



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 16, 2017
SUBJECT/REPORT NO:	Applications to Amend City of Hamilton Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision and Temporary Use By-law for lands located at Pier 8, 65 Guise Street East (PED17074) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Edward John (905) 546-2424 Ext. 5803
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council deem the lands within Pier 8 (as per Schedule “A” attached to Report PED17074) as a Class 4 Area pursuant to the Ministry of the Environment’s Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), with the requirement of the following to be secured through the Holding provision attached to the implementing Zoning By-law and through the Conditions of Subdivision Approval as specified below:
- i) Submission of a noise impact assessment and provision of any recommended control measures, all of which are to be satisfactory to the City of Hamilton;
 - ii) That as part of the sale of the lands, and secured through the subdivision agreement, any subsequent owner shall agree to provide notice to prospective purchasers that the dwellings are located in a Class 4 area and that the agreements respecting noise mitigation are to be registered on title;
 - iii) That as part of the sale of the lands, and secured through the subdivision agreement, any subsequent owner shall agree to register any / all warning clauses on title;

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- iv) The Ministry of the Environment and Climate Change and owners / operators of the neighbouring noise sources are notified by the subsequent owner of the subject lands of the designation and receive a copy of the final approved noise impact assessment;
 - v) That Council direct staff as part of the sale of the subject lands to negotiate and secure as a condition of sale fulfilment of the above requirements.
- (b) That Council adopt the Pier 7 Urban Design Guidelines as contained within Appendix “I” to Report PED17074, irrespective of any current or future zoning amendment applications that is approved for lands within Pier 7 and 8, 65 Guise Street East.
- (c) That approval be given to **Zoning By-law Amendment Application ZAC-16-034, by Waterfront Development Office, City of Hamilton (Owner)**, for changes in zoning from the “F-4/S-838a” (Waterfront Service) District to the Waterfront Multiple Residential (WF1, H94) Zone (Blocks 1, 2, 5, 10, 11, 12 and 13), the Waterfront Multiple Residential (WF1, 483, H94) Zone (Block 7), the Waterfront Mixed Use (WF2, H94) Zone (Blocks 3 and 6), the Waterfront Prime Retail Streets (WF3, H94) Zone (Blocks 4 and 9), the Waterfront Prime Retail Streets (WF3, 484, H94) Zone (Block 6), the Open Space (P4, 485) Zone (Block 14), the Conservation/Hazard (P5) Zone (Block 15), and the Community Institutional (I2, 486, H94) Zone (Block 16) to permit multiple dwellings of varying densities and building heights, mixed-use buildings with at grade commercial and community uses, public open spaces including a gateway park, waterfront park and greenways for lands municipally known as Pier 8, 65 Guise Street East (Hamilton), as shown on Appendix “A” to Report PED17074, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Places to Grow – Growth Plan and comply with the City of Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan.
- (d) That approval be given to **City Initiative 16-C (amended)** to establish a Temporary Use By-law for a period of 24 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on

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Outdoor Commercial Patios for the area identified in Appendix “H”, on the following basis:

- (i) That draft Temporary Use By-law, attached as Appendix “H” to Report PED17074, be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conform to Growth Plan for the Greater Golden Horseshoe, and West Harbour (Setting Sail) Secondary Plan.
- (e) That approval be given to the **Red Lined Revised Draft Plan of Subdivision Application 25T-201605, by Waterfront Development Office, City of Hamilton (Owner)**, to establish a Plan of Subdivision on lands municipally known as Pier 8, 65 Guise Street East (Hamilton), as shown on Appendix “A” to Report PED17074, subject to the following conditions:
- (i) That this approval apply to “Waterfront Pier 8”, 25T-201605, prepared by S. Llewellyn & Associates Limited, and certified by Dasha Page O.L.S., dated June 16, 2016 showing eight (8) development blocks intended for residential and mixed-use development (Blocks 1 to 8); two (2) open space blocks (Blocks 10 and 11); three (3) Utility/SWM blocks (Blocks 12 to 14) one (1) open space / institutional block (Block 15); two (2) blocks for institutional uses (Blocks 16 and 17); and Streets “A” to “D”, as attached in Appendix “D” to Report PED17074, subject to the sale and disposition of the lands and the subsequent owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “C” to Report PED17074;
 - (ii) Acknowledgement by the City of Hamilton that the sanitary pumping station is identified in the 2014 Development Charges Background study as project CW-20-14. Cost sharing for the pumping station will be in accordance with the City Financial policies;
 - (iii) That payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, as follows:

With regard to Blocks 1, 2 and 8, a parkland dedication, at a ratio of 0.5 ha per 500 dwelling units will be required for the proposed multiple dwelling units.

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With regard to Blocks 3, 4, 5, 6 and 7 proposed for development for mixed commercial and residential uses, parkland dedication will be required at 2% for the commercial uses, and at a ratio of 0.5 ha per 500 dwelling units will be required for the proposed multiple dwelling units.

Furthermore, with regard to Blocks 16, 17 and portions of Block 15 proposed for development for Institutional uses, a parkland dedication rate of 5% will be required, unless the proposed use is specifically exempt as per Section 11 (6) of the City's Parkland Dedication By-law.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The purpose of these applications is to deem the lands within Pier 8 as a Class 4 area pursuant to the Ministry of Environment's Noise Guideline NPC-300, formally approve the previous Pier 7 Urban Design Guidelines that formed part of the Hamilton West Harbour Recreation Mater Plan (WHRMP), to incorporate lands within Zoning By-law 05-200 and to approve a Draft Plan of Subdivision known as "Waterfront Pier 8" (see Appendix "D" to Report PED17074) in order to allow development of a mixed-use area consisting of commercial, residential, institutional and parkland uses. The application will permit multiple dwellings of varying densities and building heights, in addition to mixed-use buildings with at grade commercial and community uses. The proposal is also to permit the creation of public open spaces, including a gateway park, a waterfront park and greenways.

The proposed implementing Zoning By-law and Draft Plan of Subdivision will affect only those lands within Pier 8, understanding that appeal proceedings are currently on-going with respect to the previous Official Plan Amendment and rezoning proposed for Piers 6 and 7.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, complies with the West Harbour (Setting Sail) Secondary Plan and implements the intent of the "Piers 7 and 8 Urban Design Study". The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 67

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one (1) Public Meeting to consider applications for approval of a Draft Plan of Subdivision and an amendment to the Zoning By-law.

As per NPC300, a formal confirmation of the introduction of a Class 4 Area must be provided by the Municipality. This is provided in Recommendation a) of this report.

HISTORICAL BACKGROUND

The applications propose the rezoning and draft Plan of Subdivision of lands within Pier 8, consistent with the land use designations, layout and road pattern established within the Setting Sail Secondary Plan.

December 7, 2015: Application for Formal Consultation submitted (FC-16-005) on behalf of Waterfront Development Office, City of Hamilton (Owner).

January 27, 2016: Development Review Team meeting to determine submission requirements.

June 22, 2016: Applications ZAC-16-034 and 25T-201605 deemed complete.

July 15, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment (ZAC-16-034) and Draft Plan of Subdivision (25T-201605) to 585 property owners within 120 m of the subject lands.

April 19, 2017: Public Notice Sign updated with Public Meeting Information.

April 28, 2017: Circulation of the Notice of Public Meeting to 585 property owners within 120 m of the subject lands.

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Details of Submitted Application:

Location: Pier 8, 65 Guise Street East, Hamilton (see Appendix “A” to Report PED17074)

Owner/Applicant: City of Hamilton (Waterfront Office)

Agent: James Webb Planning (c/o James Webb)

Property Description: Lot Frontage: 525 m (Guise Street East)
Lot Depth: 322 m (Irregular)
Lot Area: 14 ha

Servicing: Extension of municipal services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>		
Pier 8	Skating Rink, Restaurant (Sarcoa and Williams) Discovery Centre	“F-4/S-838a” (Waterfront Services) District, Modified
Piers 6 and 7	Boat storage and parking	“F-1/S-838a” (Waterfront Recreational) and “F-4/S-838a” (Waterfront Services) District, Modified
<u>Surrounding Land Uses:</u>		
North	Hamilton Harbour	“F-2A” (Open Space Harbour) District, Modified
South	Single Detached Dwellings and Multiple Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings) District, “E”, “E/S-28”, “E/S-843” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified
East	HAIDA / Industrial Grain Plant / Hamilton Harbour	“F-1” (Waterfront Recreational) District and “J” (Light and limited

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		Heavy Industry), “F-2A” (Open Space Harbour), District, Modified
West	Parking / Royal Hamilton Yacht Club / Hamilton Harbour	F-1/S-838a (Waterfront Recreational) and “F-2A” (Open Space Harbour), District, Modified

Policy Background

The West Harbour (Setting Sail) Secondary Plan came into effect by way of an Ontario Municipal Board (OMB) decision on December 27, 2012. Setting Sail is a comprehensive land use plan for the West Harbour, with an emphasis on three areas of major change: the Waterfront; the area south of the Canadian National rail yard (Barton-Tiffany); and the former industrial lands along Ferguson Avenue (Ferguson-Wellington Corridor).

The Secondary Plan was the first of many initiatives in the ongoing planning required to realize the objectives for the West Harbour. It establishes the framework for public improvements and private development. These improvements are focused on enhancing the area to take advantage of the harbour setting, promoting season-long and year-round enjoyment and appreciation of the waterfront. The policies of the Secondary Plan called for the preparation of a “West Harbour Marine Recreation Master Plan Study” to guide development and improvements on the City-owned property from Bayfront Park to Pier 7. The Secondary Plan outlines the principles and objectives to be used to guide the development of the West Harbour Marine Recreation Master Plan.

The Secondary Planning process commenced after the October 2000 agreement between the City and the Hamilton Port Authority (HPA) which conveyed ownership of the majority of Piers 1, 2 and 5–8 to the City, subject to leases which allowed the HPA to continue to use Piers 6, 7 and 8. The City subsequently negotiated the early termination of the leases in 2013 and entered into a Marina Management Agreement with the HPA in 2014 for the operation and maintenance of the City-owned marina located within the Main Basin at Piers 6 and 7. In July 2015, the Federal government announced the transfer of the Parks Canada land on Pier 8 (including the former Discovery Centre) to the City. The City is now the owner of the Waterfront lands from Bayfront Park to Pier 8.

Other key initiatives related to the future development of Piers 7 and 8 have included the following:

- The Hamilton West Harbour Waterfront Recreation Master Plan was prepared and received by Council in May 2010, covering the Waterfront from Bayfront Park to Pier 7. The Master Plan, as indicated within the document’s introduction, is to

‘define and clarify planning design guidelines’, establishing a ‘waterfront vision which builds upon the City of Hamilton’s Setting Sail policies as well as the stakeholder and public input’. It is a ‘living document that clarifies planning and design direction and demonstrates the manner in which future development may unfold’;

- Council approval of the Official Plan Amendment (OPA 233) and Zoning By-law (By-Law 14-042) for Piers 6 and 7, which amended the West Harbour Secondary Plan (WHRMP) where necessary in order to implement the Waterfront Recreation Master Plan. Many of the uses proposed in the WHRMP were already permitted in the Secondary Plan without an amendment to the Plan. Therefore, although the Master Plan study area consisted of all the City-owned lands from Bayfront Park to Pier 7, the only lands subject to land use designation changes to implement the WHRMP were on Piers 6 and 7;
- Phased implementation of the North End Traffic Management Plan, allowing for a series of traffic-calming measures to mitigate the impacts of flow-through traffic in the North End neighbourhood;
- Approval of the Class Environmental Assessment (Class EA) for a new sanitary pumping station to be located on Pier 8, a vital infrastructure project required to bring the lands to a state of development-ready;
- Detailed design and ongoing construction of the Pier 7 shoreline and transient docks;
- Waterfront and Piers 7 and 8 Transportation and Parking Study, and,
- Brook McIlroy was retained in December 2014 to conduct the Pier 8 Urban Design Study. The scope of this study includes Pier 7 in order to reference and build upon the vision, land uses and Urban Design Study that was already developed through the West Harbour Recreation Master Plan for Pier 7. The overall character and connectivity of Pier 7 is referenced throughout the Pier 7 and 8 Urban Design Study to ensure that the future character of Pier 8 is compatible with what has been proposed for Pier 7 and to recognize the Urban Design Study that was already completed through the Master Plan and which now is included as Appendix “I” to Report PED17074.

Piers 7 and 8 – Urban Design Study

The City retained Brook McIlroy, a consulting firm, to conduct the Urban Design Study in accordance with Policies A.6.3.5.1.17 and A.6.3.8.9.4 of the Secondary Plan. The study took the framework outlined by the Secondary Plan and illustrated the “look and feel” of this new community, translating Setting Sail Policy text in a visual way to help guide the future development process. Recommendations pertaining to matters such as character, massing, sustainability, circulation, accessibility and programming were developed through consultation with the community.

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The primary focus of the study's design work was on Pier 8, recommending a preferred community character and structure for the redevelopment of Pier 8 and to ensure Pier 8 would have an appropriate relationship to future development on Pier 7 and the wider neighbourhood. The Urban Design Study for Pier 7 was carried out through the West Harbour Recreation Master Plan. More detailed design guidance is provided in the West Harbour Waterfront Recreation Master Plan for Pier 7, where programmable outdoor plaza space with three to four storey mixed-use buildings featuring specialty retail and restaurants with residential above are contemplated. The buildings on Pier 7 are subject to the urban design guidelines contained in the Waterfront Recreation Master Plan and which now are contained within Appendix "I" to Report PED17074.

Given that the Study specifically references and integrates with the Design Guidelines for Pier 7, staff have affirmed specific acceptance of the design guidelines for Pier 7 as part of the Recommendation to this Report (See Recommendation (b) to report PED17074). The Secondary Plan does not require formal adoption of these guidelines, but instead as per Policies A.6.3.5.1.17 and A.6.3.8.9.4 of the Secondary Plan, the studies are required to be completed and used to inform the development of Piers 7 and 8.

The Urban Design Study was subsequently approved by City Council on May 25th, 2016.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following policies, amongst others, have been reviewed in consideration and evaluation of this proposal.

Provincial Policy Statement (2014):

These applications have been reviewed against the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. It has been determined that the application is consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land uses patterns within settlement areas.

The proposal is an appropriate example of intensification consistent with Policy 1.1.3.3, as it would facilitate the redevelopment of an underutilized brownfield property. The proposal is contiguous to existing development, situated with immediate proximity to collector and arterial roads, and municipal services which are planned and / or available.

It is noted that the subject lands are adjacent to existing industrial uses. To address Policy 1.2.6 – Land Use Compatibility, Preliminary Dust and Odour Impact Assessment

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and Environmental Noise and Vibration Impact Feasibility Studies have been completed with subsequent addendum studies submitted in January, 2017. These studies have confirmed the potential for impacts and outline recommendations for further detailed study and the development of appropriate mitigation strategies, which include a range of options that may be contemplated to address this matter. These options range from method of construction, building configuration and orientation and building interior design. The lands are therefore recommended to be deemed as a Class 4 Area pursuant to the Ministry of the Environment's Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), and placed under a Holding Provision until such time as necessary implementation measures are reviewed and determined. These measures will also be secured and implemented through the Conditions of Draft Plan of Subdivision Approval and through Site Plan review process (see Condition 47 of Appendix "C" to Report PED17074). These matters are discussed in more detail in the Analysis and Rationale for Recommendation section of this report.

The adjacent industrial areas are considered to have been appropriately planned for and protected consistent with Policy 1.3.2.1. The development of the lands for the range of uses proposed represents a successful integration of uses and efficient use of lands.

To address Policy 2.1, an Environmental Impact Study compiled by Dougan and Associates was submitted and subsequently updated August, 2016. With regard to natural vegetation resources, constraints in the study area appear to be minimal. From a Species at Risk (SAR) and Significant Wildlife Habitat (SWH) perspective the assessment confirms there are very few constraints on the site and that investigation of any potential Barn Swallow nesting sites prior to demolition of any buildings should be conducted. This is recommended as a condition of Draft Approval (see Condition 45 of Appendix "C" to Report PED17074).

In consideration of the conservation of significant built heritage as per Policy 2.6.1 the proposed development is supported by an accompanying Heritage Impact Assessment (HIA) prepared by MHB. The subject site does not contain any built features designated under any part of the *Ontario Heritage Act*. However, the City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

In this regard the HIA was reviewed by the Policy Design Working Group of the Municipal Heritage Committee, who generally supported the conservation approach proposed, however suggested retaining the Navy League Building. Following review by

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staff and discussions with the applicant, the removal and mitigation approach recommended as part of the HIA is considered reasonable and is supported.

For those existing buildings reviewed and assessed as part of the HIA, a number of actions were recommended for integrating the buildings within the Draft Plan of Subdivision. These actions include partial retention, repurposing and adaptive re-use. These actions, in addition to an overall commemoration plan for the site in order to appropriately convey the evolving history of this part of the harbour, are to be further reviewed and secured as a condition of Draft Approval (see Condition 43 of Appendix “C” to Report PED17074).

Policy 2.6.2 states that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff note that an archaeological assessment titled “Stage 1: Archaeological Background Study Final Report (Original)” compiled by Fisher Archeological Consulting, dated September 2016, was submitted in support of the subject applications. The report was received by the Ministry of Tourism, Culture and Sport and subsequent clearance was issued through correspondence dated September 2016. Clearance is dependent on further monitoring and trench testing as detailed in the Construction Monitoring Contingency Plan.

Consequently, a condition requiring completion of the monitoring in accordance with the Construction Monitoring Contingency Plan is recommended within the conditions of Draft Approval (see Condition 44 of Appendix “C” to Report PED17074).

Recognizing the former industrial use of the lands, a Phase II Environmental Site Assessment has been completed to assess the potential for contamination and subsequent approach to remediation. Future detailed work is recommended to secure issuance of a Record of Site Condition. This will be secured through a Holding Provision attached to the implementing Zoning By-law in addition to a condition of Draft Approval (see Condition 46 of Appendix “C” to Report PED17074).

Finally, consideration has been given to Policy 3.1.1 regarding development adjacent and within hazard lands. The lands will be developed along the Hamilton Harbour shoreline. In support of the application, a Wave Overtopping Analysis was submitted on behalf of Shoreplan Engineering Ltd., dated March 2016. The study was reviewed by Hamilton Conservation Authority, and it was noted that the study illustrates the protection afforded to the residential buildings, but did not show the mitigation options for the remainder of the property. Hamilton Conservation Authority are supportive of the development and application, but recommend conditions of approval that seek to

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ensure the appropriate mitigation options for the remainder of the lands are implemented at the detailed design stage (see Condition 30 of Appendix “C” to Report PED17074).

On this basis, it is considered that the proposed development is consistent with the PPS (2014).

The Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other. The subject lands are located within the built-up area.

The proposal satisfies Policy 2.2.3.6, and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposal includes an appropriate transition and variety of built form. The development concept of the lands is intended to reduce dependence on the automobile through its development as a mixed use, transit supportive, pedestrian friendly environment. The concept achieves the objective to develop as a complete community given the mix of land uses, range and mix of employment and housing types, high quality open space, and convenient access to local stores and services.

The subject lands are within proximity to lands used for industrial and shipping and navigation uses. These employment lands are to be planned for and protected as per Policy 2.2.6c). It is considered that the proposed development represents an appropriate integration of uses that would protect and preserve current and future uses. This is discussed in more detail later within this report.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry on March 16, 2011. There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP the Setting Sail Secondary Plan was still under appeal and subject to an OMB hearing. The lands are currently identified as “Non-decision No. 113” on Schedule “E-1” of the UHOP. As such, the UHOP policies do not apply.

Hamilton-Wentworth Official Plan:

These policies have not been referenced as they are not in effect for Setting Sail. They have been deleted with the approval of the UHOP / OMB decision. The ones that do remain in effect do not apply to West Harbour (Setting Sail) Secondary Plan area.

City of Hamilton Official Plan

The approval of the UHOP by the OMB on August 16, 2013 resulted in the deleting sections of the former City of Hamilton Official Plan. The only two sections that remained in effect were two policies from Section B.3.1 – Road Network: Policy B.3.1.2 and B.3.1.9.

The development complies with these broad policy objectives. More detailed policy requirements are articulated through the West Harbour (Setting Sail) Secondary Plan.

West Harbour (Setting Sail) Secondary Plan

Throughout this report, policies are often summarized and / or only the policy number quoted. For full wording of these policies please refer to Appendix “G” to Report PED17074.

The Setting Sail Secondary Plan establishes a vision and the framework for public improvements and private investment in the West Harbour. The Secondary Plan was guided by eight core principles. These principles provide important criteria against which future proposals will be evaluated to ensure the broad public objectives are realized, these principles are as follows:

Promote a healthy harbour (Policy A.6.3.2.1)

The proposed development would incorporate sustainable and appropriate storm water management techniques, encourage water conservation, and demonstrated through the submitted reports that protection will be afforded to aquatic and shoreline habitats. The proposed grid street pattern and arrangement of land uses would similarly protect key views and improve public access to the harbour.

Strengthen existing neighbourhoods (Policy A.6.3.2.2)

The proposed development through careful consideration of design details, land uses and remediation, will integrate a mixed use community upon a former underutilized, brownfield site that respects and enhances the character of the existing neighbourhoods. It will encourage new commercial uses to serve future and existing local neighbourhood residents, enhance and augment existing parkland with newly created publicly-accessible open spaces, and improve overall access to the waterfront.

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Provide safe, continuous public access along the water's edge (Policy A.6.3.2.3)

The proposal would secure the creation of a linear park, in addition to an open space network that would accommodate desirable publically accessible lands that encourage access for both the general public as well as recreational boaters.

Create a diverse, balanced and animated waterfront (Policy A.6.3.2.4)

Through implementing the land uses as determined through the Secondary Plan in addition to the creation of an Urban Design Study to better inform the design and arrangement of buildings and uses, the proposed development would promote a diversity of land uses, enhance the city as a tourist destination and maintain a balance of active and passive recreational land uses.

Enhance physical and visual connections (Policy A.6.3.2.5)

The proposed extension of existing public streets into the development and maintaining the grid pattern of existing neighbourhoods would ensure important public vistas are protected and augmented. Through the design of 'complete streets' improvements in pedestrian, cycling and transit connections to the waterfront will be encouraged.

Promote a balanced transportation network (Policy A.6.3.2.6)

Through the development and implementation of a comprehensive Transportation Management Plan, and the creation of a street hierarchy that recognizes the function and character of existing streets, the proposed development will help to promote a more balanced multi-modal transportation system.

Celebrate the City's heritage (Policy A.6.3.2.7)

Through repurposing existing structures within the development, the proposal will reflect and interpret the city's industrial marine and cultural heritage. In addition, institutional zoned lands will be created, offering the opportunity for cultural institutions to inform residents and visitors about the area's heritage.

Promote excellence in design (Policy A.6.3.2.8)

Considerable emphasis has been made on the importance of design within the proposed development, one that is informed through a detailed Council approved design study.

The subject lands are identified on Schedule "M-1" as 'The Waterfront'. These lands in addition to Barton-Tiffany and the Ferguson-Wellington Corridor are planned for significant land use change and governed under specific policies applicable to these Areas of Major Change. The following policies, among others, are considered to be applicable to the proposed use of the subject property.

With respect to the Waterfront in general, Policy A.6.3.5.1.1 provides the vision for the area, identifying that development shall help realize this vision. It is considered that the

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proposed development would assist in securing this vision, providing the opportunity to create active and passive enjoyment of the harbour, ensuring it delivers a diverse range of land uses, which includes open spaces that accommodate waterfront appropriate amenities and a new residential neighbourhood that will encourage and protect public access to the water’s edge.

The policy framework more specifically includes policies directed at development within Piers 6-8. These policies (A.6.3.5.1.7 and A.6.3.5.1.10) emphasise the need for a grid layout of streets and mix of land uses to encourage integration, and a distinct, urban waterfront neighbourhood. The proposal implements both the general layout and arrangement of land uses as envisioned within the Secondary Plan. It is noted that the road pattern proposed eliminates a cul-de-sac as shown within Schedule “M-2” of the Secondary Plan. Policy A.6.3.5.1.10 states Plans of Subdivision are to determine the precise location of streets but shall conform with the street pattern in Schedule “M-2”. The type of change proposed is considered consistent with this intent and is encouraged through Policy A.6.3.3.2.3. An Official Plan Amendment is therefore not needed with regard to the changes in road pattern.

Land Use Designation

The West Harbour (Setting Sail) Secondary Plan designates the lands subject to the Zoning By-law Amendment application (Pier 8) as “Institutional”, “Open Space”, “Mixed Use”, “Medium Density Residential 1”, “Medium Density Residential 2”, and “Prime Retail” on Schedule “M-2”. The following table (see Table 1.1) summarizes the uses permitted and performance standards within each designation and their location:

Table 1.1

SETTING SAIL SECONDARY PLAN		
	DESIGNATION	LOCATION
Pier 8	Institutional <ul style="list-style-type: none"> • Such as hospitals, nursing homes, day nurseries, schools, libraries, museums, places of worship and social services; • Maximum 4 storeys (identified on Schedule “M-4”); and, • Medical offices permitted provided they conform to Policy A.6.3.3.1.20. 	Blocks 16 and 17 of Subdivision Plan (Appendix “D” of Report PED17074), Block 16 of the Zoning By-law (Appendix “B” of Report PED17074)
	Open Space <ul style="list-style-type: none"> • Trails, parks, public art, indoor and outdoor recreational facilities, equipment rental and maintenance facilities: and, 	Blocks 10, 11 and 15 of Subdivision Plan (Appendix “D” of Report PED17074), Block 14 of the Zoning By-law (Appendix “B”

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	<ul style="list-style-type: none"> • In Piers 6-8 (A.6.3.5.1.15) accessory restaurants, cafes, beverage vendors not more than 1,500 sq.m of GFA combined. <p>Medium Density Residential 1 (A.6.3.3.1.13) (A.6.3.3.1.24):</p> <ul style="list-style-type: none"> • Multiple dwellings and live / work units; • 60-150 units per gross ha; and, • Range from 3-5 storeys. <p>Medium Density Residential 2 (A.6.3.3.1.14) (A.6.3.3.1.24):</p> <ul style="list-style-type: none"> • Multiple dwellings, apartment buildings and live / work units; • 150-300 units per gross ha; and, • Range from 4-8 storeys. <p>Mixed Use (A.6.3.3.1.17):</p> <ul style="list-style-type: none"> • Apartment buildings, with or without ground floor street related commercial and / or community uses; • Ground floor: retail, restaurants, take out restaurants, business and personal services, professional offices, day nurseries, schools, libraries and place of worship; • Institutional uses such as museums and galleries, apartment buildings with institutional uses on the ground floor, ancillary commercial uses to a cultural use of no more than 20% of total non-residential floor area (A.6.3.5.1.12); and, • Range from 4-6 storeys (Schedule "M-4"). <p>Prime Retail (A.6.3.3.1.18):</p> <ul style="list-style-type: none"> • Mixed-use – ground floor street related commercial and community uses; • Ground floor: retail, restaurants, take out restaurants, business and, personal services, 	<p>of Report PED17074)</p> <p>Portion of Blocks 7 and 8 of Subdivision Plan (Appendix "D" of Report PED17074), Blocks 11 and 13 of the Zoning By-law (Appendix "B" of Report PED17074)</p> <p>Blocks 1, 2, portion of Blocks 4, 5, 7 and 8 of Subdivision Plan (Appendix "D" of Report PED17074), Blocks 1, 2, 5, 7, 10 and 12 of the Zoning By-law (Appendix "B" of Report PED17074)</p> <p>Blocks 3 and 6 of Subdivision Plan (Appendix "D" of Report PED17074), Blocks 3 and 8 of the Zoning By-law (Appendix "B" of Report PED17074)</p> <p>Portion of Blocks 4, 5 and 7 of Subdivision Plan (Appendix "D" of Report PED17074) Blocks 4, 6 and 9 of the Zoning By-law (Appendix "B" of Report</p>
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	professional offices; <ul style="list-style-type: none"> • Upper floors: residential, office, personal services; • 2 storey retail; • Institutional uses, social services, schools, places of worship; • Range from 4-6 storeys (Schedule "M-4"). 	PED17074)
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City of Hamilton Zoning By-law No. 6593

The portion of the lands subject to the proposed change in zoning (Pier 8) are currently regulated by the City of Hamilton Zoning By-law No. 6593 and are zoned as follows:

"F-4/S-838a (Waterfront Services District)" – lands located north of Guise Street East on Pier 8.

The permitted uses are summarized in the table below (Pier 8 only).

Table 1.2

CITY OF HAMILTON ZONING BY-LAW NO. 6593	
	"F-4/S-838a" (Waterfront Services) District (Lands located on the north side of Guise Street East on Pier 8)
Permitted Uses	<ul style="list-style-type: none"> • Marina; • Retail Uses (jewellery, crafts, gifts, clothing, flowers, photographic equipment, coffee and tea, specialty foods, imported goods, fish, antiques, etc.); • Banks; • Photographer's or artist's studios; • Restaurants; • Sailing/boating schools; • Bait stores, recreational equipment rental; • Business and Professional Offices; and, • Various industrial uses including freight transport, marine cargo, shipbuilding, warehousing, railway transport, shipping depot, etc.

Given that residential uses are not currently permitted and industrial uses are permitted, changes are therefore required to implement the vision with regard to land use and built form.

A Zoning By-law Amendment is required in order to align and implement the permitted uses with the Secondary Plan designations, particularly with reference to the introduction of the residential uses envisioned within the Secondary Plan. The

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proposed land uses, maximum heights, built form requirements and densities comply with the policies identified in Table 1.1. As detailed in the amending By-law (see Appendix “B” of Report PED17074), both the maximum heights and a total unit yield is placed upon each block of the subdivision plan that is subject to a density limitation. It is noted that the Secondary Plan refers to density maximums as gross not net requirements. In order to satisfactorily address this on a block by block basis, calculations taking into account half of the adjacent road widths and / or areas that adjoin open spaces were made and translated to a maximum unit count. This is considered an appropriate and responsive way to ensure the density maximums on a block by block basis, in addition to building heights of the plan, are respected.

Notwithstanding this, it is noted that policy A.6.3.3.1.5 speaks specifically to the issue of conformity on specific sites, and determines that where there is a discrepancy, building height is the prevailing provision to adhere to.

“A.6.3.3.1.5 Where there is a discrepancy between the maximum heights and density ranges in this plan when applied to specific sites, the maximum height limits shall prevail and be adhered to.”

With respect to the more specific built form requirements of the residential buildings and mixed use buildings, it is noted that common design approaches are detailed within each of the designations. Policies A.6.3.3.1.13 (Medium Density Residential 1), A.6.3.3.1.14 (Medium Density Residential 2), A.6.3.3.1.17 (Mixed Use) and A.6.3.3.1.18 (Prime Retail) are discussed in more detail in the following zoning by-law section.

In summary, the overall policy intent of each land use designation cited above seeks to provide a range of residential, commercial and institutional uses; to secure a grid pattern of development, to provide parking areas that are designed to have minimal impacts on the streetscape and, to provide buildings that frame and address the street. These matters are implemented and secured through the amending by-law.

City of Hamilton Zoning By-law No. 05-200

The proposed Zoning By-law Amendment (see Appendix “B” to Report PED17074) will incorporate the lands within Zoning By-Law 05-200, which is consistent with the approach taken with other lands that have been rezoned within the West Harbour Secondary Plan, including but not limited to lands within Barton-Tiffany.

The proposed implementing Zoning By-law and Draft Plan of Subdivision will affect only those lands within Pier 8, understanding that appeal proceedings are currently on-going with respect to the previous Official Plan Amendment and rezoning proposed for Piers 6 and 7.

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It is noted that a number of uses are currently permitted in Pier 6 and 7 within the “F-1/S-838a” (Waterfront Recreational) and “F-4/S-838a” (Waterfront Services) Zoning District. As such, finalization of OPA 223 and subsequent Zoning By-law is not required or needed to allow the Draft Plan of Subdivision to proceed.

The proposed zoning will implement the following designations of the Secondary Plan:

- Institutional – through a modified Community Institutional (I2) Zone (Block 16 of the Zoning By-law - Appendix “B” of Report PED17074);
- Open Space – through a modified Open Space (P4) Zone (Block 14 of the Zoning By-law - Appendix “B” of Report PED17074);
- Medium Density Residential 1 – through a newly created Waterfront Multiple Residential (WF1) Zone (Blocks 11 and 13 of the Zoning By-law - Appendix “B” of Report PED17074);
- Medium Density Residential 2 - through a newly created Waterfront Multiple Residential (WF1) Zone (Blocks 1, 2, 5, 7, 10 and 12 of the Zoning By-law - Appendix “B” of Report PED17074);
- Mixed Use – through a newly created Waterfront Mixed Use (WF2) Zone Blocks 2 and 3 of the Zoning By-law - Appendix “B” of Report PED17074);
- Prime Retail – through newly created Waterfront Prime Retail Street (WF3) Zone Blocks 4, 6 and 9 of the Zoning By-law - Appendix “B” of Report PED17074); and,
- Storm Water Management block through a Conservation/Hazard Land (P5) Zone for Block 15.

In addition to securing the range of land uses, heights and densities determined within the land designations discussed above, the proposed Zoning By-law includes a number of built form provisions recommended through the Piers 7 and 8 Urban Design Study. This includes the introduction of step-backs for upper floors, and the requirement for buildings to have maximum setbacks and minimum façade lengths along public streets (See Table 1.3 below). These provisions (detailed in Appendix “B” to Report PED17074) are discussed further in the Analysis and Rationale for Recommendation Section, seek to provide for a built form that provides a sense of place, a comfortable pedestrian experience, and reflects and enhances the character of the existing neighbourhood.

Table 1.3

PROPOSED CITY OF HAMILTON ZONING BY-LAW NO. 05-200 REGULATIONS	
Required Step-backs	A minimum of 2.0m for any storey above the 5 th storey.
Required ground floor façade widths	Minimum of 50-75% along most public street frontages, with allowances to permit courtyard developments.
Required ground floor glazing	Minimum of 40% along most public street frontages.

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The implementing Zoning By-law also determines the amount and location of required parking. These components were considerations in both the Secondary Plan as well as within the Urban Design Study. Similar to the character of the existing area, and consistent with new urbanism approaches, a strong de-emphasis on the private automobile has been secured through the amending Zoning By-law. This includes ensuring that parking is balanced with other modes of transportation through requiring parking rates that are not over supplied (proposed at 0.85 spaces per residential unit) and when it is provided, done so in a manner that does not diminish the active vitality of the streetscape. This is achieved through limiting surface parking, restricting uses that would traditionally have parking in the front yard (such as Street Townhouses - Policy A.6.3.5.1.16), and ensuring structured parking when not located underground is physically screened from the public realm. This is achieved through requiring the parking to be located internal within the building and fronted by active uses (Commercial/Residential).

The issue of parking, including the rationale and justification of reduced provisions, are discussed in further detail in the Analysis and Rationale for Recommendation Section.

It is noted that several blocks within the proposed Plan of Subdivision are designated more than one land use designation. In order to provide simplicity and clarity, the Zoning By-law creates separate blocks for each designation. These separate blocks ensure the individual performance standards required in each Secondary Plan designation is achieved. Most notably this is demonstrated in Block 7 of the Draft Plan of Subdivision, which is designated “Prime Retail”, “Medium Density Residential 1” and “Medium Density Residential 2”. Provisions are contained within the amending “WF3” Waterfront Prime Retail Zone and “WF1” Waterfront Multiple Residential Zone that ensure the varied building heights, densities and location of commercial uses are appropriately secured, and comply with the different land use designations.

With the introduction of Zoning By-law 05-200, it is noted that certain existing uses will become legal non-conforming and legal non-complying uses with respect to the By-law and Secondary Plan. This includes the existing restaurant (Sarcoa) and café (Williams Café) as these areas under the Secondary Plan are designated Institutional and will be zoned Community Institutional (I2) Zone through the amending by-law, which will not permit the existing uses. These uses will be permitted to remain under the provisions afforded under the *Planning Act* for legally established non-conforming uses. The redevelopment of these uses will also be considered under Policy A.6.3.3.1.7 of the Secondary Plan, which provides criteria that seeks to ensure any expansions do not have an adverse impact on existing and planned uses.

It is therefore considered that the continuation of the existing uses is appropriate in the interim period. Restaurant uses are permitted within the Secondary Plan designations within Pier 8, albeit at different locations. Although the current location of Sarcoa and

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Williams is envisioned to transition into institutional uses, it is understood that implementation of these uses is anticipated over a longer time horizon (10-15 years). This duration would allow greater residential build out of the lands, which will in turn provide the impetus and ultimate density necessary to secure the viability of such institutional uses. Until such time, it is considered that the restaurant and café uses will not prejudice or frustrate the development of the lands or realisation of the vision for the Secondary Plan area.

It is noted that Sarcoa, in particular, will be subject to City Initiative 16-C which seeks to allow for commercial entertainment / recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios. In particular regard to noise, as detailed within City Initiative CI-6 reports (PED16155(a) and PED16155(b)), during the duration of the temporary use by-law period, noise related issues will be governed through the Noise Control By-law. Prior to expiration of the Temporary Use By-laws, staff would evaluate the effectiveness of the Noise By-law and tools to determine if they are appropriate, and report back to City Council on whether the Pilot Project should be terminated, extended or implemented on a permanent basis. On this basis, the inclusion of this provision, similar to the arguments regarding the restaurant use, is not considered to prejudice or frustrate the transition of the lands to its future envisioned uses.

In order to give effect to this Council direction, a temporary By-law is contained as Appendix "H" to Report PED17074. This By-law is similar to that contained in PED16155(a) for the subject lands – however, as detailed within Appendix "H" to report PED17074, forms part of Zoning By-law 05-200; recognizing that the previous Zoning By-law for the lands was contained in Hamilton Zoning By-law 6593 which, upon approval of this application, will no longer be the by-law in effect for the subject lands.

Finally, it is noted that live / work units are encouraged throughout the development in accordance with Policy A.6.3.3.1.24 (save and except the Open Space and Institutional designations). Only general policy direction is provided within the Secondary Plan with respect to this provision. As a principle, live / work units are intended to provide flexibility in the provision of small scale commercial uses within predominately residential units. As such, the definition included in the amending Zoning By-law (See Appendix "B" to Report PED17074) permits only a portion of the commercial uses otherwise permitted within the waterfront zones, at a restricted scale and location. It is considered that this would support the intent of a complete, sustainable community. The provision would allow more efficient use of land and structures, while potentially reducing demand upon existing and future transportation and parking infrastructure.

Holding Provision

Several Holding Provisions will be attached to the implementing By-law in order to ensure matters regarding site remediation, noise, odour and dust matters, and the construction of a sanitary pumping station are satisfactorily resolved prior to the comprehensive development of the lands (see Appendix “B” to Report PED17074). Development cannot occur until these have been addressed and the Holding Provision has been removed. Applications to remove the applicable Holding Provisions may be considered on a block by block basis in order to accommodate the staging and phasing of development.

Urban Design Study

In accordance with Policy A.6.3.8.9.4, the City completed an Urban Design Study which provided a finer grain analysis of such matters as height, massing and character of new buildings, and the appropriate physical relationship between buildings and public open spaces. The study integrated with the Urban Design Guidelines previously completed for Pier 7, which is contained within Appendix “I” to report PED17074.

The study refined the maximum building envelopes established by the Secondary Plan based on an analysis of public views to the harbour, sunlight penetration, privacy, and wind conditions. The study, amongst other matters, suggested building step-backs at upper levels in order to reinforce the pedestrian scale and comfort at street level, as well as provided suggestions for materiality and integrated public and private amenity space. The study was approved by City Council on May 25th, 2016.

In particular, the study encouraged the incorporation of a ‘Greenway’. The greenway essentially combines the functional requirement of an overland drainage route (as per the Storm Water Management strategy), integrated into a recreational component of a mid-block walkway. The decision to retain this greenway within the public domain bolsters the integration of public / private space and fosters community interaction in an innovative and appropriate manner.

In support of the development application, SGL Planning and Design Inc. submitted an Urban Design Brief to further inform the preparation of the draft Zoning By-law that built upon the principles and direction of the Urban Design Study, as well as more general policy guidance, such as Policy A.6.3.3.4.1. Massing and block plans were developed, testing the appropriateness of the proposed step-backs, location of parking and building envelopes to be provided within the implementing By-law.

It is considered that the proposed greenway encapsulates the intent for a trail extension through the development lands as indicated in Schedule “M-5 Public Realm” of the Secondary Plan. It is noted that the proposed trail is closer to Guise Street East within

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the Schedule, however, it is the opinion of Staff that the location of the trail further north provides for greater integration and opportunity for more meaningful connectivity. The change represents a minor adjustment, and as such, no formal amendment to the plan is required to Schedule "M-5" in accordance with Policy A.6.3.8.15.3.

The SGL Planning and Design Inc. study illustrates that on the basis of the proposed implementing By-law (see Appendix "B" to Report PED17074); the vision of the Secondary Plan is delivered in a functional, well-designed and innovative manner.

Understanding that there are more detailed design matters to be secured at later planning stages, such as Site Plan, the conditions of subdivision approval will recommend the use of a control architect (see Condition 36 of Appendix "C" to Report PED17074). The intent of this condition is to independently ensure continuity and delivery of the principles of the plan; including matters such as materiality and block design, as well as providing architectural control over potential noise mitigation strategies (discussed in greater detail later within this report).

This intent will also be achieved and secured through a supplementary condition of subdivision approval that will require the completion of the 'Design Checklist' that forms part of the Urban Design Study. This checklist will be required to be submitted and approved prior to construction of each individual block (see Condition 36 of Appendix "C" to Report PED17074).

Specific requirements will speak to the proposed greenway, in which guidelines are to be developed with the express intent of developing it holistically and to ensure consistency in the overall look and functioning of this feature (see Condition 36 of Appendix "C" to Report PED17074).

Finally, prior to the development of each block, the proponent will be required to submit architectural drawings to the City's Design Review Panel for their advice in order to ensure commitment to design excellence and continuity in approach is secured at the detailed design level (see Condition 38 of Appendix "C" to Report PED17074).

City of Hamilton Staging of Development

Infill development is exempt from the general Staging of Development program. However, it should be noted that the development will be subject to the construction of a sanitary pumping station and forcemain. A Holding Provision is being recommended on the subdivision, subject to the pumping station being commissioned and operational.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- City Wide Services, Community and Emergency Services Department; and,
- Tax Administration / Banking Section, Corporate Services Department.

The following Departments and Agencies have provided comments on the applications:

Hamilton Conservation Authority (HCA)

Hamilton Conservation Authority (HCA) has reviewed the above noted applications and offers the following. It is noted that the applications have been reviewed pursuant the HCA's responsibilities under the Conservation Authorities Act; the Memorandum of Understanding between the Ontario Ministry of Natural Resources, the Ontario Ministry of Municipal Affairs and Housing, and Conservation Authorities relating to provincial interests for natural hazards; and the Memorandum of Agreement between the HCA and the City of Hamilton relating to Natural Heritage and Engineering issues, and the Hamilton Harbour Remedial Action Plan.

The subject lands drain into Hamilton Harbour, which has a Remedial Action Plan to restore the health of the harbour by reducing the amount of sediment entering the harbour and Lake Ontario and by improving stormwater quality. In accordance with the recommendations of the Remedial Action Plan, stormwater quality to the Enhanced Level is required to be addressed for new development proposals. Due to the location of the property in the harbour, stormwater management quantity control would not be required for the proposed development.

The Authority supports the consideration of Low Impact Development (LID) techniques that can maintain groundwater recharge within the subject property, significantly reduce contamination of the natural environment and provide adequate quality controls for runoff.

HCA staff have reviewed the Functional Servicing Report "Pier 7 and 8 Application for Draft Plan Approval" dated April 2016 and the supporting plans dated April 25, 2016 prepared by S. Llewellyn and Associates Ltd. submitted to address the above-noted comments. While Staff are supportive of the overall stormwater management concept, there are some technical issues that remain to be addressed. These issues can be addressed through Draft Plan of Subdivision conditions and are listed below:

- It is our understanding that remediation of contaminated soils will be undertaken within the subject development to allow construction of enhanced grassy swales and / or Silva Cell vegetated strips along municipal roadways. It should be noted

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that the Low Impact Development (LID) Stormwater Management Planning and Design Guide, CVC / TRCA, 2010 recommends constructing LID infiltration structures in locations where a 1 m gap is available between the high groundwater table and structure invert. Therefore, the design should demonstrate that the contaminated runoff entering the swales or underground cells is not an additional source of shallow aquifer contamination. The use of bio-retention soil media or full detention of the "first flush" runoff is recommended to meet the appropriate level of quality control;

- A manual discussing winter operation, inspection and maintenance of the recommended LID features should be prepared and enclosed to the Servicing Report;
- Recommendations for the selection of Hydroguard units should be based on historical rainfall data from the Mount Hope Weather Station;
- Conceptual locations of OGS units should be labeled on the Site Servicing Plan;
- The location of the enhanced grassy swale and / or Silva Cell strips should be labeled on Servicing and Grading Plans which should be to scale that is easy to read (as a minimum 1:500);
- An Erosion and Sediment Control Plan should be enclosed to the next submission package; and,
- A Geotechnical Report stamped and signed by a qualified engineering professional should be provided.

Portions of the subject property are regulated by the HCA pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* as they lie within the erosion and flood hazards (wave uprush) of the Hamilton Harbour. A permit will be required for the repair or replacement of shoreline protection, filling or grading, and construction of any buildings or structures within the regulated area. Buildings and structures must be located outside of the flood hazard (100 year lake level of 76 m) plus wave uprush and provide wherever possible 6 m erosion access from the shoreline (shorewall protection).

The Pier 8 Wave Overtopping Analysis (65 Guise Street East) report prepared by Shoreplan Engineering Ltd. dated March 31, 2016 speaks to possible options for addressing wave uprush and flood hazard conditions for the Pier 8 portion of the proposed development. The submitted preliminary grading plan (GP-1) shows that the proposed residential blocks themselves are to be set at a grade above the wave uprush elevation. However, the plans do not show any proposed implementation of the flood mitigation options for the remainder of the property and therefore there are portions of the development surrounding and between the residential blocks (Block 10 and the SWM Blocks at minimum) that are still prone to flooding.

