Transportation Engineer Parking Generation methodology.
- Vehicle ownership data published in the Transportation Tomorrow Survey indicates that approximately half of all apartment units in the City of Hamilton as a whole own at least one vehicle. Using vehicle ownership data, the potential vehicle ownership for the development is estimated to be approximately 64 parking spaces. Based on the proposed supply of 69 parking spaces, the development is able to accommodate the peak parking demand based on the Transportation Tomorrow Survey methodology.
- A three-day parking survey conducted at an apartment site in the downtown area of Hamilton was used to establish first hand parking demand rates for land uses similar to what is proposed for the subject site. The observed data suggests that the proposed development's parking demand would be approximately 52 parking spaces. Based on the proposed supply of 69 parking spaces, the development is able to accommodate the peak parking demand based on first hand parking demand rates.
- Given that this is a highly walkable neighbourhood with a concentration of nearby commercial uses, a functional mixing of land uses and pedestrian friendly transportation option i.e. well-connected system of sidewalks, pathways, and transit routes. It is apparent that these elements tend to reduce the dependency on automobiles, thus reducing the overall need for parking. A further reduction in the overall parking required is also justified.
- As this development is geared towards a walkable neighbourhood, it is felt that that most representative estimates of the potential peak parking demand of this development should be based on the parking create observed through the parking utilization survey. This survey was conducted at 187 Park Road South which is located approximately 2 kilometres south of the proposed development which is located in a well versed walkable and transit oriented area of the City, similar to the proposed development. Based on this, the proposed development should utilize the parking rate of 0.49 spaces per residential unit as the base parking rate. With this rate utilized, the proposed development would need to utilize all 17 parking spaces at grade with an additional 35 spaces on stackers.

Based on the findings of the parking study, PTSL recommends that to effectively and efficiently manage the site's parking demand that the following Transportation Demand Management initiatives be considered following the build-out and occupancy of the development:

- Pedestrian friendly and transit oriented design elements;
- Unbundled parking;
- Secure convenient indoor/outdoor bike parking; and
- Car share program.

4 Policy, Regulatory and Guideline Context

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 demonstrates how The Tivoli proposal is in conformity with these intensification criteria.

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 at 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 existing development along James Street. The tower which rises above the podium responds to the greater height of the buildings along James Street and in the vicinity such as the Pigott Building, the commercial towers at 1 and 10 MacNab St., 1 King Street, the Empire Apartment buildings at 101-192 Hughson Street and 44 Robert Street, and the Landmark Place Apartments at 100 Main Street East (43-storeys).</p> <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 in the podium. The tower's shadow minimally impacts the neighbourhood with its small footprint.</p>

Residential Intensification Criteria	Conformity of Proposed Design
	<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 further to the south. The use of glass and colour also responds to the Neo Gothic quality of these church buildings and is derived from the historic paint colours found in the designated theatre. The new tower evokes a more contemporary approach to materials and utilizes coloured metal panels to that are inspired from the ceiling patterns and heritage colours found inside the Tivoli.</p>
<p>d) <i>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.
<p>e) <i>infrastructure and transportation capacity</i></p>	<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 Tivoli 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 the 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 uses 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 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 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 the pedestrian nature of the area and suggests consideration of massing techniques such as stepped back or terraced floors.

Along James Street North the building will be situation at the street line reflecting the original location of the Tivoli entrance building. 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 the grand stair, through the gallery, to the theatre kiosk, coatroom and “crush” space in front of the new heritage 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 and 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
3.3.1.4 Create communities that are transit-supportive and promote active transportation.	<ul style="list-style-type: none"> • The proximity to the GO stations, HSR transit hub and connections to bicycle lanes and pathways encourage multimodal transportation to reduce the development’s reliance 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 and is considered a “Walker’s Paradise” which means daily errands do not require a personal vehicle to be

Urban Design Policy	Conformity of Proposed Design
	completed. This therefore reduces the reliance on vehicles and encourages a 'live/work/play' community culture.
3.3.1.5 <i>Ensure that new development is compatible with and enhances the character of the existing environment and locale.</i>	<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 north 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.
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>	<ul style="list-style-type: none"> The point tower promotes intensification to the site and provides the economic sustainability to <i>restore and maintain</i> the designated interior heritage element of the theatre for the enjoyment and benefit of the entire community.

Policy 3.3.2.6 is one of the key design principles that deal specifically with the compatibility of a new development and requires that redevelopment should enhance the character of the existing environment. The Tivoli enhances the character of the existing environment by respecting the cultural heritage significance of the Tivoli theatre. The former building's' history is blended with a modern, contemporary entrance marquee that reflects on the original Tivoli theatre.

The Tivoli encourages a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm through a point tower.

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 3 identifies the built form policies relevant to the site and how The Tivoli conforms to these policies.

Table 3: 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> <p>c) <i>Minimizing the impacts of shadows and wind conditions</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 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. • 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. • 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

Built Form Policies	Conformity of Proposed Design
	<p>through the use of materials, details and by re-creating an entrance with a sense of drama and procession.</p> <ul style="list-style-type: none"> The original presence and setback on James Street is restored with the new podium. As noted in the photograph below, the Tivoli was taller than the original building the south and had a strong street presence. (Figure 9) <p>Figure 9: Tivoli Theatre Street Facade</p>  <ul style="list-style-type: none"> 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 Built form shall create comfortable environments by:</p> <ol style="list-style-type: none"> Locating principal façades and primary building entrances parallel to and as close to the street as possible; Including ample glazing on ground floors to create visibility to and from the public sidewalk; Including a quality landscape edge along frontages where buildings are set back from the street - NA Locating surfacing parking to the sides or rear of sites or buildings, where appropriate; and, 	<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. All parking is located to the rear of the site off Hughson Street North.

Built Form Policies	Conformity of Proposed Design
e) <i>Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</i>	<ul style="list-style-type: none"> • 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.
e) <i>infrastructure and transportation capacity</i>	<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 5.5 of this Report provides an assessment of the views and vistas impacted by the proposed redevelopment.

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 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 interior of former Tivoli theatre backing onto Hughson 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 interior 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 a 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-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.

