



## Harbour West Neighbours

West Harbour Planning Team  
490 Bay Street North, Hamilton, ON.

<b>To:</b>	<b>Chair and Members Harbour West Sub-Committee</b>
<b>Committee Date:</b>	<b>May 5<sup>th</sup>, 2016</b>
<b>Subject</b>	<b>Promises to Keep (West Harbour Pier 8 Urban Design)</b>
<b>Wards Affected</b>	<b>2</b>
<b>Neighbourhood Affected</b>	<b>North End Neighbourhood</b>
<b>Prepared by:</b>	<b>Keven Piper, Stephen Park, Herman Turkstra, Mary Catherine Lawlor, Bryan Ritskes, Peter Chernets, Hank Nyhof</b>

**Recommendation:** That Jason Thorne, General Manager, Planning and Economic Development Department and Steve Robichaud Director of Planning and Chief Planner be requested to advise Council on the manner in which the City can implement its commitments to the North End neighbourhood contained in the approved Secondary Plan and Traffic Management Plan affecting the North End neighbourhood and advise Council on how to deal with the City's conflict of interest as land owner/developer and land use regulator.

**Background:** Council has approved a secondary plan for the West Harbour area including land use designations for the North End neighbourhood. (Setting Sail)

Council has also approved a traffic management plan for the North End Neighbourhood. (NETMP).

Both have been also been approved by the Ontario Municipal Board.

Both documents contain provisions that govern the form and nature of development in the neighbourhood and the process by which new development is to be approved.

One of those provisions is a requirement for an Urban Design Study for Piers 7 and 8. Staff have been instructed to carry out such a study for Pier 8 and have retained consultants for that purpose. The UDS report is to be considered by the sub-committee on May 5<sup>th</sup>, 2016.

The West Harbour waterfront, like City's Lake Ontario, waterfront, the mountain brow, our conservation areas and parks are important city assets available to all Hamilton residents and visitors. In each case, adjacent residents legitimately ask that visitors respect the hopes and aspirations of the neighbours of those asset for safety, home enjoyment and privacy.

Harbour West Neighbours (HWN) members have participated in the various West Harbour planning processes from 2002 to the present and have learned a great deal that may be of assistance to Council in its deliberations. From 2005 to date, we have supported the extension of our neighbourhood onto Pier 8. We recognize that a great deal of useful work has been done by the consultants on an important city development. This report is not intended to discourage the wise development of family life on Pier 8 for future generations. It is about impacts.

While there are many interests impacted by the Piers 7 + 8 developments, the North End neighbourhood is clearly the area most impacted by the proposals. While other stakeholders interests are to be considered, including the broad civic interest in the waterfront, consideration of the adjacent residents is required by the approved secondary plan and we believe is consistent with Council making the best long term decisions in the public interest.

A primary issue arises because every vehicle going to or coming from Piers 7 and 8 will drive through the North End neighbourhood. The neighbourhood already has a high density population with over 5000 persons including over 1000 children living in the 1.5 ha area of the neighbourhood, its streets are mostly narrow and densely populated.

This report has been prepared by the planning group of Harbour West Neighbours for submission to the City Council West Harbour Sub-Committee.

## Exhibit 1 – Pier 8 UDS in the North End Neighbourhood



The proposed guidelines will add the following land uses to the neighbourhood entirely on Pier 8:

Total GFA: 123,340 sqm  
Commercial GFA: 7,740 sqm  
Institutional GFA: 6,800 sqm  
Residential GFA: 108,800 sqm  
Total Potential Units (70 sqm to 110 sqm) : 1000 - 1500  
Total Potential Parking Spaces: 1422

## Promises to Keep - City Commitments in Setting Sail:

The City made a number of commitments to the North End neighbourhood over the various planning programs initiated by the City.

Key commitments include the following:

- 1) **Working Together:** -Setting Sail is to be implemented by the City and the impacted neighbourhoods working together. A.6.3.1 provides as follows:

*This plan marks the end of the Setting Sail process but only one important step in the ongoing planning required to realize the objectives for West Harbour. As significant public and private initiatives in keeping with this Secondary Plan are proposed, particularly along the waterfront and on former industrial lands, detailed plans will need to be developed, reviewed and approved. The success of such initiatives will rely on the City, the community and project proponents engaging together in future planning."*

Residents have been informed and invited to comment but have not been engaged with City staff and the consultants. The process cannot be described as working together. We have received surface information, have had an opportunity to comment on documents presented at public meetings (although those documents were not sent out in advance of public meetings as we requested,) and senior staff have presented themselves to public meetings to answer questions.

