

SUMMARY OF POLICY REVIEW

The following policies, amongst others, apply to the proposal.

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Settlement Areas Policy: 1.1.3	Settlement Areas are intended to be the focus of growth and development. The development found within Settlement Areas are generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to the concerns around a changing climate and be transit-supportive.	The subject property is located within a settlement area as defined by the Provincial Policy Statement (2020). The proposed residential development would contribute to the supply of a range of housing options, including units with two or more bedrooms. The proposal would 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 transit serving Pier 8.
Noise, Odour and Other Contaminants Policy 1.2.6.1	<p>A Noise Study is required to demonstrate that the transportation related noises and any stationary noise sources uses surrounding the subject lands can be appropriately mitigated.</p> <p>The proposed development is required to prevent or mitigate adverse effects from odour and other contaminants to minimize risk to public health and safety and ensure the long-term viability of adjacent industries.</p>	<p>To address Ministry of the Environment, Conservation and Parks’ noise guidelines, the applicant submitted a Noise Feasibility Study dated October 25, 2021, prepared by GHD Limited. The Study concludes that the development is feasible from a noise perspective and is not expected to limit the ability of existing industries in proximity to the site to operate within the stationary noise requirements under Ministry of the Environment, Conservation and Parks Guidelines.</p> <p>The Study notes that the Pier 8 Lands are classified as a Class 4 Area, allowing higher noise level limits to be applied for the development than a typical Class 1 Area. The Class 4 Area classification was approved by Council in June 2017 together with the adoption of the Pier 8 Zoning By-law Amendment and Draft Plan of Subdivision (Report No. PED17074). There is an existing Holding ‘H’ Provision (H94) applicable to Block 16 that requires an updated Noise Study based on the final building design to ensure that appropriate noise mitigation measures and warning clauses are implemented as the area develops.</p>

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<p>Noise, Odour and Other Contaminants (Continued)</p> <p>Policy 1.2.6.1</p>		<p>Potential odour and dust impacts were investigated in a Dust and Odour Impact Assessment dated January 21, 2017 submitted in support of the previous Pier 8 rezoning and Plan of Subdivision applications. The Assessment recommended the application of filtered air HVAC systems, closed windows and enclosed balconies for odour and dust abatement together with warning clauses to advise purchasers and/or tenant of potential odour and dust impacts. The implementation of odour and dust control measures are secured through the conditions of the Pier 8 Draft Plan of Subdivision and Holding Provision H94 and will be further reviewed and implemented at the Site Plan Control stage.</p>
<p>Human Made Hazards</p> <p>Policy 3.2.2</p>	<p>Sites with contaminants shall be assessed and remediated prior to any activity on the site associated with the proposed use such that there will be no adverse effects.</p>	<p>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 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 MECP to address all adverse effects associated with site contamination.</p>
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020, as amended)		
<p>Managing Growth</p> <p>Policy 2.2.1</p>	<p>The vast majority of growth is intended to happen within the Settlement Areas and more specifically within the delineated built boundary. The application of the policies found within this section of the Plan are intended to help achieve complete communities.</p>	<p>The subject lands are located within the City of Hamilton urban boundary and are serviced by municipal water and wastewater infrastructure. The proposal expands housing options by introducing high-rise residential units and increasing the number of units with two or more bedrooms required to be developed on the Pier 8 lands. Consistent with the growth management policies of the Growth Plan, the proposal provides for residential intensification within the built-up area, with access to existing transit servicing Pier 8.</p>

