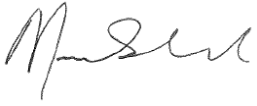




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	April 19, 2023
<b>SUBJECT/REPORT NO:</b>	Potential Parking Layout Design Improvements and Greenway for the Pier 8 Development (PED23039) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Andrea Smith (905) 546-2424 Ext. 6256 Chris Phillips (905) 546-2424 Ext. 5304 Dave McCullagh (905) 546-2424 Ext. 1647 Ray Kessler (905) 546-2424 Ext. 7019
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Norm Schleeahn Director, Economic Development Planning & Economic Development Department 

**RECOMMENDATION**

- (a) That staff of the Municipal Land Development Office be authorized and directed to submit a City-initiated Zoning By-law Amendment application to permit underground parking within the below-grade strata land within the Pier 8 “Greenway” defined by Blocks 12, 13, and 14 as shown on Appendix “A” to Report PED23039;
- (b) That, subject to Council’s future approval of the Zoning By-law Amendment outlined in Recommendation (a) to Report PED23039, the below-grade strata land within the Pier 8 “Greenway” defined by Blocks 12, 13 and 14 as shown on Appendix “A” to Report PED23039 be deemed surplus for the purposes of disposition, and staff of the Corporate Real Estate Office be authorized and directed to negotiate agreements with Waterfront Shores Corporation (WSC) for the disposition of the subject below-grade strata land, while retaining full public ownership of the above-grade Greenway, on terms and conditions that align and are consistent with the Pier 8 Development Agreement between the City of Hamilton and WSC, and such other terms and conditions deemed appropriate by

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

the General Manager of the Planning and Economic Development Department, and report back to General Issues Committee for approval;

- (c) That staff be directed to explore the opportunity to accommodate public parking spaces within the Pier 8 development blocks, including consideration of how it could fit within a transaction structure of the proposed disposition of below-grade strata land within the Pier 8 “Greenway” defined by Blocks 12, 13 and 14 as shown on Appendix “A” to Report PED23039, and report back to General Issues Committee;
- (d) That funding of all costs associated with the rezoning and potential disposition of below-grade strata land within the Pier 8 “Greenway” defined by Blocks 12, 13 and 14 as shown on Appendix “A” to Report PED23039, up to \$200K, through the West Harbour Capital Project Account No. 4411806107, be approved.

## **EXECUTIVE SUMMARY**

As Waterfront Shores Corporation (WSC), the City’s development partner for Pier 8, advances the detailed design of the various development blocks, dialogue with City staff has confirmed an opportunity with significant benefit to the overall amenity, design and function of Pier 8. The opportunity to enhance the Pier 8 vision is to be realized by enabling WSC to consolidate underground required parking between the development blocks, within the below-grade portion of lands referred to as the “Greenway”, while retaining the surface portion of the Greenway as an east-west pedestrian corridor in public ownership (refer to Appendix “A” to Report PED23039 and Appendix “B” to Report PED23039). The consolidated underground parking areas will lead to a better functional design of the neighbourhood, and also provides an opportunity to incorporate public parking into the underground structure (refer to Appendix “C” to Report PED23039).

Currently, required parking is permitted underground at each individual development block. A significant efficiency and design improvement could be realized if these underground parking structures could be linked together, thereby reducing the overall number of parking access points at the public street. For this to be possible, however, it would require the underground parking structures to be connected beneath the Greenway. The current zoning does not allow parking underneath the Greenway. Recommendation (a) would initiate the required Zoning By-law Amendment, which would go through the normal Zoning By-law Amendment process, including a statutory Public Meeting at Planning Committee to permit this use beneath the Greenway. The proposed rezoning would not permit parking at-grade within the Greenway. If the Zoning By-law Amendment is ultimately approved, then Recommendation (b) would provide staff with the authority to enter into the necessary agreements with WSC to transact the

below-grade strata for the purposes of connecting the underground parking, and bring the proposed agreements to GIC for Council's consideration.

The purpose of this Report is to:

- Outline the merits of permitting underground required parking enabling the consolidation of below-grade parking structures;
- Seek authority to undertake the required actions to enable the consolidation of below-grade parking structures as part of WSC's proposed future development including Zoning By-law Amendment application, examination of potential public parking opportunities, creation of below-grade strata, and negotiation of transactional agreements; and,
- Highlight how this beneficial disposition opportunity relates to Pier 8 planning projects underway.