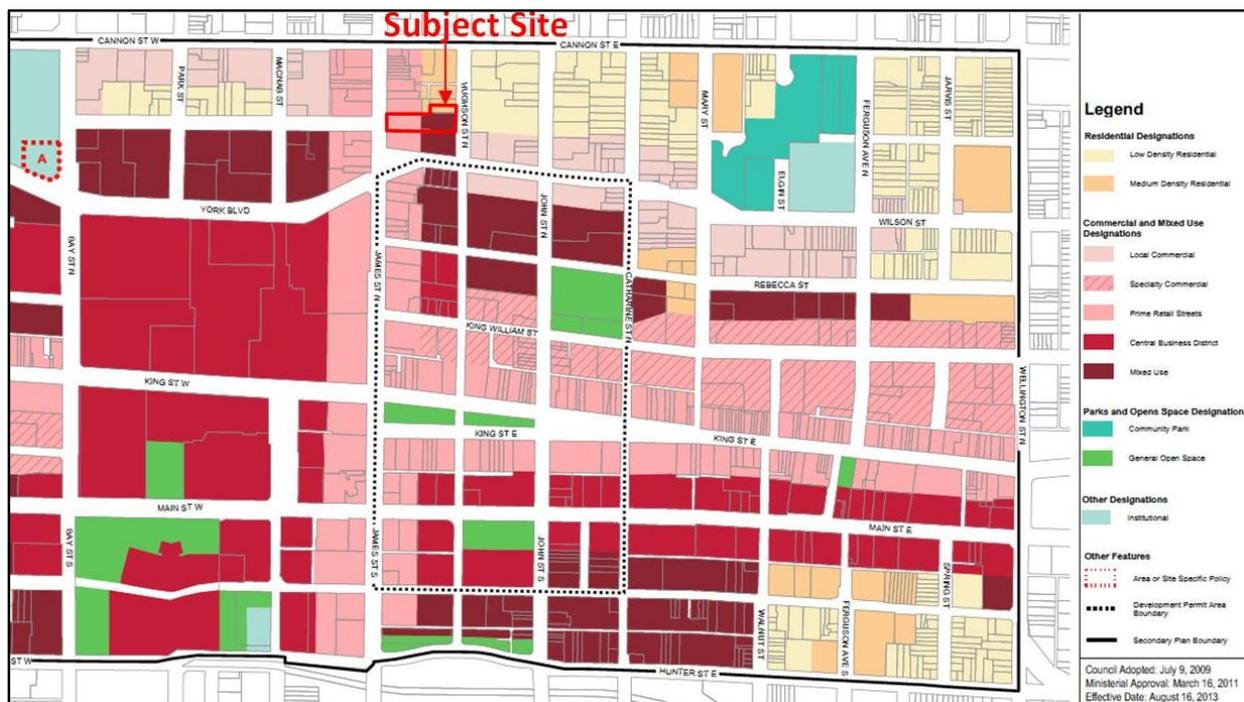
4.4.2 Prime Retail Streets

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 10. 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 10: Downtown Secondary Plan Excerpt



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).

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.

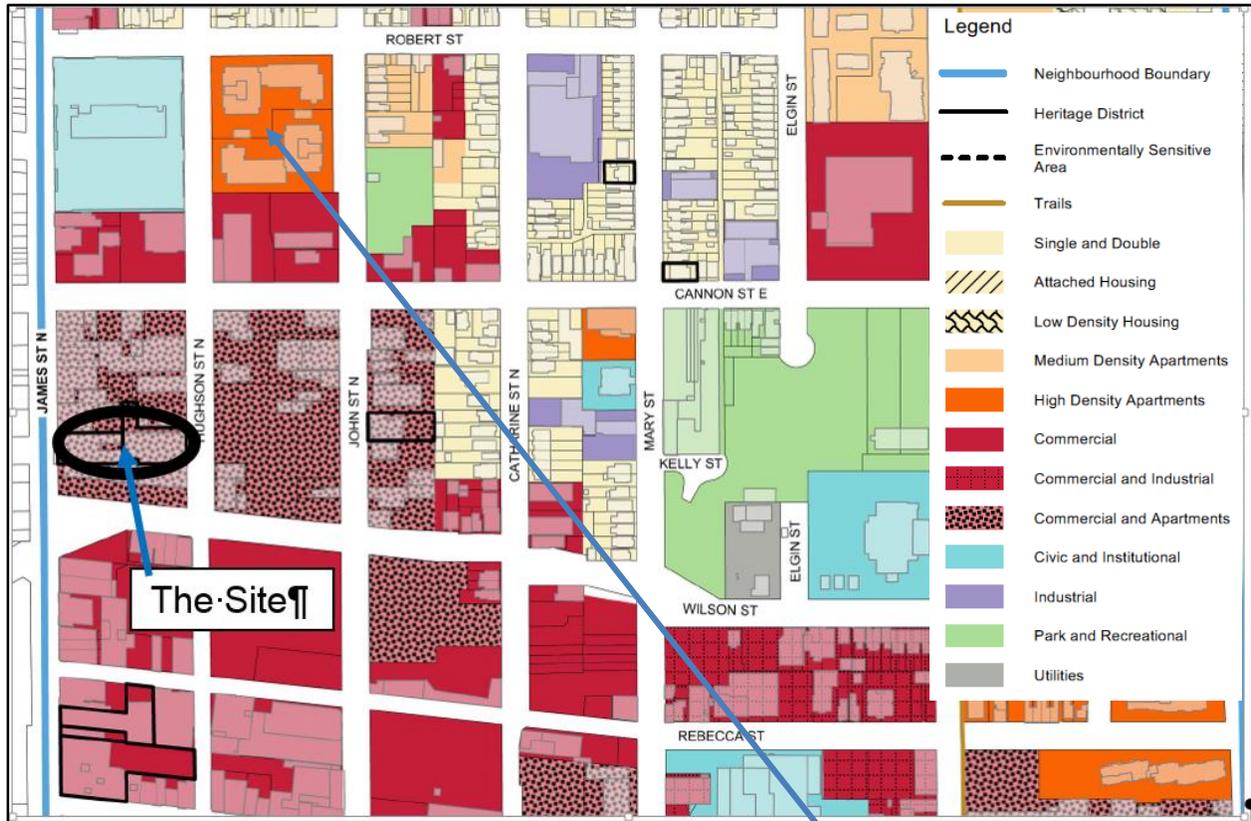
The site is located within the Beasley Neighbourhood which was approved by Council in 1973. While this Neighbourhood Plan was approved more than 40 years ago, Neighbourhood Plans continue to be used by the City as guides to future development as they illustrate how development was planned for the area at a more detailed level. Pursuant to the Beasley Neighbourhood Plan as shown on Figure 11, 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,

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

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 11.

Figure 11: Beasley Neighbourhood Plan Excerpt



5 Zoning By-law 05-200

The Site is zoned “D2” Downtown Prime Retail Streets, “D2” 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 4 illustrates the applicable D2 zoning regulations and how they compare with the proposal.

Table 4: 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 or artificial stone; stucco; or, metal and metal panels, excluding aluminum siding or any metal variant thereof	<ul style="list-style-type: none"> Stone veneer cladding and metal panels Decorative architectural features at condo entry. 		<input checked="" type="checkbox"/>
Commercial Restaurant parking	0	0	<input checked="" type="checkbox"/>
Residential Parking		69	
• 1/unit where the unit gfa is greater than 50m ²	1 x 98 = 98 spaces	<ul style="list-style-type: none"> 17 surface parking spaces and 52 parking provided using semi-automatic stackers car share proposed 	<input checked="" type="checkbox"/>
• 0.33/unit where the unit gfa is 50m ² or less	0.33 x 8 = 3 spaces		
	Total = 101		
• Barrier Free Parking	3 spaces (min)	3 space	<input checked="" type="checkbox"/>
Loading	Not permitted in any yard abutting a street unless screened from view by a 1.8m high fence and set	Existing loading space provides no screening or setback from Hughson Street.	<input checked="" type="checkbox"/>

"D2" District	Required	Provided	Compliance
	back 3.0m from the street line.		

5.1 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 12: James Street Façade



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.

5.2 Permitted Uses:

Two zoning variances relate to permitted uses. Both deal with location of the permitted uses; specifically, where uses are situated on the site in relation to other uses.