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The HCA supports the overall development concept for the Harbour Waterfront and there is no concern with the proposed Zoning By-law Amendment as the majority of the flood-prone lands are proposed to be zoned as open space. However, the issue of flood hazard mitigation will need to be addressed through further technical studies / plans as part of Draft Plan of Subdivision conditions. It is also noted that the Shoreplan report does not address the extent of the flood hazard or provide flood mitigation recommendations for Pier 6 (Block 9). Staff note that Block 9 is no longer part of the Draft Plan of Subdivision and has been red lined out of the proposed subdivision. While HCA staff recognize that this is a future development phase, this block was formally part of the application and the flood hazard for it should be addressed as part of this submission. This will serve to demonstrate that the entire development can and will be located outside of the flood hazard and meet both HCA and Provincial natural hazard development policy.

These matters will be addressed and secured through Draft Plan of Subdivision Condition No. 29-33 of Appendix “C” to Report PED17074. Furthermore, Building Permits are contingent upon the issuance of HCA permits.

Bay Area Restoration Council (BARC)

BARC has provided the following comments:

“BARC was an active participant in the extensive public consultation process to create Setting Sail. Where our organizational vision is “a thriving, healthy and accessible Harbour,” we continue to support the principles of the Plan and take an active interest in its interpretation and implementation.

New residential and commercial activities would not be possible if not for the tremendous gains in environmental quality in the past 25 years. New development must respect and enhance the interface between the land and water. Best practices for stormwater management should be implemented at the time of development, principally using “low impact development” (LID) techniques. Every opportunity should be taken to “enhance aquatic and shoreline habitats throughout the entire West Harbour Planning Area.”

Staff note that through submission of the preliminary Functional Servicing Report, LID approaches are proposed and will be incorporated into the comprehensive servicing strategy. This will be reviewed and secured through Condition 19 in Appendix “C” to Report PED17074. A site plan agreement may be required depending on the LID measures employed. This shall be at the sole discretion of Director of Planning and Chief Planner (See Draft plan Condition 50 in Appendix “C” to Report PED17074).

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“The creation and animation of open, public spaces should require a design study of its own. Public spaces and amenities should take opportunities to increase the public’s understanding and appreciation of the Harbour and its watershed.”

Staff note that the development of the public open spaces will be a comprehensive and public process, identifying and securing the materiality, programming and conformity with AODA standards. The inclusion of a cultural plaza will also be an opportunity to provide educational and cultural insight into the natural, built and cultural heritage of the Waterfront.

“Finally, there should be a substantive public process of continued engagement and evaluation to ensure that the principles of Setting Sail continue to “provide important criteria against which future initiatives and proposals for the area will be evaluated to help ensure the broad public objectives for West Harbour are realized.” Effectively, ensure that Principle 8 – *promote excellence in design* – is applied to the first seven.”

Staff note that the City has conducted numerous public engagement opportunities and created a plan for continued engagement that included the review of the development application process. Should the zoning be approved, the development will also be reviewed prior to the Site Plan stage by Hamilton’s Design Review Panel and additional public input will be sought with regard to the design of the public spaces (to be conducted by the Waterfront Office). This, in addition to the Draft Plan of Subdivision conditions relating to control architects being required through construction, will ensure design excellence is achieved. The control architect and review by the City’s Design Review Panel is secured through Conditions 36 and 38 in Appendix “C” to Report PED17074.

Recreation Planning – Community Services

Recreation Planning staff noted that the provision for Open Space (i.e. public use areas) proposed, will allow for passive recreational opportunities (i.e. walking, cycling, etc.), but will not allow for traditional active recreation (i.e. baseball diamonds, soccer fields). It is however noted that Pier 7 and 8 is in close proximity to Eastwood Park, which will satisfy future resident needs for traditional baseball and soccer amenities.

The proposed Gateway Park is located in Block 11 of the subdivision plan, which is 0.6 ha in size. According to Section A.6.3.2.5 of West Harbour (Setting Sail) Secondary Plan (2012), an importance is placed on providing physical and visual connections to the waterfront. As such, the proposed Gateway Park would improve pedestrian and cycling connections to the waterfront, and further develop the connections between Dundurn Park and the Waterfront Trail, as recommended in the West Harbour (Setting Sail) Secondary Plan.

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The creation of the Gateway Park will complement the existing recreational amenities to the north (i.e. outdoor rink, William's Coffee Pub and Hamilton Waterfront Trust Centre) and take advantage of opportunities due to the proximity to the marina. Staff encourage and support the creation of outdoor, passive recreational spaces and amenities.

The Waterfront Park (along the perimeter of the shoreline) will be City owned public space, allowing for a public pedestrian and cycling (multi-use trail) connection to Pier 4 and Eastwood Park. As such, Recreation staff suggests that connections also be established to other existing recreational facilities and park sites within close proximity to the Pier 7 and 8 boundary, such as Bayview Playground (located at 52 Burlington Street West) and Bennetto Recreation Centre and Park (located at 444 Hughson Street North) as part of the development.

Recreation staff note that although early in the development process, no public washroom facility locations have been identified on the plan. It is also suggested that all materials for trails should be in compliance with AODA regulations to encourage trail use by a variety of users. Consultation with Access and Equity Office is suggested for this development.

It is noted that the design of the open space promenade area is subject to a design competition hosted by the City of Hamilton. Designers and landscape architects will work and coordinate their submissions with Park and Recreation staff. It is recognised that many of these matters will be dealt with collaboratively through this process. In addition, the public will also be able to present opinions on the final six chosen designs.

Staff note that the creation of this continuous walkway, providing access along the water's edge, will also be developed in conjunction with approved and future development within the wider waterfront location.

It should be noted that currently plans are being developed to incorporate a washroom into the design of the Open Space. Options currently being considered include accommodating a washroom in conjunction with the required pump station or alternative locations available to the public.

The trail connections throughout the waterfront lands will be secured in stages and coordinated through the waterfront office as development occurs. Furthermore, it will be through a comprehensive and public process that the materiality, programming and conformity with AODA standards of the public open spaces will be established and implemented. Timing of this process has not yet been determined but will also be coordinated through the Waterfront Office.

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Public Health Services

A pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition and construction / development phase of the project and continue until the project is complete.

The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221.

Staff note that the required Pest Control Plan will be secured through Condition 34 in Appendix "C" to Report PED17074.

Transportation Management

Cycling

The Travel Demand Management (TDM) report suggests that the following cycling measures be undertaken by the developer:

- Consider implementing all the cycling infrastructure recommended within both Urban Design Study concepts to help residents and visitors access the site by bike;
- Include long-term bike rooms at the ground level of residential and institutional buildings, within 50 m of a primary entrance;
- Include short-term bike racks near the main entrance of each building; and,
- Include showers and change facilities in the institutional space and include a shared facility in each building with a commercial space.

Recommendations:

All of these measures are strongly supported, and should be included in more detail in future applications.

Staff note that through the amending By-law requirement for secure bicycle storage will be included as a provision of development (see Appendix "B" of Report PED17074). The exact locations will be determined and secured through the Site Plan Process.

Walking

The TDM report states that, “Safe and attractive pedestrian environments need to be developed through the site, and connect to the surrounding community”.

Recommendations:

This is strongly supported, and should be included in more detail in future applications.

Parking

The TDM report suggests that the following parking measures be undertaken by the developer:

- Require unbundled parking in all residential buildings;
- Institute paid, market-rate parking for on-street spots. Permit overnight parking for a fee for visitors or residents;
- Institute paid, market-rate parking in any garage that is open to the public or employees; and,
- Provide for shared parking between uses whenever logistically feasible.

Recommendations:

All of these measures are strongly supported, and should be included in more detail in future applications. Further, it is recommended that only the minimum number of required parking spaces be provided.

Staff note that reductions in the required amount of parking, consistent with the parking justification report is supported and will be implemented through the amending By-law. The By-law will also permit the unbundling of parking spots.

The nature of the parking – whether it is paid or free has yet to be determined and will be reviewed on an on-going basis by Parking Services. An updated TDM report, confirming which measures are to be implemented, will also be required as a condition of Draft Approval to be implemented through the Site Plan Process (see Condition 41 of Appendix “C” to Report PED17074).

Bike Share and Car Share

The TDM report suggests that the following parking measures be undertaken by the developer:

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- Have car share vehicles located on-site either in a publicly accessible location in parking garages or in reserved, on-street parking spaces. Spaces should be publicly accessible to benefit the surrounding community; and,
- Have Hamilton Bike Share locations located on-site or within a 400 m walking distance of the site. If on site, identify and set aside optimal locations for them.

Recommendations:

All of these measures are strongly supported, and should be included in more detail in future applications.

Staff note that there is sufficient space to accommodate both Bike Share and Car Share within the publicly owned spaces throughout the development. These matters will be reviewed and determined following implementation and development of the lands through the subdivision and site plan processes.

Education, Promotion and Incentives

The TDM report suggests that the following parking measures be undertaken by the developer:

- Highlight transportation element in sale and / or rental marketing materials including proximity to transit, cycling facilities, car share vehicles, and bike share locations;
- Include a preloaded PRESTO card for every new unit;
- Cover the cost of car share applications for all new residents;
- Include a one-year Hamilton Bike Share membership in all new units;
- Employers be required to join Smart Commute Hamilton transportation management association; and,
- Targeted marketing and events for new residents to educate them about the available travel choices.

Recommendations:

All of these measures are strongly supported, and should be included in more detail in future applications.

Staff note that while many of these matters cannot be secured through the zoning process, the provision of one Bike Share membership per unit for one year will be recommended as a condition of Draft Plan Approval (see Condition 42 of Appendix “C” to Report PED17074).

Union Gas

Comments received from Union Gas indicate the requirement of any necessary easements across the subject lands. This is recommended through Draft Approval Condition 50 of Appendix “C” to Report PED17074.

Canada Post

Canada Post requests the inclusion of warning clauses respecting a centralized mailbox and further specifies the requirements for the owner to agree to the installation of said facilities. This is recommended through Draft Approval Condition 51 of Appendix “C” to Report PED17074.

Public Consultation

Notice of Complete Application and Public Meeting

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 585 property owners within 120 m of the subject property on July 29, 2016 for the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications.

A Public Notice Sign was posted on the property, and updated on April 19, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 28, 2017.

Twenty two (22) letters were received from eight separate groups / individuals including letters from Harbour West Neighbours Corp. and the North End Neighbours. These letters are attached as Appendix “E” to Report PED17074 and summarized in the Analysis and Rationale for Recommendation Section of this Report. The concerns included also cover several pieces of correspondence sent regarding the solicitation process. They have been included on the basis that a number of the issues raised related directly to the proposed development applications. These matters, as well as those specifically sent in response to the Public Notice of Complete Application and Preliminary Circulation, have been categorized under the following headings:

- Maintain Openness and Access;
- Strict adherence to height, lower proposed heights, loss of views;
- Protect and enhance the family friendly character of the neighbourhood;
- Traffic and appropriateness of NETMP following increased number of assumed units;
- Family sized units;
- Public process in the development of the park and institutional areas;

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- Affordable and accessible housing;
- Creation of a regional shopping centre;
- Limit creativity;
- Over intensification and need for Social Impact Assessment;
- Absence of integration into existing character of area;
- Construction traffic;
- Flooding;
- Status of the NETMP;
- Need for complete, liveable streets;
- Pier 7 Zoning (how it affects the current application);
- Parking and phasing of development;
- Possible limitations for adjacent industrial uses;
- How has the vision process shaped the development; and,
- Conflict of interest.

Community Engagement Program

As detailed within the introduction of the West Harbour (Setting Sail) Secondary Plan:

“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.”

In response to this and in recognition that the entire West Harbour area will be undergoing significant change over the upcoming years, the City of Hamilton created a community engagement program to support residents throughout all phases of this transition. With support from Evergreen, the community engagement program seeks to support these changes and give community members an opportunity to receive information about the changes and provide input in a way that results in outcomes that reflect the desires and needs of the community. A “one stop shop” model for community information and engagement at 294 James Street North was developed in a further attempt to make the process as understandable for the public and transparent as possible. At this venue, West Harbour monthly meetings are conducted in which updates are provided as well as community conversations, providing specific highlights and opportunity for input of on-going projects.

With specific regard to these applications, beyond just the statutory consultation requirements, City of Hamilton planning staff hosted a series of “Conversation Couch” discussion sessions to provide members of the public with an opportunity to ask questions and provide input into the Pier 7 and 8 draft plan of subdivision and rezoning

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application process. The four “Conversation Couch” sessions were held on: July 7, 2016, July 21, 2016, August 4, 2016 and August 18, 2016. All sessions took place at 294 James Street North. The sessions were advertised to the public online on westharbour.ca, via email to the West Harbour mailing list and on online event calendars on the City’s website. Printed posters were displayed at local community centres and hubs in the West Harbour area. A total of 32 residents participated in the sessions. Concerns and comments raised within these informal sessions have largely been reflected and addressed through the review of the formal correspondence received through the statutory consultation process.

Web Page

As part of the public consultation process, City staff created a site on the City of Hamilton’s Web page (www.hamilton.ca/westharbour). The site provided members of the community, external agencies, and other stakeholders, information on the amendments and Public Information Centre, as well as other related information. The website was updated when new information was made available.

Notable Changes Through Consultation

It is noted that through the consultation strategies, a number of publically encouraged changes have guided the implementing By-law both directly and indirectly. Most notably the following changes, amongst others, have occurred:

- Permit height along a portion of Guise Street East to a maximum of three storeys whereas the Secondary Plan permits up to five storeys. This was in order to address transition and compatibility concerns regarding existing lower profile development along a portion of Guise Street East;
- Step-backs have been introduced to ensure the bulk and massing of individual buildings is controlled, and to maintain a pedestrian scale to the streetscape;
- Greenway – innovative combination of public access and sustainable servicing. The approach encourages and fosters interaction between the public and private realm;
- Permit Block 5 of the Subdivision Plan to be a maximum six storeys in height whereas the Secondary Plan would permit portions up to eight storeys. Approach encourages transition and variability of height into the development.
- Vision Process – as discussed in later sections of this report, members of the public volunteered to further define the vision of the area.
- Inclusion of affordable housing. Although not secured as part of the Zoning By-Law, the inclusion of affordable housing within the development was raised on numerous occasions through the public engagement process. This requirement (of 5% affordable home ownership) has been secured through the Solicitation Process, discussed in greater detail under the affordable housing heading later in this report.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe as it represents an opportunity for growth in Settlement Areas;
 - (ii) It complies with the policies of the Regional Official Plan and applicable policies of the City of Hamilton Official Plan;
 - (iii) It complies with the policies of the West Harbour Setting Sail Secondary Plan; and,
 - (iv) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the brownfield redevelopment of a former industrial piece of land through the provision of a range of residential, recreational and commercial uses and by making efficient use of a predominately vacant and underutilized parcel of land.

2. PROPOSED PLAN OF SUBDIVISION

The application for Draft Plan of Subdivision (as red lined revised) seeks approval to establish a mixed-use Subdivision to create eight development blocks intended for residential and mixed-use development (Blocks 1-8); two blocks for institutional uses (Blocks 16 and 17); two blocks for open space (Blocks 10 and 11); and, one block for open space / institutional uses (Block 15). The Draft Plan of Subdivision will also establish the public street road pattern and three blocks for utility purposes (Blocks 12 to 14). The subdivision originally included lands of Pier 7 and a portion of Pier 6. These lands are subject to appeal proceedings pertaining to OPA 223 and CI-13-A. This block (Block 9) has been red lined omitted from the current Draft plan and does not form part of the draft plan approval plan other than being additional lands of the applicant. This approach is considered appropriate and will not prejudice the appeal proceedings currently underway with regard to Piers 6 and 7.

Block 18 intended for the proposed pumping station has also been red lined omitted from the subdivision plan. The pumping station will still be constructed as it is required for the development, but its location has not yet been determined and is a use permitted within the Open Space designation (Block 10). As such, the omission of this block (Block 18), allows for the flexibility to locate the

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pumping station in a manner that is appropriate from both a functional and programmable perspective.

Staff has had consideration for the criteria contained in Subsection 51 (24) of the *Planning Act* to assess the appropriateness of the proposed subdivision and advise that:

- (a) It complies with the Provincial Policy Statement;
- (b) The proposal represents a logical and timely extension of existing development and services, and is in the public interest;
- (c) It conforms with the applicable policies of the City of Hamilton Official Plan and Setting Sail Secondary Plan;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;
- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the blocks are appropriate;
- (g) Restrictions and regulations for the development of the subdivision will be included in the implementing Zoning By-law Amendment, and conditions of Draft Plan Approval;
- (h) Flood control will be addressed through stormwater management plans and implementation of measures to mitigate wave uprush, both of which will be required as a standard condition of draft plan approval;
- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of Draft Plan Approval;
- (j) Public land will be maintained to create road rights-of-way and Open Space areas, the particulars of which will be determined as part of the final registration of the plan of subdivision; and,
- (k) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy and ensure overall environmental sustainability. It is considered that aspects of both building design and open spaces, such as the greenway, will ensure matters such as this are delivered through the development.

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Road Pattern and Red-line Revisions

It is noted that the road pattern has been refined through the subdivision process. Firstly, the cul-de-sac shown within the Secondary Plan Schedule "M-2" has been modified to instead continue the grid pattern. Policy A.6.3.5.1.10 states that the precise location of new streets shall be determined in Plans of Subdivision but shall generally conform with the street pattern in Schedule "M-2". The type of change proposed (elimination of a dead end in favour of a continued grid pattern) is specifically encouraged through Policy A.6.3.3.2.3.

Secondly, redline revisions have been made to the Plan as submitted. These changes concern the alignment of Guise Street East. The changes are to ensure the road remains within the existing road allowance. The other red-line revision ensures that Street A connects at a 90 degree angle to Guise Street East. This is consistent with City corridor standards.

These changes are illustrated in Appendix "D" to Report PED17074 and required through Draft Plan Conditions 1-5 of Appendix "C".

Finally, Block 9 and 18 has been omitted from the plan. Block 9 forms part of the lands currently before the OMB with respect to OPA 233. Block 18 is a utility block intended for the required pumping station.

Parkland dedication

Currently the City owns the subject lands with the intent of retaining the blocks proposed to be zoned for Open Space and two institutional blocks (Sarcoa and Williams Café). The remaining blocks will be sold in accordance with the City's disposition process. The development of these blocks will be subject to the standard parkland dedication rates as per the City's Parkland Dedication By-law No. 09-124 (see Condition 39 of Appendix "C" to Report PED17074).

Engineering

The proposed development was supported through submission of a Functional Servicing Report and Draft Plan of Subdivision prepared by S. Llewellyn & Associates Limited and a Wave Uprush Report Submitted by Shoreplan.

With respect to the Draft Plan of Subdivision, it was noted that minor changes to the proposed road alignment, including the addition of sufficient daylight triangles and road widenings, will be required to ensure the plan conforms to the City's geometric design standards required at intersections and along Guise Street East. It is also noted through the comments provided by Staff that, due to intersection configurations, the

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option of a roundabout will be reviewed and considered in the final design, at Guise Street East and Street "A", and Guise Street East and John Street intersections.

In addition, the comments from Growth Management identify that the creation of any remnant parcels created as a result of the proposed road alignment must be avoided. Currently the 'rounding out' of the road proposed at Catherine Street North and Guise Street East / Dock Service Road will require a land exchange between the City and the owners of 600 John Street North. It is considered that this should be avoided and that the current road allowance, which is sufficient, be maintained. These matters will be addressed through Draft Plan Conditions of Approval and through the red lined revision to the Draft Plan (see Conditions 1 to 6 of Appendix "C" to Report PED17074).

With respect to the road alignment internal of the subdivision, Condition 23 of Appendix "C" to PED17074 requires the owner to demonstrate adequate road allowance is provided at the bends of Street "C" and Street "D". It is further noted that minor revisions may be required to the termination of Catherine Street North to ensure access to the HMCS Haida gate north of Street "C" is taken into consideration.

On the matter of construction issues, it is noted that the majority of the lands are reclaimed portions of the shoreline created through fill. As such, a geotechnical report will be required in order to ensure the construction and engineering methods are appropriate given the potential soil stability issues. This is addressed in Conditions 9 and 22 of Appendix "C" to Report PED17074.

The question of ownership of the proposed SWM blocks (Blocks 12-14 of the Draft Plan of Subdivision) - which are intended to facilitate the 'Greenway', was raised and is to be determined prior to approval of the Draft Plan. With respect to this matter, it is noted that there is a strong argument to maintain the blocks within public ownership given that they are intended to serve both a functional and passive use. Within the Urban Design Study the opportunity to provide a passive walkway and design feature in combination with the conveyance of storm water was presented as a unique opportunity to provide a trail extension while addressing amenity and sustainability in a visually and functionally appropriate manner. As such, Blocks 12-14 on the Draft Plan will be maintained within public ownership in order to ensure this intent is successfully implemented. The adequate functioning of these blocks with respect to overland flows and suitable outlets is addressed through Draft Plan Conditions of Approval (see Conditions 10 and 11 of Appendix "C" to Report PED17074).

It is noted that the amending By-law will include a Holding Provision to require the sanitary pumping station and forcemain be built and commissioned, amongst other matters (see Appendix "B" of Report PED17074). This, in addition to availability of sanitary and storm sewers, is further addressed within Draft Plan Conditions of Approval (see Conditions 6 and 7 of Appendix "C" to Report PED17074).

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Matters including water distribution and water servicing layout will be reviewed and secured through Condition 16 of Appendix “C” to Report PED17074. The requirement of a dual drainage assessment, which will assist in determining the hydraulic grade line elevations and identify potential tail water elevations due to Lake Ontario will be required through Condition 21 of Appendix “C” to Report PED17074.

It is noted that the proposed pump station – previously proposed to be located within Block 18 of the Draft Plan of Subdivision (but now red line omitted) may be relocated to a different section of the proposed 30 m wide linear park. It will be combined with washroom facilities in order to service the public visitors to the area. The design and dedication of this block as well as those blocks identified as public open space will be required as a condition of Draft Approval (see Conditions 7-8 and 12 of Appendix “C” to Report PED17074).

Condition 19 of Appendix “C” to Report PED17074 will secure final Functional Servicing requirements. The engineering and cost schedules for the construction of Guise Street East from John Street North to Dock Service Road in accordance with the current geometric design standards will be secured through Condition 14 of Appendix “C” to Report PED17074.

With respect to on-street parking, it is noted that this is an important component for the area, particularly those with mobility concerns, with securing car share spaces as well as to encourage visitors through the winter season. Submission and approval of the final parking plan will be secured through Draft Plan of Approval Condition 15 of Appendix “C” to Report PED17074.

Throughout the Secondary Plan and detailed within the Urban Design Study, is the emphasis on complete streets and securing their function within the proposed development. As detailed by the plan, and further secured in part through Conditions 17, 20 and 40 of Appendix “C” to Report PED17074, well designed sidewalks and replacement trees will further this design objective.

Finally, conditions will be required to ensure all the necessary design and cost schedules are submitted for the relocation of existing services, and how any utility pipeline relocation, if necessary, will be secured (see Condition 18 of Appendix “C” to Report PED17074).

3. ZONING BY-LAW AMENDMENT

The applicant has requested a Zoning By-law amendment in order to introduce the subject lands into City of Hamilton Zoning By-law No. 05-200. The proposed existing and new waterfront zones, which have been created in order to implement the specific

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mixture of uses, built forms and densities as articulated in the Secondary Plan and Urban Design Study, are as follows:

- Waterfront Multiple Residential (WF1) Zone;
- Waterfront Mixed Use (WF2) Zone;
- Waterfront Prime Retail Streets (WF3) Zone;
- Community Institutional (I2) Zone;
- Open Space (P4) Zone; and,
- Conservation/Hazard (P5) Zone.

The WF1 Zone, WF2 Zone and WF3 Zone are new zones that will be added to Zoning By-law 05-200. These zones will be applied to other waterfront areas of the City as the comprehensive zoning project proceeds.

The uses applicable to these zones, in accordance with the subsequent designations of the Secondary Plan, are highlighted below:

Table 1.4

CITY OF HAMILTON ZONING BY-LAW NO. 05-200	
	Waterfront Multiple Residential (WF1) Zone applicable to Blocks 1,2, 5, 7, 10, 11, 12, and 13 as shown in Appendix "B" to Report PED17074.
Permitted Uses	<ul style="list-style-type: none"> • Multiple Dwelling • Live / Work Unit • Commercial Parking Facility (Block 7 only)
	Waterfront Mixed Use (WF2) Zone applicable to Blocks 3 and 8 as shown in Appendix "B" to Report PED17074.
Permitted Uses	<ul style="list-style-type: none"> • Multiple Dwelling • Live / Work Unit • Beverage Making Establishment • Catering Service • Commercial School • Communications Establishment • Craftperson's Shop • Financial Establishment • Office • Personal Services • Place of Assembly • Repair Service • Restaurant • Retail

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	<ul style="list-style-type: none"> • Studio • Day Nursery • Educational Establishment • Library • Art Gallery • Museum • Place of Worship • Social Services Establishment
	Waterfront Prime Retail Streets (WF3) Zone applicable to Blocks 4, 6 and 9 as shown in Appendix "B" to Report PED17074.
Permitted Uses	<ul style="list-style-type: none"> • Multiple Dwelling • Live / Work Unit • Beverage Making Establishment • Catering Service • Commercial Entertainment • Commercial Parking Facility (Block 6 only) • Commercial Recreation • Commercial School • Communications Establishment • Craftperson's Shop • Financial Establishment • Office • Personal Services • Place of Assembly • Repair Service • Restaurant • Retail • Studio
	Community Institutional (I2) Zone applicable to Block 16 as shown in Appendix "B" to Report PED17074.
Permitted Uses	<ul style="list-style-type: none"> • Day Nursery • Educational Establishment • Library • Medical Offices • Museum • Place of Worship • Recreation • Social Services Establishment • Long Term Care Facility

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	Open Space (P4) Zone applicable to Block 14 as shown in Appendix "B" to Report PED17074
Permitted Uses	<ul style="list-style-type: none"> • Botanical Gardens • Conservation • Nature Centres • Recreation • Restaurant • Marina • Recreational Equipment, Rental and Maintenance Facilities
	Conservation/Hazard Land (P5) Zone applicable to Block 15 as shown in Appendix "B" to Report PED17074
Permitted Uses	<ul style="list-style-type: none"> • Conservation • Floor and Erosion Control Facilities • Recreation, Passive

As detailed in the amending By-law, a number of performance standards have been incorporated into each zone (see Appendix "B" to Report PED17074). These have been individually detailed and discussed below.

Performance Standards

Step-Backs

It is noted that the Secondary Plan proposes height ranges for each area and designation of the Secondary Plan. Through the work conducted in the Urban Design Study, these ranges were further assessed to determine the most appropriate form this height should take. In particular, step-backs were encouraged in order to maintain a positive and inviting streetscape through controlling the building mass.

The By-law subsequently implements not only the maximum building heights as articulated within the Secondary Plan and raised by the community (Guise Street East), but also implements these design suggestions by adopting a minimum 2 m step-back at the 5th storey of any building 6 storeys or greater in height.

Window Treatment

In addition to the above, a minimum 40% of door and window openings are prescribed for those facades. The provision of fenestration provides not only more attractive articulation along streetscapes, but also provides animation along the streetscape.

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Façade Length

The implementing By-law also recommends minimum façade lengths (50-75%) along public streets. The intent of this provision is to create a sense of place and enclosure along the street frontage, consistent with the Urban Design Study and in keeping with new urbanism approaches.

Building Set-Backs

Similar to façade lengths, maximum building set-backs of 3-5 m for elevations facing public rights of way (except for the proposed Greenway) within the development and 1.5 m along Guise Street East have been proposed within the By-law. The intent is to create a pedestrian scale and enclosed streetscape. It is considered that this approach fosters a greater pedestrian experience and encourages multi-modal transportation such as walking and cycling. Furthermore, as per the approved design guidelines, the provision of set-backs (albeit limited) also permits the ability to accommodate landscaped buffers to soften the connection between the public and private realm. This will be further reviewed and secured through the Site Plan Process.

Locational Restrictions for Permitted Uses

The location of uses is a component of the implementing By-law, both in terms of where within the plan area the uses are located, as well as where within each proposed building (e.g. commercial uses permitted only at grade within certain buildings). These provisions accord directly with the requirements of the Secondary Plan.

Prohibited Uses

Understanding the intent to foster a pedestrian friendly environment, the implementing By-law prohibits a number of uses that are considered particularly auto-centric and which could potentially limit the pedestrian focus, including but not limited to drive-through facilities, motor vehicle collision repair establishments and motor vehicle service stations.

Parking Design

The implementing By-law determines the amount, design and location of parking. As discussed within this report, a focus away from auto-oriented design was a clear requirement of the Secondary Plan, with parking facilities in all designations requiring a varying degree of screening. This has been included within the By-law, whereby parking is either required at the rear of buildings or designed within buildings and screened by intervening land uses.

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In addition, the Secondary Plan contemplates the ability to locate a commercial parking facility within the Pier 8 lands, as a potential opportunity to accommodate parking centrally within the development. The implementing By-law consequently permits this use within Block 5 of the Draft Plan of Subdivision. This location is consistent with the Urban Design Study, and will be required to be screened from the public realm through intervening land uses (either residential / commercial or community uses).

With respect to the justification for the proposed required amounts of parking, this issue is discussed in more detail under a later section of this report.

Definitions

Finally, the By-law introduces and clarifies a number of definitions. Firstly, in order to ensure the proposal could be designed with the inclusion of a centralised parking facility, a provision permitting required parking to be provided within a facility within 300 m of the lands requiring the parking is provided.

Secondly, in order to permit the use of live / work units, a definition has been included. Live / work units are contemplated within the Secondary Plan and is a use supported in all designations (except institutional and parkland).

Thirdly, roof top amenity areas are encouraged and permitted within the amending By-law. It is considered that this would be both an efficient and desirable use of the buildings.

4. ZONING BY-LAW AND PLAN OF SUBDIVISION CONSIDERATIONS

Density

The implementing zoning provisions include minimum and maximum unit allowances; minimum and maximum building height; and, maximum gross floor areas attributed to each use. This has been recommended in order to ensure the maximum densities prescribed within the Secondary Plan are respected. These provisions also seek to reflect the building coverages and floor areas proposed within the Piers 7 and 8 - Urban Design Study.

The proposed densities have also been assessed with respect to potential traffic and parking impacts, and as discussed in greater detail in the following Section, is considered appropriate and would not represent over-intensification.

Design Excellence

One of the core principles of the Secondary Plan is the delivery of excellence in design. This has been given considerable attention through the creation of the Urban Design Study and supplemented through the Urban Design Brief submitted in support of the development application.

It is considered that the proposed implementing By-law and Draft Plan of Subdivision will ensure the creation of a community that will successfully integrate with the existing character of the area. The mid-rise forms and proposed land uses have been organised along a grid pattern layout, reflective of the existing area, ensuring integration, preservation of views and a comfortable and inviting pedestrian experience.

The proposed development will provide in general terms the opportunity to co-ordinate with the efforts of the City to achieve the outcome of Policy A.6.3.3.2.7, which seeks to strengthen connections between the Waterfront and the Escarpment through the preparation of detailed Streetscape plans. Co-ordinated elements include trails, as well as bicycle and pedestrian networks.

Particular measures incorporated within the implementing By-law include the introduction of step-backs on upper floors. This will serve to reduce the bulk and massing of buildings, provide potential amenity opportunities, and ensure sunlight and wind impacts do not detrimentally affect the pedestrian realm at grade.

The buildings will also be built close to the street line and will occupy most of the public frontages, which will be further articulated with entranceways and fenestration. This design treatment will maintain vibrant and active streetscapes, enhance safety, and provide a sense of place consistent with the manner in which the existing neighbourhoods have developed.

The streets themselves will benefit from wide sidewalks, substantial landscaping, on-street parking and bike lanes, all which will encourage multi-modal transportation options and overall access to the waterfront. This approach to complete, liveable streets builds upon and protects the character of the existing neighbourhood, as well as generates a desirable community experience within the proposed development.

As previously discussed, conditions of Draft Plan of Subdivision approval have been recommended to ensure adherence to the design vision for the area will be achieved and secured, creating a consistent and attractive development. This will include submission of an updated Urban Design Brief, which is intended to specifically address at the detailed stage of development, how the design of each block will meet the intent of the Urban Design Study, and further, the requirement of a control architect to ensure

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compliance through construction (see Conditions 35-38 of Appendix “C” to Report PED17074).

Character

Similar to design excellence, strengthening existing neighbourhoods is a core principle of the Secondary Plan and is further stated in Policy A.6.3.3.1.2.

As detailed in the review of the design, it is considered that considerable effort has been made to protect and enhance the existing character of the neighbourhood. Many of the elements that define the existing character have been secured through the implementing by-law, including but not limited to the focus of entrances that face the public realm, buildings that are constructed close to the street, streets that are not dominated by driveways and off-street parking and an extension of the grid street pattern to reflect and integrate the pattern of development that exists.

The subject lands will be developed as multiple dwellings, whereas much of the existing stable residential areas are grade related. However, care and attention has also been made to ensure appropriate transition in scale occurs, with limitations placed on the height of development along Guise Street East, as well as, the introduction of step-backs at the upper floors of taller buildings to reinforce the pedestrian scale of development at street level. Units located at grade are also required to have principal entrances facing the street, a design element that reflects the ‘front door’ rhythm of the existing neighbourhood character.

The development will seek to face and integrate with the existing neighbourhood, through design and physical layout. The emphasis on open spaces and inclusion of design features such as the ‘Greenway’ is intended to attract the public not just to the water’s edge, but as a public trail through the development, fostering interactions and shared purpose.

The character of the existing area will also be enhanced with the development of an accessible and inviting streetscape and park system that seeks to actively encourage the integration of the existing and newly developed areas. Wide and treed sidewalks, inviting open spaces, and a mix of uses all seek to improve pedestrian, cycling and vehicular mobility, and maintain the character of neighbourhoods. This is specifically addressed within Policy A.6.3.3.2.3, which speaks to the importance of the street pattern.

Traffic

In support of the development, a Transportation Impact Study (TIS) prepared by IBI Group was submitted. The study assessed the impact of the development on the area’s

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transportation network and sought to identify any mitigation measures that would be necessary in accordance with Policy A.6.3.3.2.2 and Policy A.6.3.3.2.12 of the Secondary Plan.

The study was subsequently peer reviewed by Cole Engineering in order to validate the approach and assumptions taken, as well as to confirm the appropriateness of the mitigation methods proposed. Through the conclusion of the peer review process, Cole Engineering recommended a number of updates and requested additional justification through an addendum, including, but not limited to, assumed unit numbers and timing of traffic counts.

IBI Group provided responses to these matters, to the satisfaction of the City's Corridor Management section. Based upon this approach, the study is considered acceptable subject to final approval of the TIS. This update and the subsequent proposed mitigation methods have been secured through Draft Plan of Subdivision conditions (see Conditions 24-27 within Appendix "C" to Report PED17074). These measures include, but are not limited to, the following:

- Site accesses of Street A and Street B include a left turn lane with a minimum storage length of 20 m and a minimum taper length of 15 m;
- Signalization of the intersections of Burlington Street East at James Street North and at Ferguson Avenue North; and,
- Continue to implement the recommendations of the North End Traffic Management Plan (NETMP), including the on-going monitoring program.

It is noted that the Secondary Plan also specifically identifies the need of a comprehensive traffic calming study to be completed and implemented prior to any development within Piers 7 and 8 (Policy A.6.3.5.1.18). This was achieved through the North End Traffic Management Plan, which assessed the entire neighbourhood, and future development impacts, with the objective to direct traffic to the major roads (James Street North, Burlington Street East, and Wellington Street North) and discourage from local streets.

North End Traffic Management Plan (NETMP)

The objectives of the North End Traffic Management Plan (2008) were defined as follows:

"The objectives of this study are to investigate, quantify, and address traffic issues in the North End Neighbourhood, including issues that may arise from future development within and adjacent to the study area.

- Seek input from the general public regarding their transportation related concerns;

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- Perform analysis and reviews to confirm potential causes of concerns;
- Develop alternatives to improve traffic conditions in the neighbourhood; and,
- Determine a set of defensible criteria for the evaluation of the alternative solutions, undertake the evaluation, and present the rationale and findings in a report.

An underlying objective of the study is to develop alternative solutions that promote travel modes that have less adverse impact on the community and are consistent with the principles of Vision 2020, such as transit, cycling and walking, and the City wide Transportation Master Plan.”

Unlike a traditional traffic impact study which focuses primarily on intersection operations and capacity, the NETMP followed a more strategic approach consistent with the principles of environmental planning. The approach identified and evaluated alternatives to address the problem and opportunity statement, which included, but was not limited to impacts of the Pier 8 and Waterfront development. The study recommended “A combination solution focused on traffic calming features with speed limit reductions, including a blanket 30 km/hr speed limit, except on primary mobility streets”.

The analysis and selection of the preferred solution developed in the NETMP is considered to remain valid on the basis of the following:

- The NETMP estimated traffic from the Pier 8 development and other developments in order to highlight potential issues and guide the development of solutions;
- The recommended plan developed through the NETMP includes measures to divert traffic from Pier 8 to appropriate streets, reduce traffic speeds, and improve safety;
- The measures identified in the NETMP are applicable for a range of traffic volumes from Pier 8; and,
- Detailed intersection capacity analyses have been completed for the current Pier 7/8 plan accounting for existing and projected traffic conditions as documented in the October 2016 Pier 7/8 Traffic Impact Study.

As recommended by the TIS, the NETMP should continue to be implemented. To date it is confirmed that the proposed measures as described in the NETMP are approximately 85-90% completed. Of the items completed, all are temporary with the exception of the painted pedestrian crosswalks.

The temporary works will be installed / constructed in a permanent fashion in the spring of 2017 (including beautification i.e. flower planters, etc.). This includes the closure of Hughson Street North at Guise Street East. Public discussion with the area residents will take place to determine how they would like to see the area between Brock Street and Guise Street East programmed, along with other beautification issues. Also

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included are all the speed humps to be installed throughout the North End Neighbourhood, and the permanent curbing at the intersection narrowings.

The only items that have not been initiated are the traffic lights to be installed at Burlington Street East and Ferguson Avenue North, and at Burlington Street East and James Street North. These will not be installed until the development of Pier 8 proceeds and will be secured in part through a Draft Plan of Subdivision condition (see Condition 27 of Appendix "C" to Report PED17074).

Lastly, consistent with Policy A.6.3.3.2.12 detailed below, final approval of the TIS and subsequent monitoring requirements will be secured through Draft Plan of Subdivision condition (see Condition 24 and 27 of Appendix "C" to Report PED17074).

"A.6.3.3.2.12 To monitor the traffic generated by new development, the City shall develop a transportation tracking method for West Harbour. Where a development application exceeds 100 residential units or where major cultural institution or commercial floor area is greater than 500 square metres, a Traffic Impact Study will be completed and to update the transportation network data as a condition of development approval."

As detailed in the submitted traffic study submitted by IBI Group, 2016, the recommendations and finalization of the NETMP remain valid and will be secured through the relevant conditions of Draft Plan Approval.

Parking

With respect to parking within the waterfront, it is noted that there are three areas of demand:

1. Residential and commercial demands of individual buildings
2. Passive Users of the Waterfront
3. Active Users of the Waterfront

In support of the development application, a Parking Study and Transportation Demand Management Plan compiled by IBI Group was submitted. The supporting studies focus on the residential and commercial demands that would precipitate from the development.

It is also noted that parking options formed part of the Urban Design Study, taking into account the importance of not only how much parking should be provided, but how and where it should be located. This directly responded to the policies within the Secondary Plan, which, understanding the limitations in providing underground parking within the

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waterfront lands, sought strongly to avoid surface parking and further, ensured intervening land uses were located to screen parking within structures from the public realm. This approach is intended to protect the vitality of the streetscape, maintaining visually interesting and active facades adjacent to public streets.

The Urban Design Study offered two design solutions. First, a centralised parking facility (consistent with Policy A.6.3.5.1.14) designed to potentially remove the requirement of certain development blocks to provide parking, and second, contemplating the option of integrated parking within each development block. This approach was also reviewed through the submitted parking study, and while advantages and constraints of each approach were assessed, the overall amount of parking that could be provided remained the same – a total of 1,422 spaces.

For the purposes of the implementing By-law, flexibility in the location of required parking was included, allowing the potential opportunity for either parking solution to be implemented. This approach (detailed in Appendix “B” of Report PED17074) is consistent with standard regulations within the existing 05-200 By-law.

The parking study seeks to ensure the amount of parking provided satisfies the required function of the proposed uses, without compromising the planned intent for this area to be a community with a desirable multi-modal split, one that encourages other forms of traffic movement including walking, riding and public transit.

In evaluating and determining the potential functional demands of the proposed uses, the study compared parking rates of other jurisdictions, both existing Hamilton By-laws No. 6593 and 05-200, shared parking strategies and base rates provided from the Institute of Transportation Engineers (ITE) parking Generation Manual.

These values were then evaluated with an emphasis on transit and transportation demand management options, understanding the advantages the subject lands has with respect to the fact it is a mixed use development within close proximity to the downtown core and infrastructure such as the West Harbour Go Station. These factors resulted in the consideration of the reduced scenarios for By-law 05-200, highlighted below.

Context	Parking Demand	Surplus/Deficiency to Supply
(Hamilton By-law 05-200)		
Supply	1,422	-
Base Scenario (Hamilton By-law)	2,193	(771)
Base Scenario (Hamilton By-law) with Shared Parking	2,007	(585)
Reduced Scenario	1,385	37
Reduced Scenario with Shared Parking	1,329	93

Extract from IBI Parking Study, 2016

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As detailed within the review of the TDM report contained with the Relevant Consultation Section of this report, several of the suggested TDM options will be secured through the implementing By-law and Draft Plan of Subdivision conditions. This includes, unbundled parking, secured bike parking requirements, and required membership into bike share programs. It is considered that these matters, in addition to those discussed above, support the proposed reduced rates detailed below. Notwithstanding this, warning clauses will be required as a condition of Draft Approval to ensure new residents are aware of the fact there will be reduced parking requirements within the development (see Condition 48 of Appendix “C” to Report PED17074).

A reduced parking rate scenario was developed for testing purposes. Reduced rates were developed by IBI Group (right column of table below) based on experience in other jurisdictions and taking account the future vision for Pier 8 and the waterfront as a whole.

Potential Uses	Reduced
Multiple Dwelling	0.70 spaces per Dwelling Unit
+ Visitor Parking	0.15 spaces per Dwelling Unit
Public Office	2 spaces per 100 m ²
Art Gallery, Museum, Observatory, Library, Church	0
Place of Assembly	3 spaces per 100 m ²
Medical Office (including Doctor, Dentist, Drugless Practitioner)	3 spaces per 100 m ²
General Office	2 spaces per 100 m ²
Banks and Other Similar Financial Institutions	4 spaces per 100 m ²
Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema	3 spaces per 100 m ²
Sales Establishment, service shop, retail store)	1.5 spaces per 100 m ²

Extract from IBI Parking Study, 2016

It is considered in particular, that the above residential rates of 0.85 spaces per unit is appropriate, understanding that it represents only a modest reduction of the current 1.0 space per unit required within the existing 05-200 By-law, and further, that more recent developments within the downtown core such as the former Tivoli Theatre development on James Street North, were approved at a reduced rate of 0.5 spaces per unit.

The comprehensive approach to parking has also been considered through the recent review of Transit Oriented Commercial Zones. Of particular interest to this development is the understanding that on a City wide basis, reductions for residential uses has been justified on the availability of comprehensive transit opportunities, with reductions based on both unit size as well as unit yield.

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The implementing By-law will also require minimum secured long term bike parking. This, in addition to other measures, will encourage the use of multi-modal transportation consistent with the recommendations of the submitted TDM report.

With respect to the proposed parking allocations for commercial uses, the implementing Zoning By-law will be permitting reductions consistent with the submitted parking study. It is noted that the development is predominately residential, with commercial uses intended for the local and future residents of the area. The scale and range of uses are not considered to result in significant demand by the travelling public, but instead provide more convenience commercial type uses to the local and future residents. For uses such as office, which may be less oriented to the local and future residents, it is noted that proposed parking requirements are consistent with the existing 05-200 Zoning By-law provisions.

As supported by the parking study, the provision of unbundled parking would also encourage the opportunity of shared parking, whereby the expected peak demand for uses would vary. A shared parking strategy considers these variations in peak demand and maximises the utilization of parking facilities and ultimately reduces the parking supply requirement of the area.

It is therefore considered that the proposed parking rates represent an appropriate balance between the provision of parking required to ensure the functional operation of the proposed uses, with the intent of the Secondary Plan to encourage a development that fosters a complete community whereby residents have the opportunity to work, rest and play without reliance on a private automobile.

The parking study also addresses the advantages that a phased development approach would have upon the availability of existing parking within the subject lands. The existing parking area which in part serves such uses as Sarcoa restaurant and Williams Café, is located within the area of the subject lands that is likely to be one of the last areas to be developed (consistent with the proposed phasing contained within the Urban Design Study). As such, continued use of this parking would allow for potential surpluses in the interim, providing flexibility until a comprehensive parking plan for the wider area is developed.

This parking plan which will review the parking requirements of the overall Waterfront is currently being finalized, with the intent of accommodating the passive and active users of the waterfront in general. It is anticipated that the solutions determined through this plan will be formalized Spring 2017, and will be in a position to be implemented in conjunction with development of the subject lands.

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Built Heritage

As per Policy A.6.3.3.3.1, the Heritage Policies of the Secondary Plan seek to promote the conservation of significant built heritage resources. The proposed development is supported by the accompanying HIA prepared by MHB consistent with Policy A.6.3.3.3.4. The subject site does not contain any built features designated under any part of the *Ontario Heritage Act*. However, the City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest.

The Cultural Heritage Impact Assessment has been reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee at their meeting on October 17, 2016. The Working Group generally concurred with the findings of the Cultural Heritage Impact Assessment, with the exception of the Navy League Building located at 595 Catharine Street North. The Working Group expressed that the building's association with the Sea Cadets, a branch of the Navy League of Canada, is significant to the cultural heritage value of this building, and strongly recommend that building be retained and reused.