The desired result of these activities is consistent with the established vision and principles for Pier 8. The surface portion of the Greenway will continue as originally planned which is to maintain these lands within public ownership and serve a dual land use function intended to convey stormwater and as a pedestrian corridor. Ultimately, the desired outcomes of these processes will result in improved design, function, and additional community benefit of the Pier 8 development.

## **Alternatives for Consideration – Page 12**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The costs relating to the preparation and implementation of any required planning processes, agreements, contracts, including required external consulting services, for the recommendations up to \$200K be authorized and payment funded from West Harbour Capital Project Account No. 4411806107. This approved capital account is funded by the proceeds of sale for the Pier 8 lands.

It is expected that any future agreement for the below-grade strata lands would generate additional financial considerations. Financial implications related to agreements for the contemplated below-grade strata land sale will be identified in future reports for Committee/Council consideration.

**Staffing:** There are no staffing implications associated with this Report. Existing staffing resources will be used to manage planning and real estate

processes outlined in this Report. External consulting services will be required to support this process, as noted above.

Legal: Legal Services will be required to assist in the preparation of the necessary documents required to complete the requisite disposition and interface agreements to facilitate this disposition strategy as well as assessing the legal implications related to these agreements.

## **HISTORICAL BACKGROUND**

As context to the discussion and staff recommendations within this Report, background is provided below related to the established development vision for Pier 8 and a summary of key relevant Council-approved motions and staff reports related to establishing the vision.

### **Established Development Vision For Pier 8**

The comprehensive vision for Pier 8 includes a strong connection between public amenity areas and private mixed-use residential development areas within Pier 8, as well as a strong connection between this new Pier 8 community with the existing North End Neighbourhood.

The western, northern, and eastern portion of Pier 8 are wrapped by public amenity areas accommodating a variety of activities, spaces and amenities. Included within this area is Copps Pier Park, a 30m wide waterfront park, which opened in the summer of 2022. The City is investing approximately \$140M to catalyze the redevelopment of these prime waterfront lands while prioritizing public access to the lands in accordance with high design standards.

As the public amenity areas are nearing completion, the focus is shifting to the internal 5.24ha internal development site portion of Pier 8 which is comprised of nine development blocks.

After an extensive procurement process concluding in June 2018, the City confirmed the selection of WSC as the Preferred Proponent of the Pier 8 Development Opportunity. In Nov 2021, the City entered into a development agreement partnership with WSC to redevelop these blocks into a mixed-use/residential neighbourhood. Applicable Official Plan policy and zoning regulations permit a mixed-use residential development comprised of four to eight-storey buildings with a maximum of 1,645 units across the development blocks.

Additional public amenity area is planned in the form of an east-west pedestrian corridor located at the centre of the nine development blocks, serving as a connector between public and private lands. This pedestrian connection is located on lands referred to as the “Greenway” and situated on Blocks 12, 13 and 14 of the Plan of Subdivision (refer to Appendix “A” to Report PED23039 and Appendix “B” to Report PED23039). As WSC moves forward with the development, and the lands transact from City ownership to WSC as per the terms of the development agreement, the Greenway will remain in City ownership.

### **Council-Approved Motions and Staff Reports**

The following is a list of Council-approved Motions and staff reports that form a chronological history regarding the City’s West Harbour Re-Development Plans, specifically for the Piers 5 to 8 lands:

- March 30, 2015 – GIC approved Report 15-008 and staff Report PED14002(b) entitled “West Harbour Waterfront Re-Development Plan”;
- November 20, 2015 - Information Update CASP1516 entitled “Status of West Harbour Capital Works”;
- On November 9, 2016, Council approved General Issues Committee (GIC) Report 16-028 (Report PED14002(c)) entitled “West Harbour Real Estate Solicitation Process for Pier 8 Lands”;
- May 24, 2017 – Council approved Planning Committee Report 17-009 and staff Report PED17074 entitled “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”; which approved the zoning and Draft Plan of Subdivision, to facilitate the mixed-use residential, commercial, institutional and park uses on the Pier 8 lands;
- June 13, 2018, Council approved GIC Report 18-013 including Report PED14002(h) entitled “Pier 8 Development Opportunity Request for Proposals Evaluation”; approving Waterfront Shores Corporation (WSC) as the Preferred Proponent to develop the Pier 8 land;
- September 11, 2019, Council approved Confidential Report PED14002(i), entitled Pier 8 Development Agreement between the City of Hamilton and Waterfront

