



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2)
<b>WARD AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAC-23-035 by WEBB Planning Consultant c/o James Webb on behalf of the City of Hamilton, owner**, for a change in zoning from the Conservation / Hazard Land (P5) Zone to Conservation / Hazard Land (P5, 873, H152) Zone, to permit the construction of underground parking accessory to a residential use for a portion of the lands located at 65 Guise Street East (Blocks 12, 13 & 14 of 62M-1287), Hamilton, as shown on Appendix "A" attached to Report PED23201, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O 1990 to the subject property by introducing the Holding symbol 'H' to the proposed Conservation / Hazard Land (P5, 873, H152) Zone.

The Holding Provision 'H' is to be removed, conditional upon:

- i) The Owner or authorized applicant submits a Functional Servicing and Stormwater Management Report, including design and construction details to identify and implement any required modifications to the proposed stormwater management system to the satisfaction of Director of Growth Management and Chief Development Engineer.
  - ii) The Owner or authorized applicant submits a Tree Protection Plan and Landscape Plan concept, including sections showing the planting depth of landscaped area with parking below to the satisfaction of the Director of Heritage and Design.
  - iii) The owner or authorized applicant shall obtain Ministry of Environment, Conservation and Parks approval of an amended Certificate of Property Use that reflects the intended use of Blocks 12, 13 & 14 to include below grade parking.”
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the Hamilton-Wentworth Official Plan and West Harbour (Setting Sail) Secondary Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 65 Guise Street (Blocks 12, 13 & 14 of 62M-1287) and are located on the south side of Harbourside Way and on the north side of Haida Avenue.

The applicant, WEBB Planning Consultants c/o James Webb on behalf of the City of Hamilton, has applied for an amendment to the Zoning By-law 05-200 to permit the construction of below grade parking garage under the proposed greenway which would be used as an extension of the future below grade parking structures to provide flexibility in the amount of parking provided and reduce the number of vehicular accesses for the adjacent developments within the Conservation / Hazard Land (P5, 873, H152) Zone. The parking area will be accessory to the planned residential development on the abutting lands. The parking areas will be accessed through the future residential development.

Holding Provisions are recommended to secure the submission of technical studies to ensure the development accommodates the necessary stormwater management infrastructure, an adequate planting depth to support mature trees and the submission of a Record of Site Condition.

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The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the Hamilton-Wentworth Official Plan and West Harbour (Setting Sail) Secondary Plan.

**Alternatives for Consideration – See Page 8**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner/Applicant:	City of Hamilton.
Agent:	WEBB Planning Consultants c/o James Webb.
File Number:	ZAC-23-035.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the construction of below grade parking garage under the proposed open space which would be used as an extension of the future below grade parking structures to provide flexibility in the amount of parking provided and reduce the number of vehicular accesses for the adjacent developments. The lands above the parking area continues to function as greenway (see Appendix “C”).
<b>Property Details</b>	
Municipal Address:	65 Guise Street East.
Lot Area:	0.53 ha.
Servicing:	Existing municipal services.
Existing Use:	Vacant Land.

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<b>Property Details</b>	
Proposed Use:	Open Space (Pedestrian / Cycling Street) and an underground parking structure.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	Hamilton-Wentworth Official Plan.  "Urban Area" Designation on Map No. 1 – Regional Development Pattern.
Secondary Plan:	West Harbour (Setting Sail).  "Medium Density Residential 2", "Mixed Use" and "Institutional" on Schedule M-2 General Land Use. A review of applicable policies is included in Appendix "D" attached to Report PED23201.
Zoning Existing:	Conservation / Hazard Land (P5) Zone.
Zoning Proposed:	Conservation / Hazard Land (P5, 873, H152) Zone.
Modifications Proposed:	The following modifications are being proposed to the Zoning By-law 05-200: <ul style="list-style-type: none"> <li>• Permit off-site parking in a zone for a use that is not permitted within the property providing the parking whereas the by-law requires that the property providing the parking is zoned to permit the use that requires the parking;</li> <li>• Permit a parking lot and a commercial parking facility whereas the by-law does not currently permit the use; and,</li> <li>• Adding regulations only permitting parking underground and requiring a minimum of 7.0 metres from a street line for a parking gate or on / off ramps for underground parking.</li> </ul>
<b>Processing Details</b>	
Received:	July 13, 2023.
Deemed Complete:	July 14, 2023.
Notice of Complete Application:	Sent to nine property owners within 120 metres of the subject property on July 31, 2023.
Public Notice Sign:	Posted on July 28, 2023.
Notice of Public Meeting:	Sent to nine property owners within 120 metres of the subject property on September 22, 2023.