As noted above, Staff concur with the Cultural Heritage Assessment that recommends that the loss of 595 Catharine Street North (Navy League Building) can be appropriately mitigated. While the Navy League Building's cultural heritage value lies largely with its association with the Sea Cadets, a Navy league branch that contributed to the training and education of naval practices, the exterior of the building itself does not appear to display any design value and its contextual relationships have changed since it was first built. As such, given that the exterior of the building itself does not appear to display tangible attributes that demonstrate its association with the Navy League, staff are of the opinion that the cultural heritage value of this property can be appropriately commemorated through the interpretation / commemoration plan of the larger subject property including salvage of any interior features of heritage value.

For those existing buildings reviewed and assessed as part of the HIA, a number of actions were recommended for integrating the buildings within the Draft Plan of Subdivision in line with Policy A.6.3.3.3.6. These actions include partial retention, repurposing and adaptive re-use options. These actions, in addition to an overall commemoration plan to appropriately convey the evolving history of this part of the harbour, are to be further reviewed and secured as a condition of Draft Approval (see Condition 43 of Appendix "C" to Report PED17074).

5. COMMUNITY CONCERNS

The following discussion summarizes concerns and issues raised by the community. The letters / correspondence received are contained in Appendix “E” to Report PED17074.

Density, Height and Over-intensification

The impact of the proposed increase in density within the area has been raised as a concern with several residents and in particular Harbour West Neighbours Corp. The concerns include not only the increase from the current use of the subject lands (largely vacant and underutilized) to that within the proposed By-law, but also over the increase in the assumed unit numbers and commercial gross floor area that has taken place through subsequent transportation studies.

There are three main traffic and transportation studies conducted since 2005 that have examined the transportation impacts of development in the Hamilton Waterfront and Pier 7 and 8 area:

- West Harbour Planning Area Study Transportation Master Plan which was carried out by Stantec Consulting in 2005 as part of the Setting Sail Secondary Plan process. The purpose of this study was to evaluate transportation alternatives for the West Harbour Planning Area Study;
- North End Traffic Management Plan (NETMP) carried out by IBI Group and finalized in 2008. This study was carried out in response to a number of transportation issues identified through the planning process for the Setting Sail Secondary Plan. Its primary focus was to identify ways to mitigate traffic impacts from planned development; and,
- Pier 7/8 Transportation Impact Study (TIS). This study is being carried out by IBI Group to assess the traffic impacts of the proposed development on Pier 7 and 8. It is a requirement of the application for Draft Plan of Subdivision for the Pier 8 development.

A breakdown of these studies and the subsequent forecast numbers are presented below:

Land Use	GFA and Units			
	2005 Stantec	2008 NETMP	2016 TIS	Difference 2016 vs. 2008
Residential Units	2,425	1,000	1,300	300
Commercial + Retail (m ²)	6,000	6,700	7,740	1,040
Institutional (m ²)	400,000 visits/yr	10,800	6,800	-4,000

Extract from IBI Parking Study, 2016

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There have clearly been differences in land use assumptions and approaches used for trip generations between the three studies detailed above; however, this can be rationalized by the changes which have precipitated from the more specific review of land use types and layout details that continue to be refined through the development process. Most critical is the understanding of the impacts that these changes have had on the assessment of the existing and proposed road networks. As confirmed within the latest study compiled by IBI Group and which have been peer reviewed by Cole Engineering and City staff (discussed in greater detail in the traffic comments earlier in this report), the recommendations are both appropriate and supportable.

It must be noted that from a Secondary Plan conformity perspective, height, built form and prescribed densities of the Secondary Plan are being respected and secured through the implementing Zoning By-law.

The maximum densities permitted within the Secondary Plan would in fact exceed even the latest forecast unit numbers in both the TIS, as well as the Urban Design Study. This further difference results from the fact that both the Urban Design Study and TIS assumed a variation in the unit sizes and parking area requirements that would be developed - an assumption that is both appropriate and defensible.

Contrary to some of the concerns made through the public consultation process, it is considered that through adhering to the proposed built forms and density requirements of the Secondary Plan, in addition to securing the comprehensive approach to design implementation as articulated within the Urban Design Study, the development will reflect and implement an appropriate level of intensification and encourage a range of unit sizes. The implementing By-law will also, in addition to limiting heights and residential density, limit gross floor areas. The intent is to align with the Urban Design Study with respect to the overall size of buildings per block and to avoid overbuilding.

With regard to the suggestion that a Social Impact Assessment is warranted, Staff consider the requirement for a Social Impact Assessment unnecessary given the existing comprehensive background studies compiled in support of the Secondary Plan and that the proposal implements the Secondary Plan.

Concerns regarding loss of private views have been raised; however protection is afforded only to the strategic views of the water from the public realm. These have been secured through the grid street layout and subsequent arrangement of buildings.

It is noted that from an impact perspective, concerns of the proposed densities by the neighbourhood are also discussed under the Character, Parking and Traffic headings below.

Design, Complete Streets and Creativity

Comments from the public have raised concern over the proposed layout and design of the development, as well as the concern that the By-law will prescribe outcomes that will limit developer creativity.

With respect to the design and layout of the development, this is discussed in detail under the design excellence heading. In summary, it is considered that the proposed development will provide a well-designed and articulated development, consistent with the Setting Sail Secondary Plan vision.

With respect to the concern over creativity, it is not considered that the proposed Zoning By-law will limit the creativity of future development. Sufficient flexibility is inherent within the approvals to ensure the correct amount of balance between securing the vision and providing opportunity for alternative design solution remains.

Character, Family Friendly

As detailed in the submissions made by the public, the preservation and enhancement of character is of significant concern.

Through public submissions and the consultation process, character and how it defines the area immediately adjacent the development was of considerable importance. It was suggested that the area's character was a product of the complex combination of the community's history, resilience, diversity and built form. Of threat to this character was therefore the potential for an inwardly focused development that was not integrated into the existing community, but instead a development whose only relationship would be that of the road networks used to access the development. As detailed in the earlier discussion of character, it is considered that the development has been sensitively designed to ensure the character of the existing neighbourhood and area in general is enhanced and protected.

Public comments have also linked the impact on character that may be experienced due to the increase in vehicular traffic as a result of the development. This aspect is discussed in greater detail within the traffic section below.

Community comments have raised the concern that the proposal does not secure the 'family friendly' character of the area, particularly if family sized units are not included within the implementing Zoning By-law. It is acknowledged that while family sized units are not mandated through the Zoning By-law, the opportunity to market such units within the development is appropriate and is not precluded through the proposed Zoning By-law and Draft Plan of Subdivision approvals.

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While typical grade oriented units (singles, semi's and street towns) are not permitted within the Secondary Plan land use designations assigned to the development, there is opportunity to provide units geared towards families, particularly in those units that will front Guise Street East, which could potentially be developed as a hybrid form of block townhouses, given that they are restricted to a maximum 3 and 4 storeys in height. The design work completed by Brook McIlroy also reviewed the floor areas of each building, assuming a variety of unit sizes ranging from 70-110 square metres. It is considered that this range of unit sizes demonstrates the ability to encourage a mix of units that would be attractive to a range of households.

Furthermore, the layout of the subdivision, including the inclusion of open spaces, trails, institutional and commercial uses, commitment to complete streets and proximity to the downtown and subsequent services and employment opportunities, will appeal to all household compositions.

Traffic

The impact the development would have on the current traffic within the area was raised through both the development application, in addition to the other consultation opportunities provided within the community. Increase in traffic was viewed by certain members of the community as not only an issue by itself, but also as a matter that would affect the character of the existing neighbourhood.

As detailed under the earlier traffic discussion, it is considered that through the finalization of the NETMP and in addition to the implementation of the TIS recommendations, the impact of traffic has been appropriately accommodated.

Traffic Calming (NETMP)

In addition to the requirements of the Secondary Plan, residents within the area have also raised the need for traffic calming measures to ensure the character of the existing area is maintained.

As discussed earlier, the proposed outstanding measures recommended within the NETMP will be secured and finalized through the development approval process.

Parking and Phasing of Development

Concerns were raised within the correspondence received regarding the impact the development would have, particularly if parking demand for the area and uses is not satisfied.

It is considered that the proposed parking rates and approach to phasing of development represent an appropriate balance between the provision of parking

required to ensure the functional operation of the proposed uses, with the intent of the Secondary Plan to encourage a development that fosters a complete community whereby residents have the opportunity to work, rest and play without reliance on a private automobile. This is discussed in further detail under the previous Parking discussion within this report.

Accessible and Affordable Housing

Throughout the public engagement sessions, accessible and affordable housing became a recurrent discussion topic. A number of community members sought to have this form of housing specifically included within the development lands.

The following Secondary Plan policies provide direction that the provision of affordable housing be considered on City-owned properties in the West Harbour Secondary Plan area:

- "A.6.3.3.1.10 In the event of disposal of publicly owned lands located within West Harbour, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, shall encourage the development of said lands for such housing as a priority.
- A.6.3.3.1.11 In developing city owned lands for residential purposes; Council may require that at least 25% of the gross area of such lands be provided in the form of affordable housing.
- A.6.3.8.3.1 The City of Hamilton will partner with the senior levels of government, the private sector and community-based housing providers to promote the development of the City-owned land in the West Harbour for affordable rental and homeownership opportunities through various programmatic initiatives."

It is noted that these are enabling policies that would encourage consideration of such housing within the subject lands as well as the wider West Harbour Plan area.

With respect to the development application, there is currently no legal mechanism within which a Zoning By-law can mandate the inclusion of affordable housing. While it is understood that amendments to the necessary Provincial Acts to implement Inclusionary Zoning have received Royal Assent, the framework and associated draft Regulations have yet to be released by the Province. The timing in which to adopt an inclusionary zoning framework therefore do not permit the contemplation of inclusionary zoning regulations within this report. However, should Council of the City of Hamilton

pursue the inclusion of affordable housing within these lands, it would be detailed and secured as part of the Real Estate Disposition Strategy.

On that note, a separate report to Committee and Council highlighting the work to date and subsequent recommendations formed through public consultation was presented on November 2, 2016 to the General Issues Committee. As part of the report the following amended recommendation, amongst others, was supported:

“That staff be directed to include as part of the Request for Proposals (RFP) evaluation criteria recommendations that will be brought forward for consideration on April 19, 2017, proposed requirements and / or evaluation criteria that will ensure a diversity of market rate housing options on Pier 8, that shall include a defined target of not less than five percent (5%) of affordable home-ownership units as described in Report PED14002(c).”

It is noted that the 5% is below the non-mandatory direction in the Setting Sail Secondary Plan policy identified above; however, this remains a minimum with the potential for greater provision of affordable housing to be secured through the procurement process. Furthermore, it is noted that a number of other sites within the area are being contemplated for affordable housing opportunities by the City of Hamilton, with the express intent of ensuring that the overall availability and inventory of affordable housing units is meaningfully increased within the area.

Policy A.6.3.3.1.9 speaks in broader terms on options intended to encourage ‘household types at varying income levels’ through accommodating a diversity of housing types. To this end, the proposed development would provide a mix of residential and mixed use buildings, at a varying scale, consistent with the arrangement of land uses envisioned in the Secondary Plan.

The community also raised the concern that relying on the Ontario Building Code to enforce minimum standards was insufficient to appropriately accommodate potential future residents with accessibility requirements, a situation even more challenging if those residents were also seeking affordable units.

Similar to the discussion on affordable housing, Staff note that detailed accessibility standards are typically beyond the function of a zoning by-law. However, should accessibility measures be required and implemented through the process, then this would need to be established through the disposition strategy as it pertains to the blocks zoned for development. Through the procurement process, criteria may include the requirement to satisfy the City’s own Accessibility Guidelines, which are above and beyond the minimum requirements detailed within the Ontario Building Code. Should commitment to these higher standards be made, they will be secured at the site plan control stage.

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With respect to the public spaces, as discussed earlier within this report, a detailed approach to the design and implementation of the public spaces will be organized through a separate planning process conducted by the City and which will include public consultation.

Pier 6 and 7

Comments received regarded the implications of the current matter before the OMB as it pertains to the zoning and OPA of lands within Piers 6 and 7. As discussed earlier within this report, the proposed Zoning By-law and Draft Plan of Subdivision concerns only Pier 8 and will not prejudice the on-going matter regarding Piers 6 and 7.

The proposed Draft Plan of Subdivision and proposed Zoning By-law appended to this report is therefore not considered premature, and can be approved separate to the outcome of the pending OMB matter.

Vision Process

As part of the consultation process that was conducted in the preparation of UDS, a working group consisting of community members was established. The working group, known as the West Harbour Vision Working Group, was assembled from community volunteers who created a set of criteria to assist with securing the West Harbour Vision. The group used the Secondary Plan framework, building upon the eight core principles of the plan. The vision group determined that it was necessary to also include two additional principles - affordability and accessibility.

This document was prepared by City of Hamilton staff at the request of the vision working group to show how the Urban Design Study relates to and implements the Secondary Plan principles / West Harbour Vision.

Through the received correspondence, questions were raised over how the vision process has now informed the rezoning application. As detailed within this document, it is clear that through careful adherence to the Urban Design Study, the vision as articulated by the vision group will be secured. With respect to the current applications, as noted throughout this report, the implementing By-law in addition to the conditions of Draft Approval will further secure this intent. In particular, those elements within the By-law that secure the built form and open spaces within the subject lands, and the condition which requires the checklist within the UDS to be completed and rationalized as part of approval of the subdivision.

Whereas certain elements of the working group criteria, most notably the direction on affordable and accessible housing, will not be directly secured through the amending By-law (for reasons discussed in more detail earlier within this report), it is noted that

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inclusion of such elements will not be precluded through this process. Should such matters be determined and secured through the disposition strategy, their introduction into the development approval will not require any changes or additional conditions within the proposed by-law and / or subdivision approval.

Adjacent Industrial Uses

Letters of concern has been submitted on behalf of an adjoining industrial operator. The concerns are over the potential of developing sensitive land uses that could limit the continued operation and expansion opportunities of industrial uses. The introduction of residential and commercial uses within the subject lands has been determined through the development of the Secondary Plan. Subject to the necessary approvals and mitigation strategies, it is considered that the proposed uses are compatible and in keeping with the vision of the Secondary Plan.

Policy A.6.3.4.5.5, A.6.3.4.5.6 and A.6.3.4.5.8 provide the policy direction and criteria established for the submission of required noise and vibration studies. The application was submitted with supporting noise, odour and dust studies compiled by Pinchin Ltd. The study and additional addendums demonstrated that while significant impacts existed on the basis of existing industrial operations within the area (namely Pier 10) a number of opportunities were available in which to address these matters. This included construction methodology, building orientation and internal and external design.

The studies also indicated that beyond at reception controls, there exists an opportunity to work collaboratively with adjacent industry to review measures which may be employed at the source of the impact. These at source measures could limit the overall options required to meet ministerial thresholds at reception (residential uses).

The studies, while determining the feasibility of the proposed land use, did indicate the need for further study to inform specific building design details. These details will be required under a Holding Provision attached to the implementing By-law.

In particular, it is noted that design measures such as enclosed balconies and sealed non-operable windows will be required on at least the buildings on the north east of the site facing the industrial area. Under worst case scenario, these measures by themselves may be required throughout the residential development in order to mitigate noise, dust and odour issues. Alternatives to this approach have however been reviewed. One such measure to potentially avoid this as a requirement throughout the development is to consider orientating the buildings to provide a more substantial noise barrier for units internal to the development. Brooke McIlroy (architect firm who authored the design study) were involved in these discussions and it was determined that such measures could be implemented and effective without compromising the

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design intent of the subject lands.

Given the nature of the By-law provisions, the building envelopes could be potentially oriented without amendments to either the Zoning By-law or Subdivision Plan. Alternatively, more significant changes could be made in relation to the siting of the buildings that would require changes to the Draft Plan of Subdivision and / or Zoning By-law. Should the future owner of the lands decide to significantly amend the Draft Plan of Subdivision or regulations within the proposed draft Zoning By-law, then this would require a formal *Planning Act* application(s) and subsequent public process.

Although a range of design measures were reviewed, formal changes to the draft plan and Zoning By-law are not considered necessary. It is the opinion of Staff that given the range of options that could be employed, it is prudent to allow final mitigation options and subsequent design changes, if any, to be proffered by the future developer. These options and additional studies will be reviewed and assessed by City staff through the required lifting of the holding provision and clearance of the applicable Draft Plan of Subdivision conditions. Given the feasibility of the development as proposed, it is not considered premature to proceed on the basis of the current approvals.

In addition to physical controls at reception, other required actions include the City classifying the lands under the Class 4 designation of the Ministerial NPC300 guidelines and establishing tri-party agreements between the developer, the City and the adjacent industry, which would seek to permit mitigation approaches at both the source and reception of the noise in compliance with Ministerial guideline NPC300. Currently discussions between the industrial operators are ongoing (Parrish and Heimbecker) in order to address this approach.

It is considered that in order to alleviate concerns regarding the proposed use of the lands upon adjacent industry the recommendation to designate the lands as a Class 4 area would assist in this regard.

Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (Publication NPC-300)

In October 2013, the Ministry of the Environment and Climate Change (MOECC) released a new noise criteria guideline known as Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300). The new guideline replaces four different noise guidelines, and was created for the purposes of both Environmental Approval of Stationary Noise Sources by the MOECC and for land use approvals by municipalities. One of the goals of the new guidelines is the attempt to resolve conflicts between stationary sources (industrial / commercial activity) and noise sensitive land uses (residential). One of the substantial changes is the introduction of a Class 4 Area, which is meant to be a tool to allow municipalities to

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approve a noise sensitive land use with relaxed noise limit levels in an area of existing stationary noise sources to promote intensification.

NPC-300 defines a Class 4 Area as an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- Is an area intended for development with new noise sensitive land use(s) that are not yet built;
- Is in proximity to existing, lawfully established stationary source(s); and,
- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.

As detailed within the submitted noise study, under the existing Class 1 and 2 designations, the application of the D-6 Guidelines regarding setbacks and separation distances would not be satisfied within the subject lands. Classification of the area as a Class 4 Area would, alternatively, allow for related noise threshold guidelines to be relaxed and provide the ability to employ a greater range of mitigation methods.

Areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas. The Class 4 Area designation increases the sound level limits, therefore requiring less noise mitigation. As such, those existing sensitive land uses that currently surround the industrial uses would not be adversely affected by deeming Pier 8 a Class 4 Area.

NPC-300 identifies a number of considerations to apply to a proposed Class 4 Area designation and associated new noise sensitive land use(s) including but not limited to:

- Submission of a satisfactory noise impact assessment which includes noise measures as required by NPC-300;
- Appropriate notification to prospective purchasers that the dwelling is located in a Class 4 Area, which may include, but is not limited to, agreements for noise mitigation (registered on title) and appropriate warning clauses in future agreements of purchase and sale;
- Providing a copy of the approved noise impact assessment and Class 4 Area designation confirmation to the surrounding owners of the stationary sources;
- Once a site is designated Class 4 Area, it would remain as such, subject to the continuing presence of the stationary sources;
- Adjacent Class 2 or Class 2 Areas would not be reclassified until they are redeveloped and meet the requirements of a Class 4 Area; and,
- Where a municipality designates a site a Class 4 Area the relaxed noise levels would also apply to the Ministry's Environmental Compliance Approval (ECA) of the stationary source.

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To utilize the relaxed Class 4 Area noise levels, a municipality must provide formal confirmation of the Class 4 Area designation. The confirmation is to be issued at the discretion of the municipality and under the procedures developed by the municipality as per the authority provided under the *Planning Act*. NPC-300 does not specify how a municipality confirms the Class 4 Area designation, but note that, generally, this designation would occur by implementing policies or provisions in Official Plan and / or Zoning By-law Amendment(s). Other municipalities have provided the confirmation through Council approval of Official Plan and / or Zoning By-law Amendments, by Council Resolution or through Site Plan Approval (delegated to staff).

In this instance, the designation is being addressed through the recommendation of this Zoning By-law Amendment application. In addition, the lands will be placed within an Holding Provision to ensure detailed review of the mitigation strategy, based in the proposed building design and method of construction, is prepared and supported through a subsequent noise / odour and dust study as detailed in Appendix "B" to Report PED17074. Warning clauses to be registered on title through the subdivision agreement on all purchase and lease agreements will also identify the application of the Class 4 designation and warn of the potential impacts from the adjacent industry (see Condition 48 of Appendix "C" to Report PED17074).

Finally, the establishment of an environmental easement and noise warning clauses have been included as conditions of Draft Approval of Subdivision. It is considered that the creation of an environmental easement would provide easement rights to those industries adjacent the development who currently operate within an approved ECA issued by the MOECC. It is noted that P&H have recently been issued an up to date ECA, and, on this basis, it would be considered appropriate to acknowledge and protect this through the proposed easement (see Condition 50 of Appendix "C" to Report PED17074).

It is considered based on the foregoing that balance between existing and future uses are required, with particular emphasis on securing the long-term land use vision. The proposed By-law, supported through the submission of noise, dust, odour and vibration studies, and additional work required through the proposed holding provision and subdivision approval (see Condition 47 of Appendix "C" to Report PED17074), will achieve this necessary balance.

Flooding

With particular reference to flooding concerns, it is noted that the City of Hamilton will be applying for the applicable permits, as required by HCA under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O.*

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1990 prior to any development, including shoreline alteration, construction and / or grading activities.

The plans for design details to address wave uprush and flood mitigation, erosion and sediment control, lot grading and drainage, and for stormwater management will all be provided at the detailed design stage of the project, prepared in accordance with and to the satisfaction of, the HCA. This is required through Draft Plan of Subdivision Conditions 29-33 of Appendix "C" to Report PED17074.

Construction Traffic

In addition to the standard conditions of Draft Plan Approval, the requirement of a construction management plan and staging plan will be recommended (see Conditions 13 and 28 of Appendix "C" to Report PED17074). The plan will determine the most appropriate phasing, access, and control of construction activities to ensure impact upon the existing neighbourhood through construction phases is minimized.

Creation of a Regional Shopping Centre

Through the development of the Secondary Plan, numerous studies including commercial studies, were completed, identifying how the West Harbour presents a unique opportunity to accommodate certain commercial, cultural and civic uses that will serve to animate the waterfront.

On this basis, and understanding the proposed By-law and subdivision serves to implement the vision of the Secondary Plan, it is not considered that the approximate 6,500 square metres (69,965 square feet) of potential commercial uses proposed (excluding commercial uses associated with, and including, the commercial parking facility) will create a regional shopping destination that would challenge existing commercial nodes and corridors. Alternatively it is considered that the commercial uses will serve predominately the local areas.

It is noted that, as determined within the UHOP, Sub-Regional Service Nodes shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space, a figure and function significantly different to that contemplated within the amending By-law. Similarly, in the former City of Hamilton Official Plan, policies regarding shopping centres considered Sub-Regional shopping centres to have a minimum 37,000 square metres of gross floor area. While this threshold is lower than that detailed in the UHOP, it still remains higher than that proposed within the amending Zoning By-law.

Furthermore, it is noted that the areas dedicated to commercial uses represent maximums and that, subject to market demands and satisfaction of other by-law matters

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(parking etc.), the overall area dedicated to commercial uses may be lower than the specified maximums.

On this basis, it is not considered that the proposed development would constitute a regional shopping centre in either form or function, and would not have a negative impact upon the viability of adjacent commercial areas existing along James Street and beyond.

Amenity and Open Space

One comment raised the need for more open space and parkland area, while others requested a public process to be initiated to determine how the parks and institutional areas are designed. From a Secondary Plan perspective, the subject lands represent the opportunity to link existing trails through a series of open spaces that accommodate a number of different functions. The open spaces and trail network will balance and be integrated with the proposed uses, such that the proposed development will encourage recreational uses and general members of the public, as well as provide a resource for future residents consistent with policy A.6.3.3.2.14.

Through the proposed design concepts provided in the Urban Design Study, an emphasis on the public / private interplay of space integrated with sustainable environmental approaches was evident in the inclusion of courtyards, a greenway and green roofs. These potential items would be permitted and / or required through the implementing By-law, and further secured through Site Plan Approval. On this basis, it is considered that the development will provide both an appropriate and functional amount of open space and parkland area.

It is understood that the City through the Waterfront Office will be creating an opportunity for public input on the programming and layout of the park and open space areas. Currently timing of this has not been determined.

With respect to the institutional zoned and designated lands, these areas represent two blocks that will be subject to the sale of the Pier lands (Block 16 and 17 of the Draft Plan of Subdivision – Appendix “D” to Report PED17074), and the lands that currently accommodate the Discovery Centre (Sarcoa) and Williams Café. Those lands to be sold will be subject to the implementing By-law, Draft Plan of Subdivision conditions, and subsequent site plan approval process. The land upon which the Discovery Centre and Williams Café exist will remain in public ownership.

Sustainability

Sustainability was raised through the consultation process as a concern, although not raised within the formal correspondence. The proposed development will provide and

secure a number of measures and approaches that will fulfil the intent of promoting a healthy harbour. From more standard measures including site remediation and appropriate storm water management control to the more innovative approach, including such options as the proposed Greenway, which will serve the dual process of being an overland flow route in addition to providing public amenity in the form of a mid-block walkway.

The street layout will also foster more indirect sustainable measures through encouraging multi-modal transportation options including walking and biking consistent with Policy A.6.3.4.1.4. This is achieved through promoting streets that are compact, attractive, and framed by pedestrian scaled buildings with active commercial and residential uses at grade.

Conflict of Interest

Concern over the potential conflict of interest has been raised with respect to the City of Hamilton being both the owner of the land and responsible for decision making with respect to the proposed development application.

It is noted that the applicant (Waterfront Office) retained the services of a professional Planner (James Webb) to review and submit the applications in support of the development. This approach maintained the standard role of the Planning Division in the receiving and reviewing of the applications.

It is not considered that any conflict or impropriety exists.

Conclusion

It is the opinion of Staff that the proposed development will successfully implement the vision as articulated within the Setting Sail Secondary Plan and the various reports and guidance studies.

ALTERNATIVES FOR CONSIDERATION

If the applications are denied, the applicant would be able to develop the existing lands for Waterfront Recreational and Waterfront Service related uses in accordance with the "F-1/S-838a" (Waterfront Recreational) District, and the "F-4/S-838a" (Waterfront Service) District.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

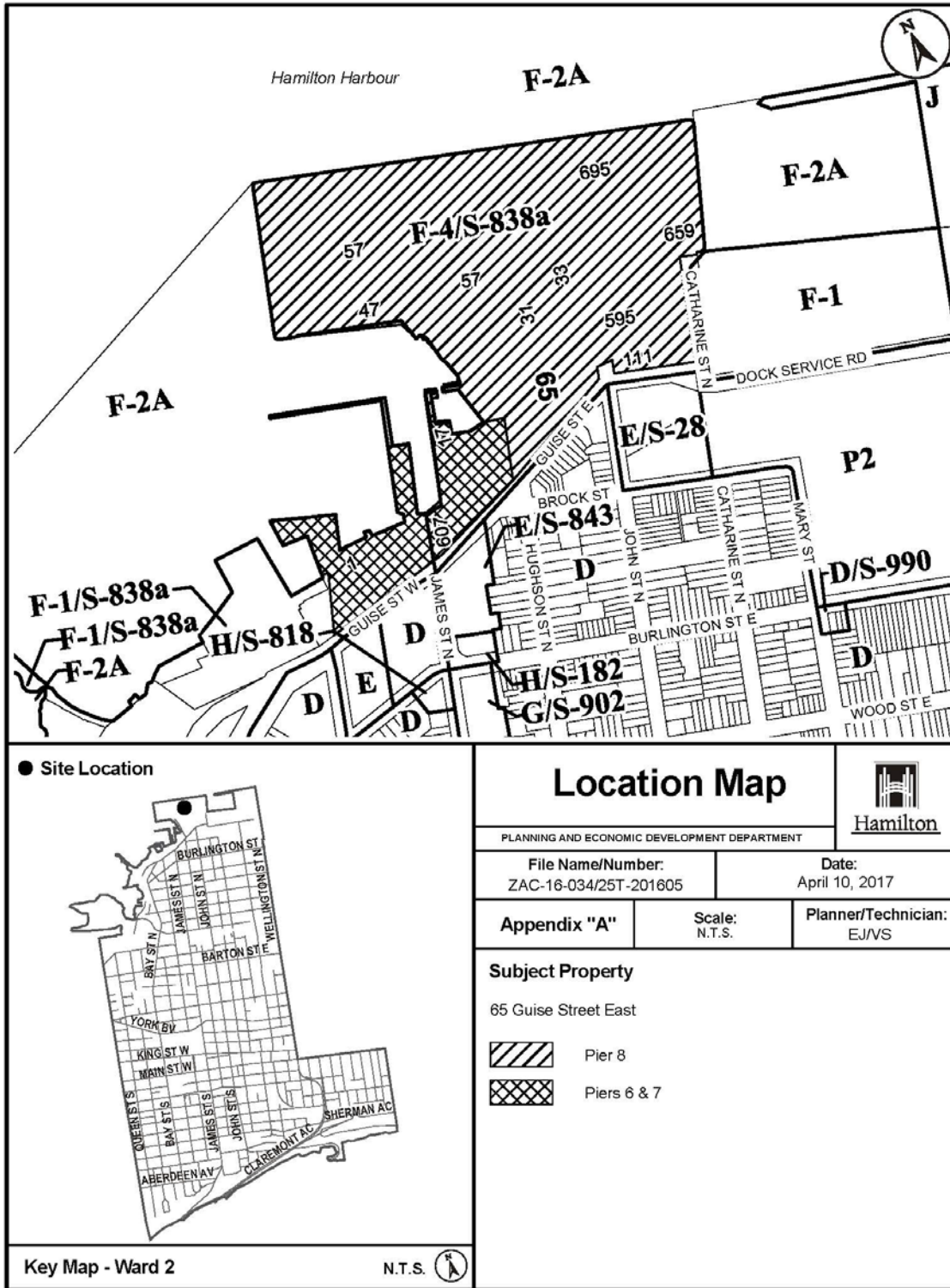
Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law 05-200 Amendment
- Appendix “C”: Special Conditions
- Appendix “D”: Draft Plan of Subdivision
- Appendix “E”: Correspondence
- Appendix “F”: Vision Document
- Appendix “G”: Policy Extract
- Appendix “H” Temporary Zoning By-law
- Appendix “I” Pier 7 Urban Design Guidelines


EJ:jp



● Site Location



Key Map - Ward 2

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-16-034/25T-201605

Date:
April 10, 2017

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EJVS

Subject Property

65 Guise Street East

 Pier 8

 Piers 6 & 7

Authority: Item [REDACTED], Planning Committee
Report 17-[REDACTED] (PED17074)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**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 [REDACTED] of Report [REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2017, 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 Section 2: INTERPRETATION of By-law 05-200 is hereby amended as follows:
 - a. That Section 2.1 is amended by adding the following new clause:

i) Waterfront Zones	
Multiple Residential	WF1
Mixed Use	WF2
Prime Retail Streets	WF3

2. That SECTION 14: WATERFRONT ZONES is added to By-law 05-200 by including the following new subsections:

“14.0 WATERFRONT ZONES

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Waterfront Zone for any purpose except in accordance with the following provisions which, in addition to other requirements of this By-law:

A) For the purpose of the Waterfront Zones, Figure 10 of Schedule F – Special Figures identifies the Blocks referenced in the Waterfront – Multiple Residential (WF1) Zone, Waterfront – Mixed Use (WF2) Zone and Waterfront – Prime Retail Streets (WF3) Zone.

B) For purposes of the Waterfront Zones only, the following additional or amended definitions shall apply:

i) ‘Live/Work Unit’ shall mean:

“A dwelling unit with an at grade entrance, containing one dwelling unit with only one of the following commercial uses: Office (excluding Medical Office), Personal Service, Retail or Studio, being permitted on the ground floor, except that access is permitted from the ground floor to the 2nd storey residential portion of the unit, and that the total Gross Floor Area of the commercial component of an individual Live/Work Unit shall not exceed 50.0 square metres.”

ii) Notwithstanding Section 3 – Definitions of Zoning By-law No. 05-200, the definition of building height shall mean:

“Any portion of a building designed to provide access to roof top amenity space shall be excluded from measured building height and shall not be considered as a storey, provided the floor area does not exceed 10% of the floor area of the storey directly beneath, the structure shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath, not greater than 3.0 metres in height and may include an enclosed amenity area.”

C) Section 4.23 d) of this By-law shall not apply to the Waterfront Zones.

D) Notwithstanding Section 5.6 of this By-law, Parking for the Waterfront Zones shall be provided in accordance with the following standards:

i)	Notwithstanding Section 5.6 c) the following parking standards shall apply for Waterfront Zones:	
	Residential Uses	
	Live/Work Unit	0.85 for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit.
	Multiple Dwelling	

	Institutional Uses	
	Art Gallery	0 spaces
	Day Nursery	1 for each 125.0 square metres unless located within an educational establishment where no parking will be required.
	Educational Establishment	1.25 per class room
	Library	0 spaces
	Long Term Care Facility	1 for each 3 patient beds
	Museum	0 spaces
	Place of Worship	0 spaces
	Social Services Establishment	1 for each 50.0 square metres of gross floor area.
	Commercial Uses	
	Beverage Making Establishment	3 spaces per 100 square metres
	Catering Service	
	Commercial Entertainment	
	Communications Establishment	
	Craftperson's Shop	
	Commercial School	1 space per 50 square metres in excess of 450 square metres.
	Financial Establishment	4 spaces per 100 square metres
	Office	2 spaces per 100 square metres in excess of 450 square metres.
	Medical Office	3 spaces per 100 square metres
	Repair Service	3 spaces per 100 square metres
	Place of Assembly	3 spaces per 100 square metres
	Restaurant	3 spaces per 100 square metres
	Retail	1.5 spaces per 100 square metres
	Studio	1 space per 50 square metres in excess of 450 square metres.
	Personal Services	1 for each 16.0 square metres
	Open Space Uses	
	Botanical Gardens	0 spaces
	Community Garden	
	Conservation	
	Nature Centres	
	Recreation	
	Recreational Equipment Rental and Maintenance Facility	
	Marina	

ii)	In addition to Section 5.1 a) ii) of By-law 05-200, any required parking within Pier 8 shall be permitted on a lot that is not the same lot as the use requiring such parking. Such parking facilities may be located on another lot within 300 metres of the lot containing the use requiring the parking.	
iii)	Bicycle Parking	0.5 long term, secure bicycle parking spaces shall be provided per dwelling unit and 10 short term bicycle parking spaces per multiple dwelling.

Where the number of existing parking spaces exceed the maximum parking standard in Section D) above, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section D) above.

14.1 WATERFRONT – MULTIPLE RESIDENTIAL (WF1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a WATERFRONT – MULTIPLE RESIDENTIAL (WF1) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

14.1.1 PERMITTED USES

Live/Work Unit
Multiple Dwelling

14.1.2 REGULATIONS

- | | |
|--|--|
| a) Maximum Setback | Shall be in accordance with Figure 11 of Schedule F: Special Figures. |
| b) Maximum Setback to a Garage | Except where a visibility triangle is required, a maximum setback of 6.0 metres shall apply for that portion of a building providing an access driveway to a garage. |
| c) Building Height | Shall be provided in accordance with Figure 12 of Schedule F: Special Figures. |
| d) Built Form for New Development | <ul style="list-style-type: none"> i) The minimum width of the ground floor façade facing a street shall be provided in accordance with Figure 13 of Schedule F: Special Figures. |

- ii) All ground floor residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
 - iii) 1. No parking, driveways, or aisles shall be located between a building façade and a street.
 - 2. In addition to 1. above, the following restrictions shall apply to Blocks 11 and 13:
 - i) Direct driveway access to individual units;
 - ii) Garages fronting streets;
 - iii) Front yard parking.
 - iv) All parking areas shall be provided at the rear of buildings, either in underground / or in above-grade structures or a combination thereof, with access from streets or laneways.
 - v) All above-grade parking structures shall be located within buildings and fronted on all levels by residential uses.
 - vi) A minimum of 40% of the ground floor façade facing a street shall be composed of windows and glazing.
- e) Additional Residential Unit Restrictions** Shall be in accordance with Figure 14 of Schedule F: Special Figures.

14.2 WATERFRONT – MIXED USE (WF2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Waterfront – Mixed Use (WF2) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

14.2.1 PERMITTED USES

Art Gallery
 Beverage Making Establishment
 Catering Service
 Commercial School
 Communications Establishment
 Craftpersons Shop
 Day Nursery

Educational Establishment
 Financial Establishment
 Library
 Live/Work Unit
 Multiple Dwelling
 Museum
 Office
 Personal Services
 Place of Assembly
 Place of Worship
 Repair Service
 Restaurant
 Retail
 Social Services Establishment
 Studio

14.2.2 PROHIBITED USES

- i) Motor Vehicle Collision Repair Establishment
 Motor Vehicle Rental Establishment
 Motor Vehicle Service Station
 Motor Vehicle Gas Bar
- ii) In addition to i) above, a Drive-Through Facility is prohibited even as an accessory use.

14.2.3 REGULATIONS

- a) **Maximum Setback** Shall be in accordance with Figure 11 of Schedule F: Special Figures.
- b) **Maximum Setback to a Garage** Notwithstanding Figure 11 of Schedule F: Special Figures, and except where a visibility triangle is required, a maximum setback of 6.0 metres shall apply for that portion of a building providing an access driveway to a garage.
- c) **Building Height**
 - i) Minimum 9.0 metres;
 - ii) In addition to i) above, a minimum 4.5 metre façade height for the first storey, for any portion of a building along a street line; and,
 - iii) Maximum 6 storeys and up to 22.0 metres
- d) **Built Form for New Development**
 - i) The minimum width of the ground floor façade shall be provided in accordance with Figure 13 of Schedule F: Special Figures.

- ii) All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
 - iii) Parking shall be provided underground and/or in above grade parking structures.
 - iv) Above grade parking structures shall be located within buildings and fronted on all levels by commercial, cultural or residential uses, except for driveway access.
 - v) A minimum of 40% of the ground floor façade facing a street shall be composed of windows and glazing.
- e) **Restrictions for Commercial Uses** Shall only be permitted on the ground floor.
 - f) **Restrictions for Institutional uses of a Cultural Nature** A Library, Art Gallery, or Museum shall only be permitted on the ground floor and second floor.
 - g) **Restrictions for Non-Residential Floor Area** 20% of the total non-residential floor area will be permitted for commercial uses ancillary to a Library, Art Gallery, or Museum.
 - h) **Additional Residential Unit Restrictions** Shall be in accordance with Figure 14 of Schedule F: Special Figures.

14.3 WATERFRONT – PRIME RETAIL STREETS (WF3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a WATERFRONT – Prime Retail Streets (WF3) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

- 14.3.1 PERMITTED USES
- Beverage Making Establishment
 - Catering Service
 - Commercial School
 - Communications Establishment
 - Craftpersons Shop
 - Educational Establishment
 - Financial Establishment
 - Live/Work Unit
 - Multiple Dwelling
 - Office
 - Personal Services
 - Place of Assembly

Repair Service
 Restaurant
 Retail
 Studio

14.3.1 PROHIBITED USES

- i) Motor Vehicle Collision Repair Establishment
 Motor Vehicle Rental Establishment
 Motor Vehicle Service Station
 Motor Vehicle Gas Bar
- ii) In addition to i) above, a Drive-Through Facility is prohibited even as an accessory use.

14.3.2 REGULATIONS

a) Maximum Setback

Shall be in accordance with Figure 11 of Schedule F: Special Figures.

b) Maximum Setback to a Garage

Notwithstanding Figure 11 of Schedule F: Special Figures, and except where a visibility triangle is required, a maximum setback of 6.0 metres shall apply for that portion of a building providing an access driveway to a garage.

c) Building Height

- i) Minimum 9.0 metres
- ii) In addition to i) above, a minimum 4.5 metre façade height for the first storey, for any portion of a building along a street line; and,
- iii) Maximum 6 storeys and up to 22.0 metres

d) Built Form for New Development

- i) The minimum width of the ground floor façade shall be provided in accordance with Figure 13 of Schedule F: Special Figures.
- ii) All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
- iii) Commercial uses that front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
- iv) No parking, driveways, or aisles shall be located between a building façade and a street.

- v) Parking areas shall be provided at the rear of buildings, with access from streets or laneways.
 - vi) A minimum of 40% of the ground floor façade facing a street shall be composed of windows and glazing.
- e) Restrictions for Commercial Uses**
- i) Shall only be permitted on the ground floor (except Office Uses and Personal Services);
 - ii) Shall be oriented to the southerly and easterly streets for Block 4;
 - iii) Shall be oriented to the southerly and westerly streets for Block 6; and,
 - iv) Shall be oriented to the northerly and westerly streets for Block 9.
- f) Restriction for Residential Uses**
- A maximum of 30% of the ground floor façade shall be occupied by residential uses facing the following lot lines:
- i) Southerly lot line for Block 4.
 - ii) Southerly lot line for Block 6.
 - iii) Westerly lot line for Block 9.
- g) Additional Residential Unit Restrictions**
- Shall be in accordance with Figure 14 of Schedule F: Special Figures.
3. That Map No. 827 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by incorporating the following zones for lands municipally known as Pier 8, 65 Guise Street East:
- a) Waterfront - Multiple Residential (WF1, H94) Zone for the lands located within Block 1, Block 2, Block 5, Block 10, Block 11, Block 12, Block 13
 - b) Waterfront – Multiple Residential (WF1, 483, H94) Zone for the lands located within Block 7
 - c) Waterfront - Mixed Use (WF2, H94) Zone for the lands located within Block 3 and Block 8
 - d) Waterfront - Prime Retail Streets (WF3, H94) Zone for the lands located within Block 4 and Block 9
 - e) Waterfront - Prime Retail Streets (WF3, 484, H94) Zone for the lands located within Block 6
 - f) Open Space (P4, 485) Zone for the lands located within Block 14

- g) Conservation/Hazard Land (P5) Zone for the lands located within Block 15
- h) Community Institutional (I2, 486, H94) Zone for the lands located within Block 16

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

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

“483. In addition to Sections 14.1.1 and 14.1.2, on those lands zoned Waterfront - Multiple Residential (WF1) Zone, identified on Map 827 of Schedule “A” – Zoning Maps and Block 7 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 use shall also be permitted:

Commercial Parking Facility

- b) the following regulations shall apply:

- | | | |
|------|-----------------------------|---|
| i) | Location of Parking Gate | The parking gate of a commercial parking facility shall have a minimum distance of 6.5 metres from the street. |
| ii) | Parking Structures | Above grade parking structures including a commercial parking facility shall be located within buildings and fronted on all levels and all sides by commercial or residential uses. |
| iii) | Commercial Parking Facility | In addition to a) above, where a commercial parking facility is proposed, all permitted uses for Block 6 and Block 7 shall be allowed to front the parking facility on all sides and on all levels and a maximum 2,000 sq.m |

floor area of commercial uses shall be permitted for Blocks 6 and 7."