The Tivoli Theatre is considered a “commercial entertainment” and/or a “studio” use. Section 6.2.3 e) i) of the “D2” Zone restricts the location of commercial entertainment, restaurant, retail and studio uses within the building. Specifically this Section states that restaurants and theatres are not permitted in any portion of the building except within the ground floor facing the street. The purpose of this regulation is to ensure that uses which generate and provide service to pedestrian traffic and animate the street, are appropriately located on the ground level.

The justification for this requested modification is based on: the size and configuration of the site, the need for ground level parking; the ability functionally connect the theatre with the front of the building; and the desire to create a financially viable redevelopment.

With respect to the existing heritage theatre, while it is located on the ground floor along Hughson Street, accessible access to the refurbished theatre, as well as the associated, crush space, lobby/kiosk, and washroom facilities are all proposed on the 2nd level of new building. The proposed design meets the intent of this provision in that street entrance and presence associated with the theatre will be located on the ground level along James Street. The proposed restaurant on the second level further connects the theatre use to the front of the building; however, site constraints do not provide sufficient space at the ground level to incorporate a reasonably sized restaurant on the ground level and still provide a separate condominium entrance, and ground level parking to support the residential units.

If the proposed café/bar patio on James Street is used in conjunction with an establishment licensed under the Liquor Licence Act, where meals or refreshments are served to the public, then this patio is considered an “outdoor commercial patio”. An “outdoor commercial patio” is not permitted on the site because the side lot lines abut a Downtown D6 Zone pursuant to

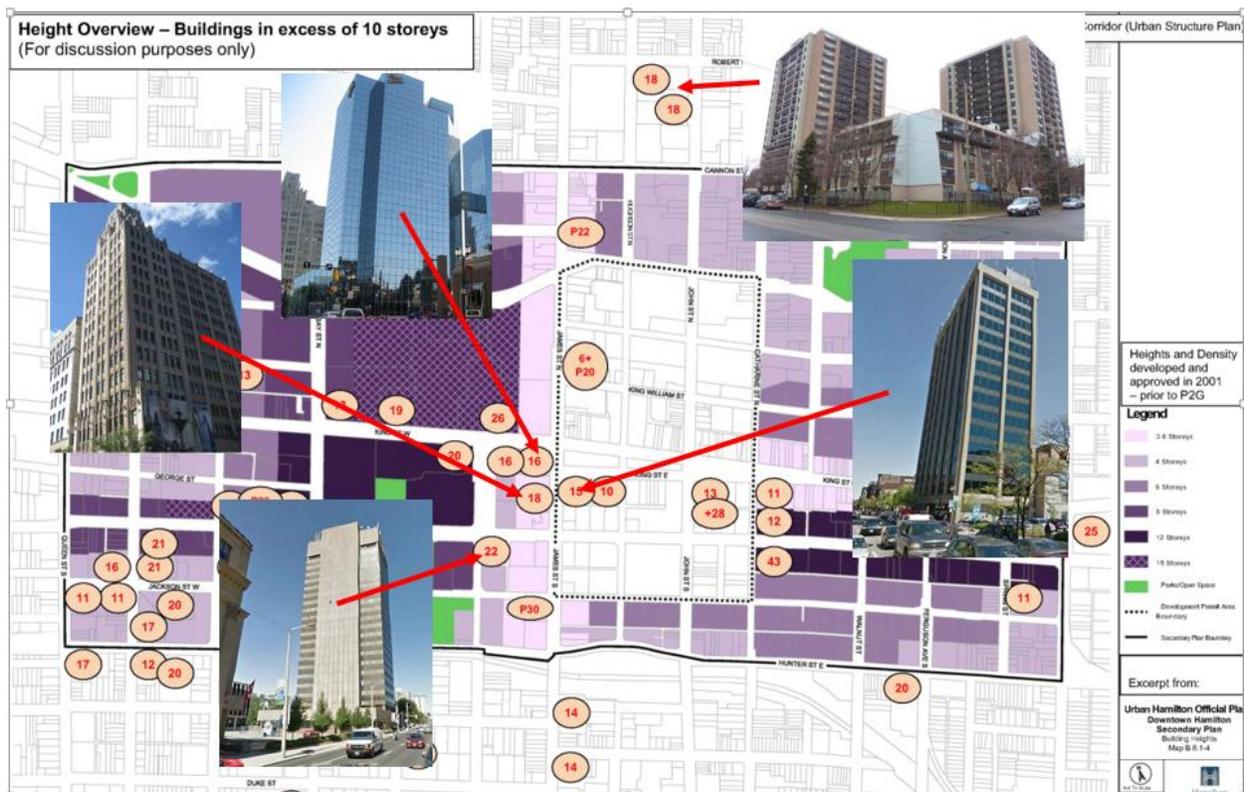
Section 4.20 c) i). The intent of this zoning regulation is to ensure that outdoor patios do not disrupt adjacent residential uses. However, in this case, the adjacent D6 Zoning is located to the rear of the site along Hughson Street. The proposed outdoor patio will be located at the front of the building along James Street. In this regard, the proposed patio will not have any impact on lands zoned D6 to the rear and north of the site.

5.3 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 13 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 13: Building Heights above 10 Storeys



Existing development in the vicinity of the site varies. The character of James Street North is eclectic and pedestrian friendly. A range of era, martial 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.

5.3.1 Height and Building Mass

Any discussion regarding building height must also consider building mass. Hamilton’s Site Plan Guidelines provide direction regarding massing and building design; Table 5 demonstrates how the proposed height and massing and building design of The Tivoli satisfies the Site Plan Guidelines.

Table 5: 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 create a ‘colour field’ of greys, blues and greens to dissolve the mass. 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	<ul style="list-style-type: none"> While the tower is not setback from the 3 storey podium, the 4th and 5th floors have been setback to

	Massing and Building Design Guidelines	Proposal
	base floors to allow sunlight to reach the street, minimize shadow impacts and reduce the scale of the building as perceived along the street.	<p>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 3rd and 4th storeys also serves to reduce the perceived scale of the building along James Street.</p> <ul style="list-style-type: none"> • 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 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 based on the need to address and sustain a heritage restoration project and the need to provide parking for the residential component.

The unit density proposed is to offset the cost of sustaining the Tivoli theatre. The development of the point tower and commercial uses will ensure the preservation, maintenance and revitalization of the former Tivoli theatre and how it relates to other buildings and functions within the community. The connecting elements of the new development including the grand stair, gallery, crush space, kiosk and washrooms provide a smooth transition between the old and new.

The design is also impacted by the need to provide parking for the residential use. The need for a residential use which enables the development to be financially viable increases the demand for parking. The surface and at grade enclosed parking structure both enables the project to focus on pedestrian friendly activity at the front of the building 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 has been addressed in the following ways:

- The setback of the 4th and 5th storeys James Street minimizes the visual impact looking from James Street.
- The narrow point tower with a small building footprint minimizes the impact of the shadows on the street.
- The development has maintained a base, middle and top and has utilized materials and colour to increase visual connection into the building, invite passersby to experience the building, and establish the Tivoli theatre as a prominent landmark on the street once again.
- 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.
- Entry for the commercial opening is covered by a proposed theatre marquee. Additional glass has been added to provide more visual connections and casual surveillance to the street.

