

PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

PIER 8 - BLOCK 16

65 GUISE STREET, CITY OF HAMILTON



WEBB
PLANNING CONSULTANTS

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BACKGROUND

WEBB Planning Consultants (WEBB PC) were retained by the City of Hamilton Municipal Land Development Office (MLDO) in November 2015 to provide land use planning services in connection with the planned development of Piers 7 & 8 adjoining Hamilton's West Harbour.

The initial scope for development approvals was to obtain municipal planning permission for a Draft Plan of Subdivision to establish the municipal street pattern and development block fabric and a parallel Zoning By-law amendment to implement the appropriate development Regulations. The design of the Draft Plan and Zoning Regulations was guided by the principles and directions of the Pier 7 & 8 Urban Design Study by Brook McIlroy Inc, 2016, and Policies of the West Harbour (Setting Sail) Secondary Plan.

The proposed Draft Plan of Subdivision and Zoning By-law amendment were approved by the City in May of 2017 but subsequently appealed to the Local Planning Appeal Tribunal (LPAT). Following dialogue among the parties, Minutes of Settlement (MOS) were entered into and LPAT issued Orders in September 2019, approving the Draft Plan and Zoning By-law amendment.

Included in the 2019 Minutes of Settlement is direction for the City to bring forward applications to amend the Official Plan and Zoning By-law for Block 16. The Official Plan amendment would redesignate Block 16 from the current Institutional designation to Residential or Mixed-use in a mid-rise or a high-rise form, as well as, bring forward an implementing Zoning By-law.

The Minutes of Settlement include provisions for the total number of dwelling units and the provision of family units on Pier 8. There is no increase in the number of dwelling units on Pier 8, the maximum remains at 1,645 units. Building on the approved Zoning which requires that at least 15% of the units within Pier 8 shall have 2 or more bedrooms, defined as "family units", the 2019 Minutes of Settlement potentially increase the number of family units based on the approved building height for Block 16. For example, should the City approve a building over 31 storeys in height, the MOS provide for an increase of up to 150 additional family units, the units to be provided within Block 16 or on other development blocks within Pier 8.

Prior to commencing with the planning applications, the City's Community Planning Division retained Brook McIlroy Inc. to prepare Urban Design Guidelines specific to Block 16, building on the vision and guiding principles of the 2016 Pier 7 & 8 Urban Design Study also prepared by Brook McIlroy. This approach is consistent with the Implementation Policies of the Setting Sail Secondary Plan, which require the completion of Comprehensive Design Guidelines prior to adoption of new development and Zoning By-law amendments.

The Pier 8 Block 16 Urban Design Guidelines were adopted by the City in August 2021 and staff were directed and authorized to use the guidelines to evaluate and guide the subject applications to amend the Secondary Plan and Zoning By-law 05-200.

A significant component of the approved Guidelines is a detailed Implementation Process that shall be followed where a tall building is proposed. The specific purpose is to facilitate an enhanced public consultation strategy and focused design review process with the objective of achieving exceptionalism and design excellence for Block 16.

TABLE OF CONTENTS

1.0	INTRODUCTION	Page 4
1.1	Retainer	Page 4
1.2	Formal Consultation and Complete Application	Page 4
1.3	Implementation Process	Page 5
1.4	Development Proposal	Page 5
2.0	PROPERTY DESCRIPTION AND CONTEXTUAL ANALYSIS	Page 6
3.0	PROPOSED DEVELOPMENT	Page 11
4.0	PLANNING POLICY FRAMEWORK	Page 12
4.1	Planning Act	Page 12
4.2	Provincial Policy Statement	Page 13
4.3	Growth Plan for the Greater Golden Horseshoe	Page 15
4.4	Urban Hamilton Official Plan	Page 17
4.5	City of Hamilton Official Plan	Page 17
4.6	Setting Sail – The West Harbour Secondary Plan	Page 18
4.7	Draft Official Plan Amendment	Page 25
4.8	Zoning By-law Amendment	Page 26
5.0	CITY GUIDELINES	Page 29
5.1	Pier 8 Block 16 Urban Design Guidelines	Page 29
6.0	SUPPORTING STUDIES	Page 32
6.1	Urban Design Brief	Page 32
6.2	Architectural Report	Page 32
6.3	Pedestrian Level Wind Study	Page 33
6.4	Noise Feasibility Study	Page 33
7.0	PUBLIC CONSULTATION STRATEGY	Page 34
8.0	PLANNING ANALYSIS & CONCLUSION	Page 36
	APPENDIX “A” – DRAFT OFFICIAL PLAN AMENDMENT	Page 39
	APPENDIX “B” – DRAFT ZONING BY-LAW AMENDMENT	Page 50
	APPENDIX “C” – IMPLEMENTATION PROCESS (PIER 8 BLOCK 16 UDG)	Page 57

1.0 INTRODUCTION

1.1 Retainer

The subject lands remain under the ownership of the City of Hamilton with ownership to be transferred to the developer pursuant to an Agreement of Purchase & Sale. The developer, Waterfront Shores Corporation (WSC) was chosen through the City's land disposition process, they will ultimately be the developer for all of the development blocks comprising Pier 8.

Consistent with the processing of the prior planning applications for Pier 8, WEBB PC are retained by the MLDO as independent professional land use planners to prepare and submit the Planning Applications for Block 16. This approach ensures that the planning applications are processed in accordance with standard procedures and consistent with best planning practices, notwithstanding the City's MLDO as the proponent. As an independent consultant acting on behalf of the MLDO, the retainer would avoid any perception of a conflict of interest or a reduced level of scrutiny being given to the applications and enable the City's Planning Division to process the applications in accordance with their standard procedures and best planning practices.

1.2 Formal Consultation and Complete Application

Following the execution of the 2019 MOS, WEBB PC initiated discussions with the City of Hamilton Planning Division to determine the scope of materials that would be required to facilitate the submission of complete planning applications for Block 16. As the development approvals process had only just been completed for the balance of Pier 8, the scope of required studies and plans to support the planning applications was identified by City Planning Staff and Waiver letter was issued, dated April 20th, 2020.

The Waiver letter sets out the scope of the materials that are required by the City before the planning applications are considered complete. The materials include completed Applications, Cost Acknowledgement Agreement, concept plans and legal survey, and the following technical and design reports:

- Planning Justification Report
- Urban Design Brief
- Shadow Study
- Pedestrian Level Wind Assessment
- Visual Impact Assessment
- Noise Study
- Record of Site Condition

The Pier 8 Block 16 Urban Design Guidelines outlines a scope of documents that are to be provided with the Planning Applications, generally consistent with the above summary. As the subject applications are proposing a tall building, the Urban Design Guidelines set out additional study requirements including a Sustainable Design and an enhanced public consultation and a special design review process for the purpose of achieving design excellence and an exceptional landmark building.

The purpose of this Planning Justification Report is to provide a planning analysis in support of the planning applications to confirm the development is consistent with and conforms to the applicable planning policy framework. This PJR evaluates the proposal in the context of the applicable Provincial and local Planning Policy framework and provides our planning analysis and opinion in support of the proposal.

1.3 Implementation Process

The Pier 8 Block 16 Urban Design Guidelines confirm that the development of a tall building on Block 16 is acknowledged as an opportunity to create a metropolitan/regional landmark. The achievement of the objective is premised on a building that is designed to standards of exceptional quality and design excellence. The outcome will be an architectural landmark that will be emblematic of the renewal of Hamilton Harbor.

Recognizing the significance of the development objective, a modified planning application process has been formulated and appended to the Urban Design Guidelines. The planning process is modified with the specific objective of facilitating enhanced opportunities for public consultation and a more rigorous design review process.

As stated in the Guidelines, their success in influencing the development of Block 16 is directly related to successfully adhering to the Implementation Process.

The details of the Implementation Process are outlined in this PJR with commentary documenting the key steps, a copy of the Flow Chart is appended as Appendix “C”.

1.4 Development Proposal

As described in greater detail in following sections of this report, Block 16 is proposed to be developed as a 45 storey residential tower with the intention of achieving a landmark building that will be emblematic of Hamilton Harbour’s renewal.

The design guidance for the proposed building is generally provided by the Policies of Setting Sail – the Secondary Plan for the West Harbour and specifically by the design objectives and guidelines outlined in the Pier 8 Block 16 Urban Design Guidelines prepared by Brook McIlroy and adopted by City Council in August 2021.

The following Figure 2 illustrates Block 16 in the context of the adjoining street and block fabric created by the Draft Plan of Subdivision. The street pattern creates a modified grid of connected streets that enable views through the site to the Harbour and a connected open space system comprising the mid-block greenway and the linear waterfront promenade. These elements represent key structural elements recommended by the 2016 Urban Design Study for Pier 8.

With the proposed change to residential uses, Block 16 will be the westernmost development block on Pier 8 with un-interrupted views from the Harbour. The balance of the development Blocks, Blocks 1 through 8, extend from Guise Street to the waterfront with the total number of dwelling units for all of the development blocks, including Block 16, not to exceed 1,645 units.



FIGURE 2: PROPOSED DRAFT PLAN OF SUBDIVISION

The Policy guidance for the intended built form on Pier 8 is guided by the Policies of Setting Sail – the West Harbour Secondary Plan. In addition to Policies for Land Use, Urban Design, and Implementation, the Secondary Plan outlines eight core principles that reflect the City’s vision for creating a healthy and sustainable City and provide evaluation criteria to ensure future development will ensure the broad public objectives for the West Harbour are realized.

Supplementing the Policy framework, the City adopted an Urban Design Study for Piers 7 & 8 in 2016, having regard for the general land use framework of Setting Sail and the intended scale and massing of development in relation to permitted building heights and gross residential densities that would be distributed across Pier 8. The UDS provides a series of urban design based recommendations to refine the built form including metrics for

maximum at grade building setbacks, the relationship of at-grade dwelling units to the street, façade to block ratios. These detailed development objectives were then formulated as performance Regulations adopted as part of the new Waterfront Zones and Regulations adopted for Pier 8.

The following image from the 2016 UDS is illustrative of the intended built form with the grid pattern of streets, buildings located close to the street edge, mid-rise heights that frame the streetscape, linear open space connections and uniform building heights up to 8 storeys in height.

The proposed development of Block 16 as a tall building becomes an intended singular exception and needs to be evaluated in its role as adding variety and interest to the character of Pier 8 with provisions for at-grade transitions and integration to the views and publicly accessible open space system.



FIGURE 3: PIER 8 DEMONSTRATION PLAN, 2016 UDS

The evolution of the Pier 8 development standards also had regard for the relationship and integration with the adjoining North End neighbourhood. Key contextual considerations included maintenance of view corridors, street connections to facilitate traffic movement and mitigate traffic impacts, extensions and connectivity of the open space system and building scale and massing to achieve compatibility with the established character.

Generally referred to as the “north-end”, the established neighbourhood and its relationship with new development along the waterfront was carefully considered. The neighbourhood is characterized as a stable area comprising a mix of housing forms and tenures. The established grid pattern of streets predominantly developed with grade related housing, generally 2 – 3 storeys in height internal to the neighbourhood, and a mix of mid-rise and tall buildings ranging in heights from 6 – 18 storeys along the northerly boundary. The area exhibits a range of local commercial and service type uses that generally cater to the daily needs of the surrounding neighbourhood. The commercial uses are typically smaller scale and include retail stores, restaurants and personal services.

Adoption of the Pier 8 planning approvals had consideration of traffic impacts to the North-End based on work completed by the City for the North End Traffic Management Plan. The Plan sought to identify and resolve neighbourhood traffic and transportation issues with the implementation of a range of traffic calming measures. The approval of Pier 8, in particular the extension of public streets, built on the various transportation studies with recommendations to safely and efficiently integrate the extension of public streets to the development lands.

With regard to public transit, the Hamilton Street Railway (HSR) has already modified the routing of local bus service to integrate with the new municipal streets created by the Plan of Subdivision. The north end and the West Harbor areas are well served by public transit with three HSR routes serving the area. The area also has close proximity to the newly opened West Harbor GO Station which enables connections to regional transit.

The final contextual consideration key to the evaluation of Block 16 is an understanding of the prominence of the site and opportunity as a view terminus. As illustrated by the following Figure from the Pier 8 Block 16 UDS, the site anchors the extension of the James Street corridor and provides a visual connection to the City’s downtown. In relation to the Harbour, the site has a prominent location from the two primary gateway entrances to the City; the McQuesten High Level Bridge and mid-span from the Burlington Skyway.

The outcome of the contextual analysis is an understanding that Block 16 represents a significant opportunity to achieve a landmark building. The site has a strategic location within Pier 8, a relationship with the North End Neighbourhood and visual prominence from the downtown and Hamilton Harbour with prominent views from the major gateways to the City.