"484. In addition to Sections 14.3.1 and 14.3.2, on those lands zoned Waterfront - Prime Retail Streets (WF3) Zone, identified on Map 827 of Schedule "A" – Zoning Maps and Block 6 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 use shall also be permitted:

Commercial Parking Facility

b) the following regulations shall apply:

- | | | |
|------|-----------------------------|---|
| i) | Location of Parking Gate | The parking gate of a commercial parking facility shall have a minimum distance of 6.5 metres from the street. |
| ii) | Parking Structures | Above grade parking structures including a commercial parking facility shall be located within buildings and fronted on all levels and all sides by commercial or residential uses. |
| iii) | Commercial Parking Facility | In addition to a) above, where a commercial parking facility is proposed, all permitted uses for Block 6 and 7 shall be allowed to front the parking facility on all sides and on all levels and a maximum 2,000 sq.m floor area of commercial uses shall be permitted for Blocks 6 and 7." |

"485. In addition to Sections 7.4.1 and 7.4.2, on those lands Within the lands zoned Open Space (P4) Zone, identified on Map 827 of Schedule "A" – Zoning Maps and Block 14 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:

Botanical gardens
 Conservation
 Nature Centres
 Recreation
 Restaurant
 Marina
 Recreational equipment rental and
 maintenance facilities

b) the following regulations shall apply:

- | | | |
|------|--|--|
| i) | Minimum Side and Rear Yard | 7.5 metres. |
| ii) | Maximum Building Height | 11.0 metres. |
| iii) | Parking | Notwithstanding Section 5.6 a) Parking shall be in accordance with Section 14.0 D) of this By-law. |
| iv) | Minimum Side and Rear Yard for Accessory Buildings | 7.5 metres in case of any building or structure abutting a Residential or Institutional Zone. |
| v) | Restaurant | Shall not exceed two storeys and up to 8.0 metres in height and shall not exceed a total floor area of 1,500 square metres." |

"486. In addition to Sections 8.2.1 and 8.2.3 on those lands zoned Community Institutional (I2) Zone, identified on Map 827 of Schedule "A" – Zoning Maps and Block 16 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:

Day Nursery
 Educational Establishment
 Library
 Medical Offices
 Museum
 Place of Worship
 Recreation
 Social Services Establishment
 Long Term Care Facility

b) the following regulations shall apply:

- | | | |
|------|--|---|
| i) | Minimum Lot Width | 30.0 metres |
| ii) | Minimum Side and Rear
Yard Setbacks | 2.0 metres |
| iii) | Building Height | <ol style="list-style-type: none"> 1. Minimum 2 storeys and up to 8.0 metres and maximum 4 storeys and up to 15 metres; 2. In addition to 1. above, minimum 4.5 metres façade height, for any portion of a building along a street line; and, |
| iv) | Minimum Landscaped
Area | 10% of the Lot Area |
| iv) | Parking | Notwithstanding Section 5.6 a) Parking shall be in accordance with Section 14.0 D) of this By-law.” |

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

“94. That notwithstanding Section 14 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Waterfront – Multiple Residential (WF1, H94) and (WF1, 483, H94) Zone, and Waterfront – Mixed Use (WF2, H94) and Waterfront – Prime Retail Streets (WF3, H94) and (WF3, 484, H94) and Community Institutional (I2, 486, H94)

on Map 827 of Schedule "A" – Zoning Maps, described as Pier 8, 65 Guise Street, no development shall be permitted until such time as:

- (i) The owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
- (ii) The owner investigates the noise, odour and dust levels on the site and determine and implement the noise, odour and / or dust control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended limits. An acoustical, odour and dust control report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical, odour and dust report be warranted, all associated costs should be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

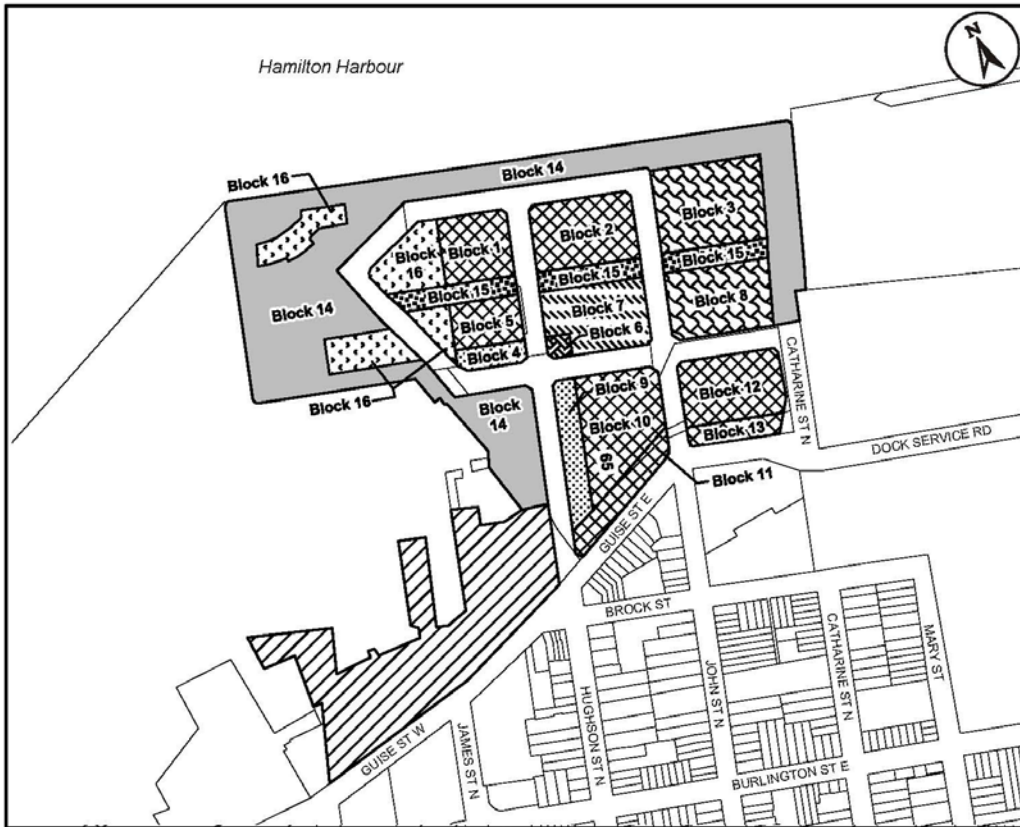
- (iii) A sanitary pumping station and forcemain have been constructed and is operational to the satisfaction of the Senior Director of Growth Management.

7. That Schedule F – Special Figures, be amended by adding the following Special Figures:
 - a) Figure 10: Waterfront Block Plan, as attached to this By-law;
 - b) Figure 11: Waterfront Zones – Maximum Setbacks, as attached to this By-law;
 - c) Figure 12: Waterfront Zones – Building Heights as attached to this By-law;
 - d) Figure 13: Waterfront Zones – Ground Floor Façade, as attached to this By-law;
 - e) Figure 14: Waterfront Zones – Residential Unit Restrictions, as attached to this By-law;
8. 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*.
9. That this By-law No. [REDACTED] 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 and ENACTED this [REDACTED] day of [REDACTED], 2017.

Mayor
Fred Eisenberger

Clerk
Rose Caterini



This is Schedule "A" to By-law No. 17-
Passed the day of, 2017

Mayor

Clerk

<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 05-200 Map 827</p>		<p>Subject Property Pier 8, 65 Guise Street East</p> <ul style="list-style-type: none"> Block 1, 2, 5, 10, 11, 12 & 13 - Add the Waterfront Multiple Residential (WF1, H94) Zone Block 7 - Add the Waterfront Multiple Residential (WF1, 483, H94) Zone Block 3 & 8 - Add the Waterfront Mixed Use (WF2, H94) Zone Block 4 & 9 - Add the Waterfront Prime Retail (WF3, H9F) Zone Block 6 - Add the Waterfront Prime Retail (WF3, 484, H94) Zone Block 14 - Add the Open Space (P4, 485) Zone Block 15 - Add the Conservation/Hazard Land (P5) Zone Block 16 - Add the Community Institutional (I2, 486, H94) Zone Additional lands of Owner 	
Scale: N.T.S.	File Name/Number: ZAC-16-034/25T-201605		
Date: April 13, 2017	Planner/Technician: EJ/JAL		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			

Figure 10: Waterfront Block Plan



Hamilton
Planning & Economic
Development Department

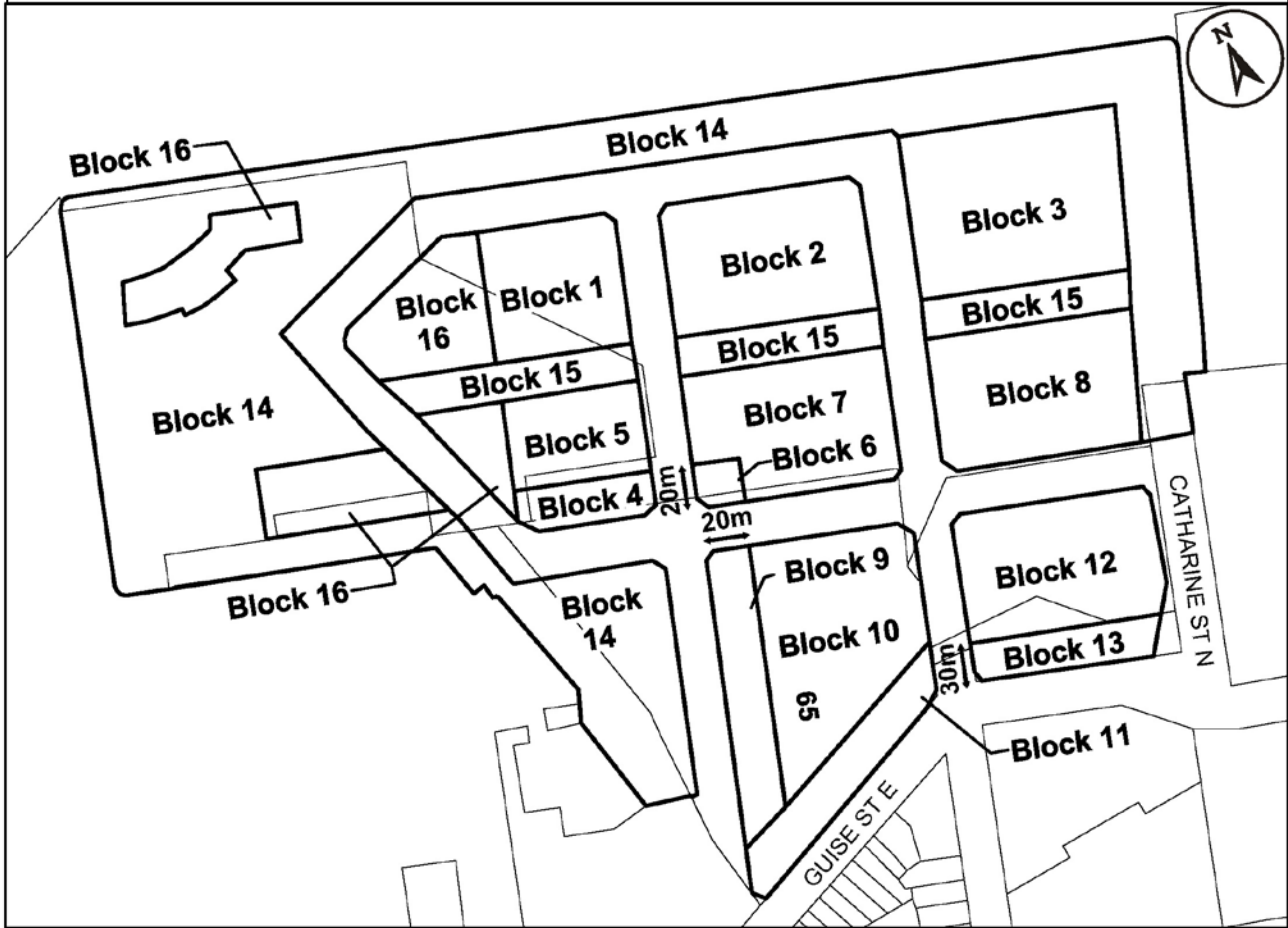


Figure 11: Waterfront Zones – Maximum Setbacks



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Table WF.1		a)	b)	c)	d)	e)
		Northerly Lot Line	Easterly Lot Line	Westerly Lot Line	Southerly Lot Line	Additional Setback requirements
1)	Block 1	3.0 metres	3.0 metres	None	None	An additional 2.0 metre setback is required above the 5 th storey on all elevations.
2)	Block 2	3.0 metres	3.0 metres	3.0 metres	None	An additional 2.0 metre setback is required above the 5 th storey on all elevations.
3)	Block 3	3.0 metres	3.0 metres	5.0 metres	None	An additional 2.0 metre setback is required above the 5 th storey on all elevations.
4)	Block 4	None	3.0 metres	None	1.5 metres	An additional 1.0 metre setback is required above the 3 rd storey on all elevations.
5)	Block 5	None	3.0 metres	None	None	An additional 2.0 metre setback is required above the 5 th storey on all elevations.
6)	Block 6	None	None	3.0 metres	3.0 metres	An additional 1.0 metre setback is required above the 3 rd storey on all elevations.
7)	Block 7	None	3.0 metres	3.0 metres	3.0 metres	An additional 1.0 metre setback is required above the 3 rd storey on all elevations.
8)	Block 8	None	3.0 metres	3.0 metres	3.0 metres	An additional 2.0 metre setback is required above the 5 th storey on all elevations.
9)	Block 9	3.0 metres	None	3.0 metres	None	An additional 1.0 metre setback is required above the 3 rd storey on all elevations.

10)	Block 10	3.0 metres	3.0 metres	None	None	An additional 2.0 metre setback is required above the 5th storey on all elevations.
11)	Block 11	None	3.0 metres	3.0 metres	1.5 metres	None
12)	Block 12	3.0 metres	3.0 metres	3.0 metres	None	An additional 2.0 metre setback is required above the 5th storey on all elevations.
13)	Block 13	None	3.0 metres	3.0 metres	1.5 metres	None

Figure 12: Waterfront Zones – Building Heights

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Table WF.2		a)	b)	c)
		Minimum Building Height	Maximum Building Height	Minimum Ground Floor Façade Height
1)	Block 1	9.0 metres	8 storeys and 30.0 metres	4.5 metres for the first storey of any portion of a building along a street line
2)	Block 2	9.0 metres	8 storeys and 30.0 metres	4.5 metres for the first storey of any portion of a building along a street line
3)	Block 5	9.0 metres	8 storeys and 30.0 metres	4.5 metres for the first storey of any portion of a building along a street line
4)	Block 7	9.0 metres	6 storeys and 22.0 metres	4.5 metres for the first storey of any portion of a building along a street line
5)	Block 10	9.0 metres	8 storeys and 30.0 metres	4.5 metres for the first storey of any portion of a building along a street line
6)	Block 11	6.0 metres	3 storeys and 11.5 metres	None
7)	Block 12	9.0 metres	8 storeys and 30.0 metres	4.5 metres for the first storey of any portion of a building along a street line
8)	Block 13	6.0 metres	4 storeys and 15.0 metres	None

Figure 13: Waterfront Zones – Ground Floor Façade



Table WF.3		a)	b)	c)	d)
		Minimum Easterly Ground Floor Façade	Minimum Northerly Ground Floor Façade	Minimum Westerly Ground Floor Façade	Minimum Southerly Ground Floor Façade
1)	Block 1	75%	50%	None	None
2)	Block 2	75%	50%	75%	None
3)	Block 3	75%	50%	75%	None
4)	Block 4	75%	None	None	75%
5)	Block 5	75%	None	None	None
6)	Block 6	None	None	75%	75%
7)	Block 7	None	50%	75%	75%
8)	Block 8	75%	None	75%	50%
9)	Block 9	None	50%	75%	None
10)	Block 10	50%	50%	None	None
11)	Block 11	50%	None	50%	75%
12)	Block 12	75%	50%	75%	None
13)	Block 13	50%	None	75%	75%



Figure 14: Waterfront Zones – Residential Unit Restrictions

Table WF.4		a)	b)	c)
		Minimum Residential Unit Total	Maximum Residential Unit Total	Maximum Residential Unit Floor Area
1)	Block 1	90 units	120 units	9,000 square metres
2)	Block 2	188 units	267 units	20,800 square metres
	Block 3	160 units	238 units	Maximum 16,900 square metres for residential uses and a maximum 600 square metres for commercial uses. Total of all uses shall not exceed 17,500 square metres.
	Block 4	98 units for Block 4 and 5	122 units for Blocks 4 and 5	Maximum 9,000 square metres for residential uses and a maximum 840 square metres for commercial uses for Blocks 4 and 5.
3)	Block 5	98 units for Blocks 4 and 5	122 units for Blocks 4 and 5	9,000 square metres for Blocks 4 and 5
	Block 6	140 units for Blocks 6 and 7	188 units for Blocks 6 and 7	Maximum 13,200 square metres for residential and a maximum 500 square metres for commercial (excluding a Commercial Parking Facility) for Blocks 6 and 7
4)	Block 7	140 units for Blocks 6 and 7	188 units for Blocks 6 and 7	13, 200 square metres for Block 6 and 7
	Block 8	123 units	184 units	Maximum 13,000 square metres for residential uses and a maximum 1,500 square metres for commercial. Total of all uses shall not exceed 14,500 square metres.
	Block 9	179 units for Blocks 9, 10 and 11	247 units for Blocks 9, 10 and 11	Maximum 18,000 square metres for residential uses and a maximum 3000 square metres for commercial uses for Blocks 9, 10, and 11”
5)	Block 10	179 units for Blocks 9, 10, and 11	247 units for Blocks 9, 10, and 11	18,000 square metres for Blocks 9, 10, and 11
6)	Block 11	179 units for Blocks 9, 10, and 11	247 units for Blocks 9, 10, and 11	18,000 square metres for Blocks 9, 10, 11
7)	Block	165 units for	279 units for	20,000 square metres for Blocks 12 and 13

	12	Blocks 12 and 13	Blocks 12 and 13	
8)	Block 13	165 units for Blocks 12 and 13	279 units for Blocks 12 and 13	20,000 square metres for Blocks 12 and 13

**Special Conditions of Draft Plan Approval for 25T-1605, Pier 8, 65 Guise Street
East, Hamilton**

That this approval apply to the Red Line Revised Draft Plan of Subdivision, 25T-201605, prepared by S. Llewellyn & Associates Limited, and certified by Dasha Page O.L.S., dated June 16, 2016 (attached as Appendix "E"), showing 16 Blocks (Blocks 1-18) three blocks for Medium Density Residential uses (Blocks 1, 2 and 8), two blocks for mixed use (Blocks 3 and 6), three blocks for prime retail / residential uses (Blocks 4, 5 and 7), two open space blocks (Blocks 10 and 11), three blocks for Stormwater Management (Blocks 12 to 14), one open space / institutional block (Block 15), two blocks for Institutional uses (Blocks 16 and 17), and to establish streets A-D, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Following special conditions.

Engineering and Traffic

1. That **prior to registration**, the Owner revise the final plan to align Street 'A' at the intersection of Guise Street in accordance with current geometric design guidelines to the satisfaction of Senior Director of Growth Management.
2. That, **prior to registration**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the intersection of Streets 'A' and 'C', Streets 'A' and 'D' and Streets 'B' and 'C', Catharine Street North and Street 'C' to the satisfaction of Senior Director of Growth Management.
3. That, **prior to registration**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the 'L' shaped bends at the intersection of Streets 'B' and 'D' and Streets 'C' and 'D' to the satisfaction of Senior Director of Growth Management.
4. That, **prior to registration**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the intersections of Guise Street at Street 'A', Street 'B' and Catharine Street to the satisfaction of Senior Director of Growth Management.
5. That, **prior to registration**, the final plan of subdivision include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by Owner's certificate on the plan, to establish the widened limits of Guise Street from the original road allowance, to a total width of 66 feet (approx. 20.117 metres), to the satisfaction of the Senior Director of Growth Management.
6. That **prior to registration**, the Owner agrees to revise the draft plan to accommodate any additional land requirements to implement the geometric design requirements and the recommendations from the revised Functional

Servicing Report, Traffic Impact Study, Stormwater Management Report or other relevant studies, to the satisfaction of the Senior Director of Growth Management.

7. That **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's legal department to convey Blocks 10 and 11 for the purpose of Open Space to the satisfaction of the Senior Director of Growth Management.
8. That **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's legal department to convey Block 15 for the purpose of Open Space/ Institutional to the satisfaction of the Senior Director of Growth Management..
9. That **prior to preliminary grading**, the Owner shall implement recommendations of a Geotechnical report, prepared by a qualified consultant, to the satisfaction of the Senior Director of Growth Management.
10. That **prior to preliminary grading** the Owner shall include in the engineering design, a plan demonstrating that all minor and major overland flow from the Blocks can be safely conveyed to suitable outlets, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to preliminary grading**, the Owner agrees to submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer to the satisfaction of the Senior Director of Growth Management Division, that:
 - a) Demonstrates how quality and quantity control including the wave uprush impact at the outlet, will be handled in accordance with Hamilton Harbour Remedial Action plan (RAP) and City of Hamilton Storm Drainage Policy and Development Guideline;
 - b) Identifies and establishes a suitable storm outlet(s) for any proposed SWM facilities to convey controlled and uncontrolled flows for all storm events including Regional storm flow through Blocks 12, 13 & 14 to Hamilton Harbour
 - c) Demonstrates a minimum of 0.30 m freeboard between the finished grades on the adjacent blocks and the Regional Storm water level in Blocks 12, 13 & 14 will be maintained;
 - d) Demonstrates the hydraulic grade line (HGL) for the post development 100-Year storm event is located at or below the top of grate elevation at all inlet locations, and the 5 year HGL shall not exceed the obvert of the sewers;

- e) Demonstrates stormwater management targets for each block within the subject lands;
- f) Determines the preferred implementation techniques and makes recommendations to accommodate the following:
 - potential for clean water separation;
 - managing building foundation water;
 - effect of high groundwater table and contaminated soils;
 - upstream drainage systems and combined sewer overflows; and,
 - sustainable stormwater management strategies for private development and the public realm.
- g) Prior to assumption of any municipal stormwater management facilities, the Owner agrees in writing with the following requirements:
 - i) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director of Growth Management, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility in accordance with the conditions of ECA issued by MOECC;
 - ii) To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
 - iii) To construct, operate and maintain, at the Owner's expense, stormwater management facilities, in a manner acceptable to the City, including any changes to conditions of the MOECC's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management Division; and,
 - iv) To remove sediment attributed to development from any municipal stormwater management facilities, prior to release of the Owner's operation and maintenance responsibilities for the stormwater

management facilities; all to the satisfaction of the Senior Director of Growth Management Division.

12. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules, if required, for a sanitary pumping station which shall also include landscaping and architectural features consistent with the overall urban design guidelines for the draft plan to the satisfaction of the Senior Director of Growth Management.
13. That **prior to servicing**, the Owner prepares and submits a construction staging plan, to include but not be limited to demonstration of how the impacts to existing residents and neighbourhoods, will be minimized to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules for the draft plan lands provisions for the reconstruction of Guise Street East, from John Street North to Dock Service Road in accordance with current geometric design standards, to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to servicing**, the Owner submit an on-street parking plan for Streets "A", "B", "C", "D" and, Catherine Street to the satisfaction of the Senior Director of Growth Management.
16. That, **prior to servicing**, the Owner complete a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues to the satisfaction of the Senior Director of Growth Management:
 - i). Tabularize the expected occupancy;
 - ii). Generate residential, commercial and institutional water demand and fire flow calculations for the development; and,
 - iii). Confirm the water servicing layout based on field information and hydraulic models;
- .17. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules for the draft plan lands provisions for the construction of concrete sidewalks on both sides of all streets with the exception of the 18m wide portion of Street D for which the sidewalk shall be on the south side, in accordance with the approved Urban Design Guidelines for Pier 7 and 8 and current City policies, to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules for the draft plan lands, provisions for the relocation of the

- existing utility pipelines, if required. The design shall demonstrate how the pipeline will be adequately accommodated within the blocks of the draft plan lands or if it is determined that an alternative location will be utilized, approvals from the appropriate authority to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to servicing**, the Owner submit a revised Functional Servicing Report before the submission of detailed design drawings. If through the review of the revised Functional Servicing Report, it is determined that additional changes to the Draft Plan or Conditions of Draft Plan approval are required, the appropriate planning process shall be followed, to the satisfaction of the Senior Director of Growth Management.
 20. That, **prior to servicing**, the Owner include in the engineering design and cost schedules for the draft plan lands removal of all dead or diseased trees within the City's road allowance as required by reconstruction on existing streets and pay all costs for replacement of such street trees to the satisfaction of the Senior Director of Growth Management.
 21. That, **prior to servicing**, the owner shall carry out and submit for approval, a dual drainage assessment to determine the hydraulic grade line elevations and identify any impacts of potential tail water elevations due to Lake Ontario (Burlington Bay) water elevations to the satisfaction of the Senior Director of Growth Management.
 22. That, **prior to servicing**, the owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
 - i) an aquifer is breached during excavation;
 - ii) groundwater is encountered during any construction within the subdivision, including but not limited to building construction;
 - iii) sump pumps are found to be continuously running; and,
 - iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Senior Director of Growth Management.

23. That, **prior to servicing**, the Owner shall demonstrate on the engineering drawings that adequate road allowance is provided to accommodate a geometric design at the bends on Street C, Street D and Catharine Street North, to include an outer pavement radius of 13 metres and inner pavement radius of 9.0 metres, to the satisfaction of the Senior Director of Growth Management.
24. That **prior to registration** final approval be received for the Traffic Impact Study to the satisfaction of the Senior Director of Growth Management and Director of Operations and Maintenance.
25. That **prior to servicing** the site accesses of Street A and Street B include a left turning bay with a minimum storage length of 20m and a minimum taper length of 15m to the satisfaction of the Senior Director of Growth Management.
26. That **prior to registration**, provisions for the signalization of the intersections of Burlington Street East at James Street North and at Ferguson Avenue North be made to the satisfaction of the Senior Director of Growth Management.
27. That **prior to servicing** completion of the North End Traffic Management Plan, including updates to the on-going monitoring program be finalized to the satisfaction of the Senior Director of Growth Management.
28. That **prior to servicing** a Construction Management Plan be submitted to the satisfaction of the Senior Director of Growth Management and Director of Operations and Maintenance. Further, that Construction Management Plans be completed at Site Plan Stage for each individual Site Plan Application.

Hamilton Conservation Authority

29. That, **prior to grading** the applicant obtains a permit from the Hamilton Conservation Authority under *Ontario Regulation 161 / 06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R. S. O. 1990* prior to any development including shoreline alteration, construction and / or grading activities property to the satisfaction of the Hamilton Conservation Authority.
30. That, **prior to grading** the applicant prepare a plan(s) containing design details to address wave uprush and flood mitigation as detailed in The Pier 8 Wave Overtopping Analysis (65 Guise Street East) report prepared by Shoreplan Engineering Ltd. dated March 31, 2016 and including the Pier 6 lands property to the satisfaction of the Hamilton Conservation Authority.
31. That, **prior to grading** the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority.

32. That, **prior to grading** the applicant prepares and implements a lot grading and drainage plan to the satisfaction of the Hamilton Conservation Authority.
33. That, **prior to servicing** the applicant prepares and implements a stormwater management plan providing water quality control to the Enhanced Level for the subject property to the satisfaction of the Hamilton Conservation Authority.

Public Health

34. That, **prior to any demolition** a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. to the satisfaction of the Director of Public Health.

Planning

35. That **prior to servicing**, an Urban Design Brief shall be submitted to demonstrate compliance with the urban design policies of the Secondary Plan and the Pier 7 and 8 and Recreational Master Plan Urban Design Guidelines. The Urban Design Brief shall include text, plans, details and / or elevations, as necessary, to demonstrate how the intent of the Secondary Plan policies and the Urban Design Guidelines have been met to the satisfaction of the Director of Planning and Chief Planner. The Owner agrees to adhere to the Urban Design Brief and submit building plans for the blocks identified in the Urban Design Brief to the City's Urban Designer / Architect for review and approval prior to the issuance of the building permit.
36. That, **prior to building permit**, at the owner's expense, a "Control Architect", independent of the "Design Architect" firm or individual, shall be retained to the satisfaction of the Director of Planning and Chief Planner, and whose function shall be:
 - i) to ensure, amongst other matters, the appropriate development of each block with respect to siting, built form, materials, noise / dust and odour control measures, colours and landscaping in compliance with the approved Architectural and Urban Design Guidelines;

- ii) to certify, through stamping and signing, all drawings for the development of each block subject to the architectural guidelines prior to the issuance of any building permit(s);
 - iii) submit a detailed landscaping plan prepared by a Landscape Architect for the Storm Water Management Blocks showing how accessible and safe public amenity areas will be incorporated into the design of the storm water blocks. The plan shall ensure the design of the SWM blocks are designed in a consistent manner through the establishment of design principles to be adhered to within each block. Approval and implementation of the landscape plan shall be to the satisfaction of the Manager of Landscape Architectural Services, and the Director of Planning and Chief Planner, and the Hamilton Conservation Authority; and,
 - iv) the intent and delivery of the above requirements will be substantiated through submission and approval of the design checklist which forms part of the City's Pier 7 and 8 Urban Design Guidelines.
37. The City of Hamilton may undertake periodic reviews of certified drawings to ensure compliance with the Architectural and Urban Design Guidelines. Where inadequate compliance is evident the City of Hamilton may cease to accept certified drawings by the Control Architect and the owner shall retain another Control Architect satisfactory to the Director of Planning and Chief Planner.
38. That, **prior to registration** of each development block, the owner shall submit detailed architectural drawings for advice from the City's Design Review Panel satisfactory to the Director of Planning and Chief Planner.
39. That, **prior to registration**, the Owner, provide Cash-in-lieu of Parkland, as provided for under Section 51 of the *Planning Act*, and in accordance with the City's Parkland Dedication By-law No. 09-124. The Cash-in-Lieu payment shall be required prior to the issuance of a building permit, based on the market value of the lands of the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of 1 hectare per 500 dwelling units if the density of development is between 20 and 75 Dwelling units per hectare, inclusive; a rate of 0.6 hectares per 500 dwelling units if the density of development is between 75 and 120 units per hectare, inclusive; and a rate of 0.5 hectares per 500 dwelling units if the density of development is greater than 120 units per hectare.

In the case of lands proposed for development or redevelopment for a use other than commercial and residential, and land uses specifically exempted (Section 11); land in the amount of 5% of the Net land area to be developed or redeveloped.

In the case of a subdivision containing lands proposed for development of different uses and/or at different residential densities, a combination of the dedication rates defined in Paragraphs 4(1) a., b. and c., applicable to the specific use and/or density.

All to the satisfaction of the Senior Director of Growth Management.

40. That **prior to preliminary grading**, the applicant prepare a Tree Management Plan and Tree Planting Plan prepared by a certified arborist or landscape architect at the Owner's expense and to the satisfaction of the Director of Planning and Chief Planner.
41. That, **prior to registration**, the Owner provides an updated Transportation Demand Management report detailing the measures to be incorporated within each development block as part of the site plan approval process, satisfactory to the Director of Operations and Maintenance.
42. That **prior to registration** the owner agree that provisions be included within each purchase and sale / lease agreement for one bike share membership (or equivalent) to be provided to every purchaser of a residential unit for a period of one year, satisfactory to the Director of Planning and Chief Planner.
43. That, **prior to registration** the Owner provide a detailed plan illustrating how the development will be implemented in accordance with the Cultural Heritage Impact Assessment prepared by MHBC dated June 2, 2016. In addition, a larger interpretation/commemoration plan for the site will be required in order to appropriately convey the evolving history of this part of the harbor. This interpretation/commemoration plan should incorporate the retained buildings as well as the documentation and salvaged heritage attributes from the buildings to be demolished, satisfactory to the Director of Planning and Chief Planner.
44. That **prior to registration** the Owner agree to complete the archaeological conditions as set out by the specific recommendations for their land parcel in the relevant Stage 1 and Stage 2 archaeological assessment reports, to the satisfaction of both the City and the Ministry of Tourism, Culture and Sport (MTCS). This may include both monitoring during construction and / or mitigation through excavation and documentation of all discovered significant archaeological resources. This archaeological work will be in accordance to MTC's 2010 *Standards and Guidelines for Professional Archaeologists*, with specific reference to Fisher Archaeological Consulting's (FAC) Stage 1 and 2 reports entitled: *West Harbour Piers 6 to 8 Environmental Assessment City of Hamilton Stage 1 Archaeological Background Study* (Sept. 13, 2016) and *West Harbour Piers 6-8 Environmental Assessment City of Hamilton Stage 2: Archaeological Assessment*, satisfactory to the Director of Planning and Chief Planner.

45. That **prior to any demolition** of existing buildings on site, investigation of any Barn Swallow nesting should be done (in mid-May to late June) to the satisfaction of the Director of Planning and Chief Planner.
46. That, **prior to grading**, the owner shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the City of Hamilton, including a notice of acknowledgement of the RSC by the MOECC.
47. That, **prior to building permit** the owner shall submit a final noise / odour and dust study highlighting all required mitigation methods to the satisfaction of the Director of Planning and Chief Planner.
48. That **prior to building permit**, the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and / or any Rental or Lease Agreements required for occupancy satisfactory to the Director of Planning and Chief Planner:
 - i) Purchasers/tenants are advised that individual residential units are not guaranteed a parking space. On- Street parking is limited, with residents ineligible for parking permits.
 - ii) Purchasers/tenants are advised that the lands have been classified as a Class 4 area under the NPC-300 Environmental Noise Guideline. Adjoining uses include existing industrial operations. Noise, dust and odour issues may be experienced as a result.
 - iii) Purchasers/tenants are advised that due to the proximity of the adjacent industry, noise from the industry may at times be audible.
 - iv) Purchasers/tenants are advised that sound levels due to the adjacent industry are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.
49. That **prior to building permit**, the owner shall establish an easement over the subject lands in consultation with adjacent industry. The easement rights would permit the industry to operate within established ECA limits. The easement would include, but not be limited to, restricting the subsequent owners, tenants and operators within the subject lands from objecting to the operations of adjacent industry provided the industry demonstrate they are operating within their approved ECA limits. The establishment of this easement is to the satisfactory to the Director of Planning and Chief Planner.

50. That subject to the sole discretion of the Director of Planning and Chief Planner, Site Plan Agreements may be required in order to review and secure matters approved through the site plan process.

Union Gas

51. That the owner provide to Union the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.

Canada Post

52. The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home / business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

- v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

Director of Planning and Chief Planner

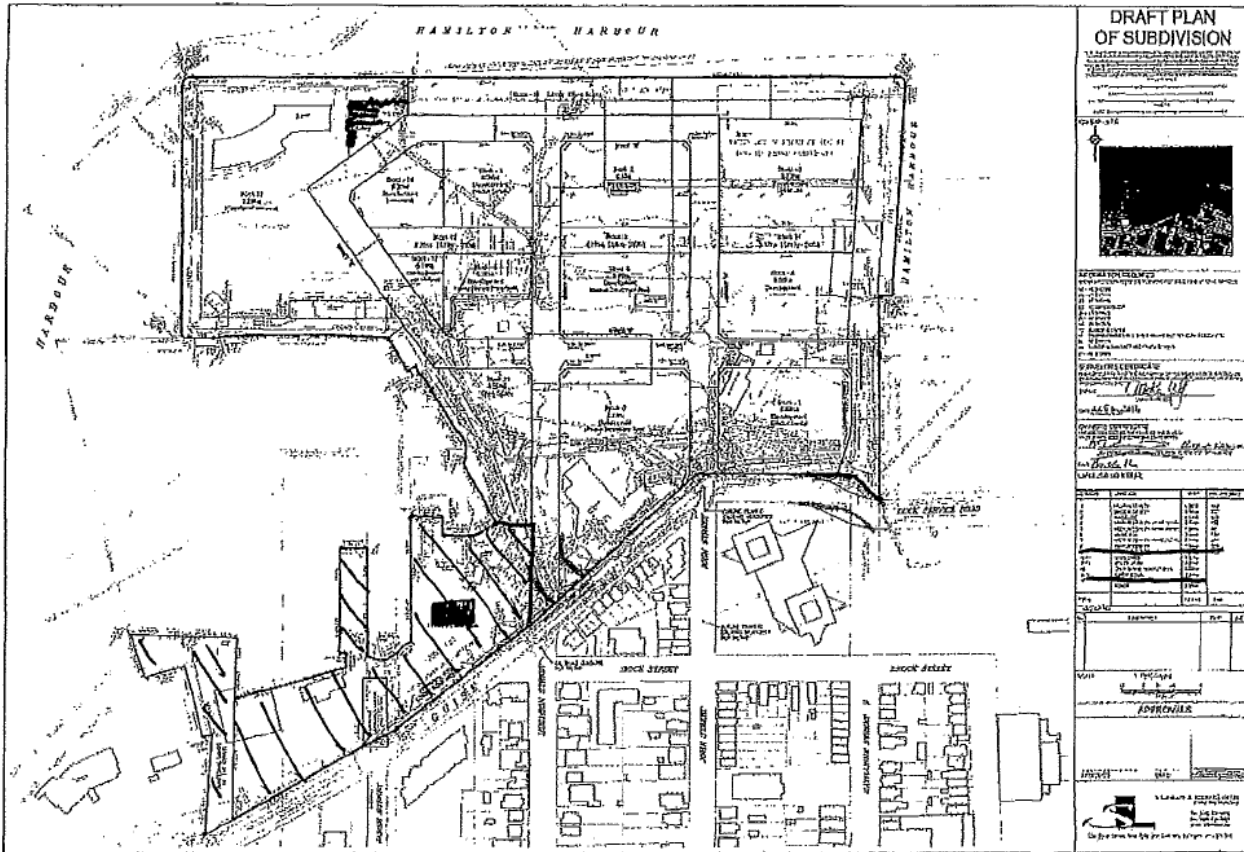
53. That, prior to the signing of the final plan, the Director of Planning and Chief Planner must be satisfied that Conditions (1) to (52) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.


City Cost Sharing:

The sanitary pumping station is identified in the 2014 Development Charges Background study as project CW-20-14. Cost sharing for the pumping station will be in accordance with the City Financial Policies for Development.

Notes to Draft Plan Approval

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years of the date of draft approval. However, extensions will be considered if a written request is received before the draft approval lapses.



 Additional Lands of Applicant

John, Edward

From: ZANCHETTA David [REDACTED]
Sent: October-14-16 1:38 PM
To: John, Edward; Lamanes, Ann
Cc: BRESTOVACKI Milan
Subject: Waterfront Meeting

Edward/Ann

I would like to be present for the upcoming meeting for the Harbour project.

Could you please update me as to when the meeting will be held?

The sign indicates 9:30 am but the date is still TBD

Cheers,

David Zanchetta

Birmingham Foundation Solutions

Tel: [REDACTED]

Tel: [REDACTED]

Fax: [REDACTED]

VISIT US AT

e-mail: [REDACTED]

Silver Lot Booth 5159



John, Edward

From: Keven Piper [REDACTED]
Sent: September-25-16 9:33 PM
To: John, Edward
Cc: Jakob Koch; Mary Catharine Lawlor; Bryan Ritskes; Stephen Park; Hank Nyhof; Dave Stephens
Subject: Harbour West Neighbours Meeting

Hello Ed.

We propose to meet in Bryan's living room at 83 Burlington Street West, front door, at 5 Monday. Parking is on Burlington Street.

There are a few points we would like to add to your agenda:

- How will protection (enhancement) of the adjacent residential be assured through the planning process you are managing? As you know we continue to have very strong concerns that parking and traffic problems are going to be accelerated as a result of the City's program for Pier 8. We urge you to consider that the lessons learned in the development of the traffic management strategy about how volume and speed impact on the character of a neighbourhood and the style of life of its residents. We will be working hard to ensure that the child and family friendly nature of the neighbourhood is protected and, as required by Setting Sail, enhanced. At the moment we have seen little details on how the protection and enhancement will be accomplished and the volumes of traffic and parking are of concern. We think this arises because Pier 8 schematics and analyses seem consistently to have been detached from the existing neighbourhood residential family housing.
- Will there be a staging that co-relates the amount of development with the state of the market place? For example, the parking ratio seems to assume that people will use less cars because of trends in non-private transportation. Until those trends and the facilities for them are in place, how will the character of the family neighbourhood be protected?
- What do you consider to be the state of the implementation of the traffic management plan which the secondary plan makes mandatory before Pier 8 development can take place.
- We believe that if a private developer came into an existing neighbourhood in the GTA with a 1500 unit development, virtually all the GTA municipalities would insist on a social impact analysis. Will that be done with the City as developer for Pier 8?
- All the data generated in the Setting Sail process, including the traffic management plan was based on 750 units. As you know, the City's planning expert at the OMB confirmed that. Will you help us understand the planning rationale for the doubling of that density. Similarly, even greater comparative increases in commercial and retail are now proposed. Will you be providing planning rationale for those increases given the text of Setting Sail on the nature of the retail contemplated by the Secondary Plan? Our concern of course is over building leading to adverse impacts on the residents living on the adjacent residential streets.
- We continue to have serious concerns that the adoption of a zoning by-law and subdivision plan at this stage will freeze the design of Pier 8 in a fashion/style created by one firm of architects. Many people have concerns that the end result will be a replay of what is currently happening on Plains Road in Burlington - which if it happens would be a betrayal of the unique character and opportunity to do something special on Pier 8. Is there any way in which the

development industry can be challenged to modify or improve or even replace the urban design that we have now rather than be foreclosed by a complete zoning and subdivision package?

- How will the issues of affordable housing be dealt with?
- How will the issues of accessibility be dealt with?
- The public participation program lead to the adoption of a Vision statement with a clear set of screening headings designed to provide for an orderly and principled review of development proposals. If the City continues to proceed with pre-invitation zoning and subdivision, how will that Vision screening be carried out? Will you be providing a report setting out how the zoning and subdivision meet the various criteria in the Vision statement? We suggest there is not much sense in having a Vision statement if the nuts and bolts development guidelines are not tested scrupulously against the criteria in that Vision document.
- What are you proposing to do with the zoning for Pier 7. As you know, our position is that Piers 7 and 8 were to be combined in one urban design study. Instead, Pier 7 was dealt with by the Marine Recreational Master Plan. While that issue is before the OMB, and we understand you will not wish to talk about that, it would be helpful to understand how you propose to relate the zoning for Pier 8 to that of Pier 7 as there are clear overlaps of commercial/retail density, land use compatibility, parking and traffic that we do not see capable of being treated separately for Pier 8 without regard to Pier 7. For example, will the development proposal calls exclude development on Pier 7? How will the parking for Pier 7 be integrated with the parking for Pier 8?
- Are you mandated to give a professional planning opinion on the compliance of the current design proposal with Setting Sail? Since this planning process started HWN has repeatedly asked for independent peer review of the planning issues given that the developer and the regulator are the same, a situation that creates a clear conflict of interest. Will that request be considered now? Would it be appropriate for us to discuss, given the OIPP guidance on independence, whether as a planner in the employ of the developer, you can provide and be seen to provide the independent professional opinion the OIPP professional code of practise calls for. As I believe we have agreed that our discussions are to be entirely off the record and without prejudice to all the stakeholders, we hope we can have a candid discussion with you on this topic. If you prefer not, that can be left to another day, but our preference would be to have that conversation with you as the planner in charge. Our ability to obtain independent third party planning review remains a significant concern. There are simply no resources in our neighbourhood for the neighbourhood itself to fund that.

We look forward to meeting with you.

Keven.

John, Edward

From: Herman Turkstra - [REDACTED]
Sent: August-19-16 4:07 PM
To: John, Edward
Cc: Keven Piper; Brian Hollingworth
Subject: Pier 8

Edward, it was a pleasure to meet you again yesterday. I know Keven has let you know some of the concerns of our group but I would like to put some substance on the point I tried to make yesterday.

Our starting point is the work of Donald Appleyard on liveable streets. We gain a lot of confidence from his work illustrated on this video:

www.streetfilms.org/revisiting-donald-appleyards-livable-streets/

Our standard reference work is Brian Hollingworth's original report to Council.

There are several points about that report we would emphasize.

(1) It was the product of an usual collaboration between residents, staff and consultants. The result was creativity on the part of the residents. That process was largely opposed by City traffic staff. Mr. Sweinbenz moved immediately against it by recommending to Council that no 30k limits be permitted anywhere in Hamilton until the end of the 5 year pilot project and Traffic then started accomodating neighbourhood traffic calming requests exclusively with 40k limits. Our experience with 30K, a reflection of the 20's plenty in the UK and 30K in many places in Europe and the US is that 30 is significantly different than 40 and 40 significantly different than 50. The quality of North End streets has changed radically and in terms of liveable streets, increased liveability. That result, as Appleyard pointed out is a function of speed and volume. How to protect that liveability from the impacts of over building at the "end of the street" when the Pier 8 development is in fact at the end of our streets is a major challenge.

(2) The implementation is not complete, much of the implementation is unattractive and does little to sell the concepts which in themselves generate opposition since they are designed to manage drivers who prefer to be unmanaged. There is real concern among those of us who understood the goals of the traffic management plan that it will disappear in the way in which a lobster is boiled by being placed first in cold water - slowly and almost imperceptably. Your report on how the planning for Pier 8 enhances the liveability of neighbourhood streets will be interesting.

(3) The report recognized the role of the North End neighbourhood as a special place, an identified child and family friendly neighbourhood and that what is done with streets plays a significant role in that character. As the developer of the next major project in our neighbourhood, the way in which the City's development on Pier 8 plays a role in substaining that character should be an integral part of your report. For example, how will the City's development aide in the retention of schools and recreational facilities? How will it aid in retaining the mixture of incomes, employment, social and family status that now make the North End neighbourhood such a case study for an inclusionary community? Those questions can be asked of the increase in commercial, a thought that crossed my mind as I counted the number of vacant stores on Locke Street today and recalled our Mayor's statement that Hess Village was coming to the foot of James Street and we should be prepared for it.

Finally, I invite you to come back with me to the start of this discussion and watch the videos that started the discussion. The third one is a perfect example of traffic driving parents out of the neighbourhood. At one time I had a list of more than a dozen such families who left for safety concerns.

www.youtube.com/watch?v=eFkFXVQTZfo

www.youtube.com/watch?v=WNydwvSdxCk

www.sugarsync.com/pf/D1150346_78656974_129064

I hope these are helpful. The third video is poor quality and did not make it to you Youtube.

Herman.

Herman Turkstra
Harbour West Neighbours Inc.
Supporting Hamilton's Child and Family Friendly North End Neighbourhood
500 Bay Street North
Hamilton ON L8L 1N5
[REDACTED]

John, Edward

From: Herman Turkstra [REDACTED]
Sent: October-02-16 9:32 PM
To: John, Edward
Cc: Keven Piper
Subject: Pier 8 Subdivision

Hello Edward:

Over the planning process, our team has had some indications of the scope of the work contemplated by the City as landowner/developer of Pier 8.

As part of the necessary approvals, it appears that the City has applied to the Conservation Authority for permission to proceed with its Pier 8 work. Our understanding is that as a result of the data collection mandated by the CA, the City retained a consultant to examine flooding on Pier 8. I assume you have been provided with the results. We noted that the consultants reported as follows:

Under the conditions described above, significant wave overtopping will occur. The overtopping waves will flood some distance inland due to the very gently sloped, paved backshore. There are no accurate and practical means of estimating the extent of inland flooding when this level of overtopping occurs on such a flat backshore.

I do not recall this issue being raised in the Urban Design process for Pier 8.

We have also been advised that the lifespan of the shorewall will expire soon and that the City has budgetted for its replacement in 2018. We are not able to determine whether or not the reconstruction will deal with the issue of over-topping and flooding on Pier .

Have you taken this into account in the subdivision plan?

We have also read the general rumblings about the need to anticipate unusual flooding in Hamilton as a result of climate change. We have seen no analysis of the potential flooding on Pier 8 that considers those more severe forecasts.

Are you taking that factor into account in the subdivision design?

Thank you for your consideration of this concern.

Herman.

Herman Turkstra
Harbour West Neighbours Inc.

John, Edward

From: Herman Turkstra [REDACTED]
Sent: July-08-16 9:05 PM
To: Kim, Philbert
Cc: Alexis Van Harten; Bryan Ritskes; Carol Hoblyn; Dave Cherkewski; Eileen White; Frank Soberg; Crawford, G.; hippydavestephens@gmail.com; Jon Davy; Keven Piper; Paul Campanelli; Peter Chernets; Rob Fiedler; Shawn Selway; Sheri Selway; Stephen Park; Terri Wallis; Beintema, Diedre; Phillips, Chris; John, Edward; English, Ed; Waterfield, Alan; Murray, Chris; Thorne, Jason
Subject: Re: Pier 8 - Summer Workshops Draft Format

Philbert, I think you are making good progress. I am on holidays starting today and limited as to time for careful consideration of your document and unable to attend the workshop. So my comments will be general. I have undertaken not to comment on the City's planning for Piers 6 and 7 as they are under appeal. My absence of comments on that part of the visuals should not be taken as agreeing to those visuals or the City's proposals for those piers. These comments are just about Pier 8. As you know, the group I am working with, Harbour West Neighbours, also do not accept that the City is entitled to plan for more than 1000 units on Pier 8, nor do we accept that regional shopping was contemplated by Setting Sail. In our view it was not. And in our opinion, the protection of the adjacent residential family-oriented streets has not been adequately built into the design guidelines.