Point towers differ significantly from block high-rise development. What is important is keeping a floor plate to a minimum (i.e., under 700m²). What this does, is ensure a steep tower design that generates narrower shadows that move more quickly and allow for greater separation opportunities on adjacent properties.

5.3.2 Height and Sun Shadow

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. For tall buildings, protecting access to sunlight is generally achieved through good street proportion, overall massing, tower setbacks and separation distance.

A 75.1 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”*.

A Sun Shadow Assessment was completed as a part of the Site Plan submission to assess the height, mass and location of the proposed redevelopment on: adjacent residential amenity areas; public open spaces; public sidewalks; and the face of residential buildings. Pursuant to this Assessment which was included as a part of the Urban Design Brief, 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.

Based on the sun-shadow analysis completed for the proposed development, the shadow impacts of the proposal are reasonable given the following considerations:

Table 6: 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	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

	March 21	June 21	December 21
	continuous shadows on March 21 st resulting from the additional building height.		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 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.
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 in March, June or December.

5.3.3 Height and Existing Views

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 towards the Bay.

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. According to Policy 6.2.4.3(f) “*significant views and vistas in the downtown will be protected as development occurs*”, including consideration of a number of elements such as: 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 this 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.

A Visual Impact Analysis was completed as a part of the site plan submission and included in the Urban Design Brief. The visual impact analysis included modeling and an assessment of the illustrated impacts of the proposed development including a digital 3D model of the

proposed development concept, illustrating the general massing of the proposed buildings on the site. The findings of this analysis are summarized in this section.

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.

The existing zoning permissions applicable to the site would allow for a 6 storey (22 metre) building generally built to the street edge at James all the way back to Hughson Street 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.

As noted, 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 6 and 7)

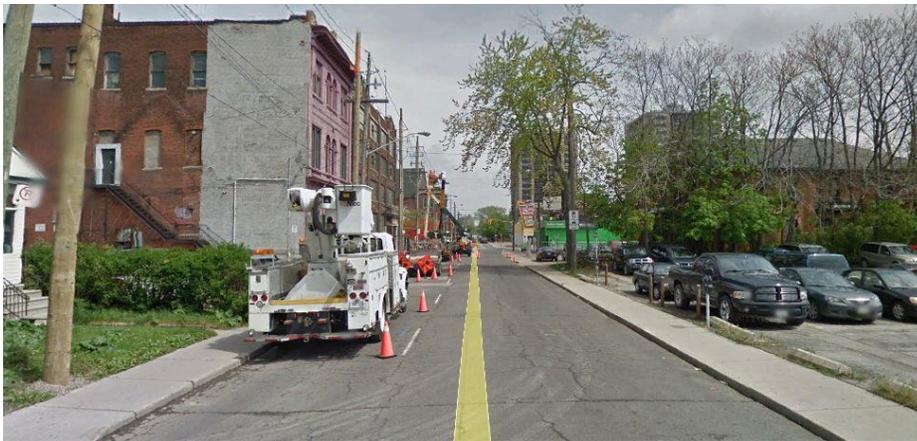
The view “up” James Street towards the bay front from York Boulevard is interesting. The street edge is clearly defined as the majority of the buildings are located at the street edge. The street trees, on street parking on both sides and two lanes of traffic provide an appealing pedestrian streetscape.

Image 6: View of James Street looking north from the Site



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 are visible one block to the north on the east side of Hughson Street. .

Image 7: View of Hughson Street looking north from the Site.



b) *View looking south (down) James Street (Image 8)*

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 8: View of James Street looking south (down) to the Niagara Escarpment



c) Views looking east from Vine Street (Image 9)

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 in uncharacteristic of the former streetscape as illustrated in the historic photograph of the Tivoli included as Image 9A.

Image 9: View looking east from Vine Street



Image 9A: Historical Image of Tivoli Theatre



d) Views from the Escarpment (Image 10 below)

From above the Escarpment the skyline of downtown Hamilton is evident. Image 10 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 10: View from Sam Lawrence Park above the Niagara Escarpment, south east of the Site



e) *View to and from the public realm along James Street (Images 11 and 12).*

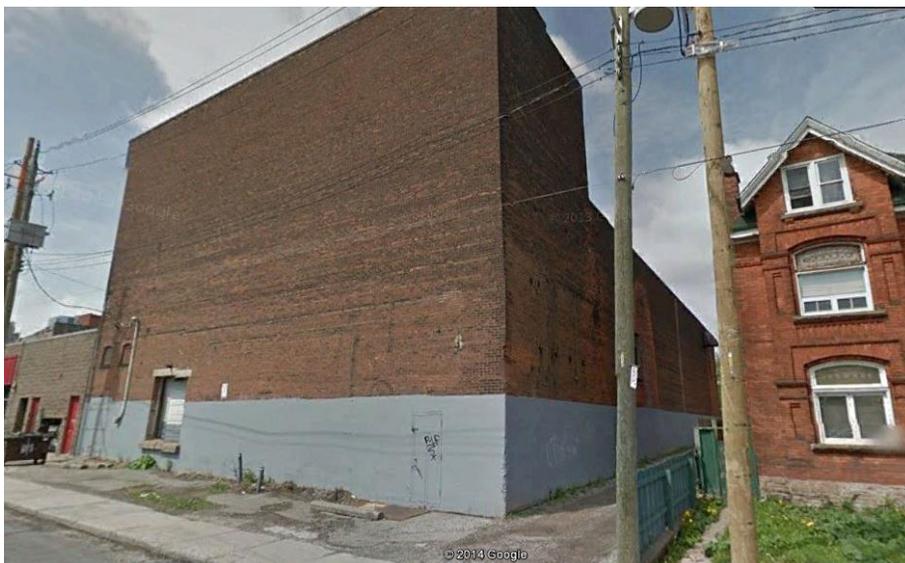
Images 11 and 12 illustrates the current view of the site from James Streets directly in front of the Site and from Hughson Street directly to the rear. Neither of these views provide an inviting pedestrian experience despite efforts to provide landscaping and a park-like setting along James Street to provide access to remaining theatre located on the eastern half of the site. There is no identifiable building entrance from the street.

Image 11: View in front of Site from James Street



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

Image 12: View in front of Site from Hughson Street



5.3.4 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.

5.3.4.1 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 14 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.

Figure 14: View Looking Southwest - After



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 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.

5.3.4.2 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. 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.