Shores Corporation, identifying the framework to be used within the negotiated Delegated Authority (DA); and,

- On September 2021, Council approved Report PED21018 “Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy”.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

City Council, at its meeting of November 24, 2004, adopted the City’s Portfolio Management Strategy Plan, which established a formalized process to be consistently applied across all areas of the City to guide the management of the City’s real property. In accordance with the City’s Portfolio Management Strategy, By-law 14-202, property no longer required for Municipal programs is declared surplus by Council and is disposed of in accordance with this policy.

The following section provides an overview of the applicable planning framework and policies which establish the Pier 8 vision, as well as references key relevant legislation related to the recommended planning and real estate processes discussed in this Report.

- **Dec 2012, Ontario Municipal Board (OMB) Approval of West Harbour “Setting Sail” Secondary Plan**

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-Willington corridor). Setting Sail establishes a framework for public improvements and private development, and identifies land use designations, permitted uses and height limits.

- **May 2016, Council Approval of Pier 7 and 8 Urban Design Study (Brook McIlroy)**

The Pier 7 and 8 Design Study was guided by the planning framework of the Setting Sail and translates its policy text in a visual way to guide the future development of Pier 7 and 8. The urban design guidelines contained in this Study informed the zoning for Pier 8.

Within this Study, the concept of the Greenway was introduced which is described as a new “Green Street” connection from east to west with a dual role of sustainable infrastructure and public amenity space. The open space is framed by

new residences and has activity anchors at the east and west boundaries of the open space.

- **May 2017, Approval of Pier 8 Plan of Subdivision and Zoning By-Law**

To implement the Setting Sail, Subdivision and Zoning By-law Amendment applications were brought forward. The City issued zoning approval and Plan of Subdivision approval for Pier 7 and 8; however, these planning instruments were subsequently appealed to the Ontario Land Tribunal (formally the Local Planning Appeal Tribunal). The zoning that applies to the Greenway is Conservation / Hazard Lands (P5) which permits Conservation, Flood and Erosion Control Facilities and Passive Recreation uses and does not permit underground parking.

- **Sept 2019, Local Planning Appeal Tribunal (LPAT) Approval of Minutes of Settlement (MOS) of Pier 8**

The City executed MOS to resolve LPAT appeals to the Zoning By-law Amendment No. 17-095 and draft Plan of Subdivision 25T- 20165 which implemented Setting Sail as it applied to the Pier 7 and 8 lands.

The MOS included direction to the City to bring forward, for Planning Committee and Council's consideration, an Official Plan Amendment to the Setting Sail and an implementing Zoning By-law Amendment that would redesignate and rezone the existing institutional Block (Block 16) on Pier 8 to permit either residential or mixed use development in a mid-rise (later defined as 5-12 storeys) or high-rise (later define as over 12 storeys) form. Provisions within the settlement also encourage additional family units (two bedroom or more) within the development and specify a proportionate increase of family units relative to the proposed height.

- **Sept 2021, Council Approval of Pier 8 Urban Design Guidelines, Block 16 (Brook McIlroy)**

In order to fulfil the settlement commitments and OP policies, a review of the existing Pier 7 and 8 Urban Design Study was required. This review assessed the opportunity and design parameters required to accommodate a mid-rise or tall building on Block 16. Related to this review, was the requirement to develop urban design guidelines to evaluate any development applications for mid-rise or tall building proposals on the Subject Lands. The Pier 8 Block 16 Urban Design Guidelines contain recommendations pertaining to matters such as character, landscape requirements, amenity areas, massing, sustainability, circulation and accessibility for a mid-rise and tall building scenario on Block 16, as well as recommendations for successful implementation of the Guidelines.

In September 2021, Council approved Report PED21018 “Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy”. Neither the approval of the urban design guidelines nor the approval of the implementation process constituted an adoption of a position on a tall building proposal by Council or by Planning staff. The urban design guidelines do not propose a height, rather they establish a framework in which to evaluate development applications.