However, with the exception of the recently created Vision working group, there has been a consistent refusal to work together. Working together means looking at options, meeting with staff and consultants to get to details that would enable informed input from residents and involving the impacted neighbourhood through physical distribution of plans and notices of meetings. This has not happened. As a result, the process cannot be described as working together.

Prior to May 2<sup>nd</sup>, City staff refused to permit neighbourhood stakeholders to meet with the consultant to explore the details of the proposed plans. On May 2<sup>nd</sup>, HWN members were limited to one question each in the public session. Effective collaboration with the City was not permitted to the various stakeholders. Essentially, the “engagement” was one way.

Instead of working together, the class-room format of public participation was used. This technique enables staff to report that the public was “consulted” but in practice it discourages the community working together with the City. That is particularly important when the City is the project developer.

In adopting the Public Engagement Carter report of the Engagement Committee in 2015, Council adopted a standard for assessing the level of public participation. That standard is summarized in the Public Engagement Charter, Appendix 1, and is a standard also adopted by the International Association of Public Participation:

(Page 6 follows)

## Public Participation Spectrum

	Inform	Consult	Involve	Collabrate	Empower
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise To The Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advise and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Tools	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Advisory committees</li> <li>• Consensus-building</li> <li>• Participatory decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated decisions</li> </ul>

The process to this point follows mostly column 1 and occasionally column 2. Working together as mandated by Setting Sail in our view means collaboration or column 4. That happened in the Setting Sail process and in the development of the North End Traffic Management Plan. That has not happened with the Pier 8 UDS.

The need for more than column 1 or 2 public participation also flows from the fact that Setting Sail was completed under severe time restraints caused by the looming expiry of a development control by-law. As a result it was not possible to complete the work on the harbourfront in that time frame. Piers 7 & 8 and the marine recreational area resolution was kicked

over to the future. As it relates to Pier 7 and 8, the text was clear: Section A.6.3.8.9.4 provides as follows:

*“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.’*

HWN members worked with City Staff on that wording and the wording was clearly intended to carry on the same level of partnership for Pier 7 and 8 that had been used in developing Setting Sail to that point and which was subsequently used to develop the Traffic Plan. That was a promise to the neighbourhood to return to those issues in the same spirit of partnership and working together that took place in the development of Setting Sail.

**Recommendation:** That staff work with the neighbourhood stakeholders to prepare a reasonable schedule for detailed analysis of the proposed Urban Design Study by impacted community stakeholders and provide adequate time and resources to permit them to get past the surface disclosure provided to date and to report to Council.

- 2) **Missing Impact Analysis:** Setting Sail provides an assurance to the adjacent residential neighbours that Pier 7 and 8 development will enhance the neighbourhood. Section A.6.3.2.2 provides as follows:

*“As changes in West Harbour continue, both on the waterfront and in the neighbourhoods, it is important to:*

*i) “ensure new development respects and enhances the character of the neighbourhoods;*

There is no text or analysis in the consultants’ report on how their recommendations respect and will ensure that the development respects and enhances the character of the North End neighbourhood.

This turns into a simple question of how the development on Piers 7 and 8 can be designed to protect and strengthen the functionality, vitality and viability of the North End neighbourhood as a Child and Family Friendly neighbourhood.

Much of the analytical work on that topic was completed by the partnership between the neighbourhood, the City and the consultants that developed the NETMP. It is not rocket science.

**Recommendation:** That staff and the consultants work with the neighbourhood stakeholders to examine and report on the manner in which the development contemplated by the Urban Design Study report will respect and enhance the North End neighbourhood and that General Manager of Planning and Economic Development be asked to provide his professional opinion that the proposed development does in fact ensure such enhancement to the North End neighbourhood and the manner in which it does that..