Figure 15: View Looking South - Before



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 16. 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 16: Pedestrian View Looking South - After



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 17 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 17: Views at James/York Looking North (Existing/Proposed)

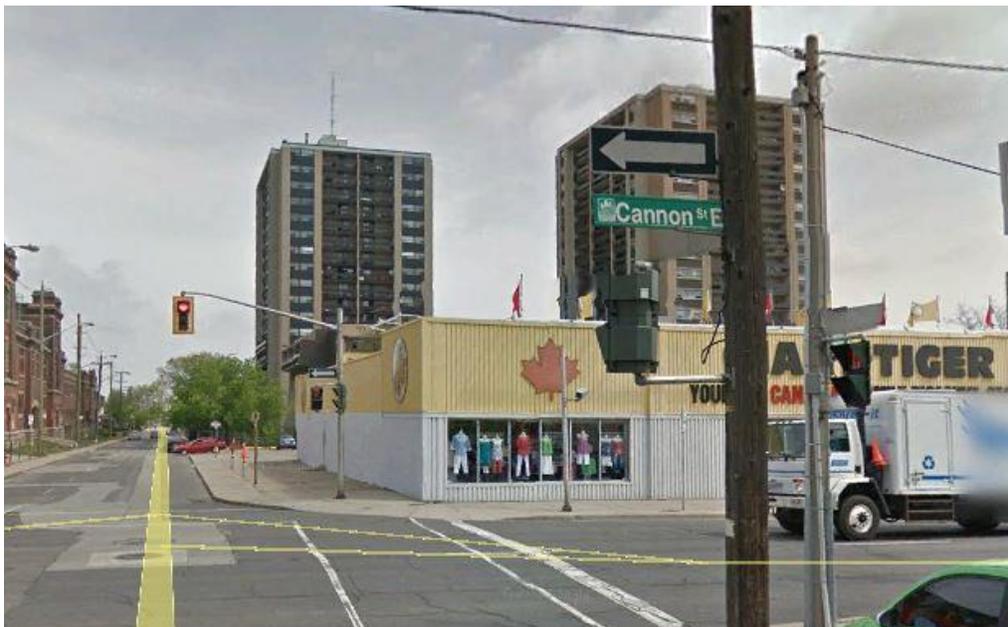


Views along York Boulevard/Wilson Street must also be considered. Figure 16 illustrates the “before” and “after” view to The Tivoli from the corner of Hughson and Wilson Streets. Currently, the St. John’s Lutheran Church building exhibits the most significant building mass along the north side of the 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 Figure 18. In this regard, the views created are not anomalies.

Figure 18: Views at Hughson and Wilson looking North/northwest



Figure 19: 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.

5.3.4.3 View From The Niagara Escarpment (Skyline)

Figure 20 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 20: Escarpment View of Downtown Skyline



5.3.4.4 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. On the second level is a continuation of the commercial retail. This area provides additional seating; a private dining room; a bar; and new event space which overlooks the dining below and the salvaged transept windows which are approximately 7.5m tall.

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.

5.4 Parking Modifications

With respect to parking, the purpose of requiring a minimum parking regulation in the Zoning By-law is to ensure that sufficient parking is provided on site to service the new residents in the building so that they are not forced to park on abutting streets. Paradigm Transportation Solutions Limited was retained to complete a Parking Study (November 2014) for The Tivoli which has been submitted with the subject rezoning application.

Parking at an overall ratio of 0.65 spaces per unit will be provided including 17 surface parking spaces accessed directly from Hughson Street. In addition, 52 enclosed parking spaces will be provided through a semi-automatic parking stacker system. While parking stackers are new to the City of Hamilton, they have been used in the City of Toronto and most recently approved in the City of Kitchener as a reasonable alternative for parking that makes better use of our valuable urban landscape. Access to The Tivoli's parking garage will be through a garage door off of Hughson Street.

Paradigm concludes that the development and occupancy is estimated to have parking demands less than the total proposed parking supply of 69 spaces. Based on local parking surveys conducted by Paradigm, the actual parking demand for similar developments in the area is 0.49 spaces per residential units which Paradigm recommends should be applied towards this development.

In addition, modifications to the Zoning By-law's definition of "parking space" will be required to permit parking stackers and address parking stall sizes.

Appendix A includes a draft Zoning By-law Amendment including the requested zoning modifications. Additional modifications may be required following the Building Department's review of this application and should be incorporated into the by-law as required.

6 Public Consultation

On Wednesday September 10, 2014 a community open house was held within the community to obtain comments and input on the proposed design. The open house format was informal in that various panels were placed on display for viewing, with the owners and consulting staff on hand to respond to questions and/or comments.

A questionnaire/comment sheet was provided as well. In total, 33 comment sheets were returned. A summary of the responses is included in Appendix A; however, it is clear from the comments received that the majority of those who attended were in support of the application. Many were excited about the proposed reinvestment in the area and the much needed density to support the retail in the community. Only one respondent identified height as a concern. The other negative comments related to the availability of parking for the condominium residents.

7 Summary Analysis

The Tivoli fosters a sense of community pride and identity by providing a quality design and building construction. It recognizes, protects and incorporates the former Tivoli auditorium to the rear into the overall project design. The Tivoli contributes to the character and ambiance of the community through a retail terrace along James Street with the associated lighting and landscape which gives the public greater access to its assets. 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 public space along James Street that is human in scale, comfortable and publically visible with ample building opens and glazing.

The tower, which rises above the podium responds to the greater height of buildings in the downtown and along James Street including the Pigott building, the First City Trust Building (1 James Street South), the commercial towers (1 and 10 MacNab Street), 1 King Street and the apartment buildings at Empire and Robert, and 133 James Street South. In addition, the Connaught redevelopment has been approved for 36 storeys and the Connolly redevelopment at 98 James Street South proposes 30 storeys. The tower reinforces the identifiable point of the former Tivoli theatre 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 the adjacent commercial buildings to the north and west;
- Maintaining the heritage Tivoli auditorium which builds on the collective memory of the area while providing new opportunities for understanding and connection; and

- Using limestone to complement other buildings downtown and respond to and differentiate it from the masonry of the original carriage factory and Tivoli auditorium.

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 steep tower design that generates narrower shadows that move more quickly;
- Providing appropriate separation from other tall buildings to allow light to penetrate through spaces;
- Providing adequate building setback of the tower from James and Hughson Streets;
- Designing a tower with a distinct recess at the 4th and 5th level to define the historic street edge that is experienced a pedestrian level;
- Using robust distinguished materials in the tower at its base to emphasize its importance as a landmark building in the core.
- Incorporating lower level windows in the tower off the amenity space on the south side to engage the street at York; and
- Massing the tower closer to the street to protect the sun/shadow conditions of the existing historical fabric ensuring that backyards and windows found on the east facing rear facades are not left in darkness.

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 Site.

7.1 Compatibility and Transitions

The proposed development is sensitively integrated into the surrounding fabric of James Street North and provides a reasonable transition to the surrounding neighbourhood and abutting properties. 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 other tall 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) and Empire Apartments (18 storeys) do not provide a podium base or any form of setback from the street above the 3rd storey. Instead, these largely slab buildings have been 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.

There are a variety of design approaches to treat the transition space between the public realm and the private interior of the podium's three storey base of the building. In this case, the podium base and setback promote 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 separate from the public space at grade and is distinguished with decorative perforated metal in fleur de lis motif defining the entrance. 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) 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 proposed building fronts James Street and is situated close to the property edge, the building entrances are afforded direct access to the public sidewalk connecting to Downtown's overall network of sidewalks. The ground floor commercial café entrance and condominium entrances are both impressive and inviting.

7.2 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 existing and future GO Centre Train and bus stations, in the interests of reducing automobile dependence. The principle entrance from the building on James Street provides 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 provided 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 coupled with enclosed parking stackers 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").

7.3 Building Height, Mass and Design

The proposed development re-establishes the 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 for significant site coverage with limited 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 front facade includes a re-interpretation of the former Tivoli theatre marquee. Here, the building has been designed to fit harmoniously within the existing context. The podium base building is three storeys in height which generally fits well with the lower scale context of the adjacent three storey commercial buildings to the north and west. The base of the Tivoli will be active including grade-related commercial uses (cafe/bar) that promote a safe and animated public realm.