In that context, my comments on your draft are as follows:

1. Your work in developing the background for aiding participants to understand the context is appreciated. I know from personal experience that understanding the context and significance of the City's plans revealed in our meetings has taken time. Your participants may need time for second or even third round thinking.
2. The issues regarding neighbourhood enhancement could be clearer. There is a difference between Setting Sail's commercial for the neighbourhood (retail for the existing North End and the new North End) and commercial that attempts to draw customers from 25 miles. The latter invariably takes consumer dollars from existing commercial areas in the same way that the suburban shopping malls killed Jackson Square for over a generation. The value judgements to be made, in addition to the retail/commercial issue, I think are (1) how important it is to protect the quality of life in the existing residential neighbourhood from new traffic and (2) new parking demand, (3) how such protection needs to be done, as well as (4) whether or not the texture of the new development should include a full range of families who will contribute to the stability of existing neighbourhood resources such as schools and recreational resources. As an example at the ground level, the closing of Hughson Street has made a profound change in that street. It is now protected from Pier 8 traffic and probably from Pier 8 parking overflow. That is not true of any of the other residential streets and they will be harmed if the impact is not minimized or eliminated. Do your participants clearly see that a judgement call has to be made on how vital, or not, an urban child and family friendly neighbourhood is and what the balance is when considering financial return to the City. For example, the images you have do not seem to even start to deal with such topics as the lane restrictions for John at Guise. Your participants will need to have those issues made clearer, IMHO. I think we learned from the Setting Sail process that these issues need sophisticated and thoughtful analysis. They are not topics that get resolved with surface analysis.

3. I know I am out of step with your team on this topic, but I am strongly opposed to calling for development proposals with an approved plan of subdivision. It is bad enough, in terms of soliciting creative input from proponents, that we have design guidelines that show relatively precise building enclosures. What this approach means is that creativity will really be confined to what City staff and the one consulting firm involved in the design think. With all due respect to their views, there could be a developer in San Francisco or Boston who would look at this Pier totally differently. I have the same recommendation for the zoning by-law. Proceeding with both at this time will do one of two things, in my view: limit the City's ability to draw on the best and most imaginative potential proponents, or if proponents are invited to digress from the City subdivision/zoning/building enclosure mandates, a costly and protracted round of planning processes required to take into account new and different views as to how this Pier can be something special.
4. I would like to record my own personal view that on careful reflection and review of all the planning documents to date, I have a very serious concern that the City is engaged in over-building. I have a strong sense that if a private sector owner came with a development proposal for a chunk of land the size of Pier 8 that was surrounded by water on three sides and a dense residential family neighbourhood on the other side, a neighbourhood with no ability to widen streets, City planners would not ever approve the density, commercial and retail, parking or traffic concepts built into the documents you are now using. Given the very large quantity of high density development land with a mile or two of Pier 8, the demand for intensity at the water appears to be driven by finances, not sound planning. I understand you will not be able to change the Pier 8 juggernaut, but it would be interesting and may be even helpful to find a way to put that value judgement to your participants.

Thank you for inviting comments.

Herman.

----- Original message -----

From: "Kim, Philbert" <Philbert.Kim@hamilton.ca>

To: Alexis Van Harten [REDACTED], Bryan Ritskes [REDACTED], Carol Hoblyn

[REDACTED], Dave Cherkewski [REDACTED] Eileen White

[REDACTED], Frank Soberg [REDACTED], "Crawford, G." [REDACTED]

Herman Turkstra [REDACTED], [REDACTED]

[REDACTED], Jon Davy [REDACTED], Keven Piper [REDACTED]

Paul Campanelli [REDACTED] Peter Chernets [REDACTED], Rob Fiedler

[REDACTED], Shawn Selway [REDACTED], Sheri Selway <[REDACTED]>

Stephen Park <[REDACTED]>, Terri Wallis <[REDACTED]>

Cc: "Beintema, Diedre" <Diedre.Beintema@hamilton.ca>, "Phillips, Chris" <Chris.Phillips@hamilton.ca>

"John, Edward" <Edward.John@hamilton.ca>, "English, Ed" <Ed.English@hamilton.ca>, "Waterfield, Alan"

<Alan.Waterfield@hamilton.ca>

Subject: Pier 8 - Summer Workshops Draft Format

Date: Fri, 8 Jul 2016 20:49:40 +0000

John, Edward

From: Herman Turkstra [REDACTED]
Sent: September-09-16 9:06 PM
To: Kim, Philbert
Cc: Beintema, Diedre; John, Edward; Phillips, Chris; carmnat@yahoo.com; Rob Fiedler; Keven Piper
Subject: Re: Pier 8.
Attachments: Sep 9 2016 City Summer Workshop - Readalong Sheet - HT Edits.docx

Thanks Philbert. I have added my suggested edits in track changes. These are not formal comments from HWN, just my own suggestions as to how the text might read to reflect S. A.6.3.2.2 of Setting Sail and the Traffic Management Plan. I added the reference to the traffic management plan because I expect you would agree that proponents should learn that there is a traffic management plan and the reasons for it.

I hope you don't mind me adding that if HWN had been consulted on the form of the opinion questions, we would have asked you to include an opportunity for participants to weigh in on more precisely on the value judgements on what is going to turn out, IMHO, to be the most significant issue in the long run - traffic.

We need only look at this week's conflict between Councillors Farr and Whitehead to forecast what is coming. The simple way to protect the North End residential streets is to seriously direct waterfront visitors to James and Burlington. I am confident that Terry still thinks of all streets in the North End neighbourhood as the corridor to get, as he once said, to get his boat to the water. Another councillor wanted to protect the right of his constituents to get a tan at the harbour without risking speeding tickets. The "Corridor from the Core to the Shore" identity has many supporters. Certainly it has traditionally had lots of support in City Hall as witness the bridge over the CNR at McNab and the Bridge over the CNR at Ferguson and work on a new bridge at John. I happen to think the Corridor supporters have not thought through what makes a strong and sustainable neighbourhood but that's a debate for another day.

My point is that there is a judgement coming about how extensive the neighbourhood should be protected against that visitor traffic and what that means in terms of management and control of that traffic. Access and traffic are clearly topics that any developer will have to face, including the City as developer of the recreational features. (It is the reason incidentally why I do not seriously expect that Sobeys/Metro/Loblaws will put a regional feature at the end of the road.)

This is a very tough question for residents to respond to in time. Mostly it becomes an observed problem when its too late - like starting to boil the lobster in cold water. I think it is in all our interests to get that debate out in the open and professionally analyzed and valued.

That value judgement ends up being caught up in rhetoric that includes distorted text like "gated communities". But the judgement inquiry could, IMHO, have included a question along the lines of "Would you agree with closing some of the access points to the neighbourhood if the visitor traffic to the new developments threatens the quality of life of the families now living in the neighbourhood?" Assuming the City doesn't regress on the 30K and traffic management, I personally have no doubt that issue will end up being the single most significant question facing Council before this process is over.

A subsidiary question related to that is the value judgement on how extensively Dock Service Road is used for construction. With the City proposing to spend around \$142m on Piers 7 and 8, the volume of construction traffic over the next several years will be significant. I know that every resident who worked on Setting Sail concluded that real effort was needed to ensure that Dock Service Road becomes the primary, virtually exclusive path for the trucks and other construction vehicles. I have not seen much discussion in the process to date about focusing on the role of Dock Service Road as a tool for protecting the existing residential community although I have seen some of the emails regarding the hazard of construction trucks this summer on John Street. A developer might want to know that its construction vehicles will be kept off the residential streets even though such trips technically qualify under the wording of the truck route by-law.

I hope this is helpful.

Best regards

Herman.

----- Original message -----

From: "Kim, Philbert" <Philbert.Kim@hamilton.ca>

To: [REDACTED]

Subject: RE: Pier 8.

Date: Fri, 9 Sep 2016 19:44:20 +0000

.....

Beatrice Joan Jeffrey
[REDACTED]

August 12 2016

To: Honorable Fred Eisenberger
CC: All Aldermans of Hamilton
Planning Department

Fifty years ago a large group of citizens approached City Hall to urge the ending of the Urban Renewal plan for the North End. When Marina Towers and the Ken Soble buildings were built it was apparent that the million dollar (billion dollar today) view of the Bay would be lost from Sam Lawrence Park. They convinced the City to adopt a height restriction of only 3 stories for the North end, north of the tracks. With 4 or 5 stories south of the tracks. Escalating up providing it does not interfere with the view. The value of this view can not be minimized in anyway. Once gone it will be a great loss to the advertising and promotion of Hamilton as being a beautiful city and not just as a steel city.

The group who i believe who is in charge of developing the Bay for the extension of the park has stated they need at least 4 stories. This sounds simple but the Baptist church wants a 4 Storey and the Welcome Inn is wanting to buy the tennis courts to build seniors residents. The bar at Ferrie and James want to build condominiums and the survey is to be torn down to build condominiums. A four storey building is not 4 stories you have to count the roof as well. It is time the city takes a 2nd and 3rd look at the proposal for housing at the Bay.

When the various groups proposed the buying of the Lax property (Bayfront Park) and the lands west of Leander it was envisioned as an area for everyone to relax and enjoy. The centre city is becoming more and more dense a larger open space will be required. Perhaps the building of housing for 1600 people needs a second thought. Remember, when ideas and studies are presented they down play the negative in order to promote their point of view. ALL studies are made out with a preconceived outcome in favor of the presenter. Please i urge you to reinstate the 3 Storey limit. The Dundurn Vranich complex the St.Catharines and the condominium on

Bay Street are 3 stories. The height is reasonable.

We will need more open space for people who live in tall buildings where they can go to for recreation, relaxation or just to find some peace. Right now the park is extremely well used and requires more open space not less. Please i urge you to reconsider the 3 storey limit. Do Not give in to what may be a bad idea. Remember if those people back years ago could stop "Urban Renewal" which was well underway (they were not North Enders) surely you can reverse your decision to allow 4 stories.

Thank you

Beatrice Joan Jeffrey


Ref. # 14950



October 25, 2016

Edward John
Senior Project Manager
Housing and West Harbour Planner
Planning and Economic Development
City of Hamilton
71 Main Street West
6th Floor
Hamilton, ON L8P 4Y5

Dear Edward:

Re: File(s) ZCA -16-034 /25T-201605 - Zoning By-Law Amendment and Draft Plan of Subdivision for Lands Located at Piers 6, 7, 8 and 65 Guise Street East Hamilton (Ward 2).

I am writing on behalf of my client (Parrish & Heimbecker, Limited - P&H), who leases a property in close proximity of your proposed Zone Change and Draft Plan of Subdivision for the lands located at Piers 6, 7, 8 and - 65 Guise Street East Hamilton (Ward 2).

We have reviewed the relevant reports and studies that were prepared in support of the proposed zoning change and draft plan of subdivision. In particular, we have reviewed the Noise and Vibration Impact Feasibility study, dated May 12, 2016, prepared by Pinchin Ltd. (consultant) as technical support for the Draft Plan of Subdivision application. This feasibility study was prepared based on the MOECC D-6 Planning Guide and MOECC noise Publication NPC-300.

The Pinchin study concludes that with the conceptual noise control recommendations outlined in the study, the site is feasible for development for mixed use commercial and residential spaces. However, the study states that further investigation is required to verify the predictable worst case noise impact and any appropriate abatement strategy.

Parrish & Heimbecker's facilities in Hamilton are located on Federal Port Land and the businesses they participate in are federally regulated and are undertakings declared by Parliament to be for the general advantage of Canada. The subject lands are leased from the Hamilton Port Authority and are located on Pier 10, at 231 Burlington Street East Hamilton Ontario (outlined in red on the enclosed photo). The property is located in a heavy industrial area made up of a variety of large and expanding business operations which rely on the multimodal transportation assets and access the Port provides.

As part of P&H's business development plans, their site was selected for transportation access and competitiveness, industrial suitability and expandability. A few years ago, P&H constructed the initial phase, a Grain Handling Terminal consisting of two very large storage domes and one smaller

bin. The primary business of this phase has been the receiving of grain and oilseeds produced by Ontario farmers delivered by truck and rail, and storing it to be loaded and shipped by vessel to export markets around the World.

Recently, my clients were exploring options to expand their flour milling business and had considered several sites that were suitable. The City of Hamilton, the Province of Ontario, and the Hamilton Port Authority were all convinced that Pier 10 was the best place for the only Flour Mill in Canada to be built in the last 75 years. The flour mill is now under construction on the property. (See attached Site Plan which has been approved by the City of Hamilton.)

There are several future considerations and expansion plans for the site that are consistent with the industrial nature of the area and which are still to be developed and constructed.

In July 2016, Parrish & Heimbecker applied to the MOECC for an Environmental Compliance Approval (Air and Noise); the application is currently under review by MOECC. From the environmental noise perspective, MOECC requires that compliance with the noise limits be proven at all existing sensitive receptors as well as at property lines of vacant lands that are zoned for sensitive uses (residences, hospitals, schools, daycare centres, etc.). The July 2016 application for the Environmental Compliance Approval (ECA) did not consider those lands in the environmental noise impact assessment.

Our current Grain Terminal operations have resulted in some complaints related to dust emissions, but they are very specific to operations and conditions that occur from time to time during the loading of vessels with a specific type of grain.

Your proposed zoning change request, providing for 1600 new residential units and additional residential developments along James Street and into the Harbour area, plus the mix of commercial and recreational uses, raises a number of concerns for P&H and their industrial operations and related activities. Specifically, those concerns are:

- The nature of the P&H operation and that of surrounding industrial users in the immediate area involve heavy truck traffic, railway activity, vessel loading and unloading activities, with associated noise, odours and dust. All users are required to comply with regulations and guidelines established by MOECC.

That being said, this does not stop residents in the area from complaining. Adding thousands of additional residents and attracting even more people to the area will inevitably increase the number of complaints about our operation and the other operations that are legally permitted and have been attracted to this industrial area of the Port. The introduction of more sensitive land uses is a concern as this might cause the City and/or MOECC to require implementation of mitigation measures that we don't currently require and those measures could be at the expense of P&H.

- The zoning change to permit sensitive land uses will have a significant impact on P&H's application for the ECA. Should the zoning change be approved prior to the MOECC's approval, the MOECC will reject the application and require additional assessment to address the new sensitive receptors. This will not only significantly delay the ECA approval process but may result in additional mitigation measures at a potentially significant cost to

P&H. In addition, introducing new sensitive land uses in the area will potentially put the current operations of P&H out of compliance with the MOECC noise guidelines.

- I believe your consultant used only the D-6 guide for his study which is specific to industrial facilities only; however, there are other types of facilities in the area (e.g., transportation) that may impact on the proposed land uses that were ignored. Identification of all facilities in the area that may impact on the proposed sensitive land use is required as per D-series guidelines.

The field observations provide only subjective opinions on potential impacts from certain facilities with no quantitative assessments. This does not provide good data for compatibility assessments.

The report identifies the proposed development as having potential impacts on P&H's operations at Pier 10 – 231 Burlington Street East (section 3.1.13). Possibly, the introduction of new, elevated receptors along Waterfront Trail, west of the HMCS Haida Marina, may be adversely impacted by P&H operations where no impact occurs at present. These adverse impacts may lead to nuisance complaints of a nature not experienced before.

- It appears that the scope of the assessment was limited to noise, dust and odour. The Provincial Policy Statement (PPS) requires an assessment of "adverse effects" (as defined in the Environmental Protection Act) which can include airborne chemicals that are not sensed by humans yet may exist at potentially harmful levels. The scope of the assessment should be broadened to include all airborne contaminants in order to conform to PPS requirements and MOECC guidelines.

The odour study is too limited to provide good information and the rating of "offensiveness" used is highly subjective. This also does not provide good data for compatibility assessments.

- Section 6 of the report suggests a dust abatement investigation. P&H must be included as a stakeholder in the investigation, to be kept informed and involved in the outcome of this investigation.
- In the report it is suggested that warning clauses be included in purchase agreements; however, these warning clauses may not hold any legal water - a legal opinion is required on this.

We are assuming that the City will bring these lands forward for development and sell the block or units to developers and/or builders. There should be various noise warning clauses and notifications on title to the City land under consideration advising future purchasers that there is an active heavy industrial area close by and with it comes the problems I have identified above, i.e., noise, dust, traffic, transport trucks, railway traffic, shipping activities.

- Additional people equates to additional cars and vehicles moving about and along the harbour at all times of the day and night. This will lead to more interaction with transport trucks and railcars, which in turn will lead to complaints about the industrial activities in the area.

- Reduced parking was suggested for this area. We see this as a problem. If people come to enjoy the walkways, trails, restaurants, etc. and they cannot find parking close by they will migrate to other areas nearby. On my last visit, I had a hard time finding a parking space to attend your meeting. This situation will only become worse when more people are introduced to the area.
- Can the local streets (some of which are very narrow) handle the additional traffic?
- Mention was made of attracting tall ships and cruise ships to the area. That will introduce another set of problems. The introduction of these ships will bring more people to the area and more facilities will be required to meet their needs for transportation, parking, shopping, etc.
- The loss of docking facilities could have an impact on existing industrial uses that rely on shipping.

In conclusion, the proposed bylaw zoning amendment will have a significant regulatory, as well as financial, impact on the operations of P&H. It will hinder the ability of P&H to obtain and/or update the environmental compliance approval from the MOECC and therefore potentially jeopardize P&H's current operation as well as the future expansions.

Please keep me advised of any future meetings where these applications will be discussed. Also please provide me with any future reports and planning documents to be presented to Council on these files.

We would be pleased to sit down and discuss our concerns and how they might be addressed.

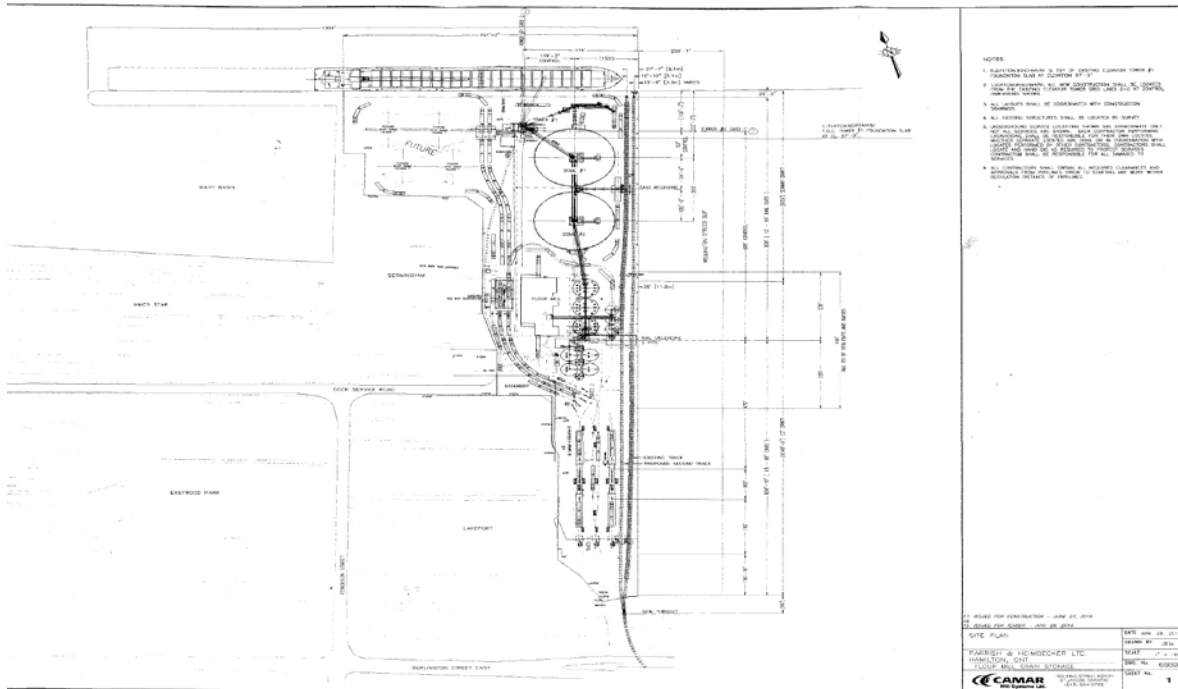
Thank you.



Yours truly,

Samuel Head, President
Dryden, Smith & Head
Planning Consultants Ltd.

c Matt Gardner
Brad Wallaker



Google earth feet meters 1000 500



John, Edward

From: Sam Head [REDACTED]
Sent: August-29-16 3:07 PM
To: John, Edward
Cc: Matt Gardner; Brad Wallaker
Subject: Re: ZCA - Waterfront

Edward, thanks. I will be following up with a letter. my clients have some concerns with the development and how it might impact on their existing and future plans.

Sam

Sent from my BlackBerry 10 smartphone on the Bell network.

From: John, Edward
Sent: Monday, August 29, 2016 8:45 AM
To: 'Sam Head'
Subject: RE: ZCA - Waterfront

No date has been set as yet. You will be sent formal notice once it has been determined.

From: Sam Head [REDACTED]
Sent: August-24-16 2:58 PM
To: John, Edward
Subject: ZCA - Waterfront

Hi, Edward:

Can you give me the date for the public meeting dealing with the City owned lands , Waterfront development we discussed at the local neighbourhood meeting.

Thanks.

Sam Head, President
Dryden, Smith & Head
Planning Consultants Ltd.
54 Cedar Street N.
Kitchener ON N2H 2X1



John, Edward

From: Rob Fiedler [REDACTED]
Sent: August-19-16 3:09 PM
To: John, Edward
Cc: carmen cooper; Sheri Selway; Jon Davey
Subject: Waterfront Redevelopment, Piers 6-8

Edward,

With regard to input and comments for your staff report, I'd like to refrain from getting too much into the details, re: the planning for Piers 6-8, which Setting Sail envisions becoming a *distinct, urban waterfront neighbourhood (A.6.3.5.1.7)*.

It has been a major concern of the North End Neighbours (and predecessor organizations) dating back to the Setting Sail process to ensure that the North End neighbourhood be a child and family friendly place. From a planning point of view that simply means that the housing stock, retail/commercial facilities and infrastructure (roads, parks, schools, and public services) exist to make the North End a good place to raise children should people want to.

In viewing what is proposed for Piers 6-8 a child and family friendly lens means asking on the one hand how will the addition of more public open spaces, marine recreation possibilities, residential units, and retail-commercial space impact the existing neighbourhood? And more importantly what, if any, undue negative impacts can be expected from what is being planned for and sought on Piers 6-8?

From the neighbourhood perspective one consistent concern is the impact of increased traffic on certain adjacent streets in the North End. I would identify Bay, McNab, James, John, and Ferguson as the most likely to see impact because they are north-south streets that connect the North End to the downtown core and Mountain access roads as well as the major east-west arterials that take traffic to the 403 highway or RHVP. Burlington Street also needs to be considered, but along with James and Wellington it already functions to carry high-volume traffic through the North End.

It is fair to anticipate these all of these streets will see increased traffic to some degree. The NETMP is being implemented in advance of development to mitigate the foreseeable impacts of development on Piers 6-8, as well as the increased use of the waterfront by recreational users and visitors. When the NETMP was devised a number of years ago, it was built around certain assumptions about the scale of development: i.e. the number of residential units and amount of retail-commercial floor space. The numbers contained in publicly available reports have increased over the years. The NETMP, for example, was initially based on the assumption that 750-1000 residential units were planned for Piers 7-8. Since 2014, that number has increased to approximately 1600 residential units and along with it the amount of retail-commercial space has also gone up. The North End Neighbours would like your staff report to address whether the above can be expected to impact the efficacy of the NETMP and its traffic calming objectives, specifically as relates to the character of traffic and quality of life of residents on McNab Street North, John Street North and Ferguson Street North?

A child and family friendly lens also means considering the social character of the new development and how it will mesh with the existing neighbourhood. On a very general level, the North End Neighbours would like your staff report to provide some assessment of what tools (planning or otherwise) the City will employ to ensure that a certain minimum number of residential units in the new development on Piers 7-8 will be suitable for families with children in terms of overall floor size, number of bedrooms, and other criteria that might be

applied. We'd also like further clarity on what proportion of the residential units will be affordable using provincial guidelines? In both of these cases we are not suggesting a hard number or percentage be applied, but highlighting the importance of maintaining diversity in terms of household types and income levels (or at least the possibility for it) in the new development.

We appreciate the opportunity to convey our thoughts. We look forward to seeing them reflected in your staff report.

Sincerely,

Rob.
Co-Chair, North End Neighbours

John, Edward

From: Herman Turkstra [REDACTED]
Sent: August-19-16 4:07 PM
To: John, Edward
Cc: Keven Piper; Brian Hollingworth
Subject: Pier 8

Edward, it was a pleasure to meet you again yesterday. I know Keven has let you know some of the concerns of our group but I would like to put some substance on the point I tried to make yesterday.

Our starting point is the work of Donald Appleyard on liveable streets. We gain a lot of confidence from his work illustrated on this video:

www.streetfilms.org/revisiting-donald-appleyards-livable-streets/

Our standard reference work is Brian Hollingworth's original report to Council.

There are several points about that report we would emphasize.

(1) It was the product of an usual collaboration between residents, staff and consultants. The result was creativity on the part of the residents. That process was largely opposed by City traffic staff. Mr. Sweinbenz moved immediately against it by recommending to Council that no 30k limits be permitted anywhere in Hamilton until the end of the 5 year pilot project and Traffic then started accomodating neighbourhood traffic calming requests exclusively with 40k limits. Our experience with 30K, a reflection of the 20's plenty in the UK and 30K in many places in Europe and the US is that 30 is significantly different than 40 and 40 significantly different than 50. The quality of North End streets has changed radically and in terms of liveable streets, increased liveability. That result, as Appleyard pointed out is a function of speed and volume. How to protect that liveability from the impacts of over building at the "end of the street" when the Pier 8 development is in fact at the end of our streets is a major challenge.

(2) The implementation is not complete, much of the implementation is unattractive and does little to sell the concepts which in themselves generate opposition since they are designed to manage drivers who prefer to be unmanaged. There is real concern among those of us who understood the goals of the traffic management plan that it will disappear in the way in which a lobster is boiled by being placed first in cold water - slowly and almost imperceptably. Your report on how the planning for Pier 8 enhances the liveability of neighbourhood streets will be interesting.

(3) The report recognized the role of the North End neighbourhood as a special place, an identified child and family friendly neighbourhood and that what is done with streets plays a significant role in that character. As the developer of the next major project in our neighbourhood, the way in which the City's development on Pier 8 plays a role in substaining that character should be an integral part of your report. For example, how will the City's development aide in the retention of schools and recreational facilities? How will it aid in retaining the mixture of incomes, employment, social and family status that now make the North End neighbourhood such a case study for an inclusionary community? Those questions can be asked of the increase in commercial, a thought that crossed my mind as I counted the number of vacant stores on Locke Street today and recalled our Mayor's statement that Hess Village was coming to the foot of James Street and we should be prepared for it.

Finally, I invite you to come back with me to the start of this discussion and watch the videos that started the discussion. The third one is a perfect example of traffic driving parents out of the neighbourhood. At one time I had a list of more than a dozen such families who left for safety concerns.

www.youtube.com/watch?v=eFkFXVQTZfo

www.youtube.com/watch?v=WNydwvSdxCk

www.sugarsync.com/pf/D1150346_78656974_129064

I hope these are helpful. The third video is poor quality and did not make it to you Youtube.

Herman.

Herman Turkstra
Harbour West Neighbours Inc.
Supporting Hamilton's Child and Family Friendly North End Neighbourhood
500 Bay Street North
Hamilton ON L8L 1N5
[REDACTED]

John, Edward

From: Keven Piper <[REDACTED]>
Sent: August-19-16 11:31 AM
To: John, Edward
Cc: [REDACTED] Farr, Jason; Thorne, Jason; Robichaud, Steve; Rob Fiedler; Phillips, Chris; Murray, Chris
Subject: Proposed Subdivision and Zoning By-Law for Pier 8.
Attachments: May 32016 HWN report to Council West Harbour sub-committee on Urban Design Study.pdf

Dear Mr. John:

We understand that you are requesting preliminary comments from stakeholders in regard to the proposed subdivision and zoning of the development on Pier 8. While our review team is still struggling with the volume of reports that are part of the process and understanding the implications of your draft documents, we understand that you have imposed a deadline today for delivery of comments to be included in your planning report. While we consider the deadline unreasonable given the complexity, we make the following comments:

1. We have previously recorded our position that given the complexity and number of reports and that the proponent is the City of Hamilton, it is imperative that a specific planner be appointed by the City to review the reports and your draft documents from the perspective of potential harmful impacts to the North End neighbourhood. It is simply not fair to expect residents to do that on their own, nor to expect residents to fund the cost of a professional planner to conduct such a review. While we fully respect your professional standards, the fact is that there is a huge conflict of interest between the role of the City as owner/proponent and the role of the City as planning authority under the Planning Act. There is still time for the City to respond to this request appropriately.
2. At a macro level, we consider the development of the subdivision plan and a zoning by-law to be premature. By going to this level of detail, the City is foreclosing the creative input that could be expected to come from the development industry. Design/build proposals should be sought with a clear indication that the City is open to creative input from proposed purchasers and developers. There are people other than those working for the City of Hamilton who could add significant creativity and skill to the development of Pier 8. By moving ahead now with the zoning and subdivision plan, you are seriously foreclosing the City's ability to draw on that outside creativity.
3. Also at a macro level, we consider that the City is clearly overbuilding on Pier 8. In our view the entire concept for Pier 8 in the Secondary Plan and as presented to the Ontario Municipal Board is for the development of 750 housing units. While, as proponent, the City originally put forward 1600-1800, it appears you are now looking at a density of approximately of 1300-1500. The same overbuilding of commercial and retail is proposed at an even higher factor. There has been no rationale for this increase. The original 1600-1800 units appear to have come out of private discussions with developers and not through any planning process. We consider that there is a clear requirement for a planning rationale for the increased density of residential and commercial/retail before any zoning is done. At the moment the urban design does not comply with the Secondary Plan.

4. The increase in both residential and retail/commercial density from that contemplated under the Secondary Plan is no different than the increase in density put forward by conventional developers such as in the case of the Tivoli project. We expect planning staff to examine the negative potential impacts of the increased density clearly and take them into account in your report. We urge you to consider that the primary starting point is to assess the proposals in the light of the benefit to the City of having an urban core neighbourhood that is currently functioning well for a wide range of residents including parents of close to 1000 children. A child and family friendly neighbourhood that is attractive to families with children is a civic asset to be treasured. We view the North End as a jewel that the City should treasure. That fact should drive all planning for Pier 8.
5. It is critical, in our view, that any planning analysis performed to examine the subdivision and zoning of Pier 8 should start with the fact that Pier 8 is a part of the North End neighbourhood, that enhancement of the neighbourhood is a key element of the planning criteria in the Secondary Plan, and that the character of the North End neighbourhood as a child and family friendly community must be served by all components of the planning documents proposed to govern Pier 8. That is particularly true in regard to parking and traffic.
6. The Secondary Plan requires implementation of the Traffic Management Plan before development on Pier 8. The NETMP has not yet been fully implemented. The traffic circle on James Street has not been built. The gateway feature at James and Strachan has not been built. The partial closure at Ferguson has not been built. The traffic management structures put in place are virtually all temporary and there is no assurance that they will be left in place in the future. It would be serious bad faith on the part of the City if those temporary structures were relied on to develop the subdivision and zoning and then not found permanently in place when the proposed development is actually built. There is widespread concern that the temporary installations will be left until the harbour front developments have final approval and then those installations and the 30K speed limit will be removed.
7. The Vision criteria screening process must be followed in regard to the subdivision as well as the zoning so that the community can assess the extent to which the subdivision and the zoning meet those criteria. That is critical given that the Vision criteria are essentially a reproduction of the planning criteria mandated by the Secondary Plan.
8. We reserve the right to comment on the way in which the public and institutional uses are regulated. At the moment there seems to be nothing in the urban design that could be classified as providing water's edge related "fun" or heritage natural space. There is lots of trail, a great deal of concrete, but considering Pier 8 is the last undeveloped Hamilton harbour shoreline and that we are not likely to grow any more of it, the development should have a long term horizon of providing relief from an increasingly dense urban area that can only be provided by land at the water's edge. At present, the development concept is not much different than conventional condo development with a water's edge trail. There should be more. We are not sure what that more should be.

We will continue to provide further comment as we develop our understanding of the huge quantity of reports that the neighbourhood residents face. We would appreciate if you would also consider the report we delivered to the West Harbour Sub-Committee. I have attached a copy for your consideration.

Kevin

Kevin Piper,
President

Sent: August-18-16 1:02 PM
To: John, Edward
Subject: ZAC-16-034 / 25T-201605

RE: ZAC-16-034 / 25T-201605

It's most important to maintain the Waterfront's openness and access and it should be paramount to any future deployment.

Strict height limits should also be enforced so as not to create a boxed in effect that will essentially wall off the Waterfront from any views. Do not let the developers "floor up" their plans by them saying "just two more floors so we can make a more reasonable profit". They are aware of any height restrictions ahead of time and therefore accept them.

- Please remove any personal information from public view. The comments themselves are okay to share.
- Please keep me updated with this process.

Thank you.

John, Edward

From: John Boddy [REDACTED]
Sent: July-25-16 11:39 AM
To: John, Edward
Subject: Re: Pier 6,7,8 West harbour

Hi Edward,

I will plan to attend next Thursday, Aug. 4, at Evergreen, 294 James North.

We can discuss the ideas of public and private spaces, and the need to keep them clearly defined, as well as the need for a large "commons" in areas A, E, B and F.

This "commons" would be large enough to feature entertainment and social events - a second stage, a visiting fair, temporary food courts (e.g a Wing Fest), annual events, historical enactments, etc....

Otherwise the West Harbour area becomes dominated by private land and private spaces.

John

From: John, Edward <Edward.John@hamilton.ca>
Sent: July 22, 2016 9:57:18 AM
To: John Boddy
Subject: Re: Pier 6,7,8 West harbour

John

Thank you for your comments. I am happy to discuss in person should you wish and am currently doing some open sessions at the storefront on James St N. Next session is August 4th 3:30-5:30. The intent is to have open dialogue on the development as I go through the review process. These comments will also be included in my report to Committee and Council and responded to in my comment summary.

Warm regards
Edward

Sent from my BlackBerry 10 smartphone on the Bell network.

From: John Boddy
Sent: Friday, July 22, 2016 9:50 AM
To: John, Edward
Subject: Pier 6,7,8 West harbour

Hello Mr. John,

I have looked at the plans for this development and I have a few comments and things I dislike.

First of all there is not enough parkland that is distinct and clearly separate from the private residential and commercial development.

Someone once said that the problem with the suburban landscape is that there is often no clear separation between what is public land and what is private land. That problem exists in the West harbour proposal.

The 30 meter strip along the shoreline will probably be seen as definitely public space, but the "Greenway" and the other small walkway in block A-B-E-F in my mind will fall into the uncertain zone - is it public or private ?

When an area is not perceived as definitely public, or definitely private - it creates confusion and makes the area less desirable, and less likely to be actively used. It becomes a "no man's land".

My solution is to create a larger separation between the existing park area and the proposed developments.

To this end I think that blocks A, E, B and F should be parkland mixed with parking, and there should be no residential, commercial or institutional buildings in these blocks.

This would create a large open area that would clearly separate the private from the public areas - in other words Road A1 and A2 would be the defining boundary between the public and private spaces.

As the development plan is now laid out there is too much intensive development that crowds out the public spaces and shoves them over to the small area around the skating rink. There is not enough public space.

The public space must be expanded to include blocks A, E, B and F.

I am opposed to anything in these zones besides parkland and parking.

Sincerely,

John Boddy

John, Edward

From: John Boddy [REDACTED]
Sent: July-22-16 9:50 AM
To: John, Edward
Subject: Pier 6,7,8 West harbour

Hello Mr. John,

I have looked at the plans for this development and I have a few comments and things I dislike.

First of all there is not enough parkland that is distinct and clearly separate from the private residential and commercial development.

Someone once said that the problem with the suburban landscape is that there is often no clear separation between what is public land and what is private land. That problem exists in the West harbour proposal.

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When an area is not perceived as definitely public, or definitely private - it creates confusion and makes the area less desirable, and less likely to be actively used. It becomes a "no man's land".

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The public space must be expanded to include blocks A, E, B and F.

I am opposed to anything in these zones besides parkland and parking.

Sincerely,

John Boddy

November 22, 2016

VIA EMAIL (~~Edward.John@hamilton.ca~~)

City of Hamilton
Planning and Economic Development Department
Housing and West Harbour Planner
71 Main Street West
6th Floor
Hamilton, Ontario L8P 4Y5

Attention: Mr. Edward John

Dear Mr. John:

RE: ZONING BY-LAW AMENDMENT (FILE NO. ZAC-16-034)

This is further to your letter of July 29, 2016 in connection with the above.

I am providing my public input as you have invited. I do not wish my comments to appear on the City's web site and I expressly request in this my communication that the City remove my personal information. I do wish to be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council.

The indication is that the application "will provide medium density dwelling types of varying densities and building heights".

We have recently seen a Brownfield's development at Barton Street West at the behest of Queen Victoria Homes. Those structures now block the view of neighbours and residents who reside on the south side of Barton.

- 2 -

I am a resident of Guise Street, directly across from Discovery Drive. I vehemently oppose any variance in building heights that would block waterfront views currently enjoyed by myself and my Guise Street neighbours (from James to John). The purpose of this correspondence (apart from making my view known) is to preserve my right to appeal any adverse building height decision of Hamilton City Council to the Ontario Municipal Board.

Yours very truly, /



P & H Milling Group

A division of Parrish & Heimbecker, Limited

NOV 22 2016

Ref. # 14950

November 16, 2016

Mayor Fred Eisenberger and Members of City Council
City of Hamilton
Hamilton City Hall
2nd Floor
71 Main Street West
Hamilton, ON L8p 4Y5

Dear Mayor Eisenberger and Members of City Council:

Re: File(s) ZCA -16-034 /25T-201605 - Zoning By-Law Amendment and Draft Plan of Subdivision for Lands Located at Piers 6, 7, 8 and - 65 Guise Street East, Hamilton (Ward 2)

We have met with your Planning Staff, Members of the Port Authority and the consultants hired to produce reports and recommendations on the plans to develop sections of the West Harbour Waterfront. We have concerns with the proposed timing for Planning Staff to bring forward a Planning Report dealing with the approval of the Zone Change Application and the Draft Plan of Subdivision.

These concerns were addressed in the attached letter which we sent to your planner Edward John. Staff is suggesting that a Planning Report dealing with these applications may be brought to Council in early December, 2016.

As Members of Council are aware, Parrish & Heimbecker Limited's (P&H) facility is located on Pier 10, 231 Burlington Street East, Hamilton, Ontario. Parrish and Heimbecker were encouraged by the City of Hamilton and the Port Authority to locate its new facility in this location giving us access to the shipping in Hamilton Harbour. The twin domes and associated facilities have been completed and are in operation. There are additional storage silos under construction in conjunction with our current expansion project.

With the encouragement of the City and Port Authority, we decided to erect a new state of the art flour mill on the subject property rather than on another site which had been approved for a flour mill in another municipality. This is an investment by P & H of \$45 million dollars. The flour mill is under construction and should be on line early in the new year. There are also future plans for additional development and expansion on the property which will be a further investment of millions of dollars in the City of Hamilton waterfront and industrial basin.

Our consultants have prepared the necessary supporting studies and have filed an Application with the Approvals Branch of (MOECC) Ministry of Environment and Climate Control for the new flour mill.

Our application was prepared and studies completed based on the current land uses in the area, separation from sensitive receptors, and other requirements of the MOECC. Our facilities are located in an area which is zoned "Light and Limited Heavy Industry". This is a permitted use in that zone, on the port lands and in your Official Plan which has polices to protect existing industries. Our Facility is a Heavy Industrial use and operates 24 hours a day, seven days a week.

The approval of a draft plan of subdivision and a zone change from Industrial to Residential on Piers 7 & 8, which envisions approximately 1600 new residential units, places our ECA application in jeopardy with the MOECC. If the by-law is passed before we receive MOECC approval then our application for the flour mill will either be refused or sent back to us for reconsideration.

Without the ECA Certificate of approval we will not be able to operate our new flour mill. Reconsideration would mean that our consultants would be required to redo the application and their reports, taking into consideration the new sensitive receptors introduced by the passage of your amending zoning by-law.

As we have indicated to Planning Staff and the Port Authority, we want to work with the City to see your plans for the waterfront succeed. We are sure that you also want us to continue to develop our future plans for our property and to succeed as well.

We need time to receive the MOECC approval without the possibility of the amending By-law and Plan of Subdivision being approved by City Council in the near future. We are requesting that Council not pass the amending By-law and Draft Plan of Subdivision before we receive our ECA approval from MOECC.

We are requesting that these subject applications not come before Council until March, 2017. That should give us time to receive MOECC approval. If we receive the approval sooner, then Council will be advised and the by-law and draft plan of subdivision can be brought forward for approvals.

We would be pleased to meet with Council to discuss this further.

Thank you for considering our request.

Yours truly,



Derek Jamieson
President and C.O.O.

cc: Ian Hamilton – Hamilton Port Authority
Edward John - City of Hamilton
Samuel Head – Dryden, Smith & Head Planning Consultants Ltd.
Brian Morris – City of Hamilton
Norm Schleeahn – City of Hamilton

* **E.5.0 EMPLOYMENT AREA DESIGNATIONS**

5.1 Policy Goals

The following goals shall apply to Employment Area designations:

- 5.1.1 Recognize and support the contribution of older industrial areas and existing and newly developing business parks, such as the West Hamilton Innovation District and the Airport Employment Growth District (OPA 35).
- 5.1.2 Maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes in various locations to meet the City's projected employment growth forecast and to promote economic development and competitiveness.
- 5.1.3 Support the industry clusters, identified by the City's Economic Development Strategy, such as manufacturing, biosciences, goods movement, and environmental technologies.
- 5.1.4 Protect lands designated Employment Area from non-employment uses and to support the employment functions of the City's Downtown, nodes and corridors. New *major retail* uses shall be prohibited and office uses shall be restricted in function and scale.
- 5.1.5 Minimize land use conflicts between heavy industrial uses and *sensitive land uses*.
- 5.1.6 Facilitate the remediation of *brownfield sites* to enable employment use *redevelopment*.
- 5.1.7 Provide for enhanced design in lands designated Employment Area adjacent to major expressways and arterial roads.
- 5.1.8 Recognize the major role that the Port of Hamilton plays in the City's economy, being one of the largest in the country and one of the finest inland ports on the continent. The City shall work in consultation with the Hamilton Port Authority to maintain this role and to harmonize City and Port Authority plans.
- 5.1.9 Support the *development* of Employment Areas which are transit-supportive with reduced surface parking.
- 5.1.10 Design and develop lands designated Employment Area to be easily accessible with a high degree of connectivity between all modes of transportation such as transit, *active transportation*, and automobiles.
- 5.1.11 Facilitate the movement of goods in Employment Areas through an integrated goods movement network which includes efficient access to provincial highways, the City's road network, rail, John C. Munro International Airport, and the Port of Hamilton, where such facilities exist and are feasible and appropriate for moving goods.
- 5.1.12 Employment Areas within proximity of John C. Munro International Airport, and their expansion through amendment to this Plan, shall be promoted by ensuring a range of uses that create synergies and by providing adequate servicing.

Chapter E – Urban Designations

- 5.1.13** Facilitate Hamilton’s waste management system by providing clear direction on planning for and the management and disposal of waste produced within the City’s boundaries. In this regard, both public and private waste management facilities play strategic roles in the City’s overall waste management system.
- 5.1.14** Encourage public and private partnerships that will contribute to a sustainable waste management system, including state-of-the-art recycling facilities, organics processing facilities and the promotion of new methods of waste disposal, including energy from waste.
- 5.1.15** Implement the recommendations of the Solid Waste Management Master Plan, where appropriate.

5.2 Employment Area Designations – General Policies

Function

- 5.2.1** Employment Area designations include lands designated on Schedule E-1 – Urban Land Use Designations as follows:
- a) Employment Area – Industrial Land;
 - b) Employment Area – Business Park;
 - c) Employment Area – Airport Employment Growth District (OPA 35); and,
 - d) Employment Area – Shipping and Navigation.
- 5.2.2** The Employment Area designations specified in policy E.5.2.1 apply to lands generally greater than 4 hectares in size and designated Employment on Schedule E-1 – Urban Land Use Designations.
- 5.2.3** Notwithstanding Policy E.5.2.2, there may be areas that are less than 4 hectares in size designated as Employment Areas on Schedule E-1 – Urban Land Use Designations.

Permitted Uses

- 5.2.4** Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, limited agricultural uses, office, and accessory uses. *Ancillary uses which primarily support businesses and employees within the Employment Area shall also be permitted.* Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1. **(OPA 23)**
- 5.2.5** A *building and lumber supply establishment* may be permitted provided it meets the following criteria:
- a) In addition to the requirements of Sections E.5.3.5 and E.5.4.7 – Design, sites located on the exterior of the Employment Area or at or along strategic entrance points to the Employment Area shall be required to meet additional design standards, such as enhanced landscaping and screening of outdoor storage and assembly areas, which shall be implemented

Chapter E - Urban Designations

establishments, restaurants, personal services, and gas bar, car washes commercial parking facilities.

5.5.2 The following uses shall only be permitted as temporary uses on lands designated Employment Area – Airport Employment Growth District on Schedule E-1 – Urban Land Use Designations:

- a) agricultural uses, excluding intensive livestock operations; and,
- b) *golf courses and associated ancillary uses.*

Scale

5.5.3 The size of the offices within the Employment Area – Business Park designation shall be determined by the Zoning By-law but shall not exceed 9,999 square metres per free standing building.

5.4.4 *Ancillary uses* shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.

Other Policies

5.5.5. The Airport Employment Growth District shall be developed in phases, as described in the Airport Employment Growth District Secondary Plan.