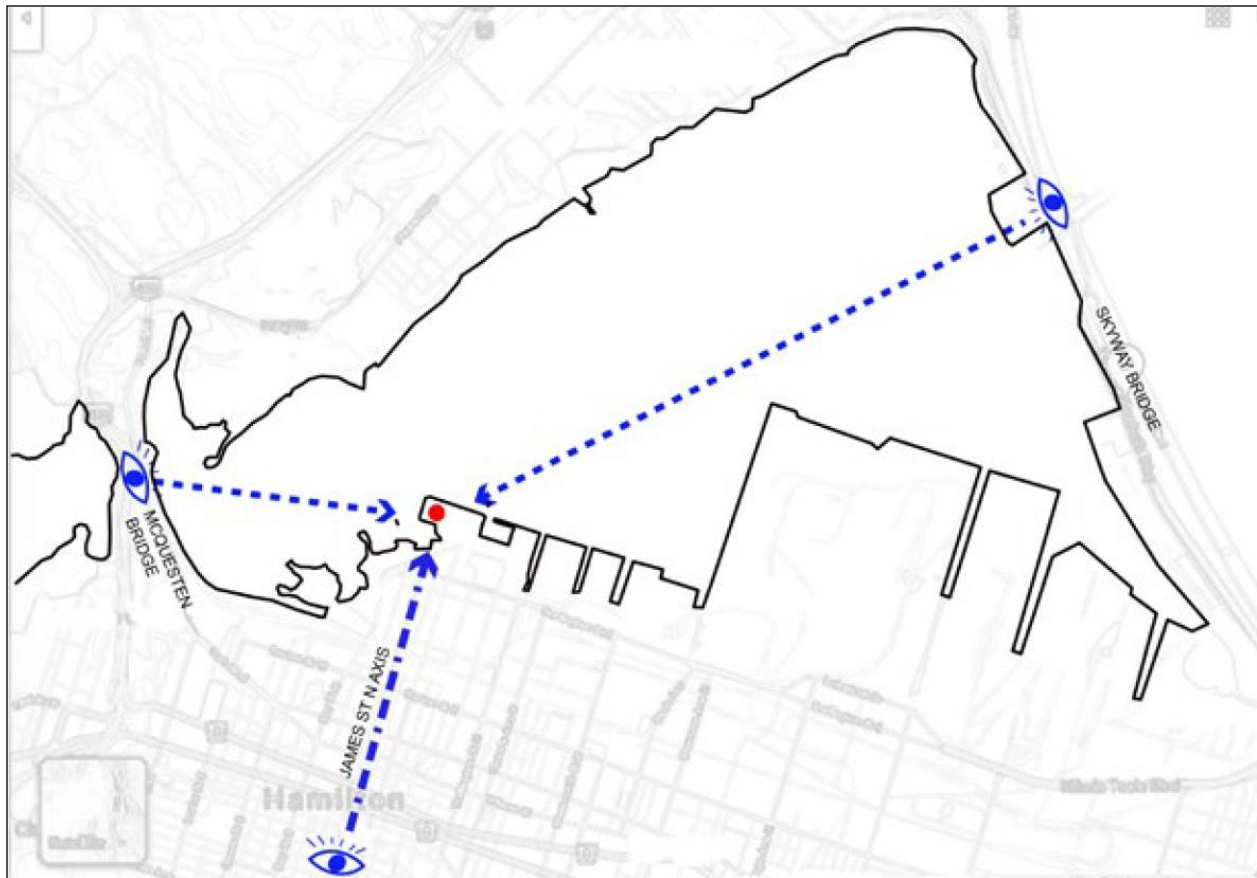


FIGURE 4: PROMINENT VIEW & VISTAS

Based on these contextual considerations, the Pier 8 Block 16 UDS identified the following objectives and principles that are directly relevant in determining the appropriate form and scale of development for Block 16:

- Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 has always been considered a site of strategic importance within the overall Pier 8 development.
- The taller height proposed for Block 16 should be considered an intentional urban design device creating a singular exception to the uniformity of 8-storey maximum heights on the other Pier 8 Blocks. No other block within Pier 8 is contemplated for additional height. A taller building in this location can create both variety and interest in the urban fabric and provides an opportunity to create a landmark that is emblematic of the renewal of the Hamilton Harbour.
- In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for.

- Future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour's renewal.
- A tall building in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional landmark emblematic of the renewal of Hamilton Harbour. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade. The higher portions of the tower will be highly visible from the downtown, centred on the James Street Corridor. A tower will also be clearly visible as a landmark visible from the McQuesten High Level Bridge and the James N. Allan Skyway.
- New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional;
- New development should animate the surrounding pedestrian areas with unique active uses at-grade and create a high-quality, accessible public realm;
- New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly unit design and generous outdoor living spaces contiguous with units.
- New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public spaces.

3.0 PROPOSED DEVELOPMENT

As illustrated by the accompanying materials prepared by KPMB Architects, Block 16 is proposed to be developed as a landmark building which implements the design principles articulated in the Pier 8 Block 16 UDG for a tall building.

The architecture for the development comprises a podium element on the east side of the development parcel that frames a proposed 15.0 metre wide pedestrian mews and a centrally located podium intended to provide a contextualized at-grade interface with the adjoining public realm. Above the podium, a two tower form rises as two intersecting circular forms to a height of 31 storeys, the central form continues rising to a height of 45 storeys, 147.0 metres, including mechanical space.

All parking for the proposed building is to be located in a below grade structure with a single point of site access from Harbourside Way, the access also serving a loading space that will be enclosed within the podium element. Amenity space is provided in a combination of indoor spaces and outdoor landscaped amenity areas including an outdoor terrace at the 31st storey of the lower tower element.

It is noted that the detailed architectural design of the building will be reviewed at the detailed design phase of the Implementation Process with consideration of tower design based on the principles of sustainability, quality of life and design excellence.

4.0 PLANNING POLICY FRAMEWORK

The proposed development has been considered in the context of the applicable Planning Policy Framework which includes the Planning Act, the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe. The local policy framework is provided by the City of Hamilton Official Plan and the West Harbour Secondary Plan.

With regard to Zoning, the lands are regulated by the City's comprehensive Zoning By-law No. 05-200.

4.1 PLANNING ACT

We have reviewed Section 2 of the *Planning Act* for the purpose of identifying the relevant matters of Provincial interest that shall have regard for in reviewing the applications. They include the following:

- a. subsection 2(a) – the protection of ecological systems, including natural areas, features and functions;
- b. subsection 2(d) – the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- c. subsection 2(f) – the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- d. subsection 2(h) – the orderly development of safe and healthy communities;
- e. subsection 2(i) – the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- f. subsection 2(j) – the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- g. subsection 2(k) – the adequate provision of a full range of housing, including affordable housing;
- h. subsection 2(m) – the protection of the financial and economic well-being of the Province and its municipalities;
- i. subsection 2(n) – the coordination of planning activities of public bodies;
- j. subsection 2(o) – the resolution of planning conflicts involving public and private interests;
- k. subsection 2(q) – the appropriate location of growth and development;
- l. subsection 2(r) – the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- m. subsection 2(s) - the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.
- n. subsection 2(t) – the mitigation of greenhouse gas emissions and adaptation to a changing climate.

In our opinion, the Planning Applications have due regard to all of these identified matters of Provincial interest. The approval of the Official Plan and Zoning By-law amendments would facilitate the implementation of those interests in an efficient, effective and contextually appropriate manner.

4.2 PROVINCIAL POLICY STATEMENT (PPS - 2020)

The proposed development of the subject property is consistent with Section 1.0 of the PPS, Policies for Building Strong Healthy Communities. The proposal supports an appropriate range and mix of land uses and is appropriate for and efficiently uses existing infrastructure, promoting cost effective development patterns which minimize land consumption and servicing costs.

Having regard for the Settlement Area Policies, Section 1.1.3, it is noted the property is within a designated settlement area, such locations shall be the focus of growth and development. The density of development proposed for the site is an efficient use of underutilized land and has been confirmed to be an appropriate and efficient use of the available and planned infrastructure. The proposal is transit supportive given a location in proximity to existing bus routes and regional transit and supports active transportation based on the existing and planned network of walking and cycling infrastructure.

In keeping with Policy 1.1.3.3, the proposal is an appropriate example of intensification, facilitating the redevelopment of an underutilized brownfield property where suitable municipal infrastructure exists. The proposal is contiguous to existing development, situated with proximity to collector and arterial roads, and municipal services planned and or available.

Policy 1.2 – Co-ordination, outlines planning matters that should be used by municipalities to ensure a coordinated, integrated and comprehensive approach. These matters include managing and/or promoting growth and development that is integrated with infrastructure planning, economic development strategies, and management of natural, cultural and heritage resources. The City’s approach to development of Pier 8, in particular the significant investment in infrastructure upgrades including parks, open space and municipal services and protection of resources, has been undertaken as part of a broader strategy to enhance public access and vitality of the waterfront.

Policy 1.2.2 calls for Planning authorities to engage with Indigenous communities and coordinate on land use planning matters. The City of Hamilton has a consultation strategy in place to ensure that Indigenous communities are involved in planning matters.

The proposed development lands are located within the potential influence area of existing industrial uses. To address Policy 1.2.6 – Land Use Compatibility, studies were completed at the Draft Plan of Subdivision Phase including an Odour Impact Assessment and Environmental Noise and Vibration Impact Studies. These studies identified the potential for impacts and outlined recommendations for further study and the development of appropriate mitigation strategies. A Noise Study update has been completed to reflect the increased building height for Block 16 and identified mitigation measures that will be

reviewed at the detailed design phase and, where necessary, implemented through the Conditions of Site Plan Approval.

The redevelopment of the property implements the Housing Policies of Policy 1.4 of the PPS as the proposal will contribute to the appropriate range of housing types and densities to meet projected requirements of current and future residents. The development will contribute to the supply of serviced residential units at a location where appropriate levels of infrastructure and public service facilities are available. Pursuant to the Minutes of Settlement, the increased building height results in an additional 150 family size units to be built on Pier 8.

Policy 1.5 – Public Spaces, Recreation, Parks, Trails and Open Space states that healthy, active communities should be promoted by planning for and providing a range of opportunities publicly accessible built and natural settings for recreation with specific reference to public access to shorelines. The City’s on-going strategies and investments are achieving these objectives with the anticipated opening of the waterfront promenade in the Fall of 2021, connecting Pier 8 into the broader waterfront trail open space system and providing public amenities in immediate proximity to the proposed residential development.

With respect to infrastructure, the Draft Plan Approval process for Pier 8 has facilitated the detailed engineering design and construction of municipal services including and the extension of new roads, sanitary and water services and Stormwater Management report to address Policy 1.6 – Infrastructure. With the recent completion of the planned municipal sanitary pump station, the lands are fully serviced and development will be accommodated in a manner that promotes the efficient use and optimization of existing and planned municipal services.

The redevelopment of Block 16 within Pier 8 supports Policies for Long Term Economic Prosperity, in particular Policies 1.7.1 (a), (e) and (f). The development of the lands for a mix of uses will enhance and support the vitality of the West Harbour and contribute to a sense of place by promoting well designed built form that reflects the heritage of the area. The proposal promotes the re-use of a brownfield site, the lands are the subject of detailed environmental studies and will be remediated to the appropriate standard prior to development.

To address Policy 2.1 - Natural Heritage, a preliminary constraints analysis was completed for the subject lands and Environmental Impact Study studies undertaken and submitted to the City and Conservation Authority in support of the Draft Plan of Subdivision. With regard to natural vegetation resources, constraints in the study area are minimal. From a Species at Risk (SAR) and Significant Wildlife Habitat (SWH) perspective the assessment confirmed there are very few constraints on the site.

To address Archaeology, a Stage One Archaeological Background Study has been completed for the lands. The Archaeological Assessment confirms certain portions of the site as having low archaeological potential and free of further archaeological concerns. Additional areas have potential for archaeological materials and further assessment is underway for these

areas. Remaining areas are recommended to be monitored during construction for documentation of any resources.

With regard to Cultural Heritage, a Cultural Heritage Impact Assessment has been completed. The Assessment has identified the structures/built features on the lands having cultural heritage value or interest. The Assessment recommend a balanced approach to conserving built elements of cultural heritage value and allowing for future development including the salvage and adaptive re-use of certain elements.

Having regard for Natural Hazard Policies of Section 3.1 PPS, the potential flooding hazard was assessed through a Wave Overtopping Analysis to assess existing conditions and recommend potential mitigation. The analysis confirmed the potential for overtopping possible inland flooding due to a gently sloping backshore. The study outlined a series of mitigation measures to address the potential hazard which have been implemented.

Recognizing the former industrial use of the lands and the importing of fill materials, Environmental Site Assessments were completed to assess the potential for contaminants and remediation as may be required to ensure no adverse effects pursuant to Policy 3.2. The Assessment outlined required activities to be followed for completion of site remediation, the Ministry of the Environment Conservation & Parks issuing a Certificate of Property Use (CPU) on October 16th, 2020. The CPU identifies Risk Management Measures that shall be completed for each of the development blocks, the owner responsible to implement and monitor the applicable Risk Management Measures. At the time of Re-zoning for Pier 8, a Holding Provision was applied to the lands in relation to completion of the RSC. As the CPU has been issued, an application is pending for submission requesting the removal of the Holding Provision.

On the basis of the above comments, the proposal is consistent with the PPS.

4.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE – PLACES TO GROW (2020)

The Growth Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies that focus on key planning issues facing specific geographic areas in Ontario and provide strategic guidance and direction for addressing those issues. The City of Hamilton is located within the Inner Ring of municipalities as identified in the Growth Plan and the subject lands are within the built-up area of the City.

The following discussion identifies the relevant Growth Plan Policies and describes how conformity is achieved in each instance.

The proposal conforms with Part 2 of the Plan - Policies for Where and How to Grow, and specifically, the general policies for Managing Growth in Section 2.2.1.

The property is part of a Settlement Area having a delineated built boundary, the location where the vast majority of forecasted growth is to be accommodated based on the availability of existing and planned municipal water and wastewater systems. The area can

support the achievement of complete communities at a location with existing and planned transit.

The proposal also implements a primary intent of the policies in Section 2.2.1.4, namely, to support the achievement of complete communities by adding to the diverse range and mix of housing options, creation of jobs, shops and services in close proximity to each other. This includes the provision of a diverse range of housing options, providing convenient access to a range of transportation options, public service facilities and publicly accessible open space and recreational facilities.

The subject lands are within the delineated built-up area for the City of Hamilton and as such, Policy 2.2.2 applies. This policy is intended to direct development to urban areas with an emphasis on intensification throughout the built-up area and establishes a Residential Intensification Target within the delineated built up area as a percentage of the total units constructed each year, for Hamilton, a minimum of 50% of all residential development will be within the delineated built-up area. However, the current Residential Intensification Target of 40% of all residential development to occur annually within the built-up area will continue to apply until completion of the City's municipal comprehensive review.

With the redevelopment of an underutilized brownfield property, the proposal represents an appropriate form of intensification within the built-up area, the proposed dwelling units will contribute to the City achieving the residential intensification target.

It is noted that Block 16 is located with convenient walking and cycling access to the recently expanded Street West Harbour GO Station – a major transit station area on a priority transit corridor. While not directly within the radius to be considered as part of the major transit station area, Pier 8 and the additional residential development on Block 16 will benefit from close proximity to higher order transit and will contribute to land uses and built form that are transit supportive and supportive of active transportation.