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 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 setback at the 4th and 5th storeys of the tower reduces the visual impacts of the tower and 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.

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 limited building footprint;
- A rectangular point tower stepped back at the 4-5th floors to reduce the visual impact of the tower from the street;
- 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; and
- Internalized garbage rooms with access to Hughson Street.

The height of buildings along James Street within the Downtown Secondary Plan area must be considered comprehensively. James Street within the Downtown Secondary Plan extends from Cannon Street to the north, down to Hunter Street to the south. UHOP policy directs us to intensify the downtown area. Due to the very real constraints associated with small lot sizes, limited real estate, the costs associated with heritage conservation and the location of significant existing and proposed transit opportunities along James Street, height is the primary means of achieving appropriate downtown urban densities to revive and sustain our downtown including its heritage resources along James Street. The Downtown Secondary Plan permits a maximum height of 3-6 storeys along James Street between Cannon and Hunter; however, there are already numerous examples of existing and proposed development that exceed this height which must be considered as well.

Investment in downtown Hamilton has steadily been on the rise and, as result, many downtown streets, including James Street are changing. With respect to height, the Downtown Secondary Plan directs that provided a set of criteria can be satisfied, increased heights may be considered. Combined, the Urban Design Brief (including a Viewshed Analysis and Sun/shadow Study), Pedestrian Wind Study and Noise Study submitted with this application demonstrate that the proposed Tivoli infill development is both desirable and appropriate. This application addresses the need for higher densities downtown while satisfying the design criteria established through policy. Tall buildings have been constructed along both sides of James Street and taller buildings have been permitted elsewhere along James Street. This proposal is not an anomaly and will not inhibit adjacent redevelopment at higher or lower densities or height.

7.4 Conclusion and Recommendations

The proposed development is a mixed-use development with three floors of commercial space and condominium apartment units above. The proposed development includes the retention and reuse of the Tivoli auditorium to the rear of the property, as well as the construction of a new 19 storey residential tower. The requested height, parking and design-related zoning modification are considered appropriate from a land use planning and 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 will not result in off site parking issues;
- It is located in an area where intensification is directed by policy and additional height is appropriate; and
- It is a well-designed high quality development that sets a positive precedent for development, redevelopment and heritage preservation along James Street South.

APPENDIX A

Draft Zoning By-law Amendment

DRAFT
CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 108 James Street North and 111 Hughson Street
North in the City of Hamilton**

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item [] of Report [] of the Planning Committee, at its meeting held on the [] day of [], 2015, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That Map [], of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Downtown Prime Retail Streets D2 Zone; the Downtown Mixed Use D3 Zone and the Downtown Multiple Residential D6 Zone to a Modified Downtown Prime Retail Streets D2-[] Zone, for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That the regulations of Subsection 6.2 Downtown Prime Retail Streets (D2) Zone of Zoning By-law No. 05-200 be modified to include the following special requirements:
 - a) A maximum building height of 75.1 metres for the tower;
 - b) A minimum of 58% of the ground floor façade along James Street North South shall be composed of windows and doors;

- c) A maximum of 72% of the second and third storey façades along James Street South shall be composed of windows;
 - d) A maximum ground floor storey height of 5.1 metres;
 - e) All other zone provisions of Subsection 6.2 shall apply.
3. Notwithstanding Section 6.2.3 e) i) the a commercial entertainment use shall be permitted on the second floor.
 4. Notwithstanding Section 4.20 c) i) a commercial patio shall be permitted fronting James Street North.
 5. Notwithstanding Section 5: Parking, Subsection 5.6 Parking Schedules, Claus a) i) Residential Units of Zoning By-law No. 05-200, parking for multiple dwellings shall be provided on the basis of a minimum of 0.54 parking spaces for each dwelling unit.
 6. Notwithstanding Section 5: Parking, Subsection 5.2 Design Standards of Zoning By-law No. 05-200, parking stackers shall be permitted.
 7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
 8. That this By-law No. [REDACTED] come into force and be deemed to have come into force, in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 20[REDACTED].

MAYOR

CLERK

ZAC-14-____

APPENDIX B

Community Open House Comment Summary

Open House Comment Summary – Proposed Tivoli Condos – September 10, 2014

Last Updated: October 2, 2014

Last Day for Comments: September 30, 2014

	Name/Contact Information	Were you aware that The Tivoli could bring more than 200 new residents to this community? Please explain how this would impact you as a resident/ merchant/ property owner?	Are you in favour of bringing the former Tivoli theatre back to life? Why?	Are you in favour of intensification along James Street North, south of Cannon St that could result in an increase in height beyond 15 storeys? Why?	What types of uses would you like to see in the community (rental/leasable) space on the 2 nd level?	What aspect(s) of the point tower do you find most appealing and why (eg. Colour, balconies, etc.)?	On a scale of 1 to 5 what is your overall impression of The Tivoli redevelopment proposal? (1=least favourable/ 5= most favourable) Why?	How will the Tivoli have a positive and/or negative impact on your neighbourhood?	General Comments	Date Received
PROPERTY OWNERS										
1	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> As a proud supporter of local business and the arts it would only impact the community in positive manner. It would only further develop James Street as a world class neighbourhood with diversity and progress.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> While James street art scene is booming there is a great need for theatre and community which is void at the moment. Bringing it back to life would restore Hamilton's iconic theatre and represent change and positive growth.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In order for James St to maintain the level of culture as a world class arts and community based neighbourhood a building of this stature would complement similar buildings (in size) in downtown core while reinventing a local monument for the arts.	<input checked="" type="checkbox"/> Children/local artist gallery to showcase local talent/ engage community <input checked="" type="checkbox"/> Artist workshops (Photography, videography, cinema and theatre related) <input checked="" type="checkbox"/> Community center/ room for meetings, presentations and public speaking	19 story building will take James North community and commercial business to next level, tying in the historic theatre with state of art architecture. It will represent great change while keeping culture and community.	5 Great for neighbourhood, local business and will bring the Tivoli theatre back to life. I only see positives as opposed to leaving theatre abandoned and lot/ property vacant.	The Tivoli will have a positive impact on Hamilton and its booming downtown core.	Looking forward to further developments and news and how it will develop over time with the new GO station platform.	Sept 10
2	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Former resident of Hamilton and would like to see the City develop into a liveable and safe city.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Heritage pride	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> We need people to live downtown	Offices or arts		Most favorable Need to change downtown and have people that work and live there	None		Sept 10
3	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It's too tall. Takes away charm of the community			2 Too tall			Sept 10
4	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not now, when?	leasable, art related		5 Hamilton needs to replace the lost tax base	Renewal	Time to get going on a liveable downtown	Sept 10
5	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I would be in favour and believe this would really benefit this area	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hamilton needs to bring night life back. I don't want to go to Toronto every weekend to attend live theatre	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Because the property is in the Downtown and think it would need to go up over 15 storeys	More shops and boutiques	Well the height factor, and the overall design of the building	5 Because Hamilton needs condos	No, very positive	I would only have some issues with the parking, I would want my very own spot, and I feel with only 69 spots available they will be at a premium and very expensive.	Sept 10
6	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More people downtown is a positive for the core	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The restoration of the Tivoli is a significant boost for the community.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> People in the core is good for commercial business	Commercial office space residential – whatever the market needs dictate	<input checked="" type="checkbox"/> Density/people <input checked="" type="checkbox"/> Colour/style	5 Density and style 0 both goals of a downtown	See above		Sept 10
7	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Very happy with this new project coming up. We need more people in our parks, restaurants etc.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> We all love when history repeats itself	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The higher the building, the more people (are provided homes), happier owners!	Both	It is very modern, the glass doors look very appealing. A lot more light goes into the building because it is very open. Beautifully done.	5 I am very impressed!	Positive, It allows the people living in these units to be close to work. It is a great development in the downtown core.		Sept 10
8	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 200 new residents means more consumers, more business opportunities	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More residents in area therefore need entertainment – bring back life to core	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hamilton is in great need of expansion to compete with other growing cities	Rental/Retail	Staggered balconies, great design	5 Great building – architecturally appealing. What this City needs to bring it up to par with other great Cities.	More people will bring in more consumers – will increase business –more business will come to the core	The Hamilton community is becoming a great place to live – More residences = more business this would clean up the downtown core.	Sept 10
9	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Good to see more people moving downtown. This project looks beautiful. We need something like this here.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wow, the Tivoli?! Cannot wait to go to that theatre.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> City from a far will look great. We need more height.	Both!	Everything top to bottom. Have not seen anything like it	5 Where do I sign? I would like to be a unit owner.	Only positive! How could this be negative at all?		Sept 10
10	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none">Great venue for ballet theatre	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Commercial, residential (ownership)	Fits perfectly in the streetscape, balconies are wonderful giving resident	5 Center of core redevelopment	It will tell our community and neighbours that	A significant and wonderful development in our community	Sept 10