5.5.6 The Airport Business Park shall be developed in a coordinated and comprehensive manner. Wherever possible, development shall have regard to reducing the number of access points to the major boundary and major internal roadways, and to providing efficient internal traffic circulation, adequate off-street parking and loading facilities, adequate restrictions and screening of outside storage, and adequate landscaping and buffering requirements.

5.5.7 All existing residential uses within the Airport Employment Growth District shall be ultimately be redeveloped in compliance with the use permitted in Policy E.5.5.1, and all other relevant policies of this Plan.

5.5.8 All *development* in the Airport Employment Growth District shall be adequately separated, screened and buffered from existing residential and institutional uses in or abutting the Airport Employment Growth District.

5.5.9 All *development* in the Airport Employment Growth District shall comply with Sections B.3.5.6 – Noise, Vibration and Emissions and C.4.8 – Airport.

f **5.6 Employment Area - Shipping and Navigation Designation**

The City recognizes that the Port and harbour are integral and important elements of the social and economic fabric of the City of Hamilton and surrounding region. Accordingly, it is the intent of this Plan to recognize the role of the Port in this respect and in particular the activities of the Hamilton Port Authority in carrying out its mandate of shipping and navigation.

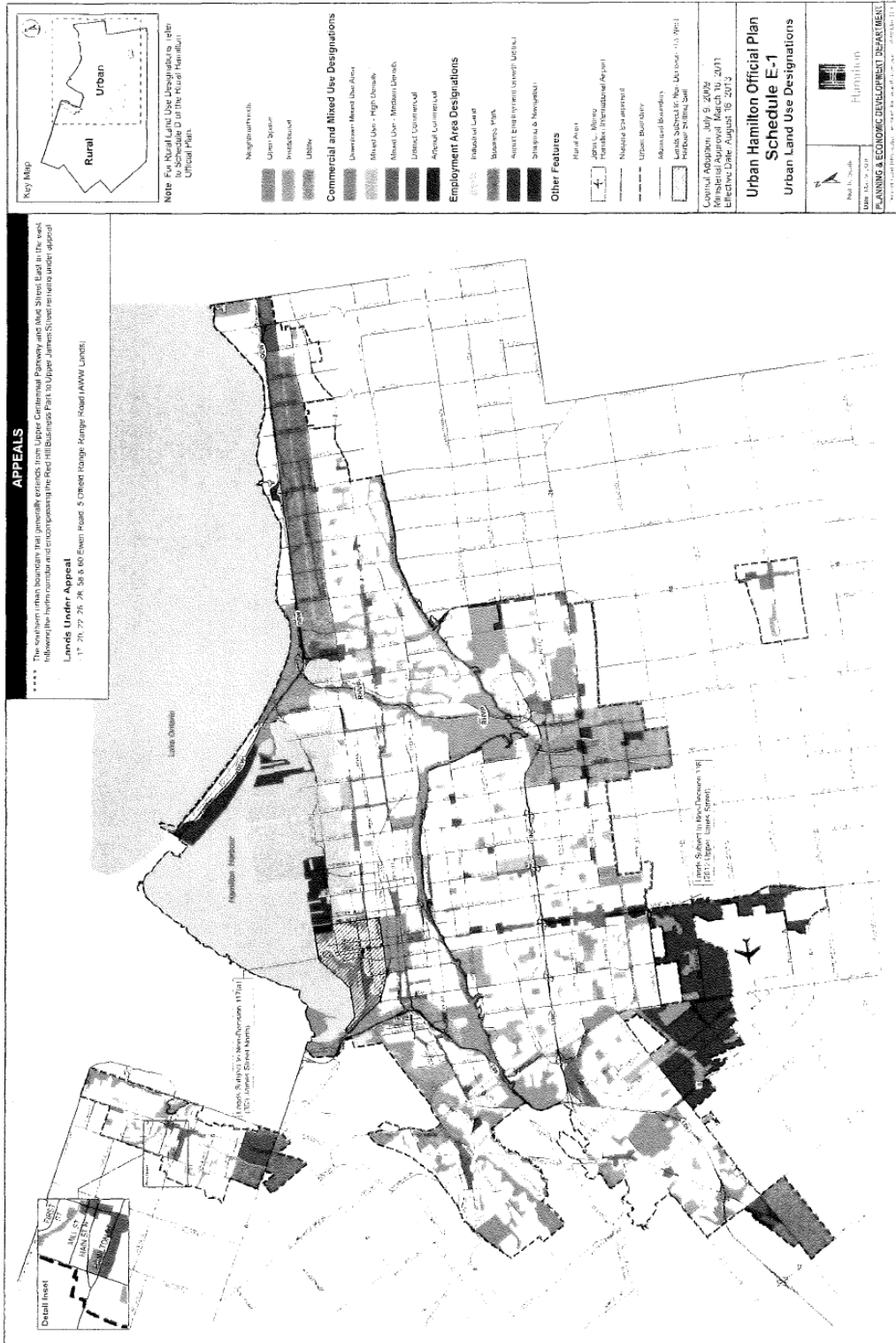
5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, and for so long as they are owned by the Hamilton Port Authority, on Piers 10 to 15 inclusive and Piers 22 to 27 inclusive, plus the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy

Chapter E - Urban Designations

Area, designated Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations:

- a) uses such as the movement, management, safety and convenience of ships; uses involved in the carriage of goods or passengers to other modes of transportation;
- b) related storage and processing;
- c) vessel and barge docks;
- d) industry and commerce *ancillary* or necessary to the port;
- e) recreational boat facilities;
- f) *ancillary uses* including retail and restaurant, and,
- g) the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

- 5.6.2** Retail and restaurants uses permitted in Policy E.5.6.1 f) shall support the local tourism industry and users of the port. The retail uses shall be limited to 500 square metres of gross floor area.
- 5.6.3** Proposed land uses which abut lands designated Shipping and Navigation on Schedule E-1 – Urban Land Use Designations shall be *compatible* with the uses permitted in Policy E.5.6.1, and the uses permitted in Policy E.5.6.1 shall be protected from adverse impacts through adequate separation, screening, barriers, fencing and landscaping or other like measures.
- 5.6.4** The Hamilton Port Authority shall develop Piers 25 to Pier 27 in an aesthetically pleasing manner, in accordance with Section B.3.3 – Urban Design Policies.
- 5.6.5** The City of Hamilton agrees to consult with the Hamilton Port Authority prior to any future amendments to the Official Plan or Zoning By-law regarding lands designated Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations.





May Luong
T (416) 367-6251
F 416.367.6749
mluong@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada M5H 4E3
T 416.367.6000
F 416.367.6749
blg.com



November 21, 2016

Edward John
Planning and Economic Development Department
Housing and West Harbour Planner
71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5

Dear Mr. John,

Re: Zoning By-law Amendment and Draft Plan of Subdivision Applications
Applicant: Waterfront Development Office, City of Hamilton
Location: Piers 6, 7, 8 - 65 Guise Street East, Hamilton (Ward 2)
City File Nos: ZAC-16-034 / 25T-201605

We are interested in this project and would like to be informed of the progress of these applications. As such, we kindly ask to be notified of any future public, Committee or Council meetings respecting the above noted matter. As well, we request to receive notice of any decision of Committee and/or Council respecting the same.

Sincerely,
BORDEN LADNER GERVAIS LLP


May Luong

cc: Guy Paparella, Director of Growth Planning Department, City of Hamilton
Ida Bedioui, Co-ordinator, Planning Committee, City of Hamilton

J. Pitman Patterson
T 416.367.6109
F 416.367.6749
ppatterson@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada M5H 4E3
T 416.367.6000
F 416.367.6749
blg.com



File No. 292943/000008

January 12, 2017

Delivered via Email (jason.thorne@hamilton.ca)

Mr. Jason Thorne
General Manager
Planning & Economic Development Department
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mr. Thorne,

**Re: Zoning By-law Amendment and Draft Plan of Subdivision, Piers 6, 7 & 8
City File Nos: ZAC-16-034/25T-201605
Parrish & Heimbecker, Pier 10**

We have been retained as land use planning counsel for Parrish & Heimbecker, Limited ("P&H") the operator of a grain handling terminal and flour mill on Pier 10. We write to supplement the letter of October 25, 2016 submitted by our client's land use planner, Samuel Head, regarding our client's concerns in respect of the introduction of new sensitive land uses on Piers 7 and 8, and to express our client's expectation that the proponent will comply with applicable provincial guidelines including MOECC Guidelines D-6 and NPC-300.

We will not repeat the detailed information regarding our client's facility on Pier 10 as set out in Mr. Head's letter. It is clear that our client has made a substantial economic investment on Pier 10, and a significant contribution to the establishment of an agri-food hub in the port. These efforts have been supported by all levels of government and the Hamilton Port Authority. The Port of Hamilton and the industries it hosts play a major role in the City's economy. Given this role, the City has recognized the need to work in consultation with the HPA to harmonize City and HPA planning. The City's official plan instruments recognize the need to protect existing industrial areas in the Port and to establish appropriate separation and mitigation measures.

Our client is deeply concerned that the viability of these industries will be threatened by the introduction of sensitive land uses on Piers 7 and 8 and that there has been inadequate consultation with existing industries, contrary to the approach directed by MOECC in NPC-300.

NPC-300 states:

"Where a site in proximity to a stationary source is in the process of being developed or re-developed for noise sensitive uses (such as residential), it is considered the



responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.”

NPC-300 goes on to state that the involvement of owners of stationary sources in the land use planning process “is highly recommended” when an adjacent new noise sensitive land use is proposed. The Guideline also states that a “cooperative effort” on the part of the proponent and the stationary source owners is desirable.

The Guideline provides that it is considered the responsibility of the proponent of the new noise sensitive land use to ensure compliance with applicable sound level limits. This includes mitigation. NPC-300 lists a number of general design principles to facilitate the juxtaposition of sensitive land uses and stationary sources. These principles include (but are not limited to) site layout considerations, such as using the closest buildings to provide shielding for the remainder of the development, ensuring the closest buildings face away from the stationary sources, and ensuring that the exposed side of the new buildings do not contain sensitive indoor spaces. An example of the application of such principles is found in the development of Pier 27 in Toronto adjacent to the Redpath Sugar plant.

Our review of the materials available, including the draft plan of subdivision and concept plans, suggests that these design principles have not yet been incorporated into the planning of the fabric of Piers 7 and 8. It is our client’s view that, in the context of a comprehensive redevelopment of Piers 7 and 8 in close proximity to stationary and other noise sources on Piers 9, 10 and higher, ensuring compatibility and compliance with provincial guidelines should be a fundamental driver of planning aspects such as site layout and the distribution of new uses on Piers 7 and 8.

It is also our client’s expectation that the City will formally confirm a Class 4 area in this instance. This classification must be reflected in the proposed zoning by-law amendment, and the considerations applicable to a Class 4 area as set out in section B9.2 of NPC-300 must be applied. Our client also requests that the City provide to it all noise impact studies prepared and formal confirmation of the area classification, as contemplated by NPC-300.

In respect of noise studies, our client has reviewed the Noise and Vibration Impact Feasibility Study prepared by Pinchin Ltd. In our client’s view (as informed by its consultant team), this study is preliminary at best and it expressly contemplates that further investigation is required, including verification of the predictable worse case noise impact and appropriate mitigation strategies. On the understanding that Pinchin is undertaking further work, we request to receive such further studies in a timely manner.

Our client also requests that a meaningful dialogue be established between the City, as proponent and approval authority, and the affected industries in respect of these land use compatibility issues. We request that a meeting (and if warranted, subsequent meetings) be held between the City and stationary source owners who wish to participate, including the involvement of our respective noise and other experts. At the very least, there should be a direct sharing of information and expert advice at such meetings so that no party is acting in the absence of relevant and complete information, and issues and possible solutions can be identified.



We urge that this dialogue be commenced before the statutory public meetings are held for the zoning by-law amendment and draft plan subdivision applications, and before those instruments are put before City Council for a decision. Our client seeks an outcome which protects industry in conformity with the Official Plan documents.

We look forward to hearing from you.

Yours very truly,
Borden Ladner Gervais, LLP

A handwritten signature in black ink, appearing to read "Pitman Patterson", is written over a horizontal line.

Pitman Patterson
JPP:sa

- c.c. Edward John, Senior Project Manager, Planning & Economic Development, City of Hamilton (edward.john@hamilton.ca)
- c.c. Chris Phillips, Senior Advisor, Planning & Economic Development Department, City of Hamilton (chris.phillips@hamilton.ca)
- c.c. Client

TOR01: 6633454: v2

November 22, 2016

HAND DELIVERED

City of Hamilton
Planning and Economic Development Department
Housing and West Harbour Planner
71 Main Street West
6th Floor
Hamilton, Ontario L8P 4Y5

**Attention: Coordinator
Planning Committee**

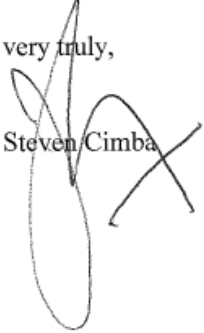
Dear Sir / Madam:

RE: ZONING BY-LAW AMENDMENT (FILE NO. ZAC-16-034)

I wish to be notified of the adoption of the proposed zoning amendment by-law or of the refusal of a request to amend. Please accept this to be my written request in this regard.

Yours very truly,

James Steven Cimba



JSC:gb

John, Edward

From: [REDACTED]
Sent: April-18-17 4:30 PM
To: John, Edward
Cc: Shipowick, Adam
Subject: Zoning By-law Amendment and Draft Plan of Subdivision Application: Pier 8

Good Afternoon Edward,

Further to our phone call today, we are interested in the Zoning By-law Amendment and Draft Plan of Subdivision Application for Pier 8 and would like to be informed of the progress of these applications. You had indicated that you could provide us with a copy of the draft Zoning By-law submitted with the original application, which would be much appreciated. We also ask to be notified of any future Committee or Council meetings respecting these applications and the release of any related reports or draft materials to the public. If you could, please have the following contact information added to your notification list:

Adam Shipowick,
[REDACTED]
[REDACTED]

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West, Toronto, ON, M5H 4E3

Thank you,



Renee Filbey
Land Use Planner Student
[REDACTED]
Bay Adelaide Centre, East Tower, 22 Adelaide St W, Toronto, ON, Canada M5H 4E3

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John, Edward

Subject: FW: A bit more history
Attachments: Apr 08 2015 HWN to BARCedit.pdf

From: Herman Turkstra []
Sent: September-26-16 9:56 PM
To: John, Edward
Subject: A bit more history

Edward, thank you for meeting with us today. All of our group agreed it was a useful exercise and we look forward to continuing to develop these ideas with you.

Keven mentioned the frustration that came out of the BARC sponsored meeting for what we know as the Phillips plan, i.e. the plan Mr. Chris Phillips presented to Council in 2014 and which was then marketed to the development industry.

That comment rang a bell with me as I thought that Keven had summarized our feelings about the BARC meeting in a letter after we had tried and failed to correct their support of a unilateral one-sided public discussion.

I found Keven's letter this evening and because it summarizes much of what we spoke of this evening, I am enclosing a copy of it. I hope it helps with your analysis of the neighbourhood.

Herman.

Herman Turkstra
Harbour West Neighbours Inc.
Supporting Hamilton's Child and Family Friendly North End Neighbourhood
500 Bay Street North
Hamilton ON L8L 1N5



Harbour West Neighbours Inc.
469 Bay Street North
Hamilton ON L8L 1N2

April 8, 2015

Chris McLaughlin
Executive Director
Bay Area Restoration Council
B130F – Life Sciences Building
1280 Main Street West
Hamilton, ON L8S 4K1

Dear Chris:

Re: Mills Hardware Presentation of Phillips Plan for the West Harbour

Harbour West Neighbours is an organization of residents of Hamilton's North End neighbourhood. Our neighbourhood includes the West Harbour. Our active HWN members have been involved in the planning for the North End neighbourhood, including the West Harbour since 2002.

We appreciate BARC's renewed interest in our neighbourhood. BARC was a stakeholder in the original planning process which led to our new Secondary Plan known as Setting Sail. Your members may recall that Setting Sail was developed through a partnership between the City and the neighbourhood stakeholders. Most of what is found today in our Secondary Plan and the North End Traffic Management Plan was formed as a consensus. Our neighbourhood reached agreement with the City Council on most of the planning concepts, including the development of residential housing on Piers 7 and 8 that Mr. Phillips will be discussing tonight.

We have serious concerns about the Phillips Plan. In substance that plan represents a **major breach of the agreement reached between the City and the neighbourhood**. The end result of that agreement, Setting Sail, was approved by Council, the OMB and the province. In simple terms there are two sides to the issue that you have invited Mr. Phillips to present. We regret that we or the official neighbourhood association were not invited to present the flip side of the City's current vision. Our hope is that this letter may assist your audience in obtaining a better understanding of the issues at play in tonight's discussion.

The Neighbourhood

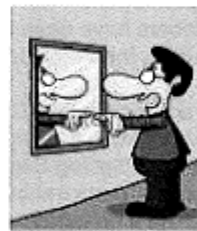
The North End neighbourhood is one of Hamilton’s most dense neighbourhoods. We have 5200 people in 1.5 square kilometers with 1200 children. We are the first neighbourhood in Hamilton to be designated a Child and Family Friendly neighbourhood. It means that our planning is based on what works for children so that parents will be comfortable living in our neighbourhood. When that happens, Hamilton retains a family oriented neighbourhood in the centre of the City, a feature that Cities around the world welcome.

What’s Wrong with the Phillips Plan

Our ten years of working with the City on Setting Sail helped us learn that planning for a family based residential neighbourhood means **looking at what works for children**. If that is your starting point, all the rest flows naturally – pedestrians, seniors, persons with disabilities, compatibility, functionality – all work when you start with plans that work for children, for their health, their recreation, their safety. The reports on the Phillips Plan show no connection to that principle.

The North End neighbourhood understood during the planning process that there would be changes coming on the waterfront and as a result of the Go Station. As a result, Setting Sail sets out 8 specific criteria to be used to assess future development. None of those criteria have been applied to the Phillips Plan.

That happened, in our view, because as soon as Setting Sail was approved through a great public participation process, City staff went inside City Hall and stopped talking to the neighbours, talking essentially to themselves.



Essentially, it is our view that the Phillips plan does not comply with Setting Sail and therefore does not comply with Hamilton’s Official Plan and therefore contravenes the Planning Act.

The neighbourhood understood that more housing was needed and would be built on Piers 7 and 8. After long negotiations, an agreement was reached on 750 new units at that location. That number was confirmed under oath by a City planner at the OMB and was the density that was used to develop the traffic plan for the neighbourhood. The Phillips plan proposes 1600-1800 units. More than twice the units and more than double the traffic.

The North End welcomes visitors to the West Harbour. But to get there you have drive past our homes on streets that were designed for horse and buggy. The volume and speed of traffic impacts our daily lives. How residents feel about their streets is important when the houses and lots are in many cases tiny by suburban standards. So traffic is important. There is no analysis in the reports we have seen that shows that the

Phillips Plan paid any attention to the fact that by doubling the density, the traffic is doubled.

The West Harbour plays an important role in the lives of the 50,000 people who live within walking and biking distance from the shoreline. It is our Open Space in the same way that Conservation Areas and Parks are the open space for Dundas and Ancaster. The West Harbour works exceptionally well today. It is relaxed, mostly peaceful, a fabulous relief from life in offices and downtown condos. It provides a simple but effective connection to the water through sailing, dragon boating, boating lessons, rowing, fishing, walking and picnicking. That function is seriously jeopardized by the Phillips report proposal to increase the minimum retail approved in Setting Sail to 200,000 square feet of retail. That is the same as moving 8 blocks of Locke Street to the shore. It will change the entire sense of place of the West Harbour from one that has relief from City life, to an extension of retail city life. No discussion can be found of that impact in the Phillips Plan.

Thus the Phillips Plan fails for failure to involve the key stakeholders in its development, fails because it disregards the core child friendly planning principle of Setting Sail, fails because it changes the density of the proposed development directly contrary to the neighbourhood's agreement with the City and fails because it turns a valuable natural asset into a slick urban environment.

The West Harbour is unique on the Great Lakes because of its utility for marine recreation. That tone of a place where Hamiltonians can get on the water, sit beside the water, find privacy for a few minutes at the end of a fishing pier, all that is missing from the Phillips report. What is there is analysis of financial returns to the City from a VISION.

People throughout Hamilton should be concerned with the problems the North End neighbourhood is facing. The City is the largest landowner in our neighbourhood. It is also the largest developer in our neighbourhood. And it is the land use regulator – setting the rules by which real estate, including its own real estate can be developed. This conflict of interest is severe, not dealt with in the Phillips Plan, and something that creates a huge burden for the neighbourhood to deal with.

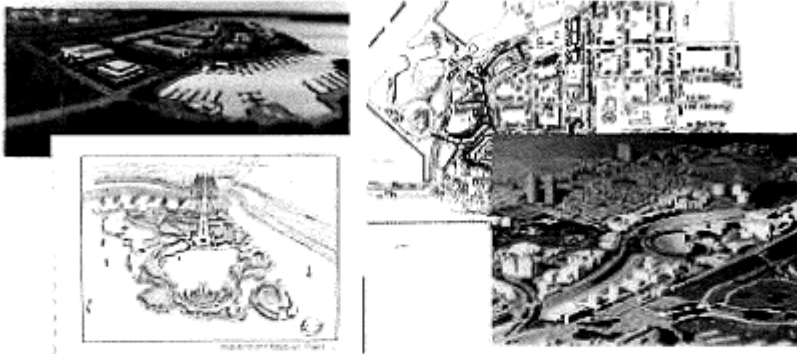
Why the North End is a Target

Every neighbourhood in Hamilton should have a concern about what is happening in the North End because we have a long history of being the target of VISION planning.

It started in 1963 with Urban renewal and has continued every decade since. Visions of Crystal Places on Bayview Park. Visions of a casino on the Waterfront. Visions of a major amphitheater at the water's. Visions of a chain fence of high rise buildings all along the shoreline. The North End has been visioned to death. The Phillips Plan is one



more exercise in VISION planning where the vision is created in City Hall or in the offices of the standard Toronto consulting firm and then sold to Hamilton as a fix for everything that needs fixing in Hamilton. Here are some of the examples of those historic visions all gone the way of dinosaur while the West Harbour and the North End grew and matured organically, cost-efficiently, and steadily as a people place.



There are many more VISIONS for the North End and the West Harbour.. And it looks like it will never stop. In 2014 the City launched six separate planning initiatives in the North End neighbourhood, including the Phillips Plan – a virtual plague of planners.

There is a flip side to the story you will hear tonight. There are non-VISIONS for the West Harbour that work and can happen. The result will be a place that is consistent with Hamilton's character, not an imitation of the Gardiner Expressway sky-line.

The North End neighbourhood needs friends in all parts of the City. I hope BARC will encourage Hamilton residents throughout out city to take an interest in the message provided by those of us who are working to protect a stable, highly functional and valuable resource for the City, the North End Neighbourhood and its West Harbour shoreline.

We invite your audience to visit our website, www.harbourwestneighbours.ca, become a friend or a supporter, learn about the low tax cost alternatives that work, and in the process you may just protect your own neighbourhood from the VISIONs of tomorrow when the City is finished with us.

Thank you for reading this.

Yours sincerely

Keven Piper, President, Harbour West Neighbours.

- DRAFT -

**Pier 7+8 Urban Design Study –
Linkage to West Harbour
Secondary Plan Principles/
Working Group Vision**



This document links various excerpts from the Pier 7+8 Urban Design Study to the eight Planning Principles outlined in Section A.6.3.2 of the West Harbour (Setting Sail) Secondary Plan, and which are reflected in themes of the West Harbour Vision Draft 1.0 prepared by the West Harbour Vision working group:

Environment

Principle: Promote a healthy harbour (A.6.3.2.1)

Neighbourhood

Principle: Strengthen existing neighbourhoods (A.6.3.2.2)

Public Access

Principle: Provide safe, continuous public access along the water’s edge (A.6.3.2.3)

Waterfront

Principle: Create a diverse, balanced and animated waterfront (A.6.3.2.4)

Connections

Enhance physical and visual connections (A.6.3.2.5)

Transportation

Principle: Promote a balanced transportation network (A.6.3.2.6)

Culture

Principle: Celebrate the City’s heritage (A.6.3.2.7)

Design

Principle: Promote excellence in design (A.6.3.2.8)

Linkages are also provided to the following themes and principles that were added by the West Harbour Vision working group to the West Harbour Vision Draft 1.0:

Accessibility

Principle: Feature fully accessible design for residents and visitors of all abilities

Affordability

Principle: Provide inclusive and affordable housing as part of residential development

This document was prepared by City of Hamilton staff at the request of the Vision working group to show how the Urban Design Study relates to and implements the Secondary Plan principles/West Harbour Vision.

Environment

Principle: Promote a healthy harbour (A.6.3.2.1)

i) Employ “best practice” techniques for storm water management to minimize reliance on the existing combined sewer system

- *“The Greenway is a pedestrian and cycling street which doubles as a naturalized storm water management area. This Green Street will not be accessible to motorized vehicles and will have a combination of naturalized planting and hardscaped areas. The landscape features of the street will be engineered to minimize the overall environmental impacts of future development.” (Report pg. 38)*
- *“A combination of rain garden, bio-swales and dry ponds should be integrated into the design of the Greenway.” (Report pg. 50)*
- *“Pier 7 & 8 redevelopment should consider the use of geothermal energy systems, district energy, solar and wind energy capture, sustainable on-site storm water management and shared utility distribution networks. All infrastructure systems should be designed as an integral and inseparable component of the community and not as an afterthought. Storm water should be managed both in public streets and open spaces, and also on-site as a design feature for the area using best practices in water quality management.” (Report pg. 54)*
- *“To offset infrastructure requirements, development blocks should retain a minimum of 10mm runoff volume for each block, through green roofs, rain gardens, tree planters and grey water use.” (Report pg. 54)*
- *“Stormwater will be collected and treated in accordance with City and provincial standards. Surplus stormwater could be directed to the Greenway and then returned to the Harbour at a natural rate. Permeable surfaces and site grading should also permit stormwater to enter the ground naturally.” (Report pg. 76)*

ii) Encourage water conservation

- *“Water is a resource that can be collected, treated and reused to conserve potable water. Water use reduction should be a primary goal in the development of Pier 7 & 8. Summarize how the proposed development meets the water goals outlined in the Urban Design Study.” (Appendix B, Section 4.9)*
- *“Plant species should be selected to be drought tolerant (if not located within rain gardens or bio-swales) and to respond to their specific urban/ solar environments.” (Report pg. 50)*
- *“Water use reduction should be a primary goal in the development of Pier 7 + 8.” (Report pg. 76)*
- *“Buildings (new and retrofit) should be spaced, designed and constructed of materials that minimize the flows required for fire protection.” (Report pg. 76)*
- *“In situations where potable water is not required, such as irrigation, re-use of grey water or stormwater is recommended.” (Report pg. 76)*
- *“Water-saving appliances such as low flow shower heads and high-efficiency dishwashers are recommended for all residential development.” (Report pg. 76)*

- *“Consumption of water is encouraged to be metered and billed per individual unit, and assessed on a full-cost basis.” (Report pg. 76)*

iii) Maintain or enhance existing aquatic and shoreline habitats

- *“The Greenway should incorporate planting that is supportive of local insects and appropriate wildlife, including butterflies, birds and bees. Only non-invasive plant species shall be used.” (Report pg. 50)*

iv) Remove, replace or seal potentially harmful subsurface materials, as per statutory policies and guidelines

- The issue of site remediation is dealt with elsewhere in the development process.

v) Identify and protect key views and improve public access to the harbour

- *“Key view corridors are maintained from the southern existing neighbourhood to the Harbour. Views to the Harbour from John and Hughson Streets North are maintained along streets A and B. Two new east-west corridors are established along Streets C1, C2, and the Greenway.” (Report pg. 37)*
- *“Ensuring clear views to the Harbour both north-south and east-west helps to maintain the porosity of the community, its relationship to the Harbour and the surrounding existing neighbourhoods. The view corridors are essential in highlighting the public edges of the Pier and ensuring that all open spaces are welcoming and highly visible.” (Report pg. 37)*
- *“Block K: A view corridor looking north from Hughson Street shall be maintained with direct views toward the Harbour.” (Appendix B, Section 5.8)*

vi) Increase the public’s understanding and appreciation of the harbour and watershed from an ecological perspective

- *“An objective for redevelopment at Pier 7 + 8 is to reduce the ecological footprint of the community and to minimize life cycle costs. This is to be achieved through a holistic design approach to development that considers the natural conditions of the site and the sustainability opportunities that arise when planning a new community from the very beginning. Designers will be asked to further the area’s sustainability goals. Summarize how the proposed development further the sustainable infrastructure goals outlined in the Urban Design Study.” (Appendix B, Section 4.2)*
- *“The landscape and architectural design of the community will highlight its sustainable features.” (Report pg. 54)*
- *“Ground-floor service uses such as loading and garbage rooms should be screened and located away from public view. However, opportunities to demonstrate sustainable building systems in ground floor public areas may be warranted.” (Report pg. 72)*

Neighbourhood

Principle: Strengthen existing neighbourhoods (A.6.3.2.2)

i) Ensure new development respects and enhances the character of the neighbourhoods

- Key development considerations in the plan include: *“A transition of building heights, with taller buildings located near the centre of the community. The southern edge of the new neighbourhood is appropriately scaled to the existing low-rise character to the south.”* (Report pg. 26)
- *“The Secondary Plan identifies the preferred height for Pier 7+8 development. These heights range from 3-8 storeys. The range in height allows for taller buildings in the centre of Pier 8 with lower buildings closer to Guise Street and facing the existing open spaces. In addition to the Secondary Plan’s massing recommendation these guidelines also recommend that taller buildings step back at the 4th or 5th storey to minimize shadowing on the streets.”* (Report pg. 39)
- *“In the residential areas, the streets will be defined with individual access to residential units at-grade. ... This approach to at-grade conditions will help to ensure a positive public/private relationship between buildings, their users and the street. This is important as it contributes to the overall character of the community as a walkable and inviting place.”* (Report pg. 43)
- *“New development within the Pier 7 + 8 area is recommended to be mid-rise at 3-8 storeys in height in accordance with the Secondary Plan. The building form will strengthen the community fabric, and accommodate new residents and jobs. To ensure successful new buildings, it is imperative that they fit into the future area vision, existing neighbourhood context, and contribute positively to the character of the streetscape.”* (Report pg. 78; Appendix B, Section 4.10)
- *“Blocks I/J: Building heights shall be lower along Guise Street where existing low rise homes are located to the south.”* (Appendix, Section 5.7)

ii) Relocate heavy industrial uses and clean-up contaminated sites

- The issue of site remediation is dealt with elsewhere in the development process.

iii) Encourage compatible development on abandoned, vacant, and under-utilized land

- *“Land uses for the Study Area are defined in the Secondary Plan in the land use designations illustrated below. The plan recommends a combination of retail, residential, parks and open space, employment and institutional uses. The placement of these uses is important to support the vibrancy of the neighbourhood and the activeness of the various community areas.”* (Report pg. 40)

iv) Support James Street as the area’s main commercial street

- James Street is not within the Urban Design Study area but is well connected to it. The recommended retail and mixed use designations identified in the Urban Design Study were approved in the Secondary Plan. They do not detract from James Street’s role as the main commercial street within the broader Secondary Plan area.

v) Encourage new commercial uses that cater to the local neighbourhood

- *“Retail uses are required at grade in the Prime Retail designations on Blocks F, I and G facing onto Streets A1 and C1. Retail in these areas support the commercial needs of the park and establishing the waterfront as a day-long activity zone.”* (Report pg. 40)
- *“The priority for commercial ground floor space should be publicly oriented uses such as cafés, small scale retail, personal services and community meeting places.”* (Report pg. 72)

vi) Enhance amenities and landscaping in existing neighbourhood parks

- Enhancements in existing neighbourhood parks within the balance of the Secondary Plan area are beyond the scope of the Urban Design Study.
- In regard to the existing section of the future Waterfront Park on Pier 8, *“Future additional walkways to the park and within the park should be introduced to facilitate more east to west connections. New pathways should be configured in a curvilinear form framing the skating area, connecting to the new sunset amphitheater and providing a strong soft landscaped anchor to the Greenway.”* (Report pg. 50)

vii) Augment existing parkland with additional publicly-accessible open spaces

- *“Pier 7 + 8 will have a continuous waterfront park with direct views to the Harbour, urban streets with double rows of trees, a network of sidewalks and bike paths, easy access to transit, sustainable energy and water management, and a linear east west park that filters storm water while providing sheltered outdoor space for the community and its visitors.”* (Appendix B, Section 4)
- Guiding Principle #5 – A variety of public spaces for active and passive recreation on the waterfront (Report pg. 18)
- Refer also to the Public Access and Connections principles.

viii) Ensure existing and future neighbourhoods are well served by community services, such as schools, health care, libraries, and emergency services

- New population in the Urban Design Study area will help to support continued use of neighbourhood community services and can create additional demand to warrant enhancements/redevelopment and avoid potential loss of community assets in the future.
- *“Block A is reserved for Institutional use [specifically t.b.d.] and has the opportunity to create a strong community core for the Area.”* (Report pg. 40)

ix) Improve access to the waterfront and Downtown from the neighbourhoods

- Refer to the Public Access and Connections principles.

x) Preserve, restore, and/or reuse buildings of historic or architectural significance

- *“A priority should be placed on integrating salvaged heritage features and materials into new development, such as wood decking or building material or marine objects.”* (Report pg. 70)
- Guiding Principle #7 – Marine and industrial elements in the landscape and/or architecture that acknowledge the area’s history (Appendix B, Section 3)

xi) Preserve and maximize on street parking

- *“On-street parking should be available for area visitors to reduce off-street parking needs, improve parking efficiency, and buffer pedestrians from traffic. On-street parking is not recommended to supplement the residential parking supply and is anticipated to help meet the needs of visitors to the area.”* (Report pg. 60)

xii) Generally avoid expropriation of residential and commercial properties

- Expropriation is not applicable to future development in the Urban Design Study area which is City-owned.

Public Access

Principle: Provide safe, continuous public access along the water’s edge (A.6.3.2.3)

i) Land at the water’s edge, to a depth that can accommodate a trail, promenade, or other desired open space or public facility, must be publicly-owned

- Key development considerations in the plan include: *“an approximately 30 metre wide waterfront park along the edges of Pier 8, with a variety of activities, spaces and amenities.”* (Report, pg. 26)
- *“Pier 7 + 8 are first and foremost public waterfront spaces for the entire Hamilton population. The creation of continuous public spaces along the edges of the Piers is a principle of the Secondary Plan and is reinforced in this urban design plan.”* (Report pg. 36)
- *“Pier 8 will have a continuous waterfront park with direct views to the Harbour...”* (Report pg. 48; Appendix B pg. 3)
- *“A continuous 6 metre wide multi-use trail should be included within the linear waterfront park. This trail includes separated cycling and walking areas (item #12 on Pages 28-29).”* (Report pg. 50)
- *“Where dedicated bike lanes are identified around the perimeter of Pier 8, they will be separated from automobile traffic.”* (Report pg. 56)

ii) New development on the waterfront should not prevent or inhibit public access to the water’s edge

- *“The development blocks are compact (maximum width of 90 m) and have a very walkable scale. Should multiple blocks be combined together, the community network of open spaces, and pedestrian/cycling connections recommended through this plan must be maintained.”* (Appendix B, Section 4.1.7)
- *“People of all ages and abilities should be accommodated in the design of the open spaces and buildings.”* (Report pg. 52; Appendix B, Section 4.1.8)
- Guiding Principle #5 – A variety of public spaces for active and passive recreation on the waterfront (Appendix B, Section 3)

iii) The waterfront should include public facilities for launching and docking recreational boats

- *“To celebrate the city’s heritage and the area’s marine heritage, it is recommended that the existing shoreline conditions on Pier 8 be maintained with the ability to moor large boats along the entire edge of the [Waterfront] park.”* (Report pg. 50)
- The transient docks providing public facilities for docking recreational boats are currently under construction as part of the Gateway Park shoreline reconstruction. Additional public boating facilities are provided further west along the West Harbour waterfront.

iv) The needs of recreational boating organizations for direct, safe and secure access to the harbour should be respected

- The recreational boating organization facilities are located to the west of the Urban Design Study area, such as those accessed via piers 5 and 6. The Urban Design Study does not impede their access.

Waterfront

Principle: Create a diverse, balanced and animated waterfront (A.6.3.2.4)

i) Promote a diversity of land uses along the waterfront, including open space, marine recreation, residential, cultural, commercial, and institutional

- The land use designations set out in the Secondary Plan have been carried through the Urban Design Study. *“The vitality of Hamilton’s urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.”* (Appendix B, Section 2)
- Guiding Principle #1 – A mix of uses to support and diverse and vibrant community (Appendix B, Section 3)
- *“The creation of continuous public spaces along the edges of the Piers is a principle of the Secondary Plan and is reinforced in this urban design plan.”* (Report pg. 36)
- *“Retail uses should be incorporated within buildings fronting directly onto Streets A1 and C1.”* (Report pg. 72)
- *“Diverse design styles in the open spaces and development blocks will be essential to achieve a vibrant new waterfront area in keeping with the desired character recommendations.”* (Appendix B, Section 4.0)
- *“Street-oriented commercial and institutional uses are encouraged in proximity to the existing Pier 8 Waterfront Park and future Gateway Park.”* (Report pg. 80 and Appendix B, Section 4.11)

ii) Maintain a balance of active and passive recreational uses and outdoor and indoor waterfront attractions

- *“The waterfront spaces should be programmed to provide a diversity of activities for all ages with a focus on formal activities such as outdoor events, sporting, festivals and concerts and informal activities like cycling, skating, skateboarding, running and walking.”* (Report pg. 36)
- Guiding Principle #5 – A variety of public spaces for active and passive recreation on the waterfront (Appendix B, Section 3)

iii) Enhance the city as a tourist destination

- The public realm improvements envisioned in the Urban Design Study, and connected to other attractions along the West Harbour waterfront including the Waterfront Trail and Bayfront and Pier 4 Park event venues, will encourage visitors to the waterfront.

iv) Be “waterfront appropriate,” taking advantage of the harbour setting and promote season-long and year-round enjoyment and appreciation of the waterfront

- *“The park design should provide area of openness and enclosure to facilitate year-round use and natural gathering areas”. (Report pg. 36)*
- *“Ensuring clear views to the Harbour both north-south and east-west helps to maintain the porosity of the community, its relationship to the Harbour and the surrounding existing neighbourhoods. The view corridors are essential in highlighting the public edges of the Pier and ensuring that all open spaces are welcoming and highly visible.” (Report pg. 37)*
- *“Buildings should be designed to encourage all-season use of the outdoors and support healthy plant and tree growth. Examples of this include large overhangs, programmed outdoor roof spaces, and selection of flooring materials that transition seamlessly from indoor to outdoor.” (Report pg. 48)*
- *“Pedestrian systems should be designed to perform safely and comfortably in all seasons and should consider weather-protective elements where appropriate. These could include covered walkways, wind breaks, canopies and porticos.” (Appendix B, Section 4.3.2)*
- *“Buildings should be designed to capitalize on opportunities for natural daylight, which can be accomplished through efficiencies in building footprint design, window design, reflections, ceiling design, light filtering, and building orientation.” (Appendix B, Section 4.5.3)*

v) Support and encourage a diversity of marine activity

- The Urban Design Study area is situated within the broader context of the West Harbour waterfront which provides a variety of marine activities. The transient docks currently under construction as part of the Gateway Park shoreline reconstruction are in proximity to the retail area opposite the Park. Additional public boating facilities and marine activities are provided further west along the West Harbour waterfront, and to the east including the HMCS Haida National Historic Site, HMCS Star and the working industrial port.
- *“To celebrate the city’s heritage and the area’s marine heritage, it is recommended that the existing shoreline conditions on Pier 8 be maintained with the ability to moor large boats along the entire edge of the [Waterfront] park.” (Report, page 50)*

Connections

Principle: Enhance physical and visual connections (A.6.3.2.5)

i) Mitigate or eliminate physical barriers to the waterfront

- There are no physical barriers to the waterfront on Piers 7 and 8 to be mitigated/eliminated (in contrast to the railway corridor that impedes access in other parts of the Secondary Plan area). The Urban Design Study ensures public access to the waterfront. Refer also to the Public Access principle.

ii) Promote a connected open space system along the waterfront, through the neighbourhoods and between Downtown and the waterfront

- *“The character of Pier 8 will be designed to be compatible with Pier 7 and to create a strong connection between this exciting new community and the rest of the West Harbour waterfront.”* (Appendix B, Section 2)
- *“Block K is subject to the Design Guidelines from the West Harbour Waterfront Recreation Master Plan. Block K will provide a continuous waterfront trail that connects directly to Pier 8 and the Waterfront Park.”* (Appendix B, Section 5.8)

iii) Extend the existing grid of streets and blocks to the waterfront wherever feasible and appropriate

- Guiding Principle #4 – A fixed street and park network that creates a variety of development blocks (Appendix B, Section 3)
- *“The development blocks are compact (maximum width of 90 m) and have a very walkable scale.”* (Report pg. 52; Appendix B, Section 4.1.7)
- *“Mid-block connections are important to maintain access between changes in land-uses or to link open spaces and should be provided between buildings.”* (Report pg. 52)

iv) Preserve and augment important public vistas and view corridors to and from the waterfront

- *“Larger format informal gathering spaces should be located in the view terminus locations to maintain the views to the Harbour and to enhance wayfinding capabilities to park activities.”* (Report pg. 50)
- *“[On Block K,] a view corridor looking north from Hughson Street shall be maintained with direct views toward the Harbour.”* (Appendix B, Section 5.8)

v) Improve pedestrian, cycling and transit connections to the waterfront from Downtown and the Escarpment

- *“The design of streets and paths should prioritize walking and cycling, and should ensure connectivity between the residential areas, the open spaces and public transit.”* (Report pg. 58)
- *“The design of the cycling network should consider the City’s Cycling Master Plan and Transportation Demand Management Plan.”* (Report pg. 60)

vi) Establish a pedestrian connection between Dundurn Park and the Waterfront Trail

- This connection is not applicable to the Piers 7 and 8 Urban Design Study.

vii) Enhance the streetscapes of key north-south and east-west streets

- *“Where residential uses face on to a mid-block connection they should have unit entrances directly accessible from the walkway.”* (Report pg. 52)
- *“Tree-lined streets should connect the neighbourhood to the surrounding waterfront park and should provide enhanced pedestrian and cycling facilities.”* (Report pg. 56)
- *“Primary entrances should face public streets and be directly accessible from sidewalks. They should be designed to provide weather protection, and can include features such as awnings, recessed entries, front porches and porticos.”* (Appendix B, Section 4.5.3)
- *“Buildings facing or flanking a street, lane, park, semi-private open space or public open space should provide a generous amount of window openings to encourage strong visual connections between the private dwelling and the public street.”* (Appendix B, Section 4.5.4)
- *“Buildings should generally be located at the front property line to create a continuous streetwall. ... Minor variations in setback are encouraged to facilitate wider boulevards, accommodate public amenity space, and to create a more interesting streetscape.”* (Appendix B, Section 4.10)

viii) Develop a continuous waterfront trail

- *“Pier 8 will have a continuous waterfront park with direct views to the Harbour...”* (Report, page 48; Appendix B, page 3)
- *“A continuous 6 metre wide multi-use trail should be included within the linear waterfront park. This trail includes separated cycling and walking areas (item #12 on Pages 28-29).”* (Report, page 50)

Transportation

Principle: Promote a balanced transportation network (A.6.3.2.6)

i) Establish a clear street hierarchy that recognizes the function and character of existing streets

- The street hierarchy is established in the Secondary Plan. For example, it identifies James Street North, Guise Street East, Dock Service Road and Ferguson Avenue (North of Burlington Street) as primary mobility streets. Those streets provide the main access to the Urban Design Study area.
- Within the Urban Design Study area, the streets are more local in nature: *“Streets will be designed with an urban character that prioritizes pedestrians, transit riders and cyclists first.”* (Report pg. 42)

ii) Improve road connections to the waterfront and identify primary routes to waterfront destinations

- Downtown and waterfront wayfinding signage is a separate city project.
- *“Tree-lined streets should connect the neighbourhood to the surrounding waterfront park and should provide enhanced pedestrian and cycling facilities.”* (Report pg. 56)
- *“The design of streets and paths should prioritize walking and cycling, and should ensure connectivity between the residential areas, the open spaces and public transit.”* (Report pg. 58)

iii) Promote a more balanced multi-modal transportation system, in which public transit, cycling, walking, ferries, and water taxis have a significant role

- *“Streets will be designed with an urban character that prioritizes pedestrians, transit riders and cyclists first. The area will have hardscaped boulevards, wide sidewalks, front yards, trees, and a clearly articulated cycling network. The cycling network includes dedicated bike paths (along the water and Street A1) and may include sharrows (shared bike vehicle lanes) along Streets B and A2. This fine grain network will also be supported with transit access through the neighbourhood.”* (Report pg. 42)
- *“A continuous 6 metre wide multi-use trail should be included within the linear waterfront park. This trail includes separated cycling and walking areas.”* (Report pg. 50)
- *“The Greenway should incorporate cycling and walking trails.”* (Report pg. 50)
- *“Secure bike parking should be located along the length of the trail [in the linear waterfront park]. Activity areas should have additional bike parking areas to accommodate users.”* (Report pg. 50)
- *“All streets should be designed with a priority on pedestrian circulation as well as cycling where appropriate.”* (Report pg. 56)
- *“Where dedicated bike lanes are identified around the perimeter of Pier 8, they will be separated from automobile traffic. Where separated bicycle lanes are not provided, signage and road markings, such as sharrows, should be included that identify the street as a shared corridor between vehicles and bicycles (specifically on Streets A2 and B).”* (Report pg. 56)

