



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 15, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2)
<b>WARD AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Mark Kehler (905) 546-2424 Ext. 4148
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report PED22031, together with any written submissions and input from delegations on Official Plan Amendment Application No. UHOPA-22-001 and Zoning By-law Amendment Application No. ZAC-22-003 be received at Planning Committee be referred to staff for consideration and incorporated into a future Recommendation Report to Planning Committee;
- (b) That staff advise the Applicant that the Applicant is to undertake the Council endorsed Implementation Process for a Tall Building Proposal – Pier 8 Block 16 (attached as Appendix “B” to Report PED22031) including a stakeholder engagement and special design process to develop three alternative designs for the proposed tower that address innovation in the areas of sustainability, quality of life and design excellence.

**EXECUTIVE SUMMARY**

The Owner, the City of Hamilton, Municipal Land Development Office, has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a 45 storey (147 metre) multiple dwelling on lands located at 65 Guise Street East (Pier 8, Block 16),

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 2 of 14**

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Hamilton (see Appendix “C” attached to Report PED22031). The subject lands are known as Block 16 of Pier 8 which forms part of the property municipally known at 65 Guise Street East which is located north of Guise Street East between Discovery Drive and Catharine Street North in the North End Neighbourhood. The Pier 8 lands are owned by the City of Hamilton with Waterfront Shores Corporation (WSC) being the developer as chosen through the Pier 8 Development Request for Proposal (RFP) Process.

To comply with the terms of Minutes of Settlement to resolve appeals respecting the implementing Zoning By-law and Plan of Subdivision for the Pier 7 and 8 lands (Case No. PL170742), City staff have undertaken a two phased planning process for the Block 16 lands that began with Phase 1 – Pier 8 Block 16 Study and Urban Design Guidelines. The Pier 8 Block 16 Study tested various mid-rise and high-rise built form scenarios using the Vision and Guiding Principles established in the Pier 7 + 8 Urban Design Study (2016). On August 13, 2021, City Council adopted the Pier 8 Block 16 Urban Design Guidelines (Report PED21018) which established an evaluation framework for the proposed Official Plan Amendment and Zoning By-law Amendment Applications which are Phase 2 of the Block 16 planning process.

The proposed development consists of two connected tower forms above a two-storey podium (see Appendix “C” to Report PED 22031). A larger circular tower form is proposed to a height of 45 storeys (147.0 metres) with a smaller connected tower form proposed up to 31 storeys. Parking is proposed to be located underground with amenity provided indoors, at grade and within an outdoor terrace at the 31 storey. The proposed Zoning By-law Amendment includes local commercial and institutional uses at grade with residential units occupying the remainder of the building. The amending By-law includes a maximum gross floor area of 850 square metres for floors four to 30, a maximum gross floor area of 650 square metres for floors 31 and up, and a maximum gross constructed area (including above grade mechanical areas) of 38,200 square metres. A total of 1,645 dwelling units are permitted for the entire Pier 8 lands, of which a minimum 396 would be required to be family sized units (two or more bedrooms). The final design is intended to be determined through a special design process that includes developing three alternative tower designs that address innovation in the areas of sustainability, quality of life and design excellence.

The Pier 8 Block 16 Urban Design Guidelines included an Implementation Process for a Tall Building Proposal (attached as Appendix “B” to Report PED22031) that included a Statutory Public Meeting in advance of a final recommendation report to Planning Committee on adoption of the proposed Official Plan Amendment and Zoning By-law Amendment (expected to occur in September 2022). The purpose of this Report and Statutory Public Meeting is to present the Applications and to allow for the public to provide feedback and input on the proposed Official Plan Amendment and Zoning By-law Amendment Applications to propose a tall building on the subject lands. In addition,

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 3 of 14**

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the Implementation Process for a Tall Building Proposal requires that Council approval or deny a special design process to develop and evaluate three alternative tower designs addressing innovation in the areas of sustainability, quality of life and design excellence (recommendation (b) of Report PED22031). Upon completion of the special design process, technical review and receipt of all public and agency comments, staff will bring forward a Recommendation Report to Planning Committee for further consideration at which time Council can approve or deny a tall building on the subject lands.

