



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	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(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Official Plan Amendment Application UHOPA-22-001, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner**, to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a maximum 45 storey mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22031(a), be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton,**

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Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22031(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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), and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
- (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H130’ to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

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

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, to the satisfaction of the Director of Planning and Chief Planner.
- (c) That Item 22D respecting a Recommendation Report for proposed Official Plan Amendment and Zoning By-law Amendment applications for 65 Guise Street East (Pier 8, Block 16) be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The subject lands are known as Block 16 of Pier 8 which forms part of the property municipally known as 65 Guise Street East and are located north of Guise Street East

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between Discovery Drive and Catharine Street North in the North End Neighbourhood (see Appendix “A” attached to Report PED22031(a)).

The Owner, the City of Hamilton, Municipal Land Development Office, has submitted applications to amend both the City of Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. These amendments will permit a maximum 45 storey (147.0 metre) mixed use building. The Pier 8 lands are owned by the City of Hamilton with Waterfront Shores Corporation being the developer as chosen through the Pier 8 Development Request for Proposal Process.

The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan to permit a mixed use commercial / residential building with a maximum building height of 45 storeys. The existing “Institutional” designation permits institutional uses such as hospitals, nursing homes, day nurseries, schools, libraries, museums, places of worship and social services with permitted building heights between 2 to 4 storeys.

The purpose of the Zoning By-law Amendment is to change the zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building. Proposed uses include commercial and / or cultural uses on the ground floor and a high-rise multiple dwelling consisting of a single tower above a two-storey podium.

As part of the Zoning By-law Amendment, a Holding Provision is recommended to be added to the subject lands that requires conditional site plan approval be received that implements the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8 – Block 16.

The proposed applications have been subject to an Implementation Process for a Tall Building Proposal that included stakeholder engagement and a special design process to develop three alternative tower designs that address innovation in the areas of sustainability, quality of life and design excellence. The Implementation Process was designed to achieve a landmark building that will create a singular exception to the uniform mid-rise built form character of Pier 8, adding variety and interest to the urban fabric. This report represents the final staff recommendation on the proposed Official Plan Amendment and Zoning By-law Amendment applications and the preferred tower design option, as determined through the Implementation Process.

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The proposal 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);
- It complies with the policies of the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan;
- The proposed preferred tower design addresses innovation in the areas of sustainability, quality of life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal; and,
- The proposal results in additional family sized dwelling units contributing to a broader range of housing types within the West Harbour Secondary Plan area.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Under the terms of the Minutes of Settlement to resolve appeals to the Council adopted Zoning and Plan of Subdivision for the Pier 8 lands, the City agreed to bring forward for Council's consideration an Official Plan Amendment and Zoning By-law Amendment for a mixed use or residential building with a mid-rise or high-rise built form on Pier 8, Block 16.

As required by the *Planning Act*, Council shall hold a public meeting to consider an application for an amendment to the Official Plan and Zoning By-law. The statutory public meeting was held on February 15, 2022.

HISTORICAL BACKGROUND

The subject lands are known as Pier 8, Block 16, located at 65 Guise Street East, Hamilton (see Appendix "A" attached to Report PED22031(a)). The lands are owned by the City of Hamilton and the City has selected Waterfront Shores Corporation to be the developer of the lands through the Pier 8 Development Opportunity Request for Proposals Process. As outlined in Report PED22031, the proposed development has been subject to an Implementation Process for a Tall Building Proposal that forms Phase 2 of the Block 16 planning process (see Appendix "D" attached to Report PED22031(a)). This process was initiated to comply with Minutes of Settlement to

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resolve appeals by Harbour West Neighbours and Herman Turkstra to the Council adopted Zoning and Plan of Subdivision for the Pier 8 lands.