The proposal conforms to the intent of the Housing Policies of Section 2.2.6. Municipalities will support a choice in housing options through the achievement of the minimum intensification and density targets by identifying a diverse range and mix of housing options and densities, As noted in the discussion of the PPS, the increased building height on Block 16 result in an additional 150 family size units to be built on Pier 8 pursuant to the 2019 Minutes of Settlement.

Specific to affordable housing, the City's development agreement with WSC includes the requirement that no less than five percent (5%) of the residential housing units being developed across all of Pier 8 will meet the definition of affordable housing according to the City's Hamilton's Municipal Housing Facilities By-law No. 16-233.

Policies for Infrastructure to support growth are prescribed in Part 3 of the Growth Plan. It is noted that the proposed redevelopment of the subject lands can be accommodated by the recently completed upgrades to the existing municipal services including wastewater, water, and stormwater systems. This approach supports the Growth Plan principle that significant

cost savings can and should be achieved by ensuring that existing infrastructure, including municipal services and transit, are optimized.

Part Four of the Growth Plan outlines Policies for the protection of Valuable Resources including natural heritage features and cultural heritage resources. As noted in the PPS discussion above, a number of studies were prepared in support of the Draft Plan of Subdivision to confirm that there are no adverse impacts arising from the proposal.

Based on the above considerations, it is our opinion that the proposed development conforms with the relevant policies of the Growth Plan and with the Growth Plan as a whole.

4.4 URBAN HAMILTON OFFICIAL PLAN (UHOP)

The subject lands, in particular all of the lands that are within the boundaries of Setting Sail – the Secondary Plan for the West Harbor, are not subject to the UHOP. Setting Sail was initially prepared and adopted as an amendment to the former City of Hamilton Official Plan.

At the time of City Council’s adoption of the UHOP, the status of Setting Sail was the subject of an appeal to the Ontario Municipal Board. The resolution of the appeal occurred following Council’s adoption of the UHOP. For this reason, non-decision No. 113 applies for Setting Sail and the Policies of the former City of Hamilton Official Plan remain in effect for this area.

Should the non-decision be lifted prior to Council’s consideration of the subject proposal, an addendum to this Planning Justification Report can be prepared to evaluate the proposal having regard for the applicable Policies of the UHOP.

4.5 CITY OF HAMILTON OFFICIAL PLAN

As noted above, the City of Hamilton Official Plan remains in effect for the lands within the Setting Sail Secondary Plan area due to non-decision No. 113.

The West Harbour Secondary Plan was incorporated into the City of Hamilton Official Plan by By-law 12-163, approved by the Ontario Municipal Board in June 2012.

The effect of the approval was to add Setting Sail to Subsection A.6 – Secondary Plans, with the land use schedules of the Secondary Plan also being added. The underlying land use designations as indicated on Schedule A of the Official Plan (Land Use Concept) were deleted (i.e., the former “Special Shipping and Navigation Uses” designation) and replaced with a new designation entitled “West Harbour”.

The “West Harbour” designation does not contain specific policies but rather is utilized to note that the area is subject to the West Harbour Secondary Plan. Other Special Policy Areas that existed within the limits of the West Harbour Secondary Plan were also deleted from the Official Plan and replaced with new policy direction from the West Harbour Secondary Plan.

4.6 SETTING SAIL – THE WEST HARBOUR SECONDARY PLAN

Approved by the Ontario Municipal Board in 2012, the West Harbour Secondary Plan (WHSP) applies to a large portion of the lower City of Hamilton, generally extending northerly from Canon Street and York Boulevard, Wellington Street North as the east boundary, and the shoreline of the West Harbour as the north boundary.

The structure of the Secondary plan is to outline general land use policies that apply to all parts of the West Harbour Area. The Plan then outlines a detailed policies applying to the major structural components comprising the West Harbour, these are categorized as Areas of Major Change, Corridors of Gradual Change and Stable Areas. As illustrated by following Figure 7, the Pier 8 lands are located within the Waterfront, one of the three Areas of Major Change. The adjoining north-end neighbourhood is identified as a Stable Area.

4.6.1 Planning Principles

The planning process for Setting Sail was guided by eight core principles that were developed in the initial phase of the Secondary Plan, the principles balance the aspirations of the City and the local community for the West Harbour. The principles are intended to guide future development, ensuring that future proposals and initiatives will realize the objectives for the West Harbour.

The eight principles are as follows:

- *Promote a healthy harbour;*
- *Strengthen existing neighbourhoods;*
- *Provide safe, continuous public access along the water's edge;*
- *Create a diverse, balanced and animated waterfront;*
- *Enhance physical and visual connections;*
- *Promote a balanced transportation network;*
- *Celebrate the City's heritage; and,*
- *Promote excellence in design*

The principle of promoting excellence in design is a significant and directly relevant matter given the priority of achieving design excellence for Block 16.

Policy A.6.3.2.8 provides added detail for the principle of achieving design excellence with the specific statement that the West Harbour should demonstrate the highest standard of design because of its central location in the City, conveying an image of the City to the world. Further, Policy A.6.3.2.8 reinforces the collaborative role of the general public, developers and the public sector in achieving the objective:

In designing new buildings and open spaces in West Harbour, citizens, developers and the public sector have an obligation to:

- i) *design and construct buildings that respect, complement and enhance the best attributes of West Harbour;*

- ii) adopt “best practice” technologies to achieve energy efficient buildings;*
- iii) ensure the public realm—the area’s parks, squares, streets, trails and public buildings—is designed, up-graded and maintained to the highest standards;*
- iv) incorporate public art into the design of significant buildings and open spaces;*
- and,*
- v) promote the development of inspiring, meaningful and memorable places*

The above principle is directly relevant to the proposed development of Block 16 in relation to the stated objective of achieving the highest standard of design for international placemaking and the role of the public, developer and public sector in achieving the objective. The Implementation Process contained in the UDG reinforces the collaborative role of general public, the developer and the City through the recommended public consultation strategy and implementation of the enhanced design review process.

4.6.2 General Land Use Policies

Provided on the following page is an excerpt from Schedule M-2 of the Secondary Plan, the General Land Use Map. Figure 5 illustrates the Institutional designation applicable to Block 16 and designations of the adjoining lands which include Medium Density Residential 2, Mixed Use, Prime Retail, and Open Space.

The 2017 Planning Approvals for Pier 8, the Draft Plan of Subdivision and Zoning Bylaw amendment, were adopted in general compliance with the Secondary Plan Land Use Policies with the key objective of achieving a mixed-use neighbourhood, surrounded by a connected open space system that maintains public access to the waterfront.

To implement the proposed residential development of Block 16, an amendment to the Secondary Plan is required, the appropriate designation being High Density Residential, the applicable Policies as below:

A.6.3.3.1.15 In High Density Residential areas:

- i) apartment buildings and apartment buildings combined with street townhouses are permitted;*
- ii) the maximum density of development on individual sites shall be the density that existed on the date of adoption of this Plan;*
- iii) notwithstanding ii), the addition of street-relating dwelling units to existing High Density Residential areas is permitted and encouraged, subject to rezoning; and,*
- iv) in the event of comprehensive redevelopment, new buildings shall be more compatible with surrounding lower-density housing than existing buildings, in terms of their built form, and shall generally comply with Policy A.6.3.3.1.14 iv)-xiv) of this Plan*

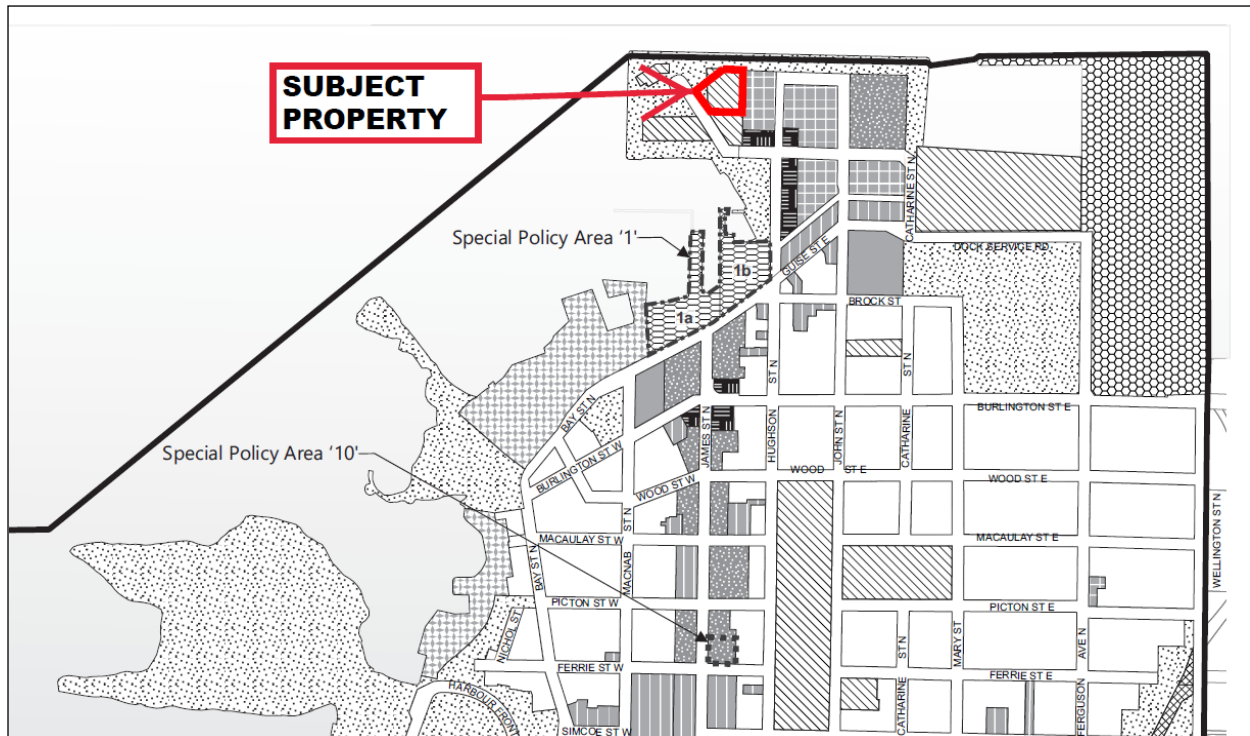


FIGURE 5: SCHEDULE M-2 GENERAL LAND USE

It is noted that the Policies do not specify the intended scale of development with respect to permitted building heights or density of development.

As detailed in Section 4.7 of this PJR, the amendment proposes to redesignate the property and implement a Special Policy Area for Block 16 to articulate the intended vision for the lands and to reinforce the objective of achieving design excellence to create a landmark building and visual anchor at Pier 8 that is emblematic of Hamilton Harbour’s renewal.

The scope of the Policies for the Special Policy Area are structured to reflect the universal design Objectives outlined in the Pier 8 Block 16 UDG and include the unique Guidelines that have been developed for the tall building alternative. The Policies also reference the details of the proposed implementation process with respect to the enhanced Public Consultation Strategy and the unique design review process including a Special Design Review Panel and consideration of design options that reflect the three identified principles of sustainability, quality of life and excellence in design.

Lastly, the proposed Policy references the requirement for Site Plan Approval and implementation of the development pursuant to an amendment to Zoning By-law 05-200 that will include a Holding Provision that can be lifted upon final Site Plan Approval.

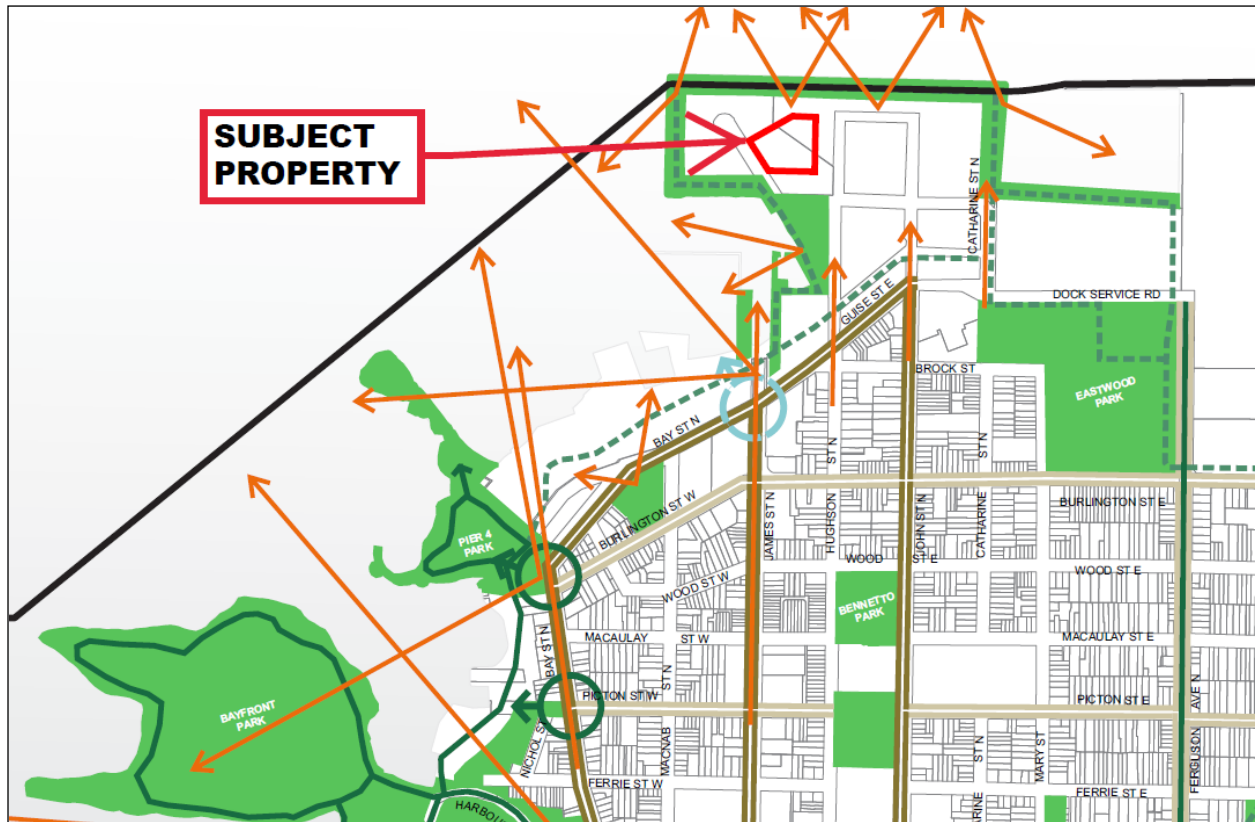


FIGURE 6: SCHEDULE “M-5” Public Realm

4.6.3. Urban Design

Policies for Urban Design are outlined in Section A.6.3.3.4 of the Secondary Plan. Policy states that new development shall respect, complement, and enhance the best attributes of West Harbour and shall adhere to a set of design principles as below:

- i) *Create a comfortable and interesting pedestrian environment;*
- ii) *Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;*
- iii) *Generally locate surface parking at the rear or side of buildings;*
- iv) *Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and*
- v) *Ensure barrier-free access from grade level in commercial mixed use developments*

Where development is proposed in proximity to the Harbour, Policy states that the vistas and key views leading to the harbour identified on Schedule “M-5” – Public Realm, shall be preserved. Schedule M-5 identifies the key view from Downtown Hamilton along the James Street corridor and the maintenance of views through Pier 8 provided by the extensions of the grid pattern of public streets, as well as, views from the edge of the Pier to the Harbour.