**Alternatives for Consideration – See Page 13**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Application for an amendment to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND**

The subject lands are known as Block 16 of Pier 8 located at 65 Guise Street East, Hamilton (see Appendix “A” attached to Report PED22031). The lands are owned by the City of Hamilton and the City has selected Waterfront Shores Corporation (WSC) to be the developer of the lands through the Pier 8 Development Opportunity RFP Process. On September 16, 2019, the City executed Minutes of Settlement between the City, WSC, Harbour West Neighbours Inc. (HWN) and Herman Turkstra to resolve appeals filed by HWN and Herman Turkstra respecting Zoning By-law No. 17-095 and draft Plan of Subdivision 25T- 201605 which implemented the West Harbour “Setting Sail” Secondary Plan as it applies to the Pier 7 and 8 lands (Case No. PL170742).

**Minutes of Settlement**

In the Minutes of Settlement the parties agreed that the City shall bring forward an Official Plan Amendment (OPA) to consider the re-designation of the Block 16 lands from Institutional in the West Harbour “Setting Sail” Secondary Plan to permit a residential or mixed-use building in a mid-rise or high-rise built form. The City agreed to consider the OPA and an implementing Zoning By-law Amendment at Planning Committee and Council within 12 months of execution of the minutes of settlement. Due to the impact of the Covid-19 pandemic on the City’s ability to consult with the community, all parties agreed to a request by the City to extend the timeframe to

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 4 of 14**

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consider an OPA and Zoning By-law Amendment. The Minutes of Settlement included the following additional requirements, amongst others:

- That there will be no change in the maximum number of dwelling units permitted on Pier 8 (1,645 units);
- A minimum of 15% of the dwelling units developed on Pier 8 shall be family units (defined as dwelling units with two or more bedrooms) which would equal 245 units; and,
- That the number of family units required on the Pier 8 lands shall increase based on the number of storeys approved through the Block 16 Official Plan Amendment and Zoning By-law Amendment, as follows:

<b>Change in Height (additional storeys)</b>	<b>Additional Family Units</b>	<b>Total Family Units</b>
No change in height	0	246
+ 4 storeys	25	271
+ 5 to 11 storeys	50	296
+12 to 19 storeys	75	321
+20 to 30 storeys	100	346
31+ storeys	150	396

The additional family units may be provided within Block 16 or elsewhere within Pier 8, at the discretion of the developer (WSC) and the cap of 1,645 units remains as a hard cap on the total number of units to be developed on Pier 8.

To comply with the Minutes of Settlement, City staff have undertaken a two phased planning process beginning with the Pier 8 Block 16 Study and Urban Design Guidelines followed by the proposed OPA and Zoning By-law Amendment Applications that may proceed according to a Council adopted implementation process for a tall building proposal (subject to further direction by Planning Committee and Council). Under the Minutes of Settlement, the City did not commit to approving additional building height on Block 16.

### **Pier 8 Block 16 Study and Urban Design Guidelines**

The City retained the consulting firm Brook-McIlroy, the authors of the Pier 7 and 8 Urban Design Study (2016), to complete the Pier 8 Block 16 Study and develop performance standards and criteria to assist Council and staff when evaluating development Applications proposing to change the current height permissions for Block 16. The Study process included public consultation in the form of meetings with neighbourhood associations, a project webpage and EngageHamilton website and a virtual public information session which was held on November 5, 2020. A Staff

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 5 of 14**

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Technical Advisory Committee and the City of Hamilton Design Review Panel were also engaged to provide feedback.

The Study resulted in the Pier 8 Block 16 Urban Design Guidelines which provide universal design objectives for Block 16 and guidelines for both a mid-rise (5 to 12 storeys) scenario and a tall building (greater than 12 storeys up to a maximum of 45 storeys) scenario. The Vision and Guiding Principles of the Guidelines include an objective that a tall building proposal be designed to standards of exceptional quality and design excellence to create a metropolitan/regional level landmark in the Hamilton Harbour. To achieve this objective, the Guidelines recommend a special design process be required for a tall building proposal that includes developing three design options that address innovation in the areas of quality of life, sustainability and design excellence, with the preferred design option ultimately considered by Planning Committee and Council for adoption.