- **Nov 2021, Submission of City-Initiated Official Plan Amendment and Zoning By-law Amendment Applications for Block 16**

As the next step in the Council-approved implementation process for Block 16, the Municipal Land Development Office (MLDO) within the Economic Development Division has submitted the required Official Plan Amendment and Zoning By-law Amendment applications which propose a tower consisting of approximately 429 units, that is 147 metres in height or 45 storeys.

The Council-approved implementation strategy includes an enhanced public engagement process and design review process, including a special Design Review Panel (DRP). Final materials will be submitted to the Planning Department for review and brought forward to Planning Committee/Council for consideration.

## **RELEVANT CONSULTATION**

- Planning and Economic Development Department
  - Economic Development Division
  - Planning Division
  - Corporate Real Estate Office
- Public Works Department
  - Environmental Services (Parks and Cemeteries, Landscape Architectural Services)
  - Engineering Services (Waterfront Development Office)
- Corporate Services Department
  - Legal and Risk Management Services Division

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As WSC, the City’s development partner for Pier 8, advances the detailed design of the various development blocks, dialogue with City staff has confirmed an opportunity with significant benefit to the overall amenity, design and function of Pier 8. The opportunity to enhance the Pier 8 vision is to be realized by enabling WSC to consolidate



underground required parking between the development blocks within the below-grade portion of lands referred to as the “Greenway”, while retaining the surface portion of the Greenway as an east-west pedestrian corridor in public ownership (refer to Appendix “A” to Report PED23039 and Appendix “B” to Report PED23039). The consolidated underground parking areas will lead to a better functional design of the neighbourhood, and also provides an opportunity to incorporate public parking into the underground structure (refer to Appendix “C” to Report PED23039). Appendix “C” to Report PED23039 provides a conceptual illustration of the consolidation of the development blocks under the Greenway as well as depicts the general layout of the below-grade parking structures under Pier 8 Blocks, 3, 6 and 16.

Presently, the barrier to incorporating underground required parking relates to the current zoning within the area referred to as the “Greenway”. Although the Pier 8 zoning permits parking across all development blocks of Pier 8, it is not permitted within the Greenway. Although public parking is a use that would be permitted if proposed beneath the Greenway, required parking in association with private development is not permitted. A zoning by-law amendment application is required to add required parking as a permitted use.

### **Merits of Underground Parking Beneath the Greenway**

Below is a summary of the various benefits of permitting underground parking beneath the Greenway:

- **More efficient use of land**  
Permitting underground parking beneath the Greenway enables the City to retain ownership of the surface portion of Greenway while making efficient use of the below-grade strata land (also referred to as sub-surface portion) of the Greenway;
- **More parking spaces underground**  
Increasing the number of spaces that can be efficiently accommodated underground reduces the need for surface parking and associated surface vehicular circulation, shifting this parking amenity underground from the public realm;
- **Fewer driveway accesses**  
Permitting underground parking enables consolidation and improved coordination of parking infrastructure between the blocks. Fewer driveway accesses at the northern portion of the site diverts traffic away from the public park amenity area (e.g. Copps Pier Park) and opens the opportunity for the City to explore innovative shared road typologies such as a ‘woonerf’. Further, reducing the number of parking structure access points reduces potential for vehicular and pedestrian conflicts;

- **Opens the opportunity to accommodate additional public parking spaces**  
Permitting underground parking beneath the Greenway allows for exploration of public parking spaces in conjunction with the required parking spaces associated with the WSC's proposed development. This exploration would occur as part of the development of below-grade strata land sale agreement process with WSC; and,
- **Opens the opportunity to achieve financial benefit to the City**  
Subject to rezoning of the lands for underground parking, the below-grade strata lands could be sold to the Waterfront Shores.

### **Update of Related Pier 8 Planning Projects**

The Greenway has a relationship to a number of Pier 8 planning projects. The three key related planning projects are: The Greenway 'Pedestrian-Connection' Design Project; Future Site Plan Application (SPA) for Pier 8 Blocks 3 and 6; and current Official Plan Amendment and Zoning By-law Amendment Applications for Pier 8 Block 16 for a 45-storey residential tower.

### **Greenway Pedestrian-Connection Design Project**

The City has retained landscape architectural services of gh3, a multidisciplinary design practice firm, to develop landscape and urban design components related to the Pier 8 Greenway pedestrian connection. The costs associated with these consulting services have previously been approved for expenditure from West Harbour Capital Account No. 4412306101. The scope of work of this project includes:

- 1) Schematic Design, Design Development and Site Plan Application submission, including the preparation and attendance of up to three community meetings;
- 2) Greenway Contract Drawings and Tender Process; and,
- 3) Greenway Construction Administration and Review.