The Visual Impact Assessment (VIA) that accompanies this submission has studied these various views and confirmed that there is no visual impact from the proposed development

outside what is contemplated in the Pier 8 Block 16 UDG. As noted in the VIA prepared by WND Associates:

“While a tall building form of development will no doubt be prominent in this location, such prominence lends itself to pursuing a high-degree of design excellence. The Proposed Development will be highly-visible, and must be sensitively designed with high-quality materials to contribute to the on-going development of the Hamilton skyline.”

4.6.4 Areas of Major Change – the Waterfront

Within the boundaries of the Secondary Plan, there are three areas planned for significant land use change – the Waterfront, Barton-Tiffany precinct, and the Ferguson-Wellington Corridor.

Policies for the Waterfront are outlined by Section A.6.3.5.1 of the Secondary Plan, Policies A.6.3.5.1.7 through A.6.3.5.1.25 applicable to development of Piers 6 – 8.

Policy A.6.3.5.1.1 sets out the Waterfront Vision, a series of principles and objectives that are intended to guide the creation of a diverse, balanced and animated waterfront, as below:

Development and improvements in the Waterfront shall help realize the City’s vision of a waterfront that:

- i) is beautiful, publicly-accessible and inviting;*
- ii) promotes a healthy world class harbour;*
- iii) offers a variety of attractions to Hamilton residents and visitors;*
- iv) facilitates active and passive enjoyment of the harbour;*
- v) contains a variety of linked open spaces at the water’s edge, including parks, trails, promenades and plazas;*
- vi) enhances recreational boating opportunities;*
- vii) accommodates waterfront-appropriate commercial amenities;*
- viii) accommodates new residential neighbourhoods;*
- ix) is active throughout the day, the week and the year;*
- x) enhances adjacent neighbourhoods and complements the vision for Downtown;*
- xi) extends the existing grid pattern of streets in West Harbour; and,*
- xii) displays pride in the city’s heritage and excellence in design.*

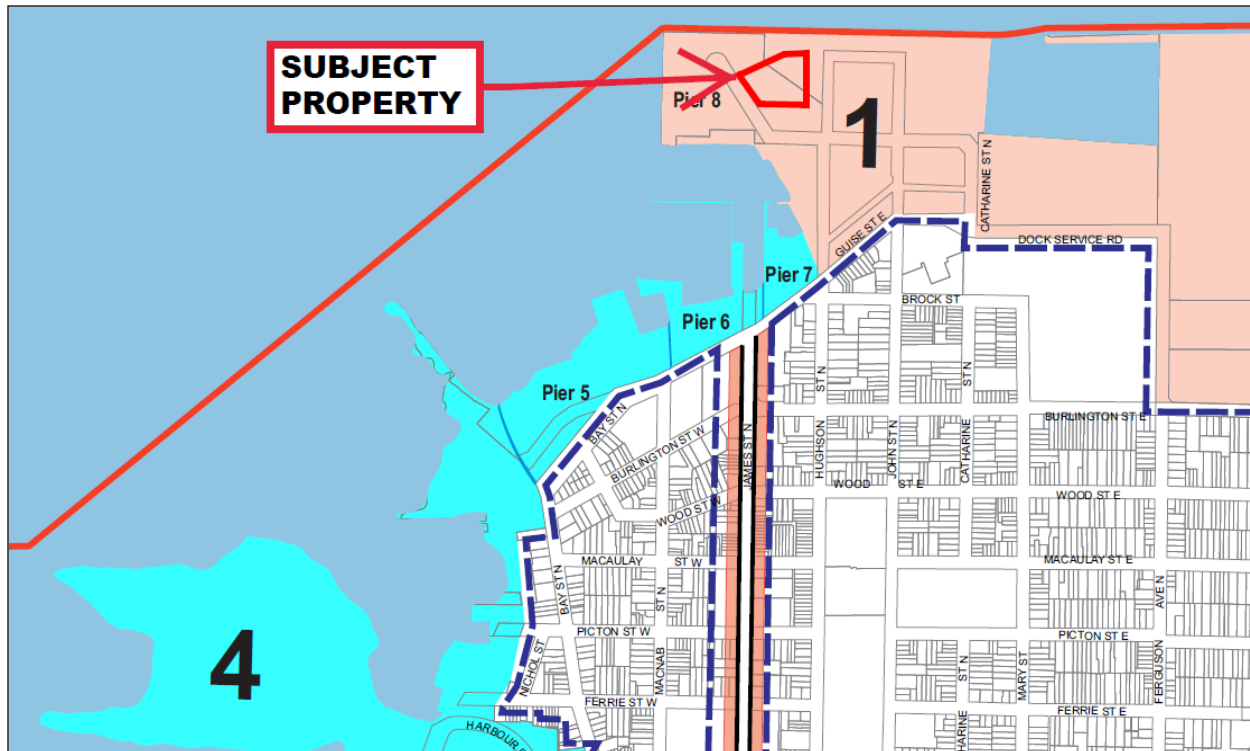


FIGURE 7: SCHEDULE M-1: PLANNING AREA & SUB-AREAS

Figure 7 illustrates the location of the subject property within the Waterfront. Policies require the completion of comprehensive studies must be completed prior to any development occurring – an urban design study and traffic calming study that generally encompasses the north end area.

Both of these study requirements were completed in conjunction with the City’s prior approval of the Pier 8 development – the 2017 approval of the Draft Plan of Subdivision and the implementing Zoning By-law amendment. The Urban Design Study completed by Brook McIlroy determined the appropriate height and massing of new buildings, taking into consideration impacts on public views, sunlight penetration, privacy and wind conditions.

With the revisiting of Block 16, an addendum to the UDS has been completed and adopted by the City to satisfy the Policy Requirement. No updating of the Traffic studies are necessary as there are no plans to change the number of dwelling units that can be developed on Pier 8.

4.6.5 Implementation Policies

Section A.6.3.8 identifies the various instruments, projects, studies and actions the City shall initiate to implement the Secondary Plan. These include the City implementing Municipal Capital Projects such as the new Waterfront Promenade on Pier 8, Council’s authority to adopt Zoning By-laws and use Site Plan Control to ensure the Principles and Policies of the Plan are achieved. Policy also provides for the City to establish a design review process for major public capital improvement projects in the Waterfront.

Policies provide direction for the City to establish an administrative body that will be responsible for implementing planned development including the sale of land to achieve development objectives for Piers 7 & 8. The former Waterfront Development Office, now Municipal Land Development Office is fulfilling this role.

The 2017 planning approvals for Pier 8, adopting a Zoning By-law and Draft Plan of Subdivision, were guided by the 2016 Pier 7 & 8 Urban Design Study completed by Brook McIlroy. This study was completed in keeping with the intent of Implementation Policy A.6.3.8.9.4, as below:

The City shall initiate and complete an urban design study of Piers 7-8 to determine the appropriate height, massing and character of new buildings and the appropriate physical relationship between buildings and public open spaces. The primary intent of the study will be to refine the maximum building envelopes established by this Plan based on an analysis of public views to the harbour, sunlight penetration, privacy and wind conditions. The study shall include a process of public consultation and shall be completed prior to the adoption of new development and Zoning By-law Amendments for Piers 7-8. If the urban design study recommends building heights greater than the maximum heights identified on Schedule "M-4", an amendment to this Plan shall be required.

The Pier 8 Block 16 UDG are intended as an addendum to the 2016 Study, providing specific design direction for Block 16. The study fulfills the intent of the above Policy, completing an urban design study that provides design criteria to evaluate the height, massing and character and relationship to proposed buildings and open space. In keeping with the recommendations UDG, a range of detailed design, sustainability and compatibility studies have been completed in support of the increased building height and submitted as part of a complete application.

4.6.6 Summary

The above Policy framework provides detailed guidance for the future development of the Pier 8 lands. The detailed design review process will allow for the implementation of the above noted design considerations and additional matters intended to ensure the development achieves a high standard of urban design. Ensuring proposals achieve excellence in design can be facilitated by the review of individual applications by the City's Design Review Panel.

The proposal in our view implements the intent of the Secondary Plan as a brownfield site is redeveloped for a mix of uses that are encouraged by the Principles of the Secondary Plan. Consistent with the Council adopted UDS, the proposed built form will be well designed in a manner that enhances the character of the neighbourhood and creates new public spaces that are high quality, safe, attractive, accessible and vibrant. Based on the above discussion, it is our opinion that the proposed amendment to redesignate the subject property to High Density Residential and Special Policy Area conforms to the intent of the Policies of Setting Sail - West Harbour Secondary Plan.

4.7 Proposed Secondary Plan Amendment

Implementation of the development proposal requires an amendment to the Secondary Plan, a redesignation from the current Institutional Designation to High Density Residential with detailed objectives to be implemented by establishing the property as a Special Policy Area.

The change in designation from Institutional to Residential use was initially identified as part of the 2016 Urban Design Study completed by Brook McIlroy. The Study provided an alternative design option for Block 16, eliminating the institutional use and creating a single residential development with the abutting Block. The larger residential block would continue the rhythm of residential buildings of the adjoining residential blocks facing onto the new Waterfront Park. The alternative was not pursued at the time as the option would require amendments to the Secondary Plan which was beyond the scope of the 2016 Study.

The 2019 MOS provided direction for the City to bring forward amendments to the Secondary Plan to redesignate the property from Institutional to permit either a Residential or Mixed-Use development. As noted in the preceding discussion of the Implementation Policies, determination of the appropriate height, massing and character of new buildings would be subject to the completion of an urban design study, in this case the recently adopted Pier 8 Block 16 Urban Design Guidelines.

The details of the proposed Secondary Plan Amendment have been prepared having regard for the detailed Tall Building design guidelines of the UDG, Policies of the Secondary Plan and the supporting technical and design studies completed in support of the building design. A copy of the proposed Official Plan Amendment is attached to this report as Appendix "A".

The amendment proposes a tall building with a maximum height of 45 storeys and includes design related policies intended to guide massing such as the maximum constructed floor area, inclusion of a podium on the east side of the building to frame the proposed north-south pedestrian mews and provision of connections with the Greenway.

The amendment also includes modifications to the High Density Residential designation to permit a mix of uses including at-grade local commercial and community uses. While not part of the current development proposal, these additional permissions will provide flexibility to modify the at-grade uses allowing for common spaces and other active uses to create active frontages.

It is anticipated that the text of the proposed amendment will be refined as appropriate through the planning application review process in consultation with City Planning staff and the builder.

4.8 ZONING BY-LAW AMENDMENT

4.8.1. Current Zoning

The subject property was rezoned as part of amending By-law 17-095 that applied to all of Pier 8, the subject property rezoned to I2, 486 H94 – Community Institutional, Exception 486, Holding 94.

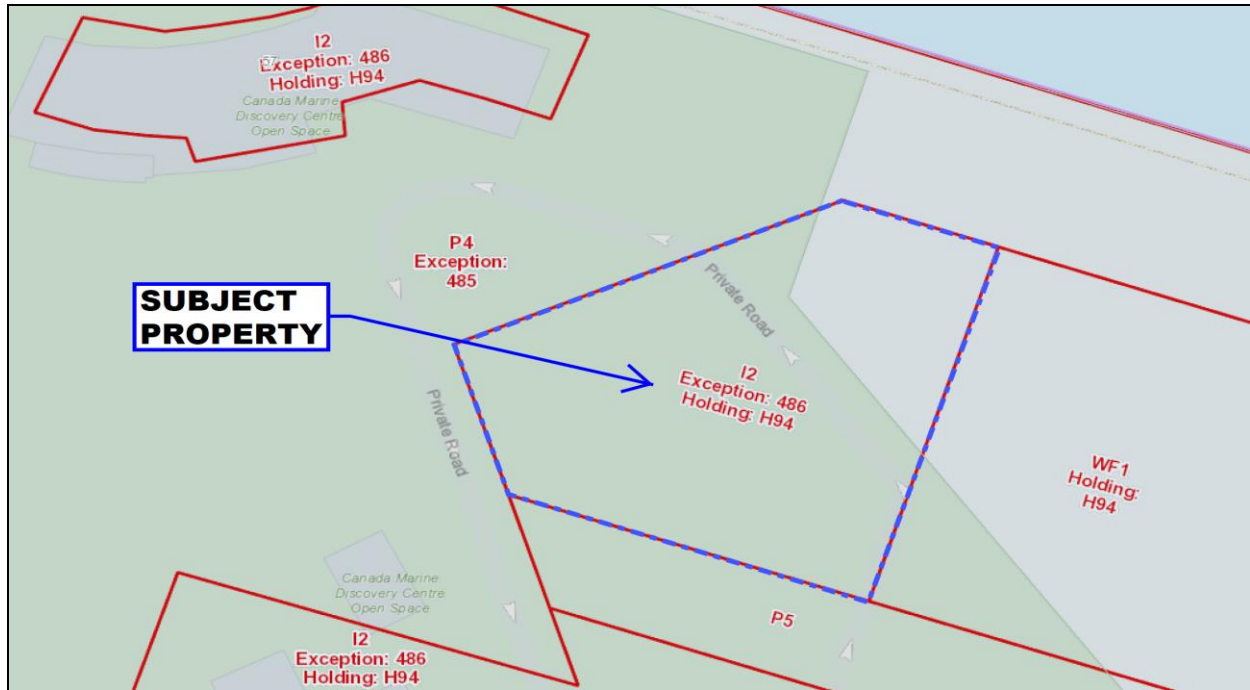


FIGURE 8: CURRENT ZONING

The lifting of Holding Provision No. 94 is contingent on three issues begin satisfied: submission of a record of Site Condition (RSC), investigation of Noise, Odour and Dust levels, and completion of the sanitary pumping station. As these matters are all resolved, an application to remove the current Holding provision is being prepared for submission to the City for processing with the intent of removing the “H” from all of the development blocks including Block 16.