On August 13, 2021, Council adopted the Pier 8 Block 16 Urban Design Guidelines, including an Implementation Process for a Tall Building Proposal (Report PED21018).

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	City of Hamilton, Municipal Land Development Office
Applicant:	WEBB Planning Consultants c/o James Webb
File Numbers:	UHOPA-22-001 and ZAC-22-003
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a multiple dwelling with a maximum building height of 45 storeys (147.0 metres) consisting of two connected tower forms above a two-storey podium. A larger circular tower form is proposed to a height of 45 storeys (147.0 metres) with a smaller connected tower form proposed up to 31 storeys. Parking is proposed to be located underground with amenity provided indoors, at grade and within an outdoor terrace at storey 31.
Studies Received:	<ul style="list-style-type: none"><li>• Planning Justification Report;</li><li>• Urban Design Brief;</li><li>• Noise Feasibility Study; and,</li><li>• Pedestrian Level Wind Study.</li></ul>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 6 of 14**

<b>Property Details</b>	
Municipal Address:	65 Guise Street East (Pier 8, Block 16), Hamilton
Lot Area:	0.35 hectares (3,500 square metres).
Servicing:	Existing municipal services.
Existing Use:	Surface parking lot.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	Urban Area (Hamilton Wentworth Official Plan) and “Institutional” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan.
Official Plan Proposed:	“High Density Residential” with a Special Policy Area to permit a maximum building height of 45 storeys.
Zoning Existing:	Community Institutional (I2, 486, H94) Zone
Zoning Proposed:	Site Specific Waterfront – Multiple Residential (WF1) Zone
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To permit a maximum building height of 147.0 metres (including mechanical penthouse);</li> <li>• To require additional family sized units within Pier 8 based on the approved building height (in accordance with the Minutes of Settlement);</li> <li>• To permit local commercial and institutional uses at grade;</li> <li>• To require a minimum landscaped open space of 20%;</li> <li>• To require a minimum landscape buffer of 1.5 metres along the north, west and south property lines;</li> <li>• To require a minimum unit width of 5.0 metres for live/work or multiple dwelling units at grade;</li> <li>• To require a minimum of 2.0 square metres of indoor amenity space and 2.0 square metres of outdoor amenity space for each dwelling unit;</li> <li>• To permit a maximum total gross constructed area of 38,200 square metres; and,</li> <li>• To require a 5.0 metre step back for any portion of the building abutting the east lot line that exceeds three storeys in height.</li> </ul>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 7 of 14**

<b>Documents</b>	
Modifications Proposed <b>Continued:</b>	<ul style="list-style-type: none"> <li>• To require a 1.5 metre setback from the north, west and south lot lines and a 7.5 metre setback from the east lot line;</li> <li>• To require a 12.5 metre step back above the third storey from the north and east lot lines, a 13.0 metre step back above the third storey from the west lot line, and a 1.8 metre step back above the third storey and a 6.0 metre step back above storey 31, from the south lot line;</li> <li>• To permit a maximum gross floor area of 850 square metres for floors four to 30 and 650 square metres for floors 31 and above; and,</li> <li>• To require that the development implement the preferred tower design option as determined through the special design process (Holding Provision).</li> </ul>
<b>Processing Details</b>	
Received:	November 9, 2021.
Deemed Complete:	November 18, 2021.
Notice of Complete Application:	Mailed to 80 property owners within 120 metres of the subject property on December 1, 2021.
Public Notice Sign:	Sign posted: December 1, 2021. Sign updated: January 19, 2022.
Notice of Public Meeting:	Mailed to 80 property owners within 120 metres of the subject property on January 28, 2022 and posted in the Hamilton Spectator.
Public Comments:	At the time of preparation of this report, no public comments had been received.