In accordance with the Implementation Process, a statutory public meeting for the subject applications was held at Planning Committee on February 15, 2022. Planning Committee and Council referred the input received at the public meeting to staff for consideration and directed staff to advise the applicant to undertake the Council endorsed Implementation Process for a Tall Building Proposal – Pier 8, Block 16. The Implementation Process was developed through the City initiated Pier 8, Block 16 Study and Urban Design Guidelines that formed Phase 1 of the Block 16 planning process. The Pier 8, Block 16 Urban Design Guidelines were endorsed by Council in August 2021 and have informed staff’s review of the proposed Official Plan Amendment and Zoning By-law Amendment applications.

Following the statutory public meeting on February 15, 2022, the applicant has completed the following steps:

Step	Description	Date of Completion
Development of Design Options	The applicant developed three tower designs, addressing innovation in three areas: sustainability, quality of life and design excellence. The three designs included a “Cylinder” design, a “Waves” design and a “Lily” design, all prepared by KPMB Architects.	February 2022
Public Information Centre	A virtual Public Information Centre was held on March 8, 2022 to present the three tower designs and obtain feedback from the public. Notice of the virtual Public Information Centre was emailed to West Harbour mailing list subscribers and notices were printed in the Hamilton Spectator, the North End Breezes newsletter and on the City of Hamilton Twitter account. A total of 124 participants connected to the virtual Public information Centre and 174 comments and questions were received. The feedback	March 8, 2022

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Step	Description	Date of Completion
Public Information Centre Continued	received at the Public Information Centre is summarized in a Public Feedback Report prepared by an independent facilitator attached as Appendix “E” to Report PED22031(a).	
Special Design Review Panel	<p>A Special Design Review Panel meeting was held on March 10, 2022 to review the three tower designs.</p> <p>Based on the feedback received at the Public Information Centre and Special Design Review Panel, the “Lily” tower design option was chosen by the applicant as the preferred tower design. This preferred design was further developed by the applicant and brought forward to a second Special Design Review Panel meeting on April 27, 2022.</p> <p>Feedback received from the Special Design Review Panel meetings is summarized in Appendix “F” attached to Report PED22031(a).</p>	March 10 and April 27, 2022

Following the second Special Design Review Panel meeting, discussions between the applicant and City staff resulted in further modifications to the preferred tower design to improve public access to the site and consolidate underground vehicle and loading access with adjacent blocks. To allow the consolidation of vehicle and loading access, a Zoning By-law Amendment to permit underground parking beneath the “Greenway” feature to the south of Block 16 was required and was approved by Council on October 11, 2023. The additional revisions that occurred following the second Design Review Panel meeting resulted in the September 2022 target date for a decision on the proposed Official Plan Amendment and Zoning By-law Amendment (Step 7 in the Implementation Process for a Tall Building Proposal – Pier 8 Block 16) not being met (see Appendix “D” to Report PED22031(a). Additional Public Open Houses to present the revised design were held by the applicant on June 19, 2023 (virtual) and June 22,

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2023 (in person), and the final concept plan was submitted to the Planning Division on August 21, 2023.

This report represents the final recommendation to Planning Committee on the proposed Official Plan Amendment and Zoning By-law Amendment and the preferred tower design option. Under the terms of the Minutes of Settlement, the City agreed to consider an Official Plan Amendment and Zoning By-law Amendment for the Block 16 lands to permit a residential or mixed-use building in a mid-rise or high-rise built form. The proposed applications will not result in an increase to the maximum number of units permitted on Pier 8 (1,645 units). As outlined in Report PED22031 and on page 17 of this Report, the Minutes of Settlement require that the proposed increase in height to 45 storeys is conditional upon the requirement that an additional minimum of 150 family units (defined as dwelling units with two or more bedrooms) be developed on the Pier 8 lands, in addition to the existing requirement that 15% of units within Pier 8 be family units. The City did not commit, in the Minutes of Settlement, to approving additional building height on Block 16.