4.8.2 Proposed Zoning – General Comments

The intent of the proposed Zoning Regulations is to implement the recommendations the UDG with regard to scale, massing and built form elements of new buildings. The By-law is not intended to regulate materiality of new development as the underlying intent is to allow flexibility in the architectural design.

For consistency, Block 16 will be identified on the Waterfront Block Plan (Special Figure 10) and rezoned to the WF1 – Waterfront Multiple Residential Zone category, the applicable category that was implemented as part of the 2017 comprehensive amendment applicable

to all of Pier 8. In addition to the Regulations of the WF1 Zone and any Site Specific Exceptions as summarized below, the Block will be subject to Section 14.0 of the By-law – General Provisions for the Waterfront Zones.

Materiality and design related elements will be addressed as the development proposal proceeds through the Implementation Process, having appropriate regard for the Tall Building Design recommendations outlined in the council adopted UDG.

4.8.3 Number of Dwelling Units and Family Units

There is no change to the overall number of dwelling units that can be built on the Pier 8 development Blocks, a maximum of 1,645 dwelling units.

The existing Zoning By-law Regulations state that 15% of all dwelling units built on the Pier 8 development Blocks shall be “family units”, defined as having 2 or more bedrooms. These units can be located within Pier 8 at the discretion of the builder, Waterfront Shores Corporation.

Pursuant to the Minutes of Settlement, additional family units over and above the required 15% shall be provided. Based on the approval of a building with 31 or more storeys, 150 additional family units would be required and may be provided for within Block 16 or elsewhere on Pier 8, at the discretion of WSC.

4.8.4 Building Height

In keeping with the Pier 8 Block 16 UDG, the proposed building height shall be no greater than 45 storeys and 147.0 metres, measured to the peak of the mechanical penthouse.

4.8.5 Podium

A podium with a maximum height of three storeys will be required on the east side of Block 16. The podium shall have a minimum setback of 7.5 metres to the east property line to create an animated and functional space for the intended at-grade dwelling units including amenity space and pedestrian connections.

The north, west and south sides of the building may or may not incorporate a podium subject to final design considerations including the adequacy of wind mitigation measures.

4.8.6 Setbacks, At-grade Conditions and Tower Placement

As illustrated by the following Figure 9, the proposed development concept includes a podium abutting the East Lot Line and a portion of the South Lot Line. No podium is proposed for the portion of the building that is oriented to the Westerly Lot Line. As detailed in the accompanying draft By-law, the proposed Regulations are formulated to address setbacks for the at-grade condition and additional setbacks above the lower development portion and a step back above the podium abutting the east lot line.

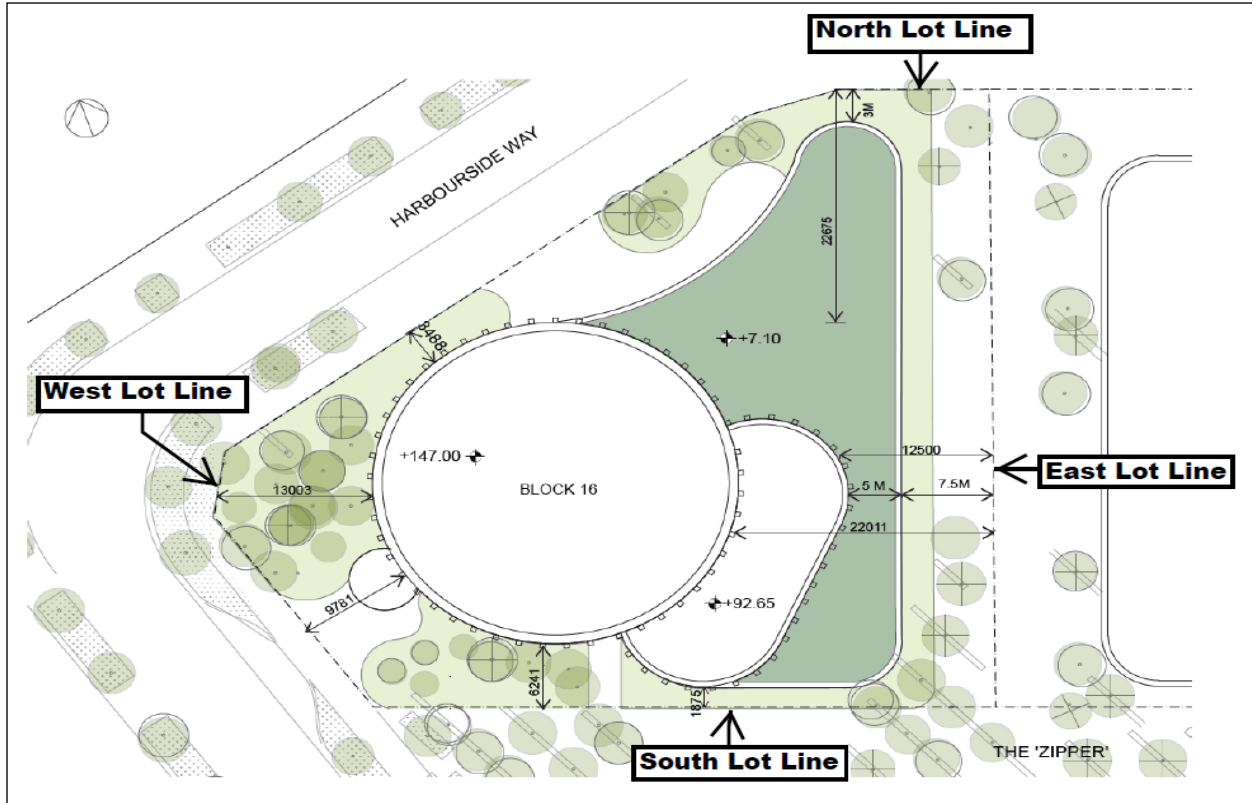


FIGURE 9: PROPOSED SETBACKS

4.8.7 Building Area and Floor Plates

The UDG identified a massing envelope that is intended to provide flexibility in the final design solution for Block 16 yet provide the three-dimensional envelope within which the building must be located.

The overall massing of the building, measured as gross constructed area, shall not exceed 38,200 squares. It is noted that this gross area shall include above ground mechanical spaces but shall not include balconies. As the City of Hamilton Zoning By-law does not include a definition for Gross Constructed Area, it is recommended that either a new definition be created, or the building area be recategorized to meet with the current definition of Gross Floor area. This will be reviewed with City Planning Staff through the application review process.

The achievement of a slender and tapered tower design is achieved by regulating the tower floor plates above the third storey. With the intent of achieving a maximum average floor plate of 750 square metres, the By-law will establish a maximum floor plate of 850 square metres for storeys 4 through 30 and a maximum of 650 square metres above the 31st storey.

4.8.8 Holding Provision

As identified by the Implementation Process, it is recommended that the proposed Zoning for Block 16 include a Holding Provision.

The lifting of the Holding Provision shall require the proponent to obtain Site Plan Approval of the preferred tower design option identified through the special design review process, to the satisfaction of the City's Chief Planner and Director of Planning. Lifting of the H shall be a Condition of Site Plan Approval and shall be completed prior to obtaining final Site Plan Approval.

4.8.9 Summary

The proposed Zoning Regulations are generally consistent with the intent of the design guidelines and performance criteria outlined in the Pier 8 Block 16 Design Guidelines. Where the Regulations propose minor variation from the recommendations, the proposed standards have been identified in the Urban Design Brief with a supporting rationale for the alternative approach.

A copy of the draft Zoning By-law amendment is attached to this report as Appendix "B". It is understood that the Regulations of the draft By-law will be the subject of further refinement through the planning application review process and subject to the outcome of the special design review process, with a final draft By-law being prepared in consultation with City Planning Staff.

5.0 CITY GUIDELINES

5.1 Urban Design Guidelines – Pier 8, Block 16

As a prerequisite to processing planning applications for Block 16, the City retained Brook McIlroy Inc. to complete an urban design guidelines to assess the opportunity and design parameters to accommodate a mid-rise or tall building. The Guidelines are prepared as an addendum to the Pier 7 & 8 Urban Design Guidelines approved in 2016 and build upon the established Vision Statement and Guiding Principles.

The design guidelines and policy objectives of the UDG shall be used to prepare the OPA, ZBA and Site Plan criteria to implement development of Block 16. The guidelines also provide a detailed implementation process that identifies the specific steps to be followed in the processing of the planning applications to facilitate enhanced opportunities for public engagement, a robust design review process and recommendations for implementation at the Site Plan Approval and Building Permit Phase.

The 2016 UDG included a demonstration plan for Block 16 based on the current Institutional Designation and design consideration including massing scaled to the Waterfront Promenade and Greenway, screening of parking and loading areas, and incorporation of a north-south pedestrian connection between Blocks 16 and Block 1. The guidelines provided an alternative design concept wherein the Block would be developed for

residential uses, continuing the established scale of residential buildings facing onto the Waterfront Promenade. The alternative was not pursued at the time as amendments to the Secondary Plan and Zoning By-law were required.

As stated in Section 1.3 of the UDG, the current UDG builds upon the prior work and provides detailed guidance for the potential scale of development. The Vision and Guiding Principles for Block 16 build upon the established Vision Statement and Guiding principles in the 2016 Pier 7 and 8 Urban Design Study which included the following statement:

“Pier 8 will become a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City. The vitality of Hamilton’s urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.”

The 2016 Study also established key development concepts that are to be considered in the future development on Block 16 as below:

“A new Green Street (The Greenway) that connects from east to west. This open space is framed by new residences and has activity anchors at the east and west boundaries of the open space...”

A mix of building heights and massing to provide a varied and interesting architectural character.”

The current development proposal represents an opportunity to implement the above noted development concepts based on a location that abuts the Greenway and the waterfront promenade open space, and an appropriate location to consider variation in building height.

The vision established by the 2016 Study (2016) is supplemented by twelve site specific objectives and guiding principles to be considered in the development of the Block 16, the following principles are directly relevant to consideration of the proposed tall building:

The taller height proposed for Block 16 should be considered an intentional urban design device creating a singular exception to the uniformity of 8-storey maximum heights on the other Pier 8 Blocks. A taller building in this location can create both variety and interest in the urban fabric and provides an opportunity to create a landmark that is emblematic of the renewal of the Hamilton Harbour

For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour’s renewal.

A tall-building in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional landmark emblematic of the renewal of Hamilton Harbour. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade. The higher portions of the tower will be highly visible from the downtown, centred on the James Street Corridor. A tower will also be clearly visible as a landmark visible from the McQueston High Level Bridge and the James N. Allan Skyway.

To assess development opportunities on Block 16, the UDG undertook a contextual assessment of the site and surrounding area and completed shadow studies and a visual analysis for both the mid-rise and tall building scenarios. The Study conclusions being that a building of up to 45 storeys can be built on Pier 16 provided the design principles and guidelines and adhered to.

It is our opinion that the UDG provides the necessary framework to assess the appropriateness of the development proposal by a combination of technical and design studies and adherence to the design review process.

Evaluation of the proposal requires an assessment having regard for the Tall Building Design Guidelines, Section 8.0 of the UDG. The Urban Design Brief prepared by WND Associates, and the accompanying sun/shadow and Visual Impact Analysis provide the analysis of the proposal in the context of the design objectives for a tall building and general compliance with the details of the Block 16 Design Guidelines.

Section 9.0 of the UDG sets out the implementation process that is to be followed to ensure the Guidelines positively shape the future development of Block 16. Certain components of the implementation process are fulfilled with the submission of the Planning Applications while others are to be addressed through the processing of the applications or at subsequent stages of the planning process. As stated in Section 9.0, the success of the UDG in positively shaping development of Block 16 will be directly related to the implementation process.

As a means to ensure achievement of design excellence, the Implementation Section recommends a unique design process that is significantly more robust than would occur in a standard development application review process.

As outlined in Section 9.1.3, the process calls for the proponents to prepare three tower design options that are to address innovation in 3 key areas: Sustainability, Quality of Life and design excellence. The 3 options will initially be presented at a Public Information Centre (PIC) to be hosted by the applicants followed by a special meeting of the City's Design Review Panel to present the options and receive feedback.

Based on the input from the PIC and special Design Review Panel meeting the proponent will refine the development concept and submit to City Planning Staff for review and preparation of their staff report recommending approval of the Applications for Official Plan and Zoning By-law Amendments.

The Implementation Process recommends the Zoning By-law be subject to a Holding Provision that requires the proponents to implement the preferred tower design through an Application for Site Plan Approval. Conditions of SPA should include a review of the final design by a control architect and a sustainability consultant to ensure urban design elements and sustainability measures are implemented.