- *“Safe and comfortable transit shelters should be incorporated into the streetscape design at all transit stops”* (Report pg. 56)
- *“Roadway lane widths should be adequately sized as shown in the street sections and should not be oversized.”* (Report pg. 58)
- *“Decision-making that affects transportation options should favour modes of travel in the following order: walking (including assisted-mobility devices); cycling and other non-motorized vehicles; local buses. Block designs should accommodate carpooling and car-sharing; small, fuel efficient and/or alternative fuel vehicles; conventional cars and trucks.”* (Report pg. 58)
- *“A transit stop’s location and character should be integrated in both materials and placement with the streetscape design. The stop’s design should consider unimpeded pedestrian flow, weather protection for transit users, well placed signage and a compatible finishes palette.”* (Report pg. 58)
- *“New development should be compact to utilize transit infrastructure efficiently. Compact development should support walking, cycling and public transit encouraging a healthier lifestyle.”* (Report pg. 58)
- *“Bus shelters, sidewalk canopies, shower facilities (in retail and employment uses), shared bicycle stations and preferential bicycle parking at transit stops should be integrated into all new development.”* (Report pg. 60)
- *“All streets within Pier 7 + 8 should have sidewalks on both sides.”* (Report pg. 60)
- *“The pedestrian network will be designed in consideration of the City’s Pedestrian Mobility Plan and the Transportation Demand Management Plan.”* (Report pg. 60)
- *“Sidewalk widths are recommended to vary in strategic locations to create interest and accommodate special uses such as shaded seating areas, outdoor restaurants, retail, performance spaces and market stalls. Sidewalks should be no less than 2 metres wide in residential areas. Along significant retail or mixed use building frontages, for example facing along the east side of Street A1, wider sidewalks should be considered up to 5 metres.”* (Report pg. 60)
- *“A buffer between pedestrians and moving vehicular traffic should be created through boulevards with street trees and, where possible, on-street parking.”* (Report pg. 60)
- *“Provision for bicycling shall be made on all streets.”* (Report pg. 60)
- *“Where streets are not adjacent to separated bicycle lanes, signage and road markings should be provided that identify the road as a shared corridor between vehicles and bicycles.”* (Report pg. 60)
- *“Cycling should be accommodated in all development plans by providing for secure bicycle parking for visitors, residents and employees. Bicycle parking will be provided at public transit stops, where possible. Bicycle parking should be placed closer to front doors and key destinations than automobile parking.”* (Report pg. 60)
- *“Where bicycle lanes are located close to sidewalks, bicycle lanes should be clearly signed and demarcated using distinct materials to avoid pedestrian/ cycling conflicts.”* (Report pg. 60)
- *“Priority parking spaces should be provided for community car share parking.”* (Report pg. 64)
- *“Pedestrian systems should be designed to perform safely and comfortably in all seasons and should consider weather-protective elements where appropriate. These could include covered walkways, wind breaks, canopies and porticos. Summarize how the proposed development meets*

the pedestrian network guidelines outlined in the Urban Design Study” (Report pg. 60; Appendix B, Section 4.3.2)

- *“Summarize how the proposed development meets the cycling design guidelines outlined in the Urban Design Study” (Appendix B, Section 4.3.3)*

iv) Ensure most dwelling units in the area are within 400 meters walking distance of a transit stop

- *“Pier 7 + 8 enjoys good access to bus transit, is located within walking distance of the downtown and close to the West Harbour GO Station. In the future, local transit service will likely need to expand to meet the travel demands of residents and visitors. All development shall be in keeping with the City’s Transit Oriented Development Guidelines. Summarize how the proposed development meets the transit network guidelines outlined in the Urban Design Study.” (Report pg. 58; Appendix B, Section 4.3.1)*
- *“A minimum of one western and one eastern transit stop should be provided within the community. Streets will be designed to accommodate standard transit buses.” (Report pg. 58)*
- *“Direct walking and cycling access to transit should be integrated within all areas of the Piers.” (Report pg. 58)*

v) Monitor and minimize traffic impacts on the existing local street network

- The traffic impacts of future development will continue to be analyzed through the development process, which will occur in phases. The Urban Design Study has provided input to various studies including the Piers 7/8 Parking Study, Transportation Impact Study, and Transportation Demand Management Plan.
- *“On-street parking is located throughout the development to provide additional amenity parking for visitors.” (Report pg. 26)*
- *“Transportation Demand Management should be considered wherever possible including IT monitoring, employer-subsidized transit passes, condominium-subsidized transit passes, paid parking, staggered work hours, telecommuting, and a scheduling service to facilitate car sharing and carpooling.” (Report pg. 60)*
- *“The central parking structure located on Block G should be designed to accommodate additional levels of parking should they be required in the future.” (Report pg. 64)*
- *“For Pier 7 + 8, a variety of parking solutions will be employed to meet the area’s needs, structured public and private parking and on-street parking. In the long-term, surface parking lots will be replaced with structured parking. The design of parking should meet the requirements of the urban design guidelines. Describe the types of parking proposed and summarize how it meets the guidelines.” (Appendix B, Section 4.4)*

Culture

Principle: Celebrate the City’s heritage (A.6.3.2.7)

i) Conserving and strengthening the overall character of the West Harbour neighbourhoods and streetscapes

- Refer to Neighbourhood principle A.6.3.2.2 i).

ii) Conserving, restoring and reusing historic buildings and structures

- Refer to Neighbourhood principle A.6.3.2.2 x).

iii) Reflecting and interpreting the city’s industrial, marine, and cultural heritage in the design of new buildings and open space

- *“To celebrate the city’s heritage and the area’s marine heritage, it is recommended that the existing shoreline conditions on Pier 8 be maintained with the ability to moor large boats along the entire edge of the park.”* (Report pg. 48)
- *“The history of the area should be reinforced in the landscape design and future public art projects. A public art plan should be developed to address key themes, locations and content with an aim to celebrate the City’s Heritage.”* (Report pg. 48)
- *“The [Gateway] park should contain elements (landscape or public art) that reflect the marine and industrial history of the Pier 7 + 8 sites.”* (Report pg. 52)
- Guiding Principle #7 – Marine and industrial elements in the landscape and/ or architecture that acknowledge the area’s history (Appendix B, Section 3)

iv) Encouraging the development of cultural institutions to inform residents and visitors about the area’s heritage

- The Urban Design Study provides design guidance for future development in the Study area, including cultural institutions where permitted by the Secondary Plan. While the specific community and cultural uses to be developed are yet to be determined, the Urban Design Study proposes a cultural plaza/pavilion on the east side of Pier 8 to balance existing activities on the west side and draw pedestrian traffic throughout the community (Report pg. 41).
- *“Block H is recommended to have a community anchor with a dedicated community use on the lower levels.”* (Appendix B, Section 5.6)

v) Providing public open spaces for cultural festivals and other celebratory events

- The provisions for various parks (existing and future Waterfront Park, Gateway Park) and plazas in the Urban Design Study allow for a variety of uses and events.
- *“The new linear Waterfront Park should be divided into a series of active and passive program areas. These areas can include tables, seating areas, open spaces for exercise classes, a sand beach, playgrounds, etc. (see Pages 28-29 for potential organization of activities).”* (Report pg. 48-49)
- *“The Waterfront Park can vary in landscape character from formal to informal to attract a variety of users. Formal areas should have benches, tables, shade shelters, etc (items # 15, 16, 20, 23 and 24 on Report Pages 28-29). Informal areas should be open areas with large hard surfaces that can be programmed with flexible seating or booked for exercise classes or events (items # 2, 17, 18, 19 and 22 on Report Pages 28-29).”* (Report pg. 50)
- *“The Gateway Park could be designed as a spill out space for the adjacent retail uses along Street A1 and from Pier 7. The park should have large open areas for outdoor market booths, seating areas and potential locations for food trucks or concessions.”* (Report pg. 52)
- *“A mix of soft and hard landscaping should be used to frame a large boardwalk along the water (+/- 6 m) and a large gathering space in the centre of the [Gateway] park. Seat walls should be provided for informal seating during waterfront events.”* (Report pg. 52)

Design

Principle: Promote excellence in design (A.6.3.2.8)

i) Design and construct buildings that respect, complement, and enhance the best attributes of the harbour

- Key development considerations in the plan include: *“A transition of building heights, with taller buildings located near the centre of the community. The southern edge of the new neighbourhood is appropriately scaled to the existing low-rise character to the south.”* (Report pg. 26)
- *“The Secondary Plan identifies the preferred height for Pier 7+8 development. These heights range from 3-8 storeys. The range in height allows for taller buildings in the centre of Pier 8 with lower buildings closer to Guise Street and facing the existing open spaces.”* (Report pg. 39)
- *“A key criterion in the evaluation of design should be based on how the landscape can enhance the area’s natural environment.”* (Report pg. 50)
- *“Landscape architectural design will prioritize the use of indigenous, non-invasive plant material and will promote biodiversity, stormwater management and creation of shade.”* (Report pg. 54)
- *“Floors above the fourth or fifth storey should step-back or in some manner maximize light penetration to the street and provide outdoor amenity space on the upper floors.”* (Report pg. 72)
- *“Buildings should use a variety of materials and architectural details, both vertical and horizontal, to break up the façade. Similarly, buildings should not have blank façades. The side façades should have a design and materials standard equal to the front façade. At Pier 8 all buildings will have 4 prominent elevations; this will need to be addressed throughout design. Façades at the base of the building, particularly those which face streets, parks, and open spaces, should exhibit increased architectural detailing to give attention to the prominence of these building faces. Buildings with frontages exceeding 25 metres in width should be divided into functionally and visually smaller elements through the use of façade articulation, courtyards, and networks of connected walkways and landscaping.”* (Appendix B, Section 4.5.2)
- *“Buildings should be designed to capitalize on opportunities for natural daylight, which can be accomplished through efficiencies in building footprint design, window design, reflections, ceiling design, light filtering, and building orientation. The choice of building materials, as well as the exploration of various construction methods can also be used to improve access to natural daylight. Such strategies include the integration of external shading and control devices, glazing materials, window location, reflectance of room surfaces, and integration with electric lighting controls.”* (Appendix B, Section 4.5.3)
- *“Primary entrances should face public streets and be directly accessible from sidewalks. They should be designed to provide weather protection, and can include features such as awnings, recessed entries, front porches, and porticos. Secondary entrances should not be dominant, but should be easily accessible and convenient to service, loading and parking areas.”* (Appendix B, Section 4.5.3)
- *“Buildings facing or flanking a street, lane, park, semi-private open space or public open space should provide a generous amount of window openings to encourage strong visual connections between the private dwelling and the public street. To assist in this, housing should be designed*

with habitable rooms (i.e., living room, dining room, kitchen) facing the street to enhance safety through ‘eyes on the street’.” (Appendix B, Section 4.5.4)

- *“Building and site materials should be of high-quality and enhance the expression of contemporary design excellence. Variety in materials is recommended from block to block and building to building. Describe the proposed building materials and their applications.”* (Appendix B, Section 4.5.5)
- *“It is the intention of these design guidelines that the lower floors of buildings should exhibit the greatest amount of architectural detailing with a special attention toward framing a vibrant pedestrian realm. Describe the treatment of the lower floors in the proposed design.”* (Appendix B, Section 4.6)
- *“Clear glass is preferred over tinted glass to promote the highest level of visibility, and mirrored glass should be avoided at the street level.”* (Report pg. 78; Appendix B, Section 4.10)

ii) Adopt “best practice” technologies to achieve energy efficient buildings

- *“Energy conservation will be a core requirement and on-site generation of energy from renewable sources is community wide target. Summarize how the proposed development meets the energy conservation goals outlined in the Urban Design Study.”* (Report pg. 74 and Appendix B, Section 4.7)
- *“The Pier 8 neighbourhood has the potential to generate energy on site, and if required, source energy from off-site suppliers that utilize sustainable energy sources or, to the extent possible, generate its own electricity on-site using renewable and clean energy sources.”* (Report pg. 74)
- *“Purchasing practices and development agreements can be geared to ensure energy efficient electrical appliances and vehicles receive priority. Energy efficiency should be considered when choosing among water, lighting and other systems.”* (Report pg. 74)
- *“Development should achieve long-term energy savings associated with the installation of more efficient building systems. Energy use in individual dwelling and commercial units should be separately metered and billed.”* (Report pg. 74)
- *“Designers and development proponents must use life cycle cost analysis to choose technical systems and design alternatives. Life cycle costing considers long-term capital, operating and indirect costs. Summarize how the proposed development meets the Life Cycle Costing Goals outlined in the Urban Design Study.”* (Report pg. 74; Appendix B, Section 4.8)
- *“Both public and private design proposals should include a project life cycle cost analysis that compares the proposed design with a standard ‘non-sustainable’ base option and highlights the life cycle cost benefits for the expected project life. The life cycle cost analysis should include, but is not limited to, building, landscape, infrastructure, maintenance and replacement costs.”* (Report pg. 74)
- *“Large, flat roofs should incorporate green spaces and usable outdoor amenity areas for building users.”* (Report pg. 80; Appendix B, Section 4.11)

iii) Ensure the public realm – the area’s parks, squares, streets, trails, and public buildings – is designed, upgraded, and maintained to the highest standards

- *“Streets should be designed in a comprehensive manner that considers the placement of trees, sidewalks, bike circulation, vehicular travel lanes, onstreet parking, pedestrian and street lighting, transit, above- and below-grade infrastructure, loading and servicing, access drives and storm water design.”* (Report pg. 56)
- *“Streetscape designs should incorporate continuous tree-lined boulevards that safely separate pedestrian and automobile traffic. The hardscaped treelined boulevards should assist in reduced vehicle speed and the heat-island effect. Tree health can be encouraged with the use of soil cells and tree trenches.”* (Report pg. 56)
- *“Roadway design should incorporate design measures so that posted speeds are respected and not exceeded, such as bump-outs, tree planting, on street parking and well marked pedestrian crossings.”* (Report pg. 58)
- *“Paving material for paths and sidewalks should be aesthetically pleasing, accessible, balance the need to design for low-maintenance, traffic calming, surface permeability and a reduced urban heat island-effect. Sidewalks / clearways should be no less than 2m.”* (Report pg. 58)
- *“LED lighting should be provided along pedestrian and bicycling routes wherever possible.”* (Report pg. 58)
- *“Surface parking areas should not be permitted in front of buildings facing streets (except for on-street parallel parking).”* (Report pg. 64)
- *“The design and location of building entrances should adhere to the principles of Crime Prevention through Environmental Design. For example, building entrances should provide visibility between indoor and outdoor areas to enhance opportunities for natural surveillance. Likewise, in apartments, pedestrian access to parking and service areas within the principal building should be situated near exposed communal areas (i.e., exercise areas or meeting rooms).”* (Report pg. 68; Appendix B, Section 4.5.3)
- *“A variety of material textures are also recommended throughout the neighbourhood. This variety adds to a positive pedestrian realm and gives the development a visual richness.”* (Report pg. 70)
- *“Façades facing streets, sidewalks and public open spaces should be composed of large areas of transparent glazing to encourage pedestrian interaction and enhance safety.”* (Report pg. 70)
- *“Façades at the base of the building, particularly those which face streets, parks, and open spaces, should exhibit increased architectural detailing to give attention to the prominence of these building faces.”* (Report pg. 72)
- *“Site design must recommend a well-organized system of entrances, driveways and parking areas that minimizes conflicts between pedestrians, bicycles, and vehicles.”* (Report pg. 80; Appendix B, Section 4.11)

iv) Incorporate public art into the design of significant buildings and open spaces

- *“The history of the area should be reinforced in the landscape design and future public art projects. A public art plan should be developed to address key themes, locations and content with an aim to celebrate the City’s Heritage.”* (Report pg. 48)
- Public Art has been identified as an element that will require additional study and direction: *“An overall Public Art plan that identifies the role of public art, key pieces in the community, and/or how public art can be integrated within the detailed design process.”* (Report pg. 96)

v) Promote the development of inspiring, meaningful and memorable places

- Key development considerations in the plan include: *“A mix of building heights and massing to provide a varied and interesting architectural character.”* (Report pg. 26)
- *“Street lighting, furnishings, pavement treatments and transit infrastructure should be consistent with the Park’s focus on design excellence and innovation. Due to the area’s significance a non-city standard street furnishing palette may be warranted.”* (Report pg. 58)
- Guiding Principle #6 – An architecture that is varied, contemporary and compatible with the surrounding areas (Appendix B, Section 3)
- *“The area’s parks, streets and buildings are recommended to have a diversity of modern styles and high quality materials. Diverse design styles in the open spaces and development blocks will be essential to achieve a vibrant new waterfront area in keeping with the desired character recommendations.”* (Appendix B, Section 4)
- *“The Pier 7 & 8 vision focuses on creating a sustainable and contemporary architectural expression that will set a precedent for innovation and design excellence. Replication of historic styles will not be used within the design palette; modern reinterpretations are allowed.”* (Report pg. 66; Appendix B, Section 4.5)
- *“Minor variations in setbacks are encouraged to facilitate wider boulevards, accommodate public amenity space, and to create a more interesting streetscape.”* (Report pg. 78; Appendix B, Section 4.10)
- *“Buildings should address the principle public street but may incorporate setbacks that provide public plaza areas that include landscaping and tree-planting.”* (Report pg. 80; Appendix B, Section 4.11)
- *“Building design and materials will be subject to review by the City of Hamilton Design Review Panel and may be subject to more detailed recommendations relative to sustainability features and life cycle energy analysis.”* (Report pg. 70)

Accessibility

Principle: Feature fully accessible design for residents and visitors of all abilities

- i) Clear paths of travel to all buildings and amenities
- ii) Fully accessible buildings
- iii) Completely barrier free residential units

- *“People of all ages and abilities should be accommodated in the design of the open spaces and buildings. The Pier 7 + 8 area will be designed through a lens of accessibility using the existing City Standards including The Barrier Free Design Guidelines and The Pedestrian Mobility Plan. At a minimum all new landscape designs and architecture should be built to standards outlined in the Accessibility for Ontarians with Disabilities Act (AODA). Special attention should be paid to the park activity zones to allow people of mixed abilities to enjoy the park facilities together. All future development will need to accommodate the AODA access and parking requirements.”* (Report pg. 52; Appendix B, Section 4.1.8)
- *“All streets, sidewalks and paths should be designed for AODA using City Standards and guidelines including the City’s Urban Braille sidewalk program.”* (Report pg. 58)
- *“Parking structures should include parking on the ground floor for: bicycles, motorcycles, mopeds, e-bikes, small cars, electric car parking with charging stations and accessible parking.”* (Report pg. 62)
- Guiding Principle #3 - A community of complete streets designed for accessibility, walking, running, cycling, taking transit and driving (Appendix B, Section 3)
- The Urban Design Study is focused on exterior design matters that can be implemented through public realm projects and/or be regulated through zoning and site plan control. Interior design issues, such as specific components of barrier-free residential units, are beyond the scope of an urban design study. Interior design requirements related to accessibility, such as the number and characteristics of barrier-free units, could be expressed as development criteria for the real estate disposition strategy.

Affordability

Principle: Provide inclusive and affordable housing as part of residential development

- i) Doesn't cost more than 30% of before tax household income
- ii) Suitable for families
- iii) Continuum of affordable housing: affordable home ownership; non-profit housing (rent geared to income); co-operative housing; purpose-built private market rental housing; supportive housing; secondary suites
- iv) Inclusionary zoning
- v) Innovative housing such as laneway and small homes, co-housing, and low energy consumption via design
- vi) “In the event of disposal of publicly owned lands located within West Harbour, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, shall encourage the development of said lands for such housing as a priority.” (A.6.3.3.1.10)
- vii) “In developing city owned lands for residential purposes, Council may require that at least 25% of the gross area of such lands be provided in the form of affordable housing.” (A.6.3.3.1.11)
- viii) “The City of Hamilton will partner with the senior levels of government, the private sector and community-based housing providers to promote the development of the City-owned land in the West Harbour for affordable rental and home ownership opportunities through various programmatic initiatives.” (A.6.3.8.3.1)

- While the Urban Design Study promotes the development of an accessible, inclusive community, the specific question of where and how affordable housing might be provided is not within the scope of urban design, and will be addressed as part of the real estate disposition strategy. Secondary Plan policies contained in the Working Group Vision (items vi, vii, and viii above) require this consideration for all publicly owned lands within the West Harbour area.
- The Urban Design Study does not preclude the provision of affordable housing on Piers 7 and 8, and notes that the specific provision of affordable housing units remains to be determined: *“Following the approval of this Urban Design Study a number of elements that came up through the consultation process will need to be addressed in implementation. Elements that require additional study and direction include: An approach to affordable housing for Pier 7 + 8 including a recommendation for preferred unit sizes and mixes that would fit within the building envelopes established by this Urban Design Study.”* (Report page 96)

West Harbour (Setting Sail) Secondary Plan Policies Reference Guide**A.6.3.2.1 Promote a healthy harbour**

Since implementation of the Hamilton Harbour Remedial Action Plan (RAP) began in the early 1990s, great strides have been made to restore the health of the harbour. Actions in West Harbour should support and continue the ongoing effort required to achieve a “swimmable” harbour rich in aquatic and terrestrial habitats. More specifically, development and other changes should:

- i) employ “best practice” techniques for stormwater management to minimize reliance on the existing combined sewer system;
- ii) encourage water conservation;
- iii) maintain or enhance existing aquatic and shoreline habitats;
- iv) remove, replace or seal potentially harmful sub-surface materials, as per statutory policies and guidelines;
- v) identify and protect key views and improve public access to the harbour; and,
- vi) increase the public’s understanding and appreciation of the harbour and watershed from an ecological perspective.

A.6.3.2.2 Strengthen existing neighbourhoods

Together with the waterfront, the North End and portions of Strathcona, Central and Beasley neighbourhoods are the defining elements of West Harbour. There is much diversity within the neighbourhoods, physically and socially, reflecting the area’s rich and varied history. Where once local industries attracted workers and their families, the attractions for residents now are the area’s historic character and waterfront amenities. This character and the neighbourhoods’ physical relationship to the waterfront are assets to be protected and enhanced. 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;
- ii) relocate heavy industrial uses and clean-up contaminated sites;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;
- iv) support James Street as the area’s main commercial street;
- v) encourage new commercial uses that cater to the local neighbourhood;
- vi) enhance the amenities and landscaping in existing neighbourhood parks;
- vii) augment existing parkland with additional publicly-accessible open spaces;

- viii) ensure existing and future neighbourhoods are well served by community services such as schools, health care, libraries and emergency services;
- ix) improve access to the waterfront and Downtown from the neighbourhoods;
- x) preserve, restore and/or reuse buildings of historic or architectural significance;
- xi) preserve and maximize on street parking; and,
- xii) generally avoid expropriation of residential and commercial properties.

A.6.3.2.3 Provide safe, continuous public access along the water’s edge

The success of relatively recent public improvements on the West Harbour waterfront—Bayfront Park, Pier 4 Park and the Waterfront Trail—demonstrate the overwhelming human desire to be at the water’s edge. With the conveyance of most of Piers 1, 2, and 5-8 to the City of Hamilton, there are opportunities and advantages to extending public access, providing not just more water’s edge experiences but also a greater variety of passive and active experiences. These objectives need to be balanced with the desire to maintain and promote the existing diversity of boating activity on the waterfront, which routinely relies on direct and safe access to the harbour. To ensure there is safe, continuous public access along the water’s edge:

- i) land at the water’s edge, to a depth that can accommodate a trail, promenade, or other desired open space or public facility, must be publicly-owned;
- ii) new development on the waterfront should not prevent or inhibit public access to the water’s edge;
- iii) the waterfront should include public facilities for launching and docking recreational boats;
- iv) the needs of recreational boating organizations for direct, safe and secure access to the harbour should be respected.

A.6.3.2.4 Create a diverse, balanced and animated waterfront

The trails, parks and boating facilities on the West Harbour waterfront attract people from near and far and guarantee a variety of outdoor activity throughout the warmer months, particularly on summer weekends. But as the sun sets, the level of activity drops sharply, and in winter, the waterfront is practically abandoned. In order for the waterfront to become a year-round destination, offering things to do well into the evening, the predominant open space and recreational uses need to be augmented and balanced with residential, commercial and cultural uses. Besides allowing the waterfront to be enjoyed from the comfort of buildings in

colder months, such uses can provide a greater range of attractions year-round. New uses and other changes on the waterfront should:

- i) promote a diversity of land uses along the waterfront, including open space, marine recreation, residential, cultural, commercial, and institutional;
- ii) maintain a balance of active and passive recreational uses and outdoor and indoor waterfront attractions;
- iii) enhance the city as a tourist destination;
- iv) be “waterfront-appropriate”, taking advantage of the harbour setting and promote season-long and year-round enjoyment and appreciation of the waterfront; and,
- v) support and encourage a diversity of marine activity.

A.6.3.2.5 Enhance physical and visual connections

The grid network of streets across most of West Harbour provides for efficient movement in each of the neighbourhoods and links the area to Downtown. Significant physical barriers, however, restrict easy access to the area generally and the waterfront in particular, especially for pedestrians and cyclists. These barriers include the Stuart Street Rail Yard, the main CN line and the bluffs south of the rail yard and east of Macassa Bay. They also include busy streets like York Boulevard, Cannon Street and Barton Street that can be difficult to cross. Physical and operational improvements in West Harbour, particularly to the public realm of streets, parks and open spaces, should strive to achieve the following:

- i) Mitigate or eliminate physical barriers to the waterfront;
- ii) Promote a connected open space system along the waterfront, through the neighbourhoods and between Downtown and the waterfront;
- iii) Extend the existing grid of streets and blocks to the waterfront wherever feasible and appropriate;
- iv) Preserve and augment important public vistas and view corridors to and from the waterfront;
- v) Improve pedestrian, cycling and transit connections to the waterfront from Downtown and the Escarpment;
- vi) Establish a pedestrian connection between Dundurn Park and the Waterfront Trail;
- vii) Enhance the streetscapes of key north-south and east-west streets; and,
- viii) Develop a continuous waterfront trail.

A.6.3.2.6 Promote a Balanced Transportation Network

As the West Harbour waterfront attracts new development and more visitors, access by all modes of transportation will need to improve to

effectively manage traffic. The West Harbour Transportation Master Plan maps a strategy for traffic management that considers all modes. Its primary goals include the following:

- i) Establish a clear street hierarchy that recognizes the function and character of existing streets;
- ii) Improve road connections to the waterfront and identify primary routes to waterfront destinations;
- iii) Promote a more balanced multi-modal transportation system, in which public transit, cycling, walking, ferries and water taxis have a significant role;
- iv) Ensure most dwelling units in the area are within 400 metres walking distance of a transit stop; and,
- v) Monitor and minimize traffic impacts on the existing local street network.

A.6.3.2.7 Celebrate the City’s heritage

Hamilton’s rich cultural and industrial heritage are rooted in West Harbour. As the urban fabric of the area continues to evolve, remnants of its past must not be discarded and its history not forgotten. Conserving and celebrating West Harbour’s heritage is important and should include:

- i) conserving and strengthening the overall character of the West Harbour neighbourhoods and streetscapes;
- ii) conserving, restoring and reusing historic buildings and structures;
- iii) reflecting and interpreting the city’s industrial, marine and cultural heritage in the design of new buildings and open spaces;
- iv) encouraging the development of cultural institutions to inform residents and visitors about the area’s heritage; and,
- v) providing public open spaces for cultural festivals and other celebratory events.

A.6.3.2.8 Promote excellence in design

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attract tourists and encourage reinvestment in the area. In designing new buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

- i) design and construct buildings that respect, complement and enhance the best ii) 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.

A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

A.6.3.3.1.5 Where there is a discrepancy between the maximum heights and density ranges in this plan when applied to specific sites, the maximum height limits shall prevail and be adhered to.

A.6.3.3.1.6 With the exception of Pier 10, the following policies shall apply to industrial and manufacturing land uses in the West Harbour:

- i) New industrial and manufacturing facilities proposed as stand alone entities shall not be permitted.
- ii) Existing industrial and manufacturing facilities shall only be permitted to expand on the existing property if:
 - a) the expansion does not compromise the City’s ability to implement the long-term land use strategy of this plan;
 - b) there shall be no adverse impacts from the expansion on existing or planned residential or mixed uses;
 - c) the proposal shall address the remediation of environmental issues including noise; vibration; indoor and outdoor air quality; odour; dust; fumes; refuse; and soil and groundwater contamination; and,
 - d) the design objectives of this plan, as they relate to built form, set backs, parking and other matters, are achieved.

A.6.3.3.1.7 The following policies shall apply to those existing legal uses that do not comply with this plan:

- i) The existing use is recognized as non-complying;
- ii) Expansion shall only be permitted when it can be demonstrated that the existing use is operated in a manner that does not create dust, noise, odour, vibration, fumes, soil or groundwater contamination, and/ or noxious spill-over effects on the existing uses or planned uses;
- iii) There are no adverse impacts from the expansion on existing or planned residential or mixed uses;
- iv) The proposal shall address the remediation of environmental issues including noise, vibration, indoor and outdoor quality, odour, dust, fumes, refuse, and soil and groundwater contamination;
- v) Upon the ceasing of operation of the non-complying use, or abandonment of the use, development and/or redevelopment of the property shall comply with this plan.

A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.

A.6.3.3.1.10 In the event of disposal of publicly owned lands located within West Harbour, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, shall encourage the development of said lands for such housing as a priority.

A.6.3.3.1.11 In developing city owned lands for residential purposes; Council may require that at least 25 % of the gross area of such lands be provided in the form of affordable housing.

A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) multiple dwellings are permitted;
- ii) the density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) the height of buildings shall range from 3 to 5 storeys;
- iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- viii) direct driveway access to individual units, garages fronting public streets and front yard parking shall not be permitted;
- ix) the main entrances to buildings shall face public streets;

- x) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xi) common amenity space shall be consolidated on the site to create useable spaces;
- xii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.14 In Medium Density Residential 2 areas:

- i) multiple dwellings and apartment buildings combined with street townhouses are permitted;
- ii) the density of development shall be in the range of 150 – 300 units per gross hectare;
- iii) the height of buildings shall range from 4 to 8 storeys;
- iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways;
- viii) above-grade parking structures shall be located within buildings and fronted on all levels by residential uses;
- ix) front yard parking shall not be permitted;
- x) the main entrances to buildings shall face public streets;
- xi) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xii) common amenity space shall be consolidated on the site to create useable spaces;
- xiii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.17 In Mixed Use areas:

- i) apartment buildings and apartment buildings with ground-floor, street-related commercial and/or community uses are permitted and encouraged;
- ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;
- iii) the range of community uses permitted on the ground floor shall include day nurseries, schools, libraries and places of worship;
- iv) the density and height of development shall be governed by the maximum heights identified on Schedule "M-4";
- v) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;
- vii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- viii) ground-floor uses shall have their main entrances on the street with barrier free access, at grade;
- ix) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings, with access from public streets or laneways;
- x) above-grade parking structures shall be located within buildings and fronted by street-related commercial, community and/or residential uses;
- xi) front yard parking shall not be permitted;
- xii) private amenity space shall be provided on balconies and terraces and/or within internal courtyards outdoors and indoors;
- xiii) common amenity space shall be consolidated to create useable spaces;
- xiv) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and;
- xv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;

- ii) most of the street-facing portion of the ground floor of buildings shall be reserved for street-related commercial and/or community uses, including retail stores, restaurants, take-out restaurants, business and personal services, and/or professional offices;
- iii) the ground floors of all buildings shall have windows and doors opening onto the street to provide "eyes on the street" and an interesting pedestrian experience;
- iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;
- v) new institutional uses, including social services, schools and places of worship, may be permitted;
- vi) the density and height of development shall be governed by the maximum heights identified on Schedule "M-4";
- vii) buildings generally shall be built close to or at the front property line to maintain a consistent street wall subject to the development satisfying sightline requirements entering the public road allowance;
- viii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- ix) ground-floor uses shall have their main entrances on the street, with barrier free access at grade;
- x) parking areas shall be provided at the rear of sites, with access from public streets or laneways;
- xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.20 In Institutional areas:

- i) institutional uses, such as hospitals, nursing homes, day nurseries, schools, libraries, museums, places of worship and social services, are permitted;
- ii) notwithstanding the policies set out above, in areas designated Institutional, professional medical offices are permitted provided they are compatible with the surrounding area and are in keeping with the Local Commercial policies A.6.3.3.1.19 of this plan;
- iii) the maximum height of buildings shall be 3 storeys, except where otherwise identified on Schedule "M-4";

- iv) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings; and,
- v) the design and massing of buildings shall minimize shadow and wind impacts on the public realm.

A.6.3.3.1.24 A live/work use, defined as a dwelling unit in which an individual also operates a commercial business, may be permitted in all areas within West Harbour, except Open Space and Institutional areas. Live/work uses shall be compatible with neighbouring uses and built form, and shall have no adverse environmental impacts in terms of noise, vibration, emissions and air quality. Any traffic or parking issues arising from the commercial aspect of the use shall be addressed to the satisfaction of City staff.

A.6.3.3.2.2 The *West Harbour Transportation Master Plan* is the primary policy document governing the operations of the street system in the area. All plans and improvements for streets in the area shall conform to this Secondary Plan and the *West Harbour Transportation Master Plan*.

A.6.3.3.2.3 The historic grid street pattern in West Harbour will be retained and enhanced through the following measures intended to improve pedestrian, cycling and vehicular mobility and maintain the character of neighbourhoods:

- i) ensuring all new development adheres to a street grid pattern;
- ii) extending existing streets to serve new development where feasible;
- iii) eliminating dead-end streets where feasible;
- iv) requiring new public streets through large redevelopment sites; and,
- v) acquiring land for public streets through redevelopment.

A.6.3.3.2.7 The City will continue to strengthen connections between the Waterfront and the Escarpment, and Downtown Hamilton. The preparation of Detailed Streetscape Plans for Bay Street, James Street and John Street shall be completed as Schedule B Municipal Class EA projects. The Streetscape improvements of the public realm. The Detailed Streetscape Plans provide a functional detailed design for streetscape improvements and are identified in the Streetscape Master Plans. The Detailed Streetscape Plans shall:

- i) generally maintain the nature of the existing streetscape, in terms of buildings, front yards, sidewalks, the boulevard and the edges of the roadway;

- ii) maintain the street function in accordance with the West Harbour Transportation Master Plan;
- iii) recognize the need to provide a balanced transportation network that serves pedestrians, cyclists, transit and vehicles;
- iv) recognize the need of the City, in cases of critical subsurface infrastructure issues, to adjust the curb lines, but this shall only be done to the extent needed to address the critical infrastructure issues; and,
- v) utilize the *Hamilton Downtown Mobility Streets Master Plan* as a reference document only.

A.6.3.3.2.12 To monitor the traffic generated by new development, the City shall develop a transportation tracking method for West Harbour. Where a development application exceeds 100 residential units or where major cultural institution or commercial floor area is greater than 500 square metres, a Traffic Impact Study will be completed and to update the transportation network data as a condition of development approval.

A.6.3.3.2.14 Public open spaces shall be subject to a high standard of design aimed at promoting safety, comfort, enjoyment, accessibility, usability, and planting. The City may develop and apply design guidelines for publicly-accessible open spaces that demonstrate how these goals can be achieved.

A.6.3.3.3.1 In accordance with the Ontario Planning Act and the Ontario Heritage Act, West Harbour will promote the conservation of significant built heritage resources and cultural heritage landscapes.

A.6.3.3.3.4 A Heritage Impact Assessment, in accordance with the Official Plan for the City of Hamilton, and to the satisfaction of the City, may be required for any private development or public initiative that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that are:

- i) designated under the Ontario Heritage Act;
- ii) listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;
- iii) sites featuring open spaces, vistas or cultural heritage landscapes listed on the City's Cultural Landscape Resources Inventory; and/or,
- iv) within or adjacent to a Heritage Conservation District.

A.6.3.3.3.6 The City may require that, as part of development or redevelopment of land, heritage properties be retained on-site and incorporated, used or

adaptively reused as appropriate to the proposed development and land use. Retention of a heritage feature on lands subject to development may be a condition of development approval. Specifically, heritage easements pursuant to the Ontario Heritage Act, may also be required and negotiated, as well as development agreements.

A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

- 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.

A.6.3.4.1.3 New development and redevelopment shall be encouraged to incorporate rooftop terraces, greenwalls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.

A.6.3.4.5.5 As determined by the City, any required *noise feasibility study*, *detailed noise study*, or vibration study, shall be submitted prior to or at the time of application submission, and shall be completed to the satisfaction of the City and where appropriate in consultation with the appropriate railway company. The required studies shall provide recommendations for noise and/or vibration mitigation, as appropriate to ensure that maximum sound levels are not exceeded in accordance with provincial guidelines.

A.6.3.4.5.6 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the review of any development proposal.

A.6.3.4.5.8 Where a noise study completed to the satisfaction of the City identifies and recommends appropriate mitigation measures, the recommendations shall be implemented as a condition of approval. Measures may include:

- a) sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors;

- b) layout and design of the structure including the size and location of windows and doors, or outdoor living areas and the location of non-habitable space within the structure to further mitigate noise impacts;
- c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
- d) acoustical barriers such as berms, sound barrier versions of living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies of this Plan.

Waterfront Vision

- A.6.3.5.1.1 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.
- A.6.3.5.1.7 Piers 6-8 will be the focus of physical improvements and development that combine new civic spaces and promenades with residential, cultural and mixed-use buildings to establish over time a series of linked destinations and a distinct, urban waterfront neighbourhood.
- A.6.3.5.1.10 Development of Pier 8 shall extend and refine the existing grid of streets and blocks, as indicated on Schedule "M-2". The precise location of new streets shall be determined in Plans of Subdivision but shall generally conform with the street pattern in Schedule "M-2".
- A.6.3.5.1.11 The City will initiate, in conjunction with development on Pier 8, the design and construction of a civic plaza or park. The design and programming of the space shall encourage year-round public use.

A.6.3.5.1.12 Notwithstanding Policy A.6.3.3.1.17, in the Mixed Use area on Pier 8:

- i) institutional uses of a cultural nature, such as museums and galleries, are permitted and encouraged;
- ii) apartment buildings and apartment buildings with institutional uses of a cultural nature on the ground-floor or lower floors are permitted and encouraged;
- iii) public open spaces are permitted;
- iv) buildings shall be generally built to the front property line;
- v) ground-floor commercial uses ancillary to a cultural use, such as a restaurant or retail store, are permitted, provided they occupy no more than 20% of the total non-residential floor area;
- vi) parking areas shall be provided underground and/or in above-grade structures;
- vii) above-grade parking structures shall be located within buildings and fronted on all levels by commercial, cultural or residential uses;
- viii) front yard parking shall not be permitted;
- ix) private amenity space shall be provided on balconies and terraces and/or within internal courtyards;
- x) common amenity space shall be consolidated to create useable spaces;
- xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas

A.6.3.5.1.14 In addition to the uses permitted by Policies A.6.3.3.1.13, A.6.3.3.1.14, and A.6.3.3.1.18 a public parking garage is permitted on the block north of Guise Street, between the future extensions of Hughson Street and John Street. A public parking garage in this location shall be integrated with, and fronted on all sides and all levels by, residential or commercial uses.

A.6.3.5.1.15 In addition to the uses permitted by Policy A.6.3.3.1.21, restaurants, cafés, and food and beverage vendors are permitted in areas designated Open Space, provided such uses:

- i) are small-scale and not greater than two storeys, and in totality do not occupy more than 1,500 square metres;
- ii) are accessory to the open space and recreation function of the area;
- iii) have no adverse impact on aquatic and terrestrial habitats;
- iv) have an architectural quality that enhances the open space areas; and,

- v) comply with any restrictions the City may impose on such uses to limit noise impacts,

A.6.3.5.1.16 Notwithstanding Policy A.6.3.3.1.13 i) and A.6.3.3.1.14 i), street townhouses shall not be permitted on Piers 7-8.

A.6.3.5.1.17 Prior to zoning by-law amendments to permit the development of any new buildings on Piers 7 and 8, a comprehensive urban design study of the entirety of both piers shall be completed. The study shall determine the appropriate height and massing of new buildings, taking into consideration impacts on public views, sunlight penetration, privacy and wind conditions. If the urban design study recommends building heights greater than the maximum heights permitted by the above-referenced policies, an amendment to this plan shall be required.

A.6.3.5.1.18 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.

A.6.3.8.9.4 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.

A.6.3.8.15.3 Schedule "M-5" represents a public realm framework for West Harbour. Minor adjustments and additions may be made to Schedule "M-5" without amendment to this plan.

Authority: Item
Planning Committee
Report: 17- (PED17074)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW No. _____

To Amend By-law 05-200

Respecting Pilot Project for Entertainment on Outdoor Commercial Patios

AND WHEREAS, the City of Hamilton's new comprehensive Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ## of Report 17-XXX of the Planning Committee, at its meeting held on the XXX day of XXX, 2017, 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 Schedule "A" – Zoning Maps of Zoning By-law 05-200 is hereby amended by adding the Temporary Use symbol to map 827 as shown, attached in Schedule "A" of this By-law.
2. That Schedule "E" – Temporary Use of By-law 05-200 is hereby amended by adding the following Subsection:
 - '4 Section 4.20 d) of this By-law shall not apply for a maximum period of two years from the date of passing of the Zoning By-law Amendment, being DATE for those lands zoned Waterfront – Multiple Residential (WF1) Zone, Waterfront – Mixed Use (WF2) Zone and Waterfront – Prime Retail

Streets (WF3) Zone, Open Space (P4) Zone, Community Institutional (I2), and described known as 65 Guise Street East (Pier 8).'

3. That the By-law No: XXX only be enacted once By-Law No: XXX comes into full force and effect.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.
5. That this By-law comes into force in accordance with Section 34 and 39 of the *Planning Act*.

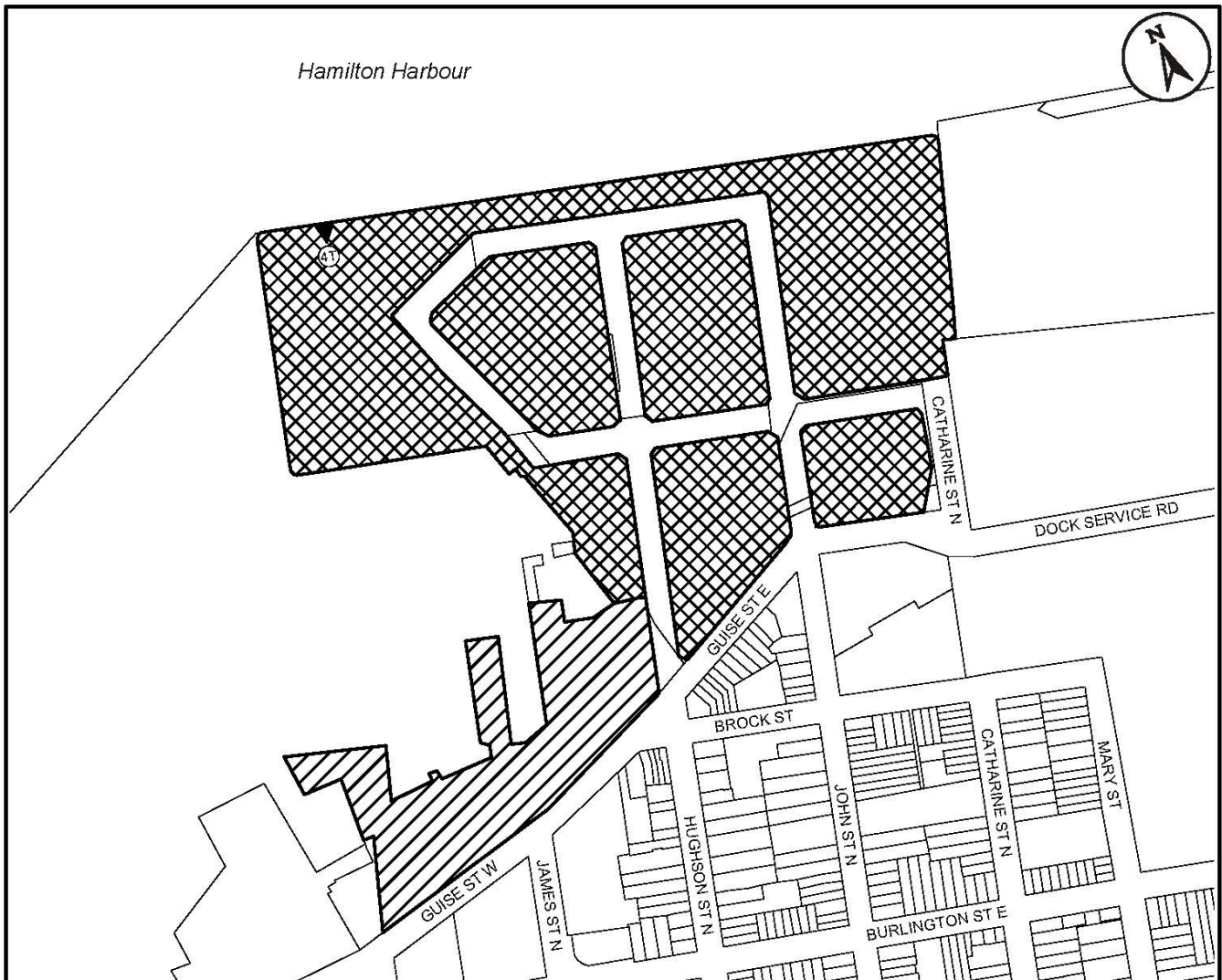
PASSED and ENACTED this ____ day of _____, 2017.

Fred Eisenberger

MAYOR

Rose Caterini

CITY CLERK



This is Schedule "A" to By-law No. 17-
Passed the day of, 2017

Mayor

Clerk



Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 05-200
Map 827

Subject Property

Pier 8, 65 Guise Street East

-  To add Temporary Use 4 (4T) to the Subject Lands
-  Additional lands of Owner

Scale:
N.T.S.

File Name/Number:
ZAC-16-034/25T-201605

Date:
April 13, 2017

Planner/Technician:
EJ/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Pier 7

Urban Design Guidelines

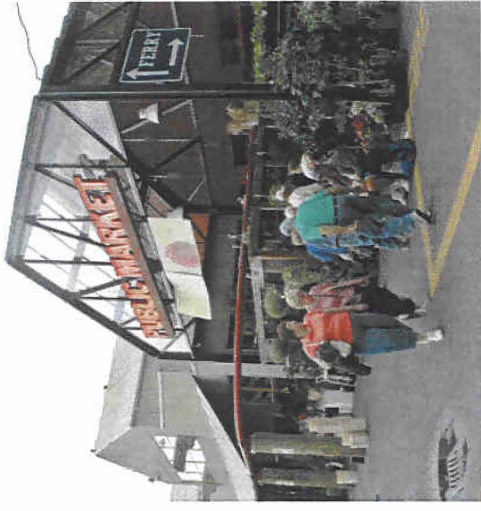
URBAN DESIGN

Buildings in the Public Realm

Buildings need to address the open areas through appropriate use-selection: at-grade uses should be porous and limited to highly public shops, retail, pubs and cafés or artisan uses. Façades at-grade should open up to these public areas through the use of rolling doors, storefronts, extensive glazing, outdoor eating/display, and canopies.