Report Fact Sheet

Application Details	
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:	<p>The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan.</p> <p>The purpose of the Zoning By-law Amendment is for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone.</p> <p>The proposal is for a mixed use building with a maximum building height of 45 storeys (147.0 metres) consisting of two connected tower forms above a two-storey podium.</p>

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Application Details	
Proposal (Continued):	Non-residential commercial and / or cultural uses are proposed on the ground floor together with grade related townhouse-style units. Residential amenity space is proposed at the second level, including indoor amenity rooms and an outdoor terrace. A publicly accessible lookout terrace facing the Hamilton Harbour is proposed above the two storey podium with access from the street. Parking and loading areas are proposed to be located underground with vehicle access from the adjacent block to the east (see Appendix “G” attached to Report PED22031(a)).
Property Details	
Municipal Address:	65 Guise Street East (Pier 8, Block 16). Staff note that the new municipal address assigned to Block 16 through the registration of the Pier 8 Plan of Subdivision is 130 Haida Avenue.
Lot Area:	0.35 hectares (3,500 square metres).
Servicing:	Existing municipal services.
Existing Use:	Surface parking lot.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	“Urban Area” in the Hamilton-Wentworth Official Plan. “West Harbour” in the City of Hamilton Official Plan.
Secondary Plan Existing:	“Institutional” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan.
Secondary Plan Proposed:	“Mixed Use” with a Special Policy Area: <ul style="list-style-type: none"> • To establish vision policies for future development within Pier 8, Block 16; • To permit a maximum building height of 45 storeys and a maximum geodetic elevation of 224.0 metres; and, • To permit commercial, community and live / work uses on the ground floor of a multiple dwelling.

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Documents	
Secondary Plan Proposed (Continued):	<ul style="list-style-type: none"> • To require family sized units in accordance with the implementing Zoning By-law; • To encourage the inclusion of affordable housing in accordance with the development agreement the City and the developer; • To require that development achieve the sustainability targets set out in the submitted Sustainability Report; and, • To require that the development be consistent with the Pier 8, Block 16 Urban Design Guidelines.
Zoning Existing:	Community Institutional (I2, 486, H94) Zone
Zoning Proposed:	Waterfront – Mixed Use (WF2, 819, H94, H130) Zone
Modifications Proposed:	<p>The following modifications are being proposed to the Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> • To permit a maximum building height of 147.0 metres (including mechanical penthouse); • To require an additional 150 family sized units within Pier 8 based on the approved building height (in accordance with the Minutes of Settlement); • To permit local commercial and institutional uses at grade; • To require a minimum landscaped open space of 20%; • To require a minimum unit width of 5.0 metres for live/work or multiple dwelling units at grade; • 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; • To permit a maximum total gross floor area of 38,200 square metres including mechanical areas; • 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; • To require a minimum 7.5 metre setback from the easterly lot line and 1.5 metres from all other lot lines; • To require an additional 12.5 metre setback above the third storey from the easterly and northerly lot lines and 3.0 metres from all other lot lines; and, • To permit a second floor terrace to encroach a maximum 1.5 metres into a required setback.

OUR Vision: To be the best place to raise a child and age successfully.

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.

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Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> • A Holding Provision has been included to require that the development implement the Pier 8 Block 16 Urban Design. • Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design option as determined through the special design process.
Processing Details	
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 (February 15, 2022 Statutory Public Meeting) October 27, 2023 (November 14, 2023 Public Meeting)
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 (February 15, 2022 Statutory Public Meeting). Mailed to 80 property owners within 120 metres of the subject property on October 27, 2023 and posted in the Hamilton Spectator (November 14, 2023 Public Meeting).
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “H” attached to Report PED22031(a).
Public Consultation:	In addition to the Implementation Process for a Tall Building Proposal described on pages 5 and 6 of Report PED22031(a), the applicant has completed the following additional Public Consultation: <ul style="list-style-type: none"> • December 2021 to present - maintained a Pier 8, Block 16 project website and mailing list to provide updates on public meetings and key developments in the planning process; • April 4, 2023 – neighbourhood drop-in event hosted by the developer (Waterfront Shores Corporation) at Castelli Cucina on James Street North to provide updates and answer questions about the Pier 8 development.