6.0 SUPPORTING STUDIES

The scope of the studies that are required to accompany submission of the planning applications were identified through the Pre-Consultation process and the Implementation section of the Pier 8 Block 16 Urban Design Guidelines (UDG).

In addition to this Planning Justification Report, the scope of the required studies is as follows:

- Urban Design Brief including Visual Impact Assessment and Sustainability Report
- Architectural Report including Architectural Drawings, Perspective Views and Shadow Study
- Pedestrian Level Wind Study
- Noise Study

The required studies and plans are intended to facilitate a comprehensive review of the proposed development and, where applicable, provide information that informs the planning opinion. The following discussion provides a brief overview of the accompanying studies.

6.1 Urban Design Brief, WND Associates

The Urban Design Brief (UDB) is a comprehensive document that provides an evaluation of the substantial City building opportunity presented by the proposed development from an urban design context. The evaluation includes reference to the applicable Provincial and local planning policy framework and the Council adopted Pier 8 Block 16 Urban Design Guidelines (UDG).

In assessing the development proposal, the UDB undertakes a contextual analysis of the proposal and a Visual Impact Assessment that considers the proposal based on the viewpoints recommended by the UDG. The Brief provides a point-by-point review of the proposal having regard for the detailed guidelines of the UDG where a tall building is proposed and concludes that “the proposed development represents an appropriate and desirable catalyst for the creation of a complete community, which will serve as a focal point of a vibrant urban waterfront neighbourhood with creative and well-designed architecture framing a substantial and transformative public realm.”

6.2 Architectural Report, KPMB Architects

The project designers, KPMB Architects, have completed an Architectural Report that includes detailed architectural plans for the proposed development and perspective views to inform the Visual Impact Assessment. A site plan, roof plan and elevations provide a contextual illustration of the proposed development including design details for the at-grade conditions, relationship to the adjoining Greenway and inclusion of the 15.0 metre wide pedestrian mews along the east portion of the site. The elevation plans illustrate the tower element with the two intersecting towers rising to a height of 31 storeys with the central

towner continuing to a height of 45 storeys and 147.0 metres including the mechanical penthouse.

The drawing set also includes the shadow study and sun coverage diagrams that provide the basis for the shadow analysis as outlined in Section 2.2 of the Pier 8 Block 16 UDG for consideration of Sunlight and Sky Views arising from new development. The Guidelines outline the specified time periods wherein shadows from new development should allow a minimum of 3.0 hours of sun coverage on public sidewalks opposite the Block 16 Development and a minimum of 50% sun coverage on the waterfront promenade.

The commentary in the WND Associates UDB confirms the Shadow Study has been prepared consistent with the direction of the Guidelines with the conclusion that the proposed development will create a slender, fast moving shadow that largely falls within Lake Ontario. The Study further demonstrates that all portions of the public realm surrounding the Subject Site will experience sunlight throughout the day.

6.3 Pedestrian Level Wind Study, RWDI

Rowan Williams Davies & Irwin Inc. (RWDI) was retained by Waterfront Shores Corporation (WSC) to assess the potential wind conditions at pedestrian levels on and around the proposed Block 16 in keeping with recommendations of the Pier 8 Block 16 UDG which emphasize optimizing the building shape to mitigate wind impacts.

The Study discussion comments on the proposed aerodynamic shape of the proposed building massing and other design features such as the low podium and canopies above the entrances which are expected to reduce potential wind impacts, impacts lower than that of rectilinear massed building of similar height. The resultant wind conditions from the intended building form are expected to be favourable for pedestrian use in the summer and winter, potential impacts *“will be limited around the site and the proposed tower is not expected to significantly worsen wind conditions.”*

The Study recommends consideration of a range of strategic wind mitigation features which may include overhead wind control such as canopies or trellises, vertical features such as wind screens or landscaping and landscape design incorporating dense trees and understory planting. The combination of these features that best suits the architectural design and operational feasibility is to be determined through further assessment as detailed design develops.

6.4 Noise Feasibility Study, GHD Limited

GHD Limited (GHD) was retained by (WSC) to prepare a Noise Feasibility Study for the proposed high-rise residential development located on Block 16. Potential noise sources addressed in the Study include existing industrial operations, nuisance noise from ship sources and road traffic noise. The study also has regard for a Settlement Agreement that was entered into between the City of Hamilton, adjoining industry and WSC that addresses noise abatement requirements from certain noise sources.

The Study recommendations identify a range of potential mitigation measures that could be implemented to the proposed development including building facade construction, ventilation, acoustic barriers and warning clauses. The Study findings confirm that the proposed development is feasible with respect to noise.

7.0 PUBLIC CONSULTATION STRATEGY

As part of a complete application, development proponents shall set out the public consultation strategy that will be followed to ensure that the public are informed of the proposal and provided opportunities for input.

Given the significance of this project, the development review process will follow an enhanced public consultation strategy that was developed and adopted through the finalization of the Pier 8 Block 16 Urban Design Guidelines.

The enhanced process is warranted based on Policies of the West Harbour Secondary Plan that acknowledge the opportunity to convey an image of design excellence to the world through a collaborative process that includes citizens, developers and the public sector.

The City's standard and minimum requirements for public consultation include mailed Notices once an application has been deemed complete and the posting of a Public Notice Sign on the property to provide general information on the proposal, notice of upcoming meetings, and contact details to obtain additional information. Mailed Notices are again circulated in advance of the Statutory Public Meeting held before the City's Planning Committee.

As noted in the prior section of this report, the Implementation Process for this development proposal will be following an enhanced Public Consultation Strategy that will provide for added opportunities for public input, access to supporting studies, a special Public Information Centre to engage with the public on the three design options, and a second Statutory Public Meeting.

The following bullet points summarize the key components for public consultation as identified in the Implementation Process adopted with Pier 8 Block 16 UDG process:

- Posting of Public Notice Sign;
- Mailed Notice of Complete Application to Registered Property owners with 120 metres;
- Activation of project specific portal on City Website – will be used to provide details on the development proposal, status updates on the processing of the application, access to technical studies and staff reports, updates on scheduling of meetings;
- Initial Statutory Public Meeting of Planning Committee;
- Public Information Centres;
- Special Design Review Panel;
- Second Statutory Public Meeting of Planning Committee to consider Staff Report and recommendation for Adoption of OPA & ZBA.

The following Table provides an overview of the Public Consultation Strategy:

Criteria	Response
Target audience of the consultation	Residents and landowners within 120m of development parcel and the broader public with an interest in the development of the waterfront.
Consultation efforts made before application submitted	Dialogue with appellants in formulating Minutes of Settlement for Pier 8 Planning Approvals Public Engagement in preparation of the Pier 8 Block 16 Urban Design Guidelines No formal pre-consultation specific to OPA/ZBA
List of stakeholders and how they are impacted.	Primary stakeholders are residents and property owners within the 120m circulation area and the broader public having an interest in the development of the waterfront. Potential impacts are limited to matters of compatibility which have been mitigated through compatible design and the completion of technical studies to determine no adverse impacts, ie: Shadow, Noise and Wind Studies.
Tools used to consult / engage the public	A Public Notice Sign per City's guidelines will provide the information related to the purpose and intent of the applications and contact information to obtain additional details of the proposal. Mailed Notice of Complete Application providing overview of proposal with request for input. Website Portal to provide access to development details and supporting studies, will also function to provide updates and advance notice of Meetings. Statutory Public Meeting of City's Planning Committee to consider Information Report Public Information Centre to consider and provide feedback on design options Special Meeting of the City's Design Review Panel
Timing of Consultation	Consultation will commence upon submission of Planning Applications and continue throughout processing
Method to receive and document comments	Varies depending on particular forum for engagements, to include Public Meetings, Public Information Centre, Project Portal on City Website, receipt and documentation of any written submissions.
Proposed participants in consultation and their role	Property owners and public at large - Stakeholders WEBB Planning Consultants – Agent Municipal Land Development Office: Applicant & facilitators
Requested City resources	Portal on City Website Special Design Review Panel
Expected/Potential Issues	Issues to be identified and addressed as they arise

8.0 PLANNING ANALYSIS AND CONCLUSION

The proposed development of the lands comprising Pier 8 were the subject of applications for Draft Plan of Subdivision and Re-zoning processed and approved by the City in May of 2017. The Draft Plan and implementing Zoning Regulations were guided by a comprehensive Urban Design Study completed by Brook McIlroy in 2016, as well as, the Core Principles, Waterfront Vision, and the Land Use Policies of Setting Sail, the Secondary Plan for the West Harbour.

The initial planning approvals maintained Block 16 for Institutional uses with land use permissions for a limited range of community and institutional uses and a four storey height maximum. While the 2016 UDS did identify an alternative residential development scenario for Block 16, the alternative was not pursued at the time as it would have necessitated an amendment to Secondary Plan.

The planning applications approved by Council in 2017 were appealed to the Local Planning Appeals Tribunal (LPAT) and settlement discussions were pursued among the parties. The appeals were resolved through Minutes of Settlement that included direction for the City to bring forward amendments to the Secondary Plan to redesignate Block 16 from Institutional to permit either a Residential or Mixed-Use development. The Minutes included added direction wherein there would be no increase in the overall number of dwelling units constructed on Pier 8. The Minutes also included provisions for an increased number of family units related to incremental increases in approved building height for Block 16.

Consistent with the Implementation Policies of the Secondary Plan, the City retained Brook McIlroy to complete an addendum to the 2016 UDS. Adopted by City Council in August 2021, the Pier 8 Block 16 Urban Design Guidelines (UDG) have evaluated options for a mid-rise or tall building on Block 16 and provide detailed guidance and evaluation criteria to assess the building height, massing and character of development that could be accommodated. The UDG provide a framework to promote the creation of high quality development of exceptional design, the development to reflect the unique West Harbour context to create a landmark and visual anchor emblematic of the Harbour's renewal.

The UDG also sets out a detailed Implementation Process that is to be followed to ensure the successful implementation of the Guidelines. In addition to recommendations to be incorporated into the Official Plan and Zoning By-law amendments, the UDG outlines a detailed process that will enable enhanced public consultation and a rigorous design review that is intended to ensure that the development achieves the benchmark of exceptionalism having regard for the principles of design excellence, sustainability, and quality of life.

By adhering to the Implementation Process, the City's MLDO is upholding Policies of Setting Sail and the UDG, demonstrating leadership by engaging in a public consultation and design review process intended to achieve the highest standard of design excellence.

In keeping with the intent of the Minutes of Settlement, the MLDO is submitting applications to amend the Official Plan and Zoning By-law to permit the development of Block 16 for a

tall building guided by the Urban Design recommendations of the Pier 8 Block 16 UDG. The permissions will include at-grade local commercial, and community uses, allowing for uses that may contribute to active spaces and street frontages.

As illustrated by the accompany design materials and supporting studies, the proposed landmark building of 45 storeys has been designed to reflect the unique contextual qualities of Block 16 as a priority site within Hamilton Harbour. The proposed at-grade conditions and massing of the tall building reflect the tall building design criteria that are intended to ensure the development will integrate with the adjoining lands of Pier 8 and create a visual landmark of the highest quality and design excellence that will be emblematic of Hamilton Harbour's renewal.

The proposal has been evaluated having regard for the Policies of Setting Sail – The West Harbour Secondary Plan. It is our opinion that the proposal conforms with the detailed Policy direction provided by Setting Sail including the Core Principles, Vision for the Waterfront and associated land use policies.

Achieving Design Excellence is one of the Core Principles. The principle is directly relevant to the proposed development of Block 16 having regard for the objective of achieving the highest standard of design for international placemaking but also the collaborative role of the general public, developer and the public sector in achieving the objective. The Implementation Process contained in the UDG sets out an enhanced public consultation strategy to achieve consultation and engagement, as well as, the rigorous design review process that is structured to ensure design excellence is achieved.

The Waterfront area that includes Pier 8 is within an Area of Major Change, a component of the Secondary Plan with added Policy Guidance to be considered where significant land use changes are planned. The prior planning approvals for Pier 8 were implemented having regard for these Policies including the Vision for the Waterfront, objectives to be achieved where for development and improvements are planned to help the City realize the Vision for the Waterfront. In the context of Pier 8, the directly relevant objectives include the extension of the grid patten of streets, design excellence, creation of new residential neighbourhoods, and development that is beautiful, publicly accessible and inviting. The development of Block 16 is seen as a further opportunity to implement the Waterfront Vision.

The submission of the planning applications is accompanied by an agreed upon scope of supporting design and technical studies, intended to demonstrate conformity with the applicable planning policy framework and the Pier 8 Block 16 UDG. The recommendations of these studies have informed the planning opinion of this PJR with regard to matters of Provincial interest, conformity with the Official Plan and Design Guidelines.

It is noted that the submission and processing the application for Official Plan and Zoning By-law amendments is to occur in distinct phases. To facilitate early public input, a Statutory Public Meeting of the City's Planning Committee will be held in early 2022 for the purpose of facilitating public input. An Information Report will be prepared for the Public Meeting with the intent of early and effective public engagement.

Following the Public Meeting, the process will shift and focus specifically on the design of the tall building. The detailed design phase will require the proponent to present three tower design alternatives addressing the principles of sustainability, quality of life and design excellence. The design options will be presented at Public Information Centre followed by a special Design Review Panel meeting to review feedback from the PIC and provide further evaluation of the design options.

The culmination of the design review process will be a preferred development concept to the satisfaction of the City's Director Planning and Chief Planner. At this stage the draft Official Plan and Zoning By-law amendments will be modified as necessary to reflect the final preferred design and the Applications presented at a further Public Meeting of the City's Planning Committee for adoption.

The proposed Zoning is recommended to include a Holding provision that can be lifted upon the proponent securing final Site Plan Approval of the preferred tower design option. The final stages of the review process leading up to the issuance of a building permit will include a review of the final building plans by a Control Architect and Sustainability Consultant to confirm implementation of urban design and sustainability in accordance with the Design Guidelines.