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Surface parking lot	Community Institutional (I2, 486, H94) Zone

**Surrounding Land Uses:**

<b>North</b>	Pumping station and linear park	Open Space (P4, 485) Zone
<b>South</b>	Vacant land	Conservation / Hazard Lands (P5) Zone
	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>East</b>	Vacant land	Waterfront – Multiple Residential (WF1, H94) Zone
<b>West</b>	Discovery Centre Open Space	Open Space (P4, 485) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

As the purpose of this report and public meeting is to present the Applications and to allow for the public to provide feedback and input, and the next phase of the process will be for the applicant to prepare and submit alternative designs which will be further reviewed, it is not possible to do a detailed policy review of the proposal and how the design responds applicable policies and guidelines. A review of the applicable policy framework is as follows.

**Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any Planning decision in the City of Hamilton. Sections 2.2.1 (Managing Growth) and 2.2.6 (Housing), amongst others, apply to the proposal.



## **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non-Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the Applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

## **Hamilton-Wentworth Official Plan and City of Hamilton Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan. The lands are designated “West Harbour” on Schedule A of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan provides the detailed designations and policy framework for this area. City of Hamilton Official policies related to water distribution, sewage disposal, storm drainage and residential environment and housing remain in effect and are applicable to the proposal.

## **West Harbour (Setting Sail) Secondary Plan**

The subject lands are currently designated “Institutional” in Setting Sail and are located within the Waterfront Area of Major Change. Areas of Major Change are locations within the Secondary Plan area that are planned for significant land use change. The existing “Institutional” designation permits uses such as museums, places of worship and social services, hospitals, nursing homes, schools, day cares and libraries and the existing maximum permitted building height for the site is four storeys.

The Applicant has proposed to re-designate the property to “High Density Residential” and establish a Special Policy Area to permit a maximum building height of 45 storeys and to create a policy framework to guide the form of the development in accordance with the Pier 8 Block 16 Urban Design Guidelines.

Therefore, the High Density Residential, Waterfront Area of Major Change and Urban Design policies of Setting Sail, amongst others, will apply.

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### **Pier 8 Block 16 Urban Design Guidelines (2021)**

The Pier 8 Block 16 Urban Design Guidelines (2021) were adopted by Council on August 13, 2021 and implemented Phase 1 of the Block 16 planning process by providing a design framework for evaluating new development on the Block 16 lands. The Guidelines build upon and incorporate the key design considerations applicable to Block 16 from the earlier Pier 7 and 8 Urban Design Study (2016). The site-specific objectives and guiding principles from the Guidelines are as follows:

- Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 is a site of strategic importance within the overall Pier 8 development;
- In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for;
- For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour's renewal;
- A mid-rise building in this location should strive to create a district level landmark while a tall-building should create a metropolitan level landmark development;
- New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional;
- Given Block 16's location on the north side of the Greenway, the identity of new development should express environmentally sustainable features, green design references, and exceptional high-quality landscaping;
- New development should animate the surrounding pedestrian areas with unique active uses at grade and create a high-quality, accessible public realm;
- New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly unit design and generous outdoor living spaces contiguous with units; and,
- New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public spaces.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 11 of 14**

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The Guidelines provide design direction related to site organization, public realm interface, residential building design and sustainability. Section 8.0 of the Guidelines provides specific design direction should a tall building be proposed for the Block 16 lands. The design principles and directions from the Guidelines are summarized in a Pier 8 Block 16 Design Checklist (attached as Appendix “D” to Report PED22031) and the Applications will be evaluated against these principles and directions.

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

The subject property is currently zoned Community Institutional (I2, 486, H94) Zone which permits community institutional uses and a maximum building height of 10.5 metres. Holding Provision 94 applies to the Pier 8 lands and requires a Record of Site Condition, an acoustical, odour and dust report, and that a sanitary pumping station and forcemain be constructed prior to development proceeding.