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Processing Details	
Public Consultation (Continued):	<ul style="list-style-type: none"> • June 19, 2023 – virtual public meeting to update the community on the proposed revised tower design; and, • June 22, 2023 – in-person open house at the Hamilton Waterfront Trust Centre with display panels giving the community the opportunity to view the revised tower design and ask questions of City staff and the applicant team.
Public Comments:	24 letters of concern / opposition and eight letters of support were submitted. The letters are attached as Appendix “I” to Report PED22031(a).
Processing Time:	735 days from date of receipt of initial application. 85 days from receipt of the revised submission.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Surface parking lot	Community Institutional (I2, 486, H94) Zone
Surrounding Land Uses:		
North	Pumping station and linear park	Open Space (P4, 485) Zone
South	Vacant land	Conservation / Hazard Lands (P5) Zone
East	Vacant land	Waterfront – Multiple Residential (WF1, H94) Zone
West	Discovery Centre Open Space	Open Space (P4, 485) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) (attached as Appendix “J” to Report PED22031(a)).

Provincial Policy Statement (2020)

The proposed development will contribute to the supply of a range of housing options, including an increase in the number of two or more bedroom units on the Pier 8 lands. The compact urban design of the proposal, along with underground parking and a mix of uses, will efficiently use land and existing infrastructure and is transit-supportive by providing intensification with access to the West Harbour GO Station and existing and planned Hamilton Street Railway (HSR) transit servicing the Pier 8 lands.

A Noise Feasibility Study prepared by GHD, dated October 25, 2021 was submitted with the application that assessed transportation and stationary noise sources in the area and concluded that the proposed development is feasible from a noise perspective. As part of the previous Pier 8 Rezoning and Plan of Subdivision approval, the Pier 8 lands were approved by Council to be classified as a Class 4 Area under Ministry of the Environment, Conservation and Parks NPC-300 Guidelines, allowing higher noise level limits to be applied than a typical Class 1 Area. An existing Holding Provision (H94) will remain on the lands which requires that an updated Noise Study based on the final building design be submitted to ensure that appropriate noise mitigation measures and warning clauses are implemented as the area develops. The implementation of remaining noise mitigation measures, related to stationary and transportation noise sources, will be undertaken through the Site Plan Control and Building Permit application processes. It has been determined that the implementation of required noise mitigation measures and inclusion of warning clauses will allow for the existing industries in proximity to the site to continue operations while adhering to stationary noise requirements.

Pier 8 is recognized as a contaminated site due to its former industrial use. Phase 1 and 2 Environmental Assessments have been completed for the site by Dillon Consulting leading to a Record of Site Condition being filed with the Ministry of the Environment, Conservation and Parks on April 21, 2022. The developer will be required to implement the Risk Management Measures contained within the Certification of Property Use issued by the Ministry of the Environment, Conservation and Parks to address all adverse effects associated with site contamination.

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Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

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

The subject lands are located within the City of Hamilton urban boundary and are serviced by municipal water and wastewater infrastructure. The proposal will contribute to creating a complete community by introducing a mix of uses to the site, including commercial and / or cultural uses at grade and residential units in a high-rise built form. Consistent with the growth management policies of the Growth Plan, the proposal provides for residential intensification within the built-up area, with access to transit servicing Pier 8.

Based on the foregoing, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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.

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. At the time the Ministry was reviewing the Urban Hamilton Official Plan, the Secondary Plan was still under appeal and, therefore, when the Urban Hamilton Official Plan came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. 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. 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

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan are applicable to the subject lands and remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan. The proposed development complies with the high-level policy direction for the Urban Area

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to achieve compact urban form that makes efficient use of services, provides access to public transit, and allows for viable walking and bicycling options for residents.

City of Hamilton Official Plan

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The proposal complies with the policies of the City of Hamilton Official Plan that encourage a range of dwelling types within a residential or mixed use development, that supports the efficient operation of public transit, and that recognizes the scale and character of the existing residential area.