The West Harbour Waterfront Commercial Opportunity Study, prepared by Malone Given Parsons in 2008, recommends niche commercial for the West Harbour Waterfront consisting of a mix of Civic Arts/Event Centre, Seasonal/Artisan Market, Restaurants/Cafés, Specialty Retail Stores and Upper Floor Offices. Council endorsed the 2008 Hamilton Waterfront Trust base plan, which identifies overnight accommodation and upper floor residential uses. Due to site constraints and a lack of vehicular access to the plaza area of the West Harbour study area, vehicular drop off and parking for overnight accommodation space would need to be resolved during site plan review.

Building entrances, particularly those of the single-use boat clubs need to have a proper identity. This would be comprised of an appropriate landscape, but also an identifiable and prominent façade, indicating the building's entrance.



Street Relationship

New construction on Guise Street should emphasize a positive relationship between buildings and the street. Effort should be put towards preventing a barrier that physically and psychologically cuts off the city from the waterfront. This can be achieved through store-front type identities, permeable entrances and large gaps between buildings providing good views to the waterfront. All new development along Guise should be set back eight meters in order to allow for a two meter pedestrian zone next to shop fronts, a four meter recreational path and a two meter tree planting or boulevard zone next to the street curb.



Guise Street
recreational trail
new mixed use building



Typical cross section at Guise Street

Design Guidelines

URBAN DESIGN

Pedestrian and Recreation Circulation

It is anticipated that there will be a variety of recreational modes of movement throughout the harbour. Bordering the southern edge of the harbour would be a trail accommodating the higher speed activities such as bicycling and in-line skating. The layout of this path should not be divergent. Instead, it should have generous curvatures and/or straight lines connecting the precincts in the harbour.

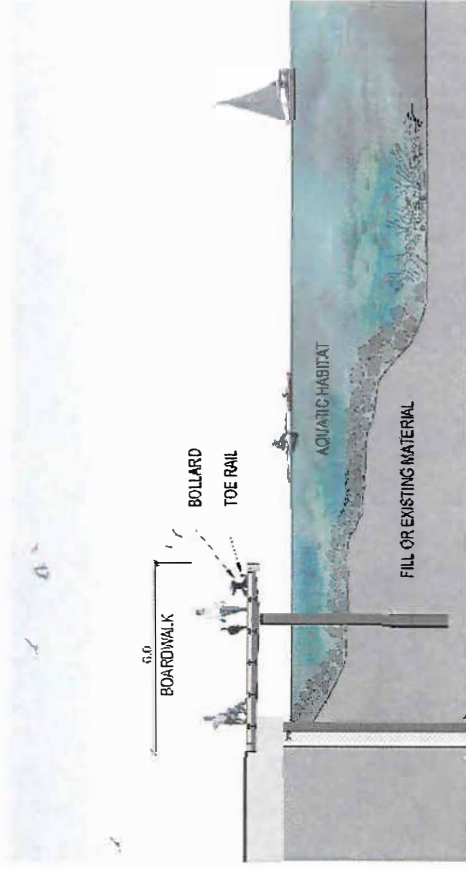
The main "Waterfront Trail" is intended to accommodate a variety of commuting and recreational uses including walking, jogging, gathering, sitting, rollerblading, wheelchair use, trolley touring and bicycling. More sinuous than the high speed trail, its layout attempts to bring users closer to the water's edge while experiencing the amenities within the harbour.

The water's edge is intended to be a more relaxed trail which gives its users an intimate connection with the water. Not intended for high speed activities, the water's edge trail traces the dock edge with a series of wooden boardwalks extended over the water. To ensure connectivity across the jagged structure of slip basins and inlets, timber pedestrian bridges extend the wooden boardwalk along the water's edge to leap over slips, ensuring continuity of the route. It is here that people get the full experience of the Hamilton West Harbour.



Recreational circulation

- waterfront trail
- main basin
- water's edge trail



Typical boardwalk section



Recreational path precedent



Design Guidelines

URBAN DESIGN

Vehicular Circulation and Parking

The vehicular circulation and parking in the West Harbour is confusing and needs to be clarified and delineated. Currently, parking, vehicular access, recreational trails and marine staging areas co-mingle with inconsistent paving materials, signage or other cues. Greater coherence should be distinguished through material palette. Clarifying parking lot access, distinguishing staging areas and separating recreation pathways is recommended.





The vast amount of land in the West Harbour is currently dedicated to cars, traffic, and parking lots creates a huge opportunity to create spaces that better serve pedestrians and recreational users. The parking lot and access roads to the south of the RHYC and Leander Rowing Club could see the most benefit from a slight reconfiguration and reduction in the drive aisle dimensions. This reduction in drive aisle space would introduce a desired extra width that would benefit from some street trees. Breaking the large expanse of asphalt are large vegetated islands in the parking lot that will create green forecourts to the both the parking lot and clubs.

An additional four hundred parking spaces could be added through the construction of a parking garage at Bayview Park. Primary access into the parking garage would occur along MacNab Street with an overflow exit on Guise Street. The slight addition in parking will accommodate the increased parking demands on the Hamilton West Harbour.

Capital construction within the West Harbour Waterfront Recreation Master Plan study area, save repairs and maintenance, should not commence until a Traffic Management Plan for the North End Neighbourhood is approved by Council.



Vehicular circulation and parking

-  primary vehicular circulation
-  secondary vehicular circulation
-  service access
-  parking

Views

The goal is to protect views to and from the waterfront by establishing view corridors on streets and public spaces and by controlling building heights and profiles in important viewsheds.

Schedule M5 of the Setting Sail Secondary Plan for the West Harbour identifies Key Views and Vistas to and from the study area. One of the targets of the Remedial Action Plan is to complete a viewshed study, and the completed report should be used as guidance to the development of key views both to and from the harbour.

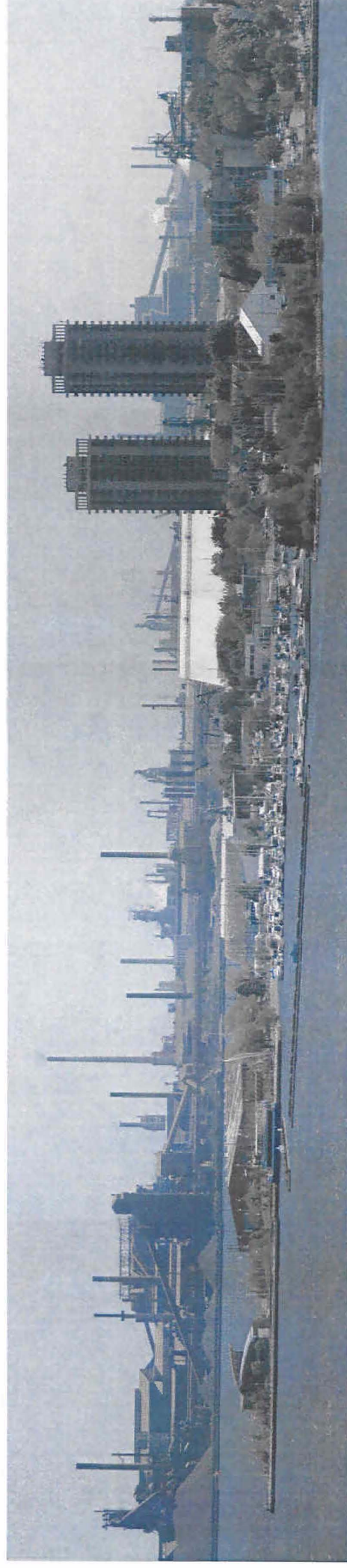
Views out onto the harbor and to important cultural destinations such as the Marine Discovery Centre and Dundurn National Historic Site not only need to be preserved, but also enhanced. View corridors extending from main intersections along Guise at MacNab, James and Hughson Streets also need to be preserved and enhanced to promote connection to the city. Significant views from other key locations in the city should also be preserved such as the impressive view from the High Level Bridge.

The foot of James Street will now have open views to the water and will invite users into the plaza with overlooks at Guise Street.

The ridge overlooking the harbour from the adjacent neighbourhood creates many opportunities for outlooks to the water. One key opportunity is Bayview Park and the proposed promontory at its northern edge overlooking the west harbour from an elevated view. Other viewing areas such as the accessible walk behind the Gartshore Thomson building should be preserved and enhanced.



Framed and panoramic views to be maintained



View of Hamilton West Harbour from High Level Bridge

Design Guidelines

ARCHITECTURE

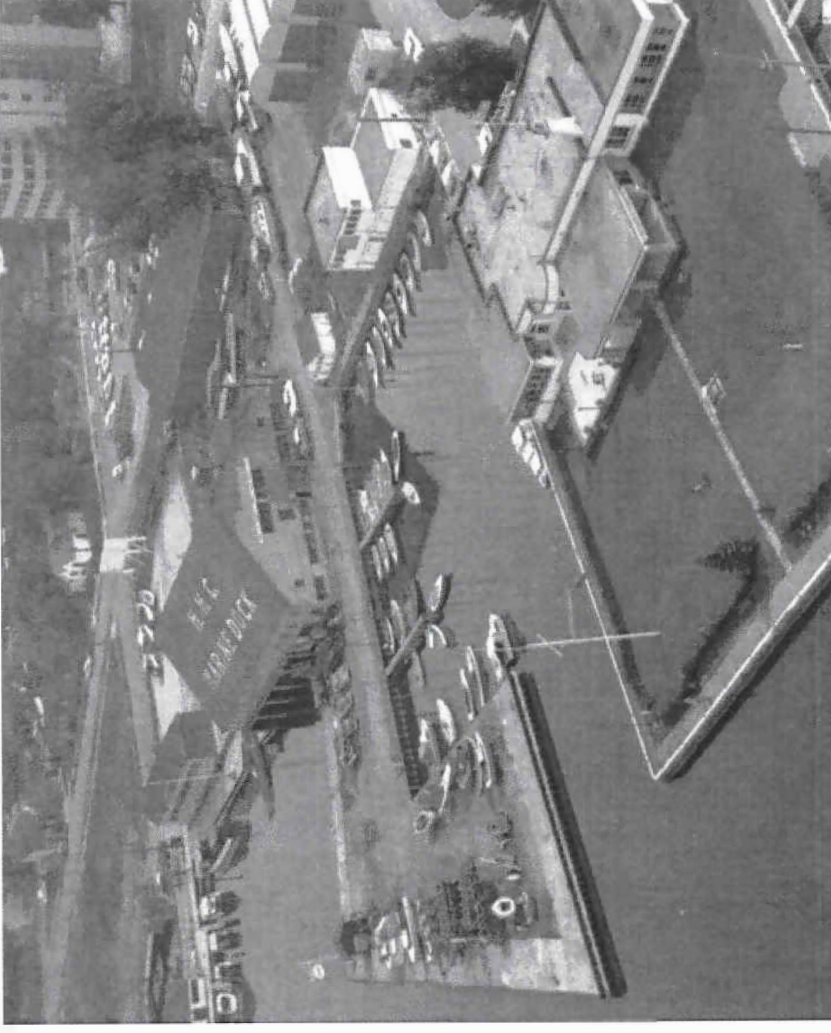
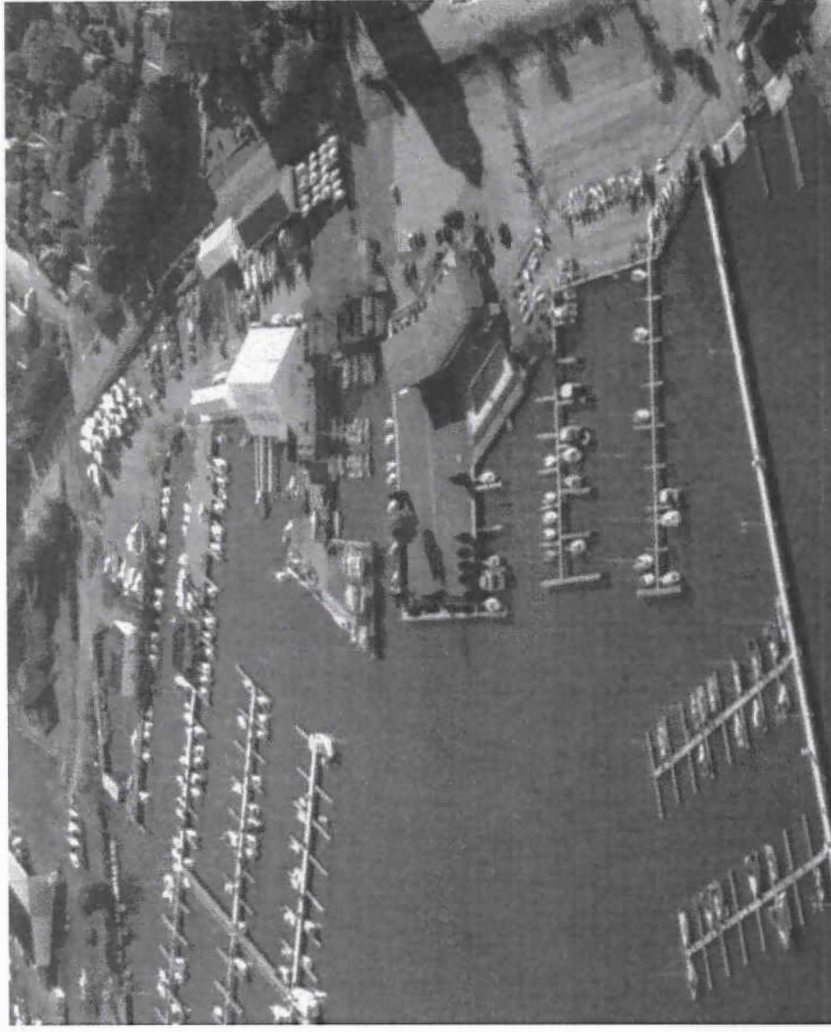
Existing Buildings + Artifacts

Old buildings provide historical continuity with the past and are indicative of the distinctive architectural character of the waterfront. Consequently the character-defining elements of the waterfront must be safeguarded to retain its heritage value and extend its physical life. This may include preservation, rehabilitation, restoration or a combination of these actions or processes.

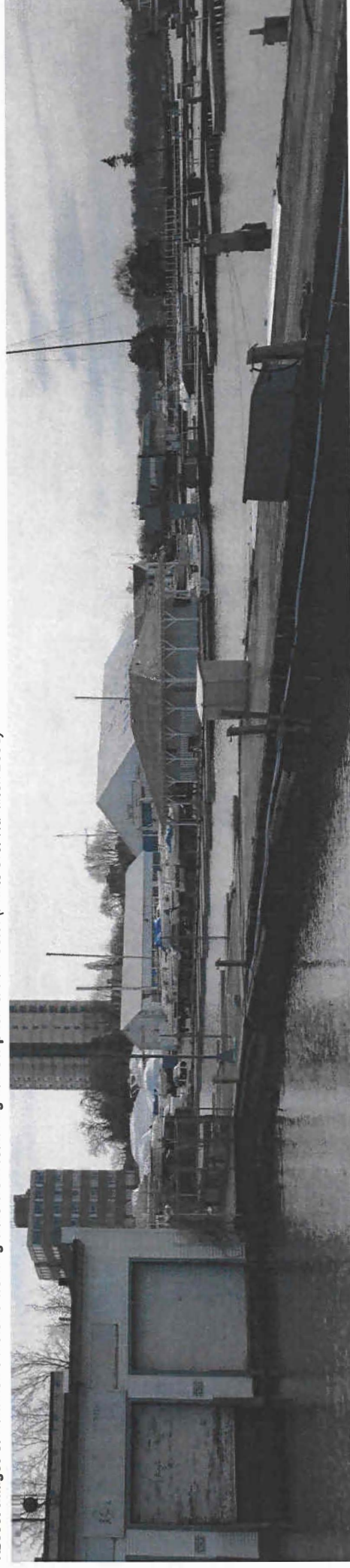
Reconstruction or reconstitution of a disappeared or non-relevant architectural style does not contribute to the character of the harbourfront and therefore must be avoided. Furthermore, creating a false sense of historical development by adding elements from other historic places, other properties, or styles (such as the new village style) is also to be avoided.

When the waterfront was industrial and port-related, it had distinctive waterfront architecture. Remnants of that legacy exist on Pier 8. When the Harbor began accommodating boat-users, a similar pier-shed building was used. The Hamilton Port Authority's storage shed is a remnant of this ongoing legacy. Programming for these existing buildings should involve minimal or no change to the character-defining elements that are essential to preserving the waterfront character.

Right: Architectural remnants of the waterfront's character & legacy



Above: Images of Hamilton's historic working waterfront featuring narrow pitch & flat roofs. (Prints over Hamilton 2006)



Right: Architectural remnants of the waterfront's character & legacy

Design Guidelines

ARCHITECTURE

New Development

As a highly public and unique space within the city, the waterfront requires a distinctive architecture. The design and configuration of open space and new buildings should support the importance and future of this.

New development will predominantly occur along Guise Street and in the main basin area. Generally speaking, Guise Street separates public waterfront activities to the north and private developments to the south. New pier building forms arranged across the waterfront are to be differentiated from the house-forms of the north-end neighbourhood, reinforcing the distinctive harbourfront character.

The overall form should be long and narrow, similar to the buildings found along the West Harbour in Pier 8. This is an appropriate form as it is low, can frame and maximize views, but also be used to create micro climates and consistent street walls.

Through façade improvements and additions, the boat clubs should attempt to either maintain the character of the original buildings or reference a nautical theme in the architecture. This includes repeated exposed structural elements, horizontal punched openings, and articulated railings. Many good waterfront buildings reference the characteristics of ships – echoing elements such as a weighted hull & lightened superstructure, masts, cables, etc.

The West Harbour precinct should showcase sustainably designed buildings and be a model for other sustainable development within Hamilton. Buildings should meet LEED or equivalent sustainable design principles.



At Right and Above: Images of Montreal's waterfront district featuring architecture and urban design elements that are contemporary. Repeated structural elements, bouy-like lighting, sail-like flags & signage, and mast-like and cabled vertical structures.



Design Guidelines

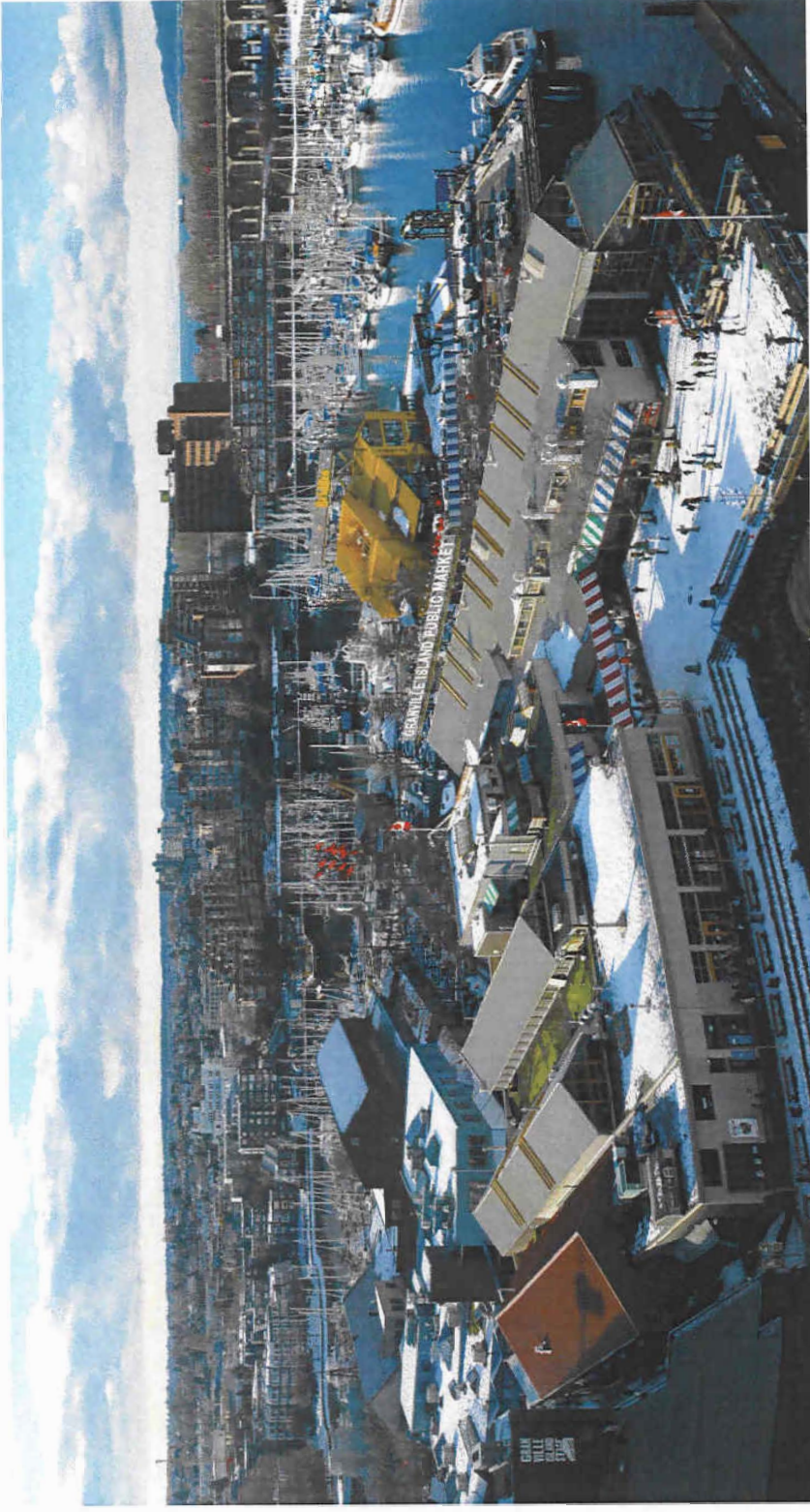
ARCHITECTURE

Shed Buildings

The Hamilton West Harbour collection of existing buildings is an eclectic mix of building types and introducing a new style will not enhance the cohesion of this district. Rather, a contemporary interpretation of existing forms, sympathetic to the traditional waterfront shed-form buildings can begin to bring harmony and distinction to the district.

The new shed-like pier buildings would have a single longitudinally peaked roofline, echoing that of existing buildings. A minimum roof pitch of 7:12 - 9:12 should be used. The intent is to provide an overall site composition of coordinated sloped roofs while avoiding idiosyncratic and inappropriate dormer rooflines.

Granville Island's adaptive re-use of heritage structures includes programming in the form of retail, restaurants, and galleries. Architecturally, the buildings were energized through apertures, colour, lighting and exposed structure.



Design Guidelines

ARCHITECTURE

Materials and Finishes

Materials chosen for the new developments should be kept simple, consistent with the "working harbour front character" and mindful to not overshadow the integrity of existing buildings. Similar to the form of the new developments, the selection of materials should reference a nautical theme. As many successful waterfront buildings cite characteristics of naval architecture, such as weighted hull, lightened superstructure, masts, cables, etc., so to shall the choice of materials.

The scope of materials and their arrangement within the composition should embody a contemporary feel that communicates to the warehouse-character. Suggested materials include corrugated galvanized metal siding coupled with a roofing material that coincides with the siding. Structural members could be composed of recycled timber and any selection of masonry should be native to the area with its application demarcated to the structures lower level evoking the weighted hulls of ships. Use of transparent and/or translucent materials are encouraged in order to enhance the quality of the interior spaces of the new buildings as well as to promote a contemporary aesthetic and porous nature to the composition as a whole.



Design Guidelines

LANDSCAPE DESIGN

Landscape Types

The Hamilton West Harbour landscape is comprised of five general typologies, reflecting the various character areas of the western waterfront. Understanding and clarifying the extents and interplay between these landscape types will generally help clarify the structure and reading of the waterfront.

Bluff

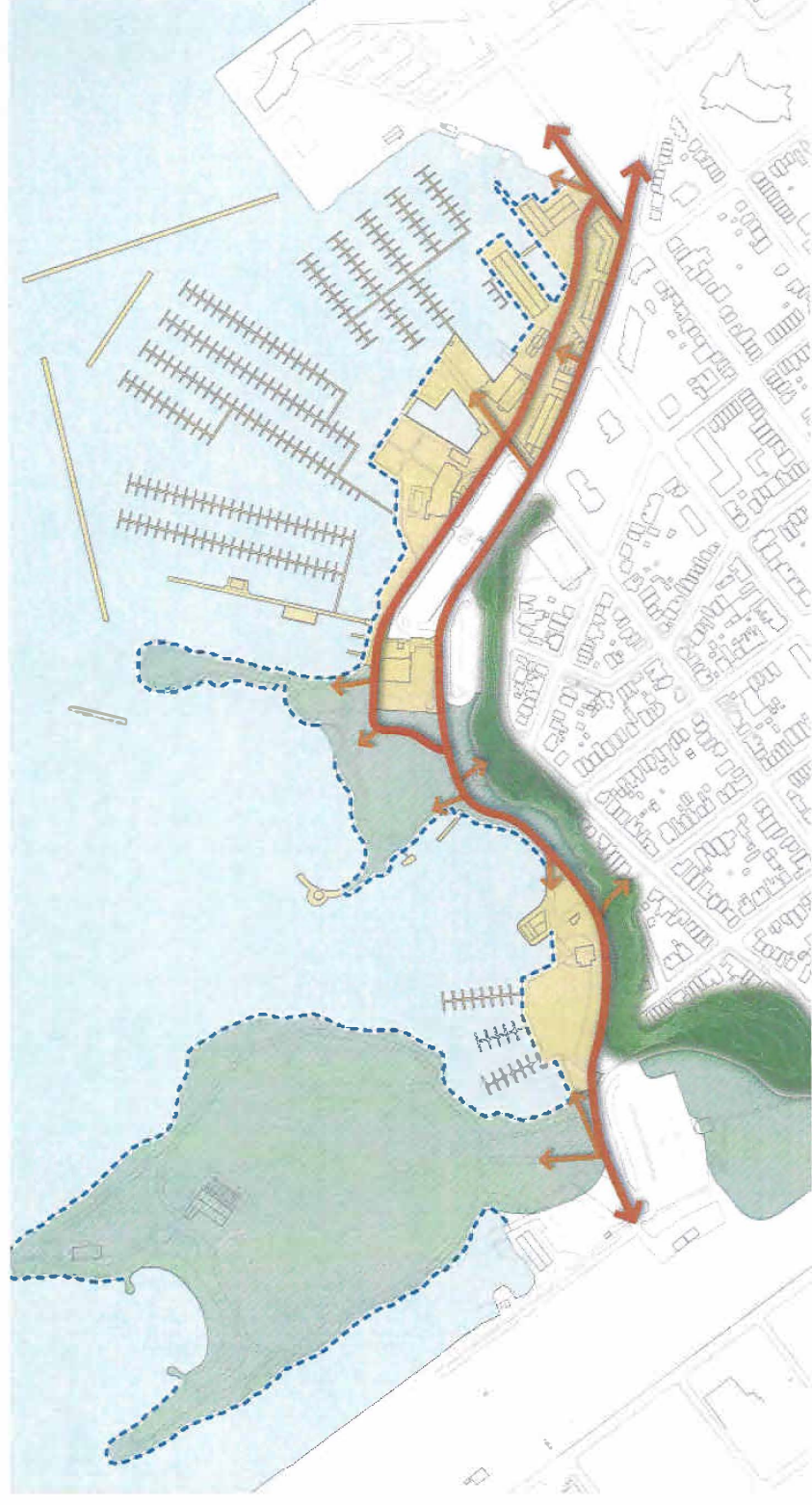
The most significant topographic landscape type is the bluff located at the southern edge of the harbour. A strong physical prominence in the landscape, the bluff effectively demarcates and makes distinct the residential area on the top of the bluff with that of the lower harbour. The considerable grade difference naturally promotes views of the harbour while giving a unique character to the shallow harbour below. The bluff is predominantly covered with naturalized vegetation with views through the trees to the harbour. This naturalized vegetation should be promoted and enhanced with native species plantings. When viewed from across or along the harbour, this natural feature provides a foreground to the skyline of the City. The continuity of this feature should be encouraged wherever possible, balancing the desire for views with landscape continuity, much like a smaller version of the Niagara Escarpment.

Pastoral Park

Bayfront Park and Pier 4 Park are excellent examples of parks that are pastoral in nature. An idyllic landscape image is set upon users with a soft palette of sizeable trees, vast green open spaces and a large body of water. The users experience the many natural composed views through a series of curving paths. A retreat from the urban environment, every attempt should be made to keep these parks pastoral in appearance through a frequent and thorough maintenance program.

Piers and Port Lands

The marine piers and working port lands are the last vestiges of the working waterfront. Largely hard-edged and paved, these spaces have an industrial character with large flexible spaces which have historically had different uses depending on the time of the year. Reinterpreted as public realm, it is important to retain the materials and functional character of these work-a-day spaces in contrast with natural and pastoral park landscapes. Characteristically, these types of waterfront spaces have cobble plazas, boardwalk and timber structure, practical metal furnishings and vegetation at the margins or in containers.



Streets and Corridors

Street trees will help define the character of the streets or trails within the West Harbour. Native trees with a proven track record in urban conditions are recommended as a first choice. A diverse range of tree species planted throughout the corridors will create a strong landscape character. A row of trees along these routes will highlight their greater significance within the larger network.



Design Guidelines

PUBLIC ART

Program and Selection Process

In order to further establish a cohesive, visual connectivity along the main "Waterfront Trail" several locations have been designated for public art installations. A number of locations have been identified for major installations including;

- Pier 4 Park
- a fountain at the foot of Bayfront park
- a historically sensitive installation adjacent to the "rumrunners" heritage site
- significant public art piece at the foot of James Street

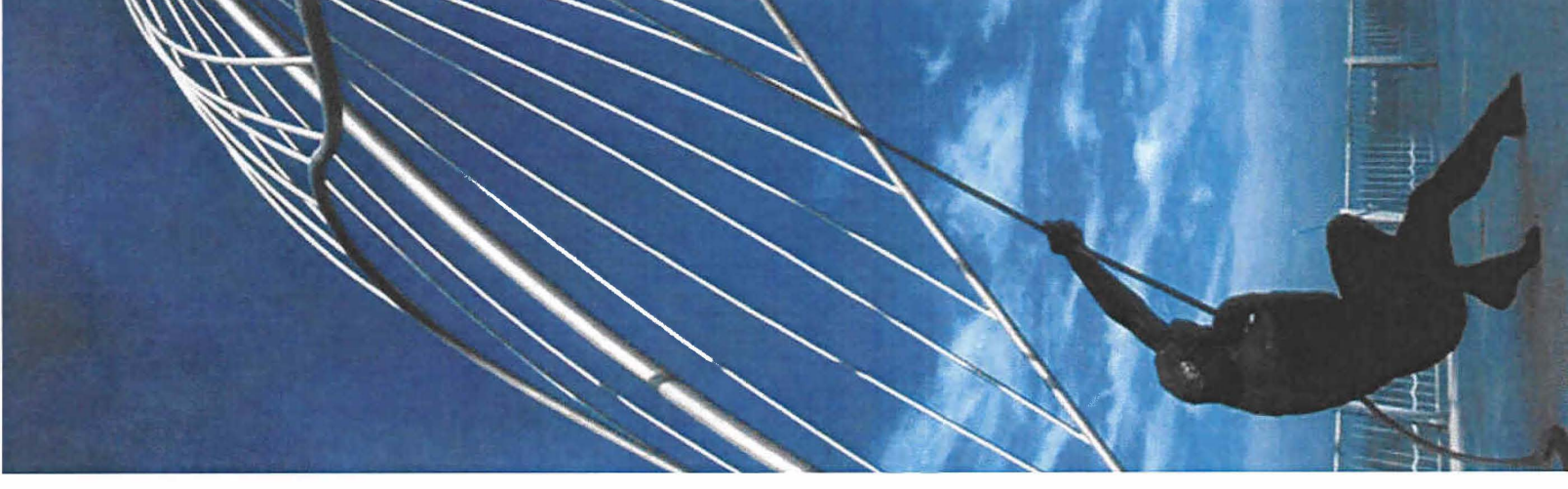
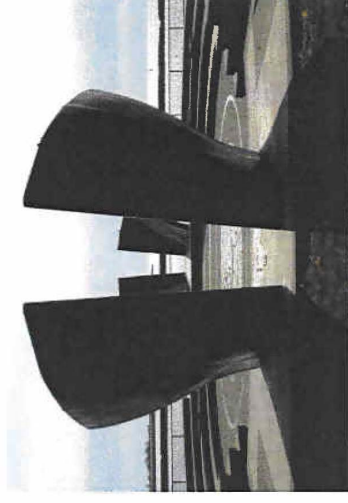
These installations will add to the vibrant and festive atmosphere of these significant locations while improving their aesthetic quality. They will serve as nodes for social and intimate activities, as well as to establish visual trail marks helping to connect the precincts along the harbour. Smaller installations can be envisioned along

the waterfront trail intended to create a linear public art corridor which further enrich the users experience along this more trail. To add to the overall vibrancy of the area, public art can also be integrated with the construction of buildings and infrastructure throughout the site.

The process for selection of individual pieces of public art shall be in accordance with the principles set out in the City of Hamilton Public Art Master Plan. This requires that public art projects evolve openly through public consultation and stakeholder juries to ensure that the art selected is reflective of the community, the qualities of the site as a whole and will be in keeping with the goals of this plan.



- proposed public art sites
- existing public art sites
- proposed linear public art corridor



Design Guidelines

AQUATIC HABITAT

General Policies and Principles

The new habitat created beneath the boardwalks could include installation of riverstone shoals, woody habitat structures and boulder clusters intended to provide complex habitat, improved feeding opportunities, and cover for fish.

Similar installations elsewhere have resulted in increased populations of native fish species, such as northern pike. Enhancements beneath the boardwalks would also complement planned shoreline improvements, where vertical hardened shorelines will be softened with more gently sloping habitat with mixed substrates and aquatic vegetation. These shoreline improvements will benefit spawning fish such as largemouth bass, and numerous other species that utilize these important near-shore areas.

Since the 1930's, in North America, habitat structures have been added to aquatic systems when natural habitat is perceived to be lacking or insufficient to attract fish and increase productivity. The West Harbour in Hamilton has been significantly altered over the course of time due to the pressures of development, port expansion, industry, transportation and recreation resulting in significant environmental degradation. Fish habitat enhancement measures in this area will promote improvements to native fish populations, and will benefit the productivity in the West Harbour area.



Design Guidelines

WATER'S EDGE

"The boardwalk was the great pathway to imagined pleasures. A kind of yellow-brick road that stretched as far as the eye could see and where you could feel the excitement as the boards warmed your feet in the summer sun."

-David Crombie, former Mayor of Toronto
(recalling the former boardwalk at Sunnyside
- from 'I Remember Sunnyside: The Rise & Fall of a Magical Era' by Mike Filey)

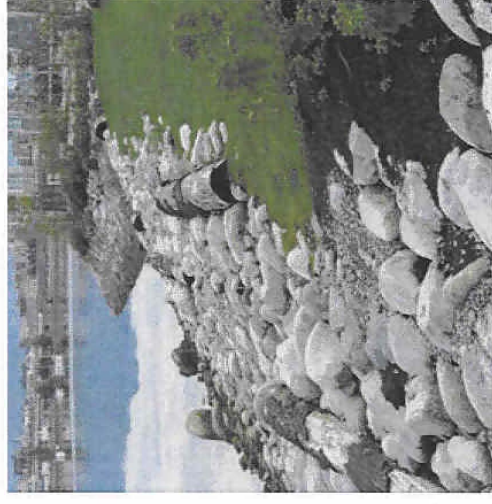
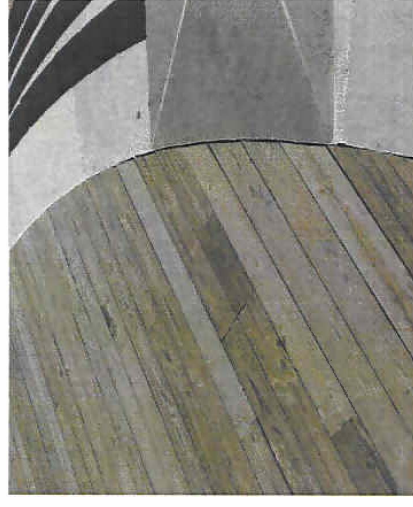
Boardwalks / Structural Decks

The water's edge promenade is public and continuous. A generous six meter dimension for the boardwalk is essential to establish the appropriate metropolitan scale of the lakefront. A hardwood timber construction is highly recommended in order to reduce regular maintenance. Planks should be laid in a straightforward pattern held up by steel piles and a concrete understructure. A galvanized steel toe rail and moorings will mark the edge of the walk.



Naturalized Shoreline

A rip rap shoreline is suggested for natural shoreline enhancements. It is made from a variety of rock types, preferably granite or limestone. It will be used mainly to protect the shoreline from erosion but also increase opportunities for fish habitat. Rock sizes should be large enough to allow for recreational fishing.



PAVING PALETTE

Roads, Sidewalks and Trails

The main roads and trails in the West Harbour should be composed of asphalt which would be contained by a concrete curb border where applicable. Asphalt is a very durable and flexible surface material and requires very little maintenance until major repairs or replacements are required. Patterned asphalt is not suggested as it can be difficult for in-line skaters, strollers, wheelchairs and cyclists. Where possible, shading of the trail with trees should be considered as this will help reduce radiant heat on the trails during summer months. A continuous border for the recreational trails composed of the same unit paving in the main basin is also recommended to improve cohesiveness across the precinct.

In areas where sidewalks occur, a poured in place concrete sidewalk with broom finish is recommended. Cross walks at road and trail intersections should also be composed of poured in place concrete paving. This will give a visual prominence to the movement of pedestrians and recreational users.

Full height barrier curbs are recommended for sidewalks and recreational trails, providing separation between motor vehicles and recreational users. Periodic drop curbs will be required for accessibility.

Feature Areas

The feature areas along the water's edge route will fulfill important civic functions and will be heavily visited as people are naturally drawn to the water's edge. This area is the primary east-west pedestrian movement corridor and plaza space within the main basin precinct and must therefore have a complementary, high quality of materials and refinement.

The treatment of paving materials to be considered are sound, robust quality precast concrete pavers that have a hidden horizontal and vertical self-locking system which distributes loads evenly.



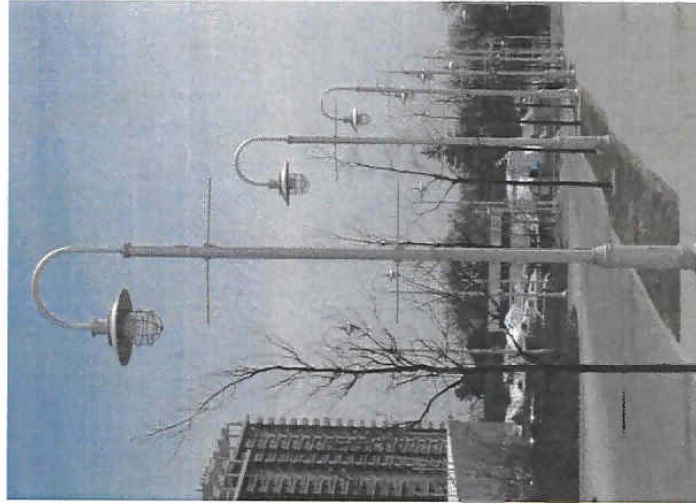
Design Guidelines

LIGHTING

Lighting on the waterfront reinforces the overall plan. It is part of the comprehensive vision, an important element in defining both the identity of the nighttime and experience of the waterfront.

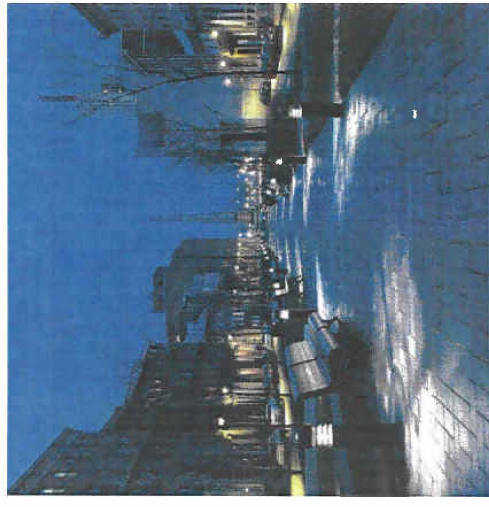
Existing Family of Lights

The existing lighting throughout the Hamilton West Harbour is successful both in defining the waterfront district and providing a marine aesthetic. Only minor improvements to the fixture are suggested. As fixtures require replacement, a dark-sky friendly fixture should be selected to mitigate light pollution and conserve energy.



Accent Lighting

Accent lighting can transform the west harbour at night by illuminating highlighted special structures such as the pedestrian bridges, slip ends, public art and the terraced seating into dramatic focal points. Ambient lighting provided by pedestrian scale lights and poles are also essential for safety along the boardwalks, paths, stairs and walkways.



FENCING AND RAILINGS

In many cases the existing fencing and railings in the West Harbour compliment their surroundings and provide appropriate barriers and screening. The simple galvanized metal railings and fences found on site are a desired aesthetic that should be maintained and promoted throughout the site.

Any new or proposed fencing should not limit actual or visual access to the waters edge, except where necessary for safety or security. Fencing material visible from publicly accessible areas should compliment surrounding architectural materials. Chain link fencing is inappropriate in all cases.

Screening

Screening is necessary where privacy is a concern to the yacht clubs. Fencing if used as screening should be solid, visually attractive and should include vegetation. Vegetation and landscaping should form a complete year-round opaque screen.



Design Guidelines

FURNITURE

A current survey of waterfront furnishings and details reveals a consistent repetition of furniture items. The simplified family of furnishings provides a clear identity across the waterfront.

Over time, existing furnishings and details should be replaced by a consistent contemporary family of furnishings within a phasing process that incrementally transforms the West Harbour into a coherent district within realistic capital budgets and timeframes.

Benches

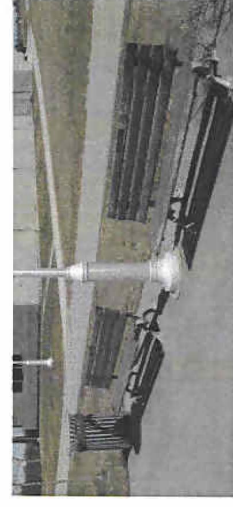
A simple contemporary bench is suggested for the West Harbour. The benches should be chosen for their strength, durability, engineering expertise and the quality of their corrosion resistant, fade resistant and UV resistant finishes. Benches should be complimentary to other furnishings such as waste and recycling receptacles.



Examples of contemporary benches

Waste and Recycling Containers

The current contemporary waste and recycling containers are desirable. When necessary, existing containers should be replaced with new receptacles that are consistent and similar in contemporary design and simplicity.



Existing site furniture

SIGNAGE AND WAYFINDING

Signage and Wayfinding

Currently, the signage and wayfinding along the West Harbour lacks coherence and uniformity. Multiple styles, multiple design variations constructed in multiple materials creates a fragmented image along the waterfront today.

To reinforce a clear and coherent image across the West Harbour, signage should be simple and sophisticated in design and appearance with a strong relationship to the palette of materials and finishes of the overall master plan vision, while visual clutter and random placement of signage shall be avoided.

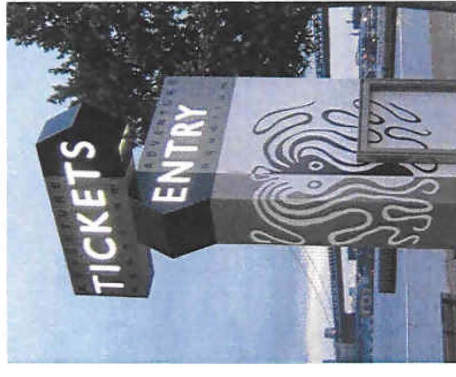
Rather, signage should be conceived as integrated elements within the public realm to maintain consistency in the West Harbour. A coordinated signage scheme should be developed with an overall graphic language and palette

of materials consistent with other elements in the public realm. Repetition of signage elements is essential; the same basic elements should be used throughout the district and aim to include:

- Good legibility for all users, including elderly, children and people with all levels of mobility;
- High contrasts and tactile elements for people who are visually impaired;
- Community information boards should be considered at transit stops and other high-volume areas;
- Signage elements should be carefully placed within the public realm so that they are not presented as obstacles in public space.



Existing signage and wayfinding



Examples of possible signage and wayfinding

Implementation

DESIGN REVIEW

Design Review

Design excellence will play a key role in creating a more liveable and beautiful waterfront. What is built on the waterfront, from the buildings to streets to parks and public art, will set new standards for architecture and public space across the city. The design of proposed developments and the public realm will implement the vision of the master plan and help Hamilton's West Harbour achieve its cultural, social, economic and environmental objectives.

In all cases where changes are proposed for the Hamilton West Harbour it is crucial to have a design review. A design review panel will provide expert, professional, unbiased advice to the City of Hamilton on proposed developments on the waterfront. The panel should act as an independent advisory body to the city, in order to assist in achieving high quality architecture, urban design, landscape architecture, and environmental sustainability in development. The panel will be advisory and in no way replace the City of Hamilton's regulatory approvals process.

The panel should be comprised of a mix of design professionals including architects, landscape architects, urban designers, engineers with sustainability expertise and individuals with expertise in planning. The members must be registered members in good standing with their respective professional

associations. The panel should be selected by Council, as per other City boards and agencies. A terms of reference and policy/procedural guidelines should also be established.

Projects to receive critical input and advice would include buildings, structures, parks and public realm projects. Anyone of these should come before the design review panel a minimum of three times. This is to ensure a fair, consistent, and transparent process.