	Name/Contact Information	Were you aware that The Tivoli could bring more than 200 new residents to this community? Please explain how this would impact you as a resident/ merchant/ property owner?	Are you in favour of bringing the former Tivoli theatre back to life? Why?	Are you in favour of intensification along James Street North, south of Cannon St that could result in an increase in height beyond 15 storeys? Why?	What types of uses would you like to see in the community (rental/leasable) space on the 2 nd level?	What aspect(s) of the point tower do you find most appealing and why (eg. Colour, balconies, etc.)?	On a scale of 1 to 5 what is your overall impression of The Tivoli redevelopment proposal? (1=least favourable/ 5= most favourable) Why?	How will the Tivoli have a positive and/or negative impact on your neighbourhood?	General Comments	Date Received
	<input type="checkbox"/> Merchant <input type="checkbox"/> Other	Pride in living in a modern city, with this project and others in future will expand tax base	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> Bring in significant plays, music events, ballet 	Totally in favour, increase tax base, decrease in cost of suburban expansion, centralize core where people can live, work, play		immediate access to people traffic. Colours are beautiful touch		Hamilton "has arrived" and will only get better	Well thought out. Congratulations	
11	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Positive increase in tax base Increase in demands for community amenities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Despite my history with Tiv Cinema (25+ years), am more interested in increase in community density.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Intensification? Yes. Beyond 15 storeys? No/ yet to be seen or proven as necessary		Juxtaposition of materials, overall form, material choices, slenderness	5 Strong "modern and urban" presence for traditional neighbourhood	Positive increase in tax base Increase in demands for community amenities	Great preliminary design and presentation, unsure if I support 22 storeys overall.	Sept 10
12	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Historical Significance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Go up not out, makes sense						Sept 10
13	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Very positive. This is exactly what Hamilton needs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Totally	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Intensification is exactly what Hamilton needs. Better for stores property taxes etc. Why would we not maximize the land we have available!!						Sept 10
14	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No More to do downtown, more shops, restaurants, entertainment, arts, a great movie theatre	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No We need a great theatre in the downtown core	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No More residential for downtown core. Good architecture. A City need may interesting and exciting areas for people to go to feel good. More residential the better it is!	Something like TIFF Bell lights box Places to eat, drink, browse, shop – spend money.		5 More experimental and variety to downtown	See previous comments	The City has done many ugly mistakes in the downtown core. Take a look at Guelph downtown. Very inviting.	Sept 19
15	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Help local businesses with increased area community members who may need or want their services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Tivoli has a lot of history. Good history. A sense of pride and community. People attending theatre would be good.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No As long as parking addressed. Everyone should have parking to ensure already existing area residents aren't negatively impacted. Security for underground parking and property.	Fitness, yoga, coffee, business meeting space/lounge, juice bar	Not sure	4 – the community, needs a catalyst for new design	Positive	Please consider doorman/security cameras, secure parking area, well lit. police patrol access	Sept 30 email
16	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No I am not a resident of the area but intend to move downtown in the coming years. It would be a positive impact to all downtown businesses as well as a new source of badly needed income for City of Hamilton.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No It's a historical venue that can be a focal point for the James Street North art movement. Introducing fresh, new local talent.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A better looking skyline with modern condo and commercial development will add to the already changing face of James Street North.	Art Dealers, artists, preferably local, clothing stores and designations, again local residents, no restaurants, small coffee shop, wifi free zone.		5 It is a fascinating project that will become a jewel of downtown and set the bar high for future projects	It will not		Sept 30 email
RENTERS										
17	<input type="checkbox"/> Property owner <input checked="" type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No As a resident I look forward to the Tivoli condos bringing a more diverse crowd of people and merchants coming to the area I think it will have a positive impact.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The Tivoli theatre is an important heritage landmark for the City, I think the re-opening of the theatre will bring great culture back to downtown Hamilton.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No As long as every next property is carefully considered I think building up will be a positive improvement to the downtown. Unless we want endless suburbs all cities must build up!	As a resident of James N, I would like to see interesting cafes, restaurants and boutiques open in the rental space.	I like the contrast that the balconies bring to the tower. To fit with the theatre the design must have a slightly artistic edge and I think this design does that.	5 I am happy to see people devoted to reviving Hamilton's downtown core while appreciating an important heritage building in the city. It seems like the developers are considering both Hamilton's past and future.	The Tivoli will bring culture, diversity and style back to Hamilton's downtown.		Sept 10
18	<input type="checkbox"/> Property owner <input checked="" type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No As a James Street vendor and freelance artist, I think that the Tivoli condo would be a great opportunity for the city to expand in a positive way.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No I think it would be the perfect way to credit the streets history, while moving forward at the same time.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No It will help to bring James street to the next level, as well as make Hamilton a better city.	Commercial retail stores that are tied in with the arts.	I love the bright, vibrant colours. It helps tie into the art district.	5 Looks, beautiful – great use of tying in the old and new aspects of the neighbourhood.	It will help other businesses and developments be made in the city of Hamilton. It will change the landscape		Sept 10
19	<input type="checkbox"/> Property owner <input checked="" type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No More residents in downtown core will help raise housing prices and create a core	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Great to see a heritage building come back to use	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						Sept 10
20	<input type="checkbox"/> Property owner <input checked="" type="checkbox"/> Renter <input checked="" type="checkbox"/> Merchant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No It will be great for us all	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Because I have seen what one night a month of Art Crawl bringing great progress to town. I imagine every	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No We need residential/commercial combination for stable economic development	Mix use of quality food/ art/ fitness etc.	Bringing history back and opening up to all through colours design from Tivoli	5 It is what exactly needed for James Street north. New residents/ new demographics	It will be absolutely positive as it was for years until it closed down.	Please hurry and let it happen. It is about time we have piece of history restored.	Sept 10