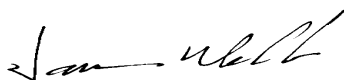
Block 16 will continue to be subject to Draft Approved Plan of Subdivision 25T-201605 and the Conditions of Draft Plan Approval pursuant to Schedule 1 of the Notice of Draft Approval. As an additional Implementation measure, minor modifications to the current Conditions of Draft Approval are necessary to update the references to the current Urban Design Guidelines, adopted by the City in August 2021. Conditions 35 and 36 shall be amended to include an added reference to the Pier 8 Block 16 Urban Design Guidelines as applicable to the future development of Block 16.

Based on the preceding discussion of this PJR, it is our opinion that the proposed OPA & ZBA and supporting studies will provide for the appropriate development of the lands based on conformity with the municipal planning policy framework and Council adopted Guidelines.

The proposal has been considered in the context of Provincial Policy including the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. Having regard for the discussion contained in this report it is our opinion that the proposal is consistent with the PPS and conforms to the Growth Plan. In conclusion, it is our opinion that the requested planning approvals are appropriate for the orderly development of the property and represent good land use planning.

Respectfully Submitted,

WEBB Planning Consultants



James Webb, MCIP, RPP

APPENDIX "A"

DRAFT OFFICIAL PLAN AMENDMENT

**Amendment No. XXX
to the
City of Hamilton Official Plan**

The following text, together with:

Appendix "A"	Schedule M-2: General Land Use Map
Appendix "B"	Schedule M-4: Building Heights Map

attached hereto, constitutes Official Plan Amendment No. **XXX** to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of the subject lands from "Institutional" to "High Density Residential" and by establishing a Special Policy Area to permit a maximum height of 45 storeys (147 metres). The effect of this Amendment is to establish a policy framework that will guide the form of development on the subject lands in accordance with the Pier 8 Block 16 Urban Design Guidelines.

2.0 Location:

The lands affected by this Amendment are located at 65 Guise Street East (Pier 8, Block 16), in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- Pier 8 has been identified in the West Harbour (Setting Sail) Secondary Plan as one of three areas planned for significant land use change;
- The subject property has been identified as an opportunity site in the Pier 8 Block 16 Urban Design Guidelines to establish a landmark building that demonstrates exceptionalism in architecture, sustainability, and quality of life;
- The proposed Amendment implements the urban design direction of the Pier 8 Block 16 Urban Design Guidelines and implementation process;

- The subject property has a prominent location within the unique West Harbour context to achieve a visual anchor at Pier 8 that is emblematic of the Harbour's renewal;
- The proposed development efficiently utilizes vacant land, existing infrastructure and positively contributes to the range of mix of housing options on Pier 8, including family housing;
- The proposed development advances the City's economic development strategy and long-term economic prosperity by redeveloping the subject waterfront lands and achieving a sense of place, promoted by well-designed built form.
- The proposed Amendment implements Policy A.6.3.8.9.4 of the West Harbour (Setting Sail) Secondary Plan which states that the City shall complete an urban design study of Piers 7-8 to determine the appropriate height, character and massing of buildings prior to the adoption of new development; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2019, as amended.

4.0 Changes:

4.1 Text Changes:

4.1.1 That Section A.6.3.3.1.15 be amended by adding Policy No. A.6.3.3.1.15.1:

"A.6.3.3.1.15.1 Notwithstanding Policy A.6.3.3.1.15.1 i) through iv), the following policies shall apply to the lands known municipally as 65 Guise Street East (Pier 8, Block 16), designated High Density Residential and identified as Special Policy Area - ~~X~~ on Schedule M-2: General Land Use of West Harbour Secondary Plan:

- i) The following uses shall be permitted:
 - a. One apartment building or one apartment building combined with at-grade live/work or townhouse dwelling units;
 - b. Local Commercial uses on the ground floor; and,

- c. Community uses, such as day nurseries, library, schools, places of worship on the ground floor.
- ii) Minimum building height shall be 2 storeys.
- iii) Maximum building height shall be 45 storeys (147 metres).
- iv) The following studies and reports may be required as part of a *development* application:
 - a. An Urban Design Brief that demonstrates how the proposed development complies with the urban design direction of the Pier 8 Block 16 Urban Design Guidelines;
 - b. Text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Pier 8 Block 16 Urban Design Guidelines have been met;
 - c. A Context Analysis Report providing a comprehensive assessment of the impact of the proposed development on the remaining development blocks on Pier 8. The report shall evaluate revisions to the planning height and massing of Pier 8 buildings, the distribution of units and any revised plans for parking infrastructure that result from the development of the subject lands;
 - d. A Noise Impact Study;
 - e. A Shadow Impact Study, a Pedestrian Level Wind Study, and a Visual Impact Assessment shall be submitted to demonstrate that there are no adverse impacts from the proposed *development*;
 - f. A Sustainable Design Report shall be submitted identifying the sustainability standard to be used to guide the design and development of

the building and site. The report will provide a comprehensive summary of all sustainability initiatives, targets, and third-party verification procedures that will be used to guide the *development*;

- v) Block 16 is considered a prominent site of strategic importance within the overall Pier 8 development. Future *development* of this site shall reflect the positive attributes of the unique West Harbour context and create a visual anchor at Pier 8 that is emblematic of the Harbour's renewal.
- vi) The Pier 8 Block 16 Urban Design Guidelines shall be used to guide the *development* of Block 16 and shall be used by City Staff when evaluating *development* proposals for Block 16.
- vii) *Development* shall provide appropriate transition and sufficient separation distances between development on Block 16 and development on the surrounding blocks and public spaces.
- viii) The design and location of *development* shall ensure adequate access to sunlight and sky view for the surrounding context of buildings, streets, parks, and other sensitive areas.
- ix) Primary building entrances shall front onto public streets and pedestrian paths and shall be clearly visible and accessible.
- x) Site access, servicing, parking and other related functions shall be located to reduce visual and functional impact on the Waterfront Promenade.
- xi) Private open spaces should be designed to maximize liveability and year-round usability. These spaces include front yards associated with at-grade units, at-grade shared open spaces, individual unit residential balconies and individual

or shared roof terraces.

- xii) *Development* shall provide an appropriate interface between the public and private realm to reflect the nature of the building use at grade. When possible, common spaces and other active uses should be located within the first four storeys to create active frontages and promote views between interior and exterior areas.
- xiii) The lower storeys of the building base should be massed and designed to ensure there is a strong visual connection between the adjacent public realm and common uses at grade.
- xiv) A new north-south Pedestrian Mews connection shall be provided at the east edge of Block 16 to provide a north-south mid-block pedestrian connection between the Waterfront Promenade and the Greenway.
- xv) Buildings shall be located, oriented, and designed to minimize adverse wind conditions on adjacent streets, parks, open spaces, building entrances and in public and private amenity areas.
- xvi) Green infrastructure, such as electric vehicle charging and bicycle parking, shall be provided to promote the use of electric cars, and bicycles.
- xvii) Bird friendly design measures shall be applied to reduce bird deaths associated with bird strikes.
- xviii) The design and construction of *development* shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.
- xix) *Development* is encouraged to incorporate rooftop terraces or gardens, greenwalls and other green technologies to improve micro-climatic

conditions, energy efficiency, air quality and for stormwater management.

- xx) In addition to Policy A.6.3.3.1.15.1 i) through xix) above, the following policies shall apply to building *development* greater than 12 storeys in height:
- a. Building *development* greater than 12 storeys in height has the opportunity to create metropolitan level landmark and visual anchor at Pier 8 due to the strategic location of the site. Building *development* greater than 12 storeys shall be designed to standards of exceptional quality and shall demonstrate innovation in sustainability, quality of life and design excellence;
 - b. The design of the building shall create a high-quality public realm reflecting the building's strategic location between the Greenway and the Waterfront Promenade;
 - c. The maximum Gross Constructed Area, including above ground mechanical spaces but excluding below grade areas and balconies, shall be no greater than 38,200 square metres;
 - d. A podium with a maximum height of three storeys shall be provided on the east side of the building flanking the Pedestrian Mews;
 - e. The design of the top of the building should make a positive contribution to the quality and character of the Hamilton Skyline;
 - f. In addition to the EnergyStar certification that applies to all buildings on Pier 8, a LEED Certification, Green Globes or similar sustainability standard shall be used to guide the deigned development of the building;

- g. The implementing zoning by-law shall include a Holding provision that requires the proponent to implement, through site plan approval, the preferred design option that has been approved by Council.

xxi) To ensure that a range of residential unit options are achieved within the Pier 8 community, the proposed development on Block 16 shall contribute additional family units, being units comprised of two or more bedrooms. The implementing Zoning By-law amendment will include Regulations that will guide the number of additional family units in relation to approved building heights. xxii) To ensure that a range of housing options are achieved within the Pier 8 community, the proposed development on Block 16 shall contribute no less than five percent (5%) of the residential units to meet the definition of Affordable Housing, as defined by the City of Hamilton's *Municipal Housing Facilities By-law No. 16-233* and as required by the applicable development agreement between the City and the Proponent.

4.2 Map/Schedule Changes:

4.2.1 That Schedule M-2: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) redesignating the lands from "Institutional" to "High Density Residential" and adding Special Policy Area "X",

as shown on Appendix "A" to this Amendment.

4.2.2 That Schedule M-4: Building Heights Map of the West Harbour (Setting Sail) Secondary Plan be amended by:

- a) changing the building height category from "2-4 Storeys" to "Height is governed by the Secondary Plan Policies,

as shown on Appendix "B" to this Amendment.

5.0 Implementation:

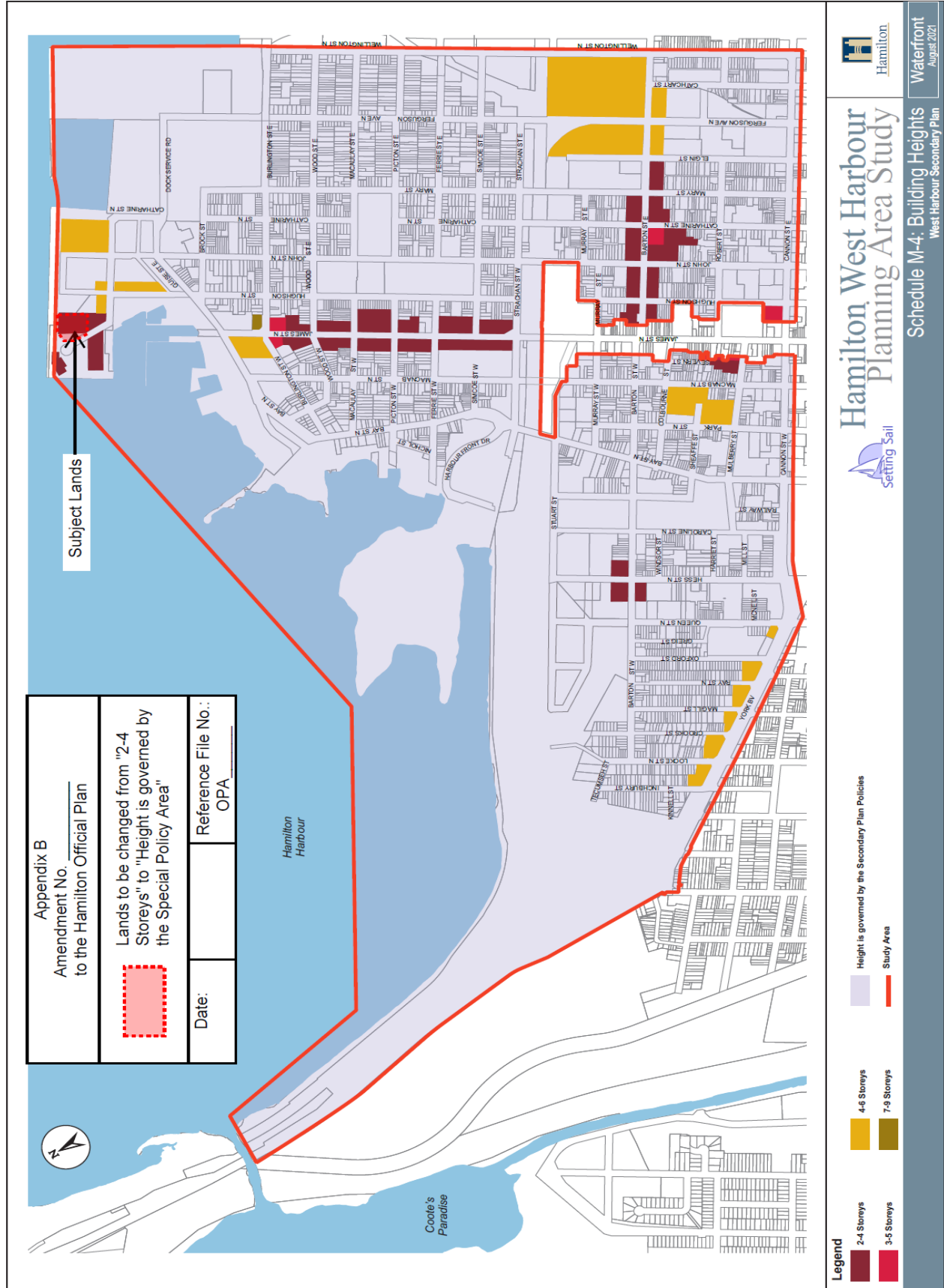
An implementing Zoning By-law Amendment and Site Plan Control will give effect to this Amendment. The Zoning By-law Amendment will include a Holding Provision applicable to the property.

This is Schedule "1" to By-law No. XX-XXX passed on the XX day of month, 202X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

A. Holland
CITY CLERK



APPENDIX “B”

DRAFT ZONING BY-LAW AMENDMENT

CITY OF HAMILTON ZONING BY-LAW No. 05-200

CITY OF HAMILTON

BY-LAW NO. 22- _____

To Amend Zoning By-law No. 05-200,
Respecting Lands Located at Pier 8, 65 Guise Street East
(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, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 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 _____, 20__, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982.