West Harbour (Setting Sail) Secondary Plan

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (now Ontario Land Tribunal), the Secondary Plan was not deemed to be in effect until the Ontario Land Tribunal issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the Urban Hamilton Official Plan was brought into effect by the Ontario Land Tribunal in 2013, the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the Urban Hamilton Official Plan (Volume 2). A review of the applicable policies of the West Harbour (Setting Sail) Secondary Plan is attached as Appendix “J” to Report PED22031(a).

The West Harbour (Setting Sail) Secondary Plan directs that Pier 8 be the focus of development that combines public spaces with mixed use development to establish a distinct urban waterfront neighbourhood. To further establish a design direction for the Pier 8 Neighbourhood, the City commissioned the Pier 7 and 8 Urban Design Study that was approved by Council in May 2016 and informed the original Pier 8 Zoning By-law Amendment approval. In August 2021, Council adopted the Pier 8 Block 16 Urban Design Guidelines that provides further design criteria for evaluating the proposed high-rise mixed use building on Block 16. The recommendations of the Pier 8 Block 16 Urban Design Guidelines have been incorporated in the preferred tower design and Official Plan Amendment and implementing Zoning By-law.

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Block 16 is designated “Institutional” in the West Harbour (Setting Sail) Secondary Plan and the applicant has proposed to change the designation to “Mixed Use.” The West Harbour (Setting Sail) Secondary Plan has area specific policies for the Mixed Use designation that permit apartment buildings, cultural uses such as museums and galleries, and ground floor commercial uses such as restaurants and retail. Staff are satisfied that Block 16 is an appropriate location for mixed use development as it is adjacent to the Hamilton Waterfront Trust Centre, a restaurant (Williams Coffee Pub) and the Pier 8 Open Space and will contribute to creating a hub of cultural and commercial activity at the western terminus of the Waterfront Promenade and the Greenway. The addition of residential uses to the site will increase day and night activity on Block 16 and support public transit serving Pier 8.

The proposed building height of 147.0 metres is based on a recommendation from the Pier 8, Block 16 Urban Design Guidelines that the maximum geodetic elevation (height above sea level) of a tall building on Pier 8 be slightly lower than that of the tallest existing building in Hamilton (Landmark Place). The taller building height for Block 16 is intended to be an intentional urban design device to create a singular exception to the uniform mid-rise built form character of Pier 8 that will add variety to the urban fabric. The applicant submitted a Shadow Study dated August 18, 2023 and prepared by KPMB, demonstrating that the proposal will comply with the shadow criteria from the Pier 8 Block 16 Urban Design Guidelines, including allowing for a minimum of 3.0 hours of sun coverage between 9:00 am and 6:00 pm on public sidewalks, and allowing for a minimum 50% sun coverage at all times of the day on the waterfront promenade as measured from March 21 to September 21. A Pedestrian Wind Assessment dated November 3, 2021, prepared by RWDI was also submitted that recommends wind control measures and further detailed wind studies to be completed at the Site Plan Control stage.

Promoting excellence in design is one of the core principles of the West Harbour (Setting Sail) Secondary Plan. In keeping with this policy direction, the Pier 8 Block 16 Guidelines require that a tall building on Block 16 be designed to create a regional level landmark that is emblematic of the Harbour’s renewal. Staff are satisfied that the preferred tower design developed through the Implementation Process for a Tall Building Proposal meets the design objectives of the West Harbour (Setting Sail) Secondary Plan and the Pier 8 Block 16 Urban Design Guidelines to achieve design excellence on the Block 16 site. The applicant has submitted a Visual Analysis showing the proposed tower from key viewpoints on the McQuesten High Level Bridge, James N. Allan Skyway, and from James Street North at King Street in Downtown Hamilton. The Visual Analysis demonstrates that the tower design meets the objectives of the Pier 8 Block 16 Urban Design Guidelines to act as a visual landmark on the Harbour.