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<b>Processing Details</b>	
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “E” attached to Report PED23201.
Public Consultation:	The following Public Consultation was completed for the proposed development: <ul style="list-style-type: none"> <li>• Creation of a webpage for the project (www.hamilton.ca/West Harbour) which provides updates on the various City initiatives, notices of upcoming meetings and contact information should residents want to obtain additional information; and,</li> <li>• Open House with Powerpoint Presentation Display Panels and dialogue with proponents on May 18, 2023, from 6:00 p.m. to 8:30 p.m.</li> </ul>
Public Comments:	No Public Comments were received to date.
Processing Time:	82 days from date of receipt of the application.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant Land	Conservation / Hazard Land (P5) Zone
<b>Surrounding Land Uses:</b>		
North	Vacant Land	Waterfront – Multiple Residential (WF1, H94) Zone, Waterfront – Multiple Residential (WF2, H94) Zone, Community Institutional (I2, 486, H94) Zone
South	Vacant Land	Waterfront – Multiple Residential (WF1, 483, H94) Zone, Waterfront – Multiple Residential (WF2, H94) Zone, Waterfront – Multiple Residential (WF1, H94) Zone, Community Institutional (I2, 486, H94)
East	Open Space, Lake Ontario	Open Space (P4, 485) Zone
West	Open Space, Lake Ontario	Open Space (P4, 485) Zone, Community Institutional (I2, 486, H94)

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g., efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

It is staff's opinion that the application for a Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with Section 3 of the *Planning Act*;
- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the West Harbour (Setting Sail) Secondary Plan.

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan was approved by Council on July 9, 2009, and the Ministry of Municipal Affairs on March 16, 2011. The lands are currently identified as "Lands Subject to Non Decision 113 West Harbour Setting Sail" on Schedule E-1 of the Urban Hamilton Official Plan; therefore the Urban Hamilton Official Plan policies do not apply. 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 Urban Hamilton Official Plan as the West Harbour (Setting Sail) Secondary Plan was under appeal.

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

The subject lands are designated "Urban Area" on Map No. 1 – Regional Development Pattern of the Hamilton-Wentworth Official Plan. These policies are not in effect for the West Harbour (Setting Sail) Secondary Plan. They have been deleted with the approval of the Urban Hamilton Official Plan.

The approval of the Urban Hamilton Official Plan by the Ontario Land Tribunal on August 16, 2013 resulted in deleting sections of the former City of Hamilton Official Plan. The two sections that remained in effect were 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 (included in Appendix “D” attached to Report PED23201).

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

In the West Harbour (Setting Sail) Secondary Plan, the property is designated as “Medium Density Residential 2”, “Mixed Use” and “Institutional”. Staff have completed a review of the overall policies within the secondary plan, including but not limited to, Urban Design, promoting a balanced transportation network, promote excellence in Design and maintain soil and groundwater quality.

Therefore, the proposal complies with the West Harbour (Setting Sail) Secondary Plan.

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

The proposed Zoning By-law Amendment is for a change in zoning from Conservation / Hazard Land (P5) Zone to the Conservation / Hazard Land (P5, 873, H152) Zone. The effect of the Zoning By-law Amendment application will permit below grade parking garage under the proposed pedestrian and cycling street. The proposed Zoning By-law Amendment is anticipated to provide flexibility in the number of parking spaces and consolidation of vehicular accesses to the underground parking garage for Blocks 1, 2, 3, 4, 5, 6 and 16 within 62M-1287.

### **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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the general intent and purpose of the West Harbour (Setting Sail) Secondary Plan, in particular by supporting a range of transportation uses (vehicular, transit, cycling, walking) and implementing the Urban Design Guidelines for Pier 7 and 8; and,
  - (iii) The proposal represents good planning by providing a range of options to accommodate vehicular access as well as improving cycling, pedestrian, transit, and automobile circulation within the subject lands and Pier 8.

2. Zoning By-law Amendment

The subject lands are zoned Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to Conservation / Hazard Land (P5, 873, H152) Zone as outlined in the table on Pages 3 and 4 of the staff report.

The proposed Zoning By-law Amendment complies by supporting a range of transportation uses (vehicular, transit, cycling, walking) and implementing the Urban Design Guidelines for Pier 7 and 8 as per the “Medium Density Residential 2”, “Mixed Use” and “Institutional” designation, of the West Harbour (Setting Sail) Secondary Plan as outlined in Appendix “D” attached to Report PED23201. The required modifications are outlined in the historical background section of the report.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provision.

3. Holding Provision

Holding ‘H’ Provisions are proposed to be added to the subject lands for the purposes of requiring the submission of a Record of Site Condition, Landscape and Tree Protection Plan and Functional Servicing Study. Upon Submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

**ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED23201 – Location Map
- Appendix “B” to Report PED23201 – Amendment to Zoning By-law No. 05-200
- Appendix “C” to Report PED23201 – Concept Plan
- Appendix “D” to Report PED23201 – Official Plan Policy Review
- Appendix “E” to Report PED23201 – Department and Agency Comments

AB:sd