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

1. That Map No. XXX of Schedule “A” – Zoning Maps, to Zoning By-law No. 05-200 be amended as follows:

a) Block 1: Change in Zoning from Community Institutional (I2, 486, H94) Zone to the Waterfront – Multiple Residential (WF1, XX HXX) Zone, Exception No.____.

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

2. That Schedule “C” of By-law 05-200 is amended by adding the additional exceptions as follows:

“ ____ ’. In addition to Sections 14.1.1 and 14.1.2, on those

lands zoned Waterfront - Multiple Residential (WF1) Zone, identified on Map XXX of Schedule "A" – Zoning Maps and Block 17 on Figure 10 to Schedule F – Special Figures to Zoning By-law 05-200, and described as Pier 8, 65 Guise Street, the following special provisions shall apply:

- a) The following uses shall also be permitted at grade:

Local Commercial Uses including Office, Restaurant, Personal Service, Studio, Restaurant; and,

Community Uses including Day Care, Art Gallery, Social Services Establishment, Recreation, Educational Establishment.
- b) Landscaped Open Space: A minimum of 20%
- c) A Landscaped Buffer Strip having a minimum width of 1.5 metres shall be provided on the North, West and South lot lines.
- d) The minimum width of live/work or multiple dwelling units at-grade shall be 5.0 metres.
- e) Live/work or multiple dwelling units at grade shall have a landscaped front yard with a minimum depth of 2.5 metres.
- f) Amenity Space shall be provided with a minimum of 2.0 square metres of indoor space and 2.0 metres of outdoor space provide for each dwelling unit. Balconies may be included as Amenity Space.
- g) A maximum Gross Constructed Area of 38,200 square metres, including above ground mechanical space but excluding below grade mechanical space. Balconies shall not be included in Gross Constructed Area.
- h) A maximum building height of 3 storeys and XX metres shall be permitted abutting the East lot line.
- i) For the portion of the building abutting the East lot line, a 5.0 metre stepback shall be required for any portion of a building exceeding 3 storeys and XX metres in height.

- j) The following At-grade setbacks shall be required:
 - 1.5 metres to the North, West and South Lot Lines; and,
 - 7.5 metres to the East Lot Line.

- k) The following setbacks shall be required above the 3rd storey:
 - 12.5 metres to the North Lot Line;
 - 13.0 metres to the West Lot Line;
 - 1.8 metres to the South Lot Line, 6.0 metres above the 31st storey;
 - 12.5 metres to the East Lot Line

- l) The maximum permitted gross floor area of each storey shall be the following:
 - 850 square metres for storeys 4 – 30; and,
 - 650 square metres for storeys 31 and above.

3. That Schedule F of Zoning By-law 05-200 – Special Figures, be amended as follows:

- a) Figure 10: Waterfront Block Plan, Block 16 to be changed to Block 17.

- b) Figure 12: Waterfront Zones – Building Heights: addition of Block 17, Minimum building height of 9.0 metres, maximum building height of 45 storeys and 147.0 metres, height shall be measured to the top of the mechanical penthouse.

- c) Figure 14: Waterfront Zones – Residential Unit Restrictions: Insert Block 17 with the requirement that Block 17 shall not be subject to a minimum or maximum residential unit total.

- d) Figure 14: Waterfront Zones – Residential Unit Restrictions:

Paragraph (9) shall be deleted and replaced with the following:

Notwithstanding there being no unit restrictions on Blocks 3, 8 and 17 as referenced in Figure 10 of this By-law, a maximum of 1,645 units are permitted within the geographic area of Blocks 1 through 17.

e) Figure 14: Waterfront Zones – Residential Unit

Restrictions:

Paragraph (10) shall be deleted and replaced with the following:

10.1: At least 15% of all units within the geographic area comprised of Block 1 through Block 17 as illustrated on Figure 10 shall have 2 or more bedrooms.

10.2: In addition, Block 17 shall require additional dwelling units having two or more bedrooms based on the approved building height as follows:

4 or less storeys: 25 additional two bedroom units;
5 -11 Storeys: 50 additional two bedroom units;
12 -19 Storeys: 75 additional two bedroom units;
20 -30 Storeys: 100 additional two bedroom units;
31 or more Storeys: 150 additional two bedroom units;

10.3: The additional units having two or more bedrooms required by sub-paragraph 10.2 shall be provided over and above the required units of sub-paragraph 10.1, and may be provided within Block 17 or within Blocks 1 through 16 as illustrated in Figure 10.

4. That Schedule “D” – Holding Provisions of By-law 05-200 be amended by adding the following Holding Provisions:

“XX. That notwithstanding Section 14 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Waterfront – Multiple Residential (WF1, HXX) on Map 827 of Schedule “A” – Zoning Maps, described as Pier 8, 65 Guise Street, no development shall be permitted until such time as:

a. Final Site Plan Approval demonstrating the proponent has implemented the preferred tower design option to the satisfaction of the Chief Planner and Director of Planning.

5. 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*.

6. That this By-law No. XX-XXX shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage

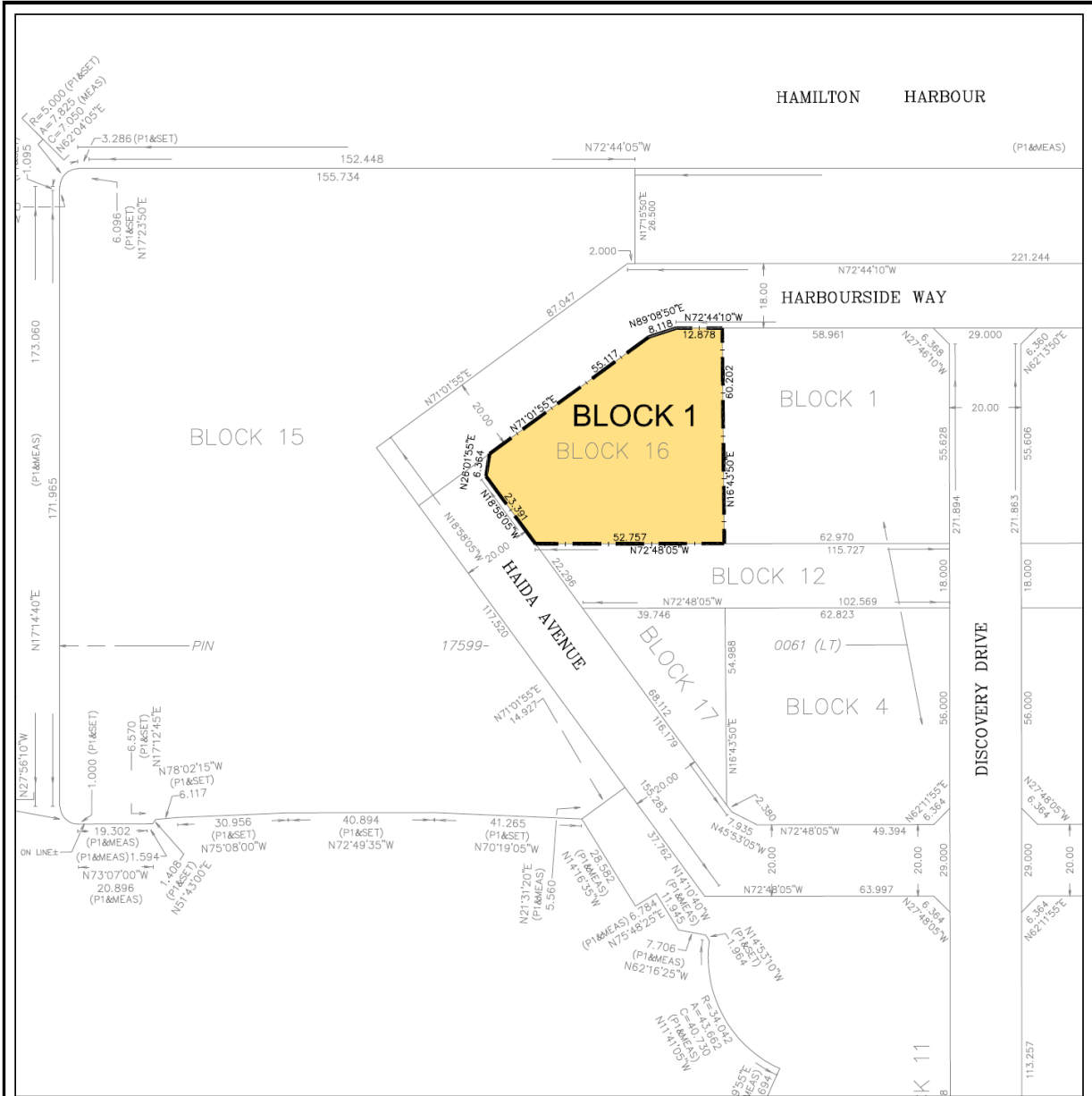
of this By-law or as otherwise provided by the said subsection.

PASSED this XX day of _____, 2022.

Mayor

City Clerk

ZAC-XX-XXX



This is Schedule "A" to By-Law No.

Passed the _____ day of _____, 2021

_____ Clerk

_____ Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. _____
 to amend Zoning By-Law No. 05-200



Subject Property - Pier 8 Guise Street East



Block 1: Change in Zoning from Community Institutional, Exception 486 (I2, 486, H94) Zone to the Waterfront Multiple Residential Exception No. ____ Holding (WF1, XXX, H) Zone

Scale:
Not to Scale

Date:
Oct 2021



APPENDIX “C”

**IMPLEMENTATION PROCESS FOR
A TALL BUILDING PROPOSAL**

(Pier 8 Block 16 Urban Design Guidelines)

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
	PIER 8 BLOCK 16 UDG DECISION	OPA/ZBA APPLICATION (120 days to make a decision)	STATUTORY PUBLIC MEETING ON OPA/ZBA	DEVELOPMENT OF DESIGN OPTIONS (Applicant)	PUBLIC INFORMATION CENTRE	SPECIAL DESIGN REVIEW PANEL RECOMMENDATION	OPA/ZBA DECISION	SITE PLAN APPLICATION	CONDITIONAL SITE PLAN APPROVAL, HOLDING REMOVAL APPLICATION AND DRAFT PLAN OF SUBDIVISION CONDITIONS	FINAL SITE PLAN APPROVAL	IMPLEMENTATION (Transfer of Lands, Building Permit and Condominium Approvals)
Target Date for Completion	August 10, 2021 – PC Council	October 2021	November 2021 – report deadline January/February 2022 – PC	Feb 2022	March 2022	March 2022	June 2022 – Report deadline September 2022 – PC				
DESCRIPTION	Present Pier 8 Block 16 Urban Design Guidelines to Council for approval.	Submission of the OPA/ZBA based on the design direction of the guidelines. Includes full scope of studies (urban design brief, sustainability report, sun/shadow, wind, noise studies, FSR, etc.)	Hold the statutory public meeting to present the proposed application and receive public input on the OPA/ZBA. Report Recommendation: that the applicant be directed to participate in a special design process to develop three tower designs. Each design should address innovation in following three areas: sustainability, quality of life and design excellence.	Applicant to engage in multiple design professionals to develop three tower designs that address innovation in three areas: sustainability, quality of life and design excellence.	Public information Centre to present the three tower designs. The applicant will explain how each design is an example of innovation in sustainability, quality of life and design excellence. A special design review panel will also attend this meeting to understand feedback from the public on the three tower design options.	A special design review panel will review the feedback received at the PIC on the three tower design options presented to provide comments and feedback on the three options to staff.	Recommendation Report to Planning Committee on OPA/ZBA and preferred tower design option. The proposed ZBA will include a Holding provision that states that the proponent shall implement, through site plan approval, the preferred tower design option.	Site Plan application that implements the OPA/ZBA and detailed aspects of the preferred design option.	Once it has been determined that the preferred design option has been implemented through the Site Plan application process, an application can be made to remove the Holding Provision on the Zoning. The Holding Provision will be included as a special condition of conditional site plan approval. The condition of draft plan of subdivision related to the Urban Design Brief being compliant will be updated to reflect the Pier 8 Block 16 Urban Design Guidelines.	Final Site Plan approval can be granted. Special conditions should include review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers) to review the matters of Urban Design and Sustainability.	Control Architect Review for conformity with Design Guidelines
DECISION	Adopt; or Receive; or Deny	Notice of Complete application.	No decision at this meeting on the OPA/ZBA. Approve or deny the proposed special design process.	N/A	N/A	N/A	Approval or denial of OPA/ZBA If the UDG were received in Step 1 then Council could adopt here if approving the OPA/ZBA.	Site Plan application deemed complete.	Approve or Deny Holding removal By-law.	Prior to final site plan approval, staff will consult with Council and incorporate Council's advice in making a decision on the application.	Transfer of lands/ issuance of building permit/ Condominium approvals.
APPROVAL AUTHORITY	Council	Planning Staff	Council	N/A	N/A	N/A	Council	Planning Staff	Council – Holding Staff – Subdivision and Site Plan Condition	Chief Planner and Director of Planning.	<ul style="list-style-type: none"> City Manager's Office/Real Estate Department Chief Building Official Planning Staff

OUTCOME or ACTION	Approve Guidelines (proceed to Step 2), or Approve guidelines but hold in abeyance until decision on OPA/ZBA (Step 7); or Deny	Notice of Complete Application and Circulation of application.	At the statutory meeting Council and the public to provide feedback and comments on the proposed OPA/ZBA. Council could approve or deny recommendation to proceed with a special design process.	Three tower designs to be presented to the public and a special design review panel for comment.	Feedback received will be considered by the applicant in the development of the final preferred tower design option.	Applicant to review comments from public and the special design review panel and prepare one final design option that will proceed with the OPA/ZBA application. Chief planner to review the final design option and prepare a recommendation report on the preferred option and OPA/ZBA for Council's consideration.	Approve OPA/ZBA (If approved, proceed to Site Plan application) Or Deny OPA/ZBA	Prior to receiving final site plan approval, the Holding Provision must be lifted.	If the Holding Provision has been removed, proceed to Site Plan approval.	Approved site plan based on preferred design option, UDG and OPA/ZBA. Proceed to Building Permit.	Proceed to construction phase.
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