	Name/Contact Information	Were you aware that The Tivoli could bring more than 200 new residents to this community? Please explain how this would impact you as a resident/ merchant/ property owner?	Are you in favour of bringing the former Tivoli theatre back to life? Why?	Are you in favour of intensification along James Street North, south of Cannon St that could result in an increase in height beyond 15 storeys? Why?	What types of uses would you like to see in the community (rental/leasable) space on the 2 nd level?	What aspect(s) of the point tower do you find most appealing and why (eg. Colour, balconies, etc.)?	On a scale of 1 to 5 what is your overall impression of The Tivoli redevelopment proposal? (1=least favourable/ 5= most favourable) Why?	How will the Tivoli have a positive and/or negative impact on your neighbourhood?	General Comments	Date Received
	<input type="checkbox"/> Other		night presence of art at Tivoli will make even bigger difference for Hamilton							
MERCHANTS										
21	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input checked="" type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			4	positive		Sept 10
22	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input checked="" type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The new residents will bring a big vitality to the area	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The theatre plus the opera house will bring events and people to the downtown core	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The area needs people in order to increase the commercial and cultural activities	Rental or leasable what will be the most suitable for the best use	Looks very nice, specially the balconies	Most favourable for this development proposal	Together with the Tivoli theatre in the rear the point tower will provide a landmark to James St. N.	Excellent project	Sept 10
OTHER										
23	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Increased sense of community, new image for the James St N area increased business for local merchants	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Strengthens the visibility of arts and culture in the area positive way to engage local community (youth, adults, seniors)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Difficult to visualize structure of this magnitude in this area. Will it be dispersed evenly, not in conflict with nearby residences	Utilization of space that is still art-related to tie into the theme of the theater and project goals.	The box seat balcony, is unique has an open but also enclosed feeling at the same time.	4 Positive that the theatre will be brought back to life creates a new face for the James Street area	Will be a one-stop location for many needs. Entertainment, living, dining etc. Creates attraction for the City and a lead for other developers to follow.		Sept 10
24	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> This development will increase Real Estate values in the area, bring new jobs and business as well. I can see many positive benefits to the local owners.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Amazing opportunity – the arts here in Hamilton, Opera, Dance, music venues	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> For developers bringing opportunity to Hamilton they must be able to make a profit – more floors equal more revenues – James Street needs the help of investors/developers	Restaurant/Bar, Office	The entire front façade is amazing	5 It's a winning project	Only positive – more people will benefit everyone		Sept 10
25	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> We are in need of more venues and spaces for good quality entertainment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More people means more business	Boutiques, a bookstore, a music store, galleries	The neat design of balconies, a reminder of the lives the original Bauhaus had	Most favourable It would enhance the kind of activities in the street. It would make the area cleaner.	Positive in every aspect by raising the level of business, and activities	We want less loitering and more productivity with a nicer image above all.	Sept 10
26	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> With this knowledge now I feel like downtown can only impact Hamilton in a positive way	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It is a beautiful historic building full of classic culture	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> A city is not a city without tall recognizable high rises. It adds a unique look to the city and draws attention from around the world.	All types	I love the look of the Balcony and colour throughout I was very in love with the exterior look of the building.	5	Positive. It will bring more people which is now business will results in a greater overall city		Sept 10
27	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Additional density downtown will make it more vibrant and provide more critical mass for business and attractions that enrich downtown. i.e. restaurants, galleries, pubs etc.. Clothing stores, shops, cafes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Absolutely. The arts scene in Hamilton desperately needs a performance space of that site and characteristics.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Because its time that this city grew up						Sept 10
28	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I think more people is just great more people adds more business which increases the overall value of the city	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It's a beautiful cultured theatre with lots of history	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The height is perhaps the best part. The start of a new addition of high rise buildings in Hamilton.	All types	The balcony and Building texture and exterior looks breathtaking in its concept art	5	Positive. The start of a new era in Hamilton.		Sept 10
29	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Historic part of Hamilton redeveloped	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hamilton need more condos, more opportunity	Events (non-profit), keep it art focused	Multi-coloured elements/ window walls	3	A positive impact	Pinpoint Engineering will be more than happy to provide a proposal for services relating to the structural review/engineering services at a competitive rate	Sept 10
30	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It will help add density to the core, as well as add amenities and preserve heritage. A win-win.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Heritage, A beautiful venue. Variety to the street. Etc. etc.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Density, infill, etc.						Sept 10

	Name/Contact Information	Were you aware that The Tivoli could bring more than 200 new residents to this community? Please explain how this would impact you as a resident/ merchant/ property owner?	Are you in favour of bringing the former Tivoli theatre back to life? Why?	Are you in favour of intensification along James Street North, south of Cannon St that could result in an increase in height beyond 15 storeys? Why?	What types of uses would you like to see in the community (rental/leasable) space on the 2 nd level?	What aspect(s) of the point tower do you find most appealing and why (eg. Colour, balconies, etc.)?	On a scale of 1 to 5 what is your overall impression of The Tivoli redevelopment proposal? (1=least favourable/ 5= most favourable) Why?	How will the Tivoli have a positive and/or negative impact on your neighbourhood?	General Comments	Date Received
31	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> As a Hamilton property owner I feel like this will only impact the city in a positive way	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes it is a beautiful historical building with character and would add to the city in a positive way.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> High-rise building is what makes a city a city. Height of only adds uniqueness and favourable character to a city	All types renting/leasing/ ownership	The colour makes it unique the balconies are also very different which will make the building stand out and draw positive attention.	5 It is the continuation of the beautiful city Hamilton is becoming. Restoring how powerful it once was.	It will bring more people and culture to the area		Sept 10
32	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input checked="" type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Art Centric. i.e ballet schools, music studios, photography etc...	Eye-catching, imposing	4 – Reactivates community	N/A, however I believe it will have a positive impact	A sensible pragmatic project	Sept 30 email
33	<input type="checkbox"/> Property owner <input type="checkbox"/> Renter <input type="checkbox"/> Merchant <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Very exciting! We need this in the core of Hamilton	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Why not?! This is great news!	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More people paying taxes equals rejuvenation of the City. Excited to see the pot holes on the roads filled. Government needs the funds haha.	Rental and leasable	The project looks like the beautiful developments happening in Toronto. They have done a great job with the design, materials used plus a theatre!	5 Very beautiful and unique	Positive. Out with the old and in with the new!		Sept 10

General Comments/Questions

- Is this development covered by Tarion?
- What happens to the Princess Theatre and its stage? Any homage to this?
- Will the made in Hamilton 19th century industrial trial tour # stop be restored? If so, when and by whom?
- Why is the parking garage apparently ground level, compared to the development across the street at James and Vine?
- Shouldn't ALL theatre goers be able to equal on the same level? It appears mobility impaired auditorium goers will be redirected to a secondary (elevator) access? Doe entry require climbing above parking structure in order to access the auditorium?