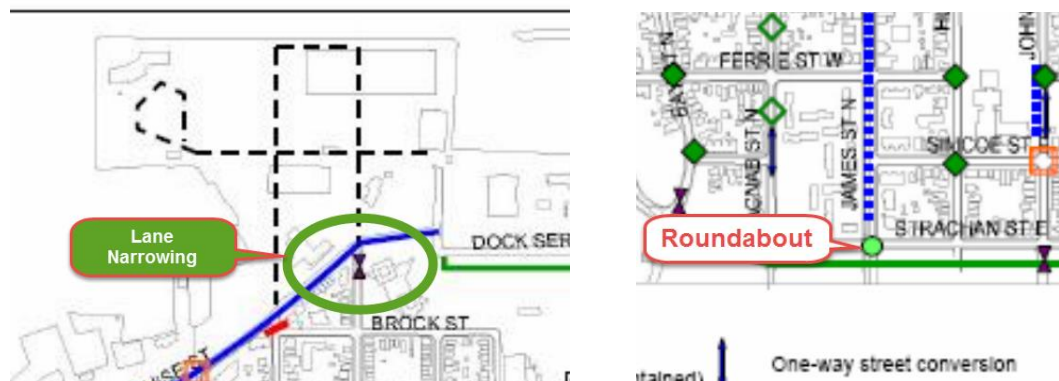
- 3) **Implementing traffic calming first:** Setting Sail provides an assurance that before development is approved a traffic calming plan must be implemented. Section A.6.3,5.1,18 provides as follows:

*“Prior to approval of any new development on a single block or multiple blocks on Piers 7 and 8, a comprehensive traffic calming study shall be completed and implemented. The study shall include the area north of the CN railway line.”*



Key features of the traffic calming study, NETMP have not been implemented. The final report adopted in 2010 called for the City, in connection with access to Pier 8 to “discourage use of John Street for vehicular traffic through physical measures” and the plan approved by Council in October 2010 called for lane narrowing on John at Guise and a roundabout at James and Strachan. Neither has been constructed and neither appear to be planned for.

#### Exhibit B, Final Report October 2010



The concerns of residents on John Street and the parents of children attending the two John Street schools were clearly articulated during the planning process and the need to manage traffic flow from Pier 8 was established. This is not reflected in the UDS report.

The need for a gateway approach to the neighbourhood sending a clear message to drive through vehicles to respect the complex nature of neighbourhood streets for pedestrians, cyclists, was also well thought through and established and agreed on. It is missing from the UDS report.

**Recommendation:** That staff and the consultants work with the resident stakeholders to prepare an analysis for use by the Committee of how best to incorporate the traffic concerns into the Urban Design Study.

- 4) **Commercial Space:** Setting Sail provided that the commercial area on Piers 7 and 8 was to be geared to meeting the needs of the local area residents. Section A6.3.3.1.16.1 provided that:

*“The area designated Commercial is intended to provide retail and service commercial uses to the immediate neighbourhood. The Commercial area shall contain a range of retail shops and services that serve the need of residents in the surrounding neighbourhoods. The preferred format is a variety of commercial uses, buildings and building sizes.*

*“Uses permitted shall provide (sic) for a range of retail uses to serve the need to residents in the surrounding neighbourhoods and shall not compete with the retail function of the downtown.”*

The “Mixed Use” areas also permit a variety of commercial uses to be incorporated in residential buildings. There is no expression in Setting Sail that Piers 7 and 8 should become a major retailing outcome of the size promoted in the UDS. Hamilton’s new Urban Official Plan (Section 4.1.2) provides that the majority of retail commercial uses should “be directed to mixed use areas that are well served by transit and serve as a central place for the City, a portion of the City or for one or more neighbourhoods.” The volume of retail and commercial proposed by the Urban Design Study to be placed at the end of the transportation network on what are essentially residential streets on Pier 8 does not appear to be a neighbourhood character.


**Recommendation:** That staff report to the sub-committee on the rationale for the increased level of retail provided in the UDS Guidelines, the relationship of that level to the data provided by Deloitte regarding demand, and the rationale for moving absorption of consumer demand away from the principal retail areas of the City.

- 5) **Conflict of Interest:** The City is the owner of Piers 7 and 8. It is also the land use regulator. As the owner it has a natural interest in maximizing financial return from its investment in the piers. As a land use regulator it has a clear mandate and interest in advancing the public interest. The latter may not be in the best financial interest of the City as owner looking for maximum ROI

This conflict is illustrated by the structure of the planning department in that Mr. Phillips has been mandated by Council to ensure that Piers 7 and 8 are shovel ready by 2018, Mr. Robichaud as Chief Planner is mandated to apply sound planning considerations to all development proposals made to the City including this one. These two executives report to Mr. Thorne who has to integrate both. The absence of a neutral planning analysis places a very serious burden on the Director of Planning and Economic Development when the development is City owned. That in turn creates concerns of conflict of interest.

**Recommendation:** That staff be directed to work with neighbourhood stakeholders to select and appoint an independent senior planner to review the City's development proposals objectively and without reference to maximum dollar return from the sale of the lands.

All of which is respectfully submitted on behalf of Harbour West Neighbours



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Keven Piper, President.