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The West Harbour (Setting Sail) Secondary Plan encourages a broad mix of households and a diversity of housing types. The proposal will contribute to achieving this goal by increasing the number of two or more bedroom dwellings required to be developed on Pier 8 and introducing a high-rise residential built form to a predominantly mid-rise neighbourhood. In addition, the City's development agreement with Waterfront Shores Corporation requires that no less than five percent (5%) of the residential housing units being developed on Pier 8 meet the definition of affordable housing in the City's Municipal Housing Facilities By-law No. 16-233.

The applicant has incorporated sustainability measures in the proposed development that are documented in the Pier 8 – Block 16 Sustainability Report submitted with the application. Included in this Report is the applicant's commitment to pursue three third party verified certifications: LEED, WELL, and EnergyStar, that will ensure a high standard of design as it relates to energy efficiency, water conservation, and air quality. Staff are satisfied that the sustainability measures incorporated in the proposed development address the overall sustainability goals of the West Harbour (Setting Sail) Secondary Plan and Pier 8 Block 16 Urban Design Guidelines. The proposed Official Plan Amendment includes vision policies for future development in Block 16 that reinforces the importance of sustainability to the design of the final Block 16 development.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone. The effect of the Zoning By-law Amendment is to permit a maximum 45 storey (147.0 metre) mixed use building. Modifications to the WF2 Zone are required to facilitate the development and are summarized in the modification chart in Appendix "K" attached to Report PED22031(a). The existing H94 Holding Provision will remain on the subject lands and requires that the owner further investigate noise, odour and dust levels on the site and implement control measures required to meet Ministry of the Environment, Conservation and Parks recommended noise, dust and odour limits.

DESIGN REVIEW PANEL

The proposed development was reviewed by a Special Design Review Panel on March 10, 2022 and April 27, 2022. The Special Design Review Panel was formed in accordance with the Implementation Process for a Tall Building Proposal – Pier 8 Block 16 attached as Appendix "D" to Report PED22031(a)

At the first Special Design Review Panel meeting on March 10, 2022, the applicant presented three alternative tower designs, including a "Cylinder" design, a "Waves"

design, and a “Lily” design. The Panel made recommendations to the design team related to design excellence, sustainability, and quality of life.

At the second Design Review Panel meeting on April 27, 2022, the applicant further developed the “Lily” design as the preferred tower design. The panel commented that the preferred tower design meets the objective of design excellence, demonstrating improvements related to the public realm, building materials and sustainability measures. The preferred tower design will be further refined and implemented at the Site Plan Control stage in accordance with the proposed Official Plan Amendment, Zoning By-law Amendment, and the Pier 8 Block 16 Urban Design Guidelines.

Full summaries of the two Special Design Review Panel meetings are attached as Appendix “F” to Report PED22031(a)

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed tall building on Block 16 represents a resetting of the West Harbour (Setting Sail) Secondary Plan vision for Block 16 within the mid-rise community on Pier 8. The tall building proposal is intended to be a singular showcase building that meets or exceeds the City’s requirements in terms of urban design, placemaking, sustainability and quality of life. The success of the tower as an urban design device is contingent on it maintaining its landmark status as the only tall building on Pier 8. Therefore, staff support for the proposal does not indicate support for the further development of tall buildings on Pier 8 or in the West Harbour (Setting Sail) Secondary Plan area.
2. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan subject to the proposed amendments;
 - (iii) The proposed preferred tower design addresses innovation in the areas of sustainability, quality life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour’s renewal; and,

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- iv) The proposal results in additional family sized dwelling units contributing to a broader range of housing types within the West Harbour Secondary Plan area.
3. The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan to permit a maximum 45 storey mixed use building. The proposed Official Plan Amendment implements the Pier 8 Block 16 Urban Design Guidelines which formed Phase 1 of the planning process for the site. The proposal satisfies the goals of the West Harbour (Setting Sail) Secondary Plan, to achieve excellence in design, a broad mix of housing types, and innovative sustainability measures. Staff are satisfied that the final tower design will achieve a regional level landmark building that is emblematic of the Harbour’s renewal and achieves placemaking that is built on quality of life, sustainability, and design excellence.