The Greenway Design project relates to the surface portion of the Greenway and will run concurrent yet distinct from the planning and real estate processes discussed in this Report.

### **Pier 8 Site Plan Applications**

In November 2021, the City and WSC executed the Pier 8 Development Agreement, and WSC is in a position to commence with phased site plan applications. However, the proposed site plan development design is informed by whether or not underground

parking is permitted beneath the Greenway. For example, site plan considerations such as the location of parking access points and vehicular circulation routes requires clarity as to whether consolidated parking layout between development blocks underneath the Greenway is permitted. A decision is required to clarify the site development context. Subject to determination of underground parking as a permitted use by way of zoning by-law amendment enabling the consolidation of underground parking, WSC will commence with submission of site plan applications for Block 3 and 6.

### **Block 16 City-Initiated Official Plan and Zoning By-law Amendment for a Proposed 45-Storey Residential Tower**

As noted above, in November 2021 the City-initiated a development application for an Official Plan Amendment and Zoning By-law Amendment for a proposed 45-storey on Block 16 which is located adjacent to the Greenway.

Based on community and staff feedback received to date, WSC is further revising the design for the proposed 45-storey residential tower. WSC has considered revising the proposed design whereby underground parking is consolidated, including beneath the Greenway. WSC will submit revised development application materials and the application will be brought forward for Planning Committee/Council decision.

### **Next Steps**

Subject to Council approval of recommendations contained within Report PED23039, staff will commence required planning and real estate processes as described below.

### **Required Planning Process**

In order to contemplate underground parking beneath the Greenway, the principle of permitted land uses must be established. The current applicable zoning of the Greenway does not permit underground required parking associated with private development. Blocks 12, 13 and 14 of Pier 8 are zoned Conservation/Hazard Lands (P5) which permits Conservation, Flood and Erosion Control Facilities and Passive Recreation uses only. It is therefore a Zoning By-law Amendment is required to create a Special Exception to allow “underground parking” as a permitted use for the Greenway. The proposed rezoning would not permit parking at-grade within the Greenway.

Subject to Council approval of Report PED2309 recommendation (a, i), the Municipal Land Development Office will submit a Zoning By-law Amendment application to allow underground parking. The first step in the rezoning process will be to host a community meeting prior to submission of the application. Upon submission of the application, the

process is subject to the new Bill 109 rezoning process timeframe and will be processed within 90 days.

Subject to Council approval of the Zoning By-law Amendment and the Amendment being in force and effect, the contemplated real estate processes can advance, as discussed further below.

### **Required Real Estate Processes**

On approval of the Recommendations contained in this Report PED23039 and subject to obtaining the required rezoning to accommodate the contemplated underground parking beneath the Greenway, Corporate Real Estate Office staff in consultation with Municipal Land Development staff will work to:

1. Define the property limits and description of the below-grade strata lands for disposition;
2. Protect the City's interests by way of establishing reciprocal rights and obligations to be included in the agreements to be negotiated; and,
3. Negotiate the requisite agreements towards the disposition of the defined below-grade strata lands pursuant to Policy Implications and Legislated Requirements on real estate matters as outlined in this Report PED23039.

The desired result of these processes is consistent with the established vision and principles for Pier 8. The surface portion of the Greenway will continue as originally planned which is to maintain these lands within public ownership and serve a dual land use function intended to convey stormwater and as a pedestrian corridor. Ultimately, the desired outcomes of these processes will result in improved design, function and additional community benefit of the Pier 8 development.

### **ALTERNATIVES FOR CONSIDERATION**

Should Council decide not to direct staff to initiate a rezoning application to permit underground parking, then staff will advise WSC to proceed with Block 16 Official Plan Amendment/Zoning By-law Amendment applications and Site Plan applications such that any proposed underground parking must be contained within the boundaries of each of the separate blocks.

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

### **Community Engagement and 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

### **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.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23039 – Location and Key Map

Appendix “B” to Report PED23039 – Greenway Image

Appendix “C” to Report PED23039 – Pier 8 Conceptual Site Plan with Consolidated Parking

AS/jrb