The Applicant has proposed to rezone the property to a site-specific Waterfront – Multiple Residential (WF1) Zone to permit a multiple dwelling with a maximum building height of 45 storeys (147 metres). The proposed Zoning By-law Amendment includes modifications to permit institutional and local commercial uses at grade and a regulation to require additional dwelling units having two or more bedrooms based on the approved building height. In addition, a Holding Provision is included to require the development to implement the preferred tower design option as determined through the special design process and the existing Holding Provision 94 would remain until the proponent satisfied the required conditions.

**RELEVANT CONSULTATION**

Planning staff have circulated the Applications to internal Departments and external Agencies that have an interest in the proposed development. Comments obtained through the circulation will be addressed and will form part of the recommendation report to Planning Committee on the proposed Official Plan Amendment and Zoning By-law Amendment which is targeted for September 2022.

**PUBLIC CONSULTATION**

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 80 property owners within 120 m of the subject property on December 1, 2021. A Public Notice sign was posted on the property on December 1, 2021 and updated with the public meeting date on January 19, 2022. Finally, Notice of the Public Meeting was mailed to 80 property owners within 120 m of the subject lands on January 28, 2022 and posted in the Hamilton Spectator.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 12 of 14**

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To date, no public comments have been received. Public comments received will be incorporated and addressed in the recommendation report to Planning Committee on the proposed Official Plan Amendment and Zoning By-law Amendment which is targeted for September 2022.

### **Public Consultation Strategy**

Following submission of the Official Plan Amendment and Zoning By-law Amendment applications, the City of Hamilton, Municipal Land Development Office has completed the following additional public outreach:

- November 30, 2021 – Communications Update regarding the proposed Official Plan Amendment and Zoning By-law Amendment Applications was posted on the City’s Government Information Page;
- December 1, 2021 – Update to the City’s Waterfront Redevelopment – West Harbour webpage to provide information about the proposed Applications, including posting Application materials (plans, studies and reports); and,
- December 1, 2021 – Email update to the West Harbour mailing list subscribers advising them of the Applications and directing them to the City’s website for more information.

A Public Information Centre (PIC) is being planned for late March 2022 or early April 2022.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. Staff will provide a further recommendation report to Planning Committee (targeted for September 2022) following completion of the technical review and receipt of public and agency comments. This Report will include a review of applicable policies and guidelines and a summary and response to relevant consultation completed through the Application circulation and implementation process. Comments received at the Statutory Public Meeting will be considered and incorporated into the recommendation report on the proposed Official Plan and Zoning By-law Amendment Applications.

2. Next Steps

The recommended special design process included in the Council adopted Implementation Process for a Tall Building Proposal (see Appendix “B” attached to Report PED22031) will assist staff in evaluating the proposed Applications and will

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) - Page 13 of 14**

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require the applicant to follow the steps outlined below (with targeted dates for completion):

<b>Step</b>	<b>Description</b>	<b>Target Date for Completion</b>
Development of Design Options	The Applicant will engage multiple design professionals to develop three tower designs that address innovation in three areas: sustainability, quality of life and design excellence.	February 2022
Public Information Centre (PIC)	A Public Information Centre (PIC) will be held to present the three tower designs and collect feedback from the public.	March 2022
Special Design Review Panel	A special Design Review Panel will review the feedback received at the PIC and provide comments and feedback on the three tower design options to staff.	March 2022
<b>Step</b>	<b>Description</b>	<b>Target Date for Completion</b>
OPA / Zoning By-law Amendment Decision	Staff will bring forward a recommendation report to Planning Committee on the OPA / Zoning By-law Amendment and preferred tower design option.	September 2022

## **ALTERNATIVES FOR CONSIDERATION**

Should Council choose not to approve proceeding with the Implementation Process for a Tall Building Proposal, including the special design process, staff would bring forward a staff report to a future planning committee based on the materials submitted.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **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.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 65 Guise Street East (Pier 8, Block  
16), Hamilton (PED22031) (Ward 2) - Page 14 of 14**

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**Built Environment and Infrastructure**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Location Map

Appendix "B" - Implementation Process

Appendix "C" - Concept Plan

Appendix "D" - Pier 8 Block 16 Design Checklist

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