Therefore, staff support the proposed Official Plan Amendment.

4. The Zoning By-law Amendment proposes to change the zoning to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone as outlined in the table on page 9 of Report PED22031(a).

The proposed modifications to the WF2 Zone implement the built form recommendations for a tall building proposal established in the Pier 8 Block 16 Urban Design Guidelines. Staff are satisfied that the proposal meets the intent of the West Harbour (Setting Sail) Secondary Plan, subject to the proposed amendment, as outlined in Appendix “J” attached to Report PED22031(a). An analysis of the requested modifications is attached as Appendix “K” to Report PED22031(a). The implementing Zoning By-law will ensure that appropriate setbacks, building height, tower floor plates, amenity areas, and landscaping are implemented to mitigate impacts related to shadows and views, and provide for a high quality of life and an attractive public realm.

Staff note that the new municipal address assigned to Block 16 through the registration of the Pier 8 Plan of Subdivision is 130 Haida Avenue. Therefore, the proposed Zoning By-law Amendment reflects the 130 Haida Avenue address instead of 65 Guise Street East as this will be the address of the lands as development occurs.

Therefore, staff support the proposed Zoning By-law Amendment.

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5. A Holding 'H' Provision is proposed to require that conditional site plan approval be received to implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report submitted by the applicant and the preferred tower design resulting from the Implementation Process for a Tall Building Proposal – Pier 8 Block 16. The Holding 'H' Provision will ensure that the innovative design features and sustainability measures reflected in the Official Plan Amendment and Zoning By-law Amendment submission are implemented in the final tower design.

6. Minutes of Settlement

On September 16, 2019, the City of Hamilton executed Minutes of Settlement between the City, Waterfront Shores Corporation, Harbour West Neighbours and Herman Turkstra to resolve appeals filed by Harbour West Neighbours 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 8 lands (Case No. PL170742).

The Minutes of Settlement include a clause in which the parties agreed that the City shall bring forward an Official Plan Amendment to redesignate 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 Minutes of Settlement included the following additional requirements related to family sized dwelling units:

- 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).
- 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:

Change in Height (additional storeys)	Additional Family Units
No change in height	0
+ 4 storeys	25
+ 5 to 11 storeys	50
+12 to 19 storeys	75

Change in Height (additional storeys)	Additional Family Units
+20 to 30 storeys	100
31+ storeys	150

The additional family units may be provided within Block 16 or elsewhere within Pier 8, at the discretion of the developer.

The Official Plan Amendment and Zoning By-law Amendment applications implement the minutes of settlement by requiring an additional 150 family units for the proposed development that is greater than 30 storeys.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Community Institutional (I2, 486, H94) Zone in City of Hamilton Zoning By-law No. 05-200 which permits institutional uses and a maximum building height of 15.0 metres.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" to Report PED22031(a) - Location Map
- Appendix "B" to Report PED22031(a) - Draft Official Plan Amendment
- Appendix "C" to Report PED22031(a) - Draft Amendment to Zoning By-law No. 05-200
- Appendix "D" to Report PED22031(a) - Implementation Process for a Tall Building Proposal – Pier 8 Block 16
- Appendix "E" to Report PED22031(a) - Public Feedback Report from Community Meeting
- Appendix "F" to Report PED22031(a) - Design Review Panel Meeting Summaries
- Appendix "G" to Report PED22031(a) - Revised Concept Plan and Elevations
- Appendix "H" to Report PED22031(a) - Staff and Agency Comments
- Appendix "I" to Report PED22031(a) - Public Submissions
- Appendix "J" to Report PED22031(a) - Policy Review
- Appendix "K" to Report PED22031(a) - Zoning By-law Site Specific Modification Chart

MK:sd