West Harbour (Setting Sail) Secondary Plan		
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Distinct, Urban Waterfront Neighbourhood A.6.3.5.1.7	Piers 6-8 will be the focus of physical improvements and development that combine new civic spaces and promenades with residential, cultural and mixed-use buildings to establish over time a series of linked destinations and a distinct, urban waterfront neighbourhood.	The proposed mixed use building will contribute to the mix of uses on Pier 8 and will serve as the westerly gateway and as an anchor destination for both the Waterfront Promenade to the north of Block 16 and the “Greenway” (an east / west pedestrian and cycling street) to the south. The regional level landmark building will contribute to creating a distinct, urban waterfront neighbourhood.
Comprehensive Urban Design Study A.6.3.5.1.16	Prior to development of any new buildings on Piers 7 and 8, a comprehensive urban design study of the entirety of both piers shall be completed to determine the appropriate height and massing of new buildings.	A comprehensive Pier 7 and 8 Urban Design Study was approved by Council in May 2016 and informed the original Pier 8 rezoning approval. In August 2021, Council adopted the Pier 8 Block 16 Urban Design Guidelines in response to minutes of settlement for the Pier 8 rezoning. The Guidelines carried forward the key Block 16 design recommendations from the Pier 7 and 8 Urban Design Study and provided further design criteria for evaluating a future development application for a high-rise or mid-rise mixed use or residential building. Staff are satisfied that the proposed applications implement the Pier 8 Block 16 Urban Design Guidelines.
Comprehensive Traffic Study A.6.3.5.1.17	Prior to approval of new development on Pier 8, a comprehensive traffic calming study shall be completed and implemented for the area north of the CN railway line.	This Policy was addressed by the City through the endorsement of the North End Traffic Management Plan (NETMP) in October 2010. In addition, a Traffic Impact Study specific to Pier 8 was completed as part of the Pier 8 Rezoning and Plan of Subdivision applications. Since the proposed Official Plan Amendment and Zoning By-law Amendment for Block 16 will not result in an increase to the overall number of units within Pier 8, staff are satisfied that traffic generated by the proposed development can be accommodated in accordance with the North End Traffic Management Plan and the Pier 8 Traffic Impact Study.

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<p>Mixed Use Areas</p> <p>A.6.5.1.11</p>	<p>Mixed Use Areas on Pier 8 shall permit institutional uses of a cultural nature and apartment buildings. Public open spaces are also permitted.</p> <p>Buildings shall generally be built at the front property line with parking areas located underground or in parking structures.</p> <p>Private and common amenity spaces shall be provided.</p> <p>The design of new development shall minimize shadow and wind impacts on the public realm and respect the light, views and privacy enjoyed by residents in adjacent buildings and areas.</p>	<p>The subject lands are designated “Institutional” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan and the Owner has applied to redesignate the lands to “Mixed Use”. Setting Sail contains Mixed Use Policies that are specific to Pier 8 and generally reflect the proposed development of a residential building with cultural and / or commercial uses at grade.</p> <p>The proposal provides private amenity in the form of balconies for individual units, and common amenity space is proposed at the second level, including fitness rooms, party rooms, a children’s playroom and an outdoor terrace. The proposed development also includes a publicly accessible open space adjacent to the street that includes a viewing platform above the podium. Parking for the proposed development will be located underground.</p> <p>To address the shadow criteria from the Pier 8 Block 16 Urban Design Guidelines, the applicant submitted a Shadow Study dated August 18, 2023 prepared by KPMB Architects. Except for a small portion of the sidewalk directly to the northwest of the site, the proposal provides for greater than three hours of sun coverage throughout the day on public sidewalks as measured from March 21st to September 21st. Due to the narrow profile of the proposed tower, shadows will move quickly across the Waterfront Promenade, providing greater than 50% sun coverage at all times. Daily shadows from the tower travel from the northeast to the northwest of the site, limiting the impact on future residential buildings that will be located to the east and south.</p>

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<p>Mixed Use Areas (Continued)</p> <p>A.6.5.1.11</p>		<p>A Pedestrian Wind Assessment dated November 3, 2021, prepared by RWDI was submitted with the application. The Assessment notes that the introduction of a tall building to the site is expected to increase ground level wind speeds around the perimeter of the site and potentially uncomfortable high wind activity is anticipated to the northwest and southeast of the tower. To address uncomfortable wind conditions, the Assessment recommends that wind mitigation measures such as canopies, wind screens and landscape features be implemented and that more detailed wind testing be completed to determine the effectiveness of wind control measures selected. The implementation of wind control measures will be further reviewed at the Site Plan Control stage.</p> <p>An Official Plan Amendment is required to permit commercial, community, and live / work uses on the ground floor of the proposed multiple dwelling, in addition to the institutional uses with associated commercial uses that are already permitted. An amendment is also required to allow the building to not be built at the front property line to accommodate the proposed publicly accessible open space. Staff are satisfied that the proposed amendments to the Mixed Use policies are appropriate and will provide for greater flexibility to incorporate active uses at grade together with public space facing the Waterfront Promenade.</p>

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Building Height A.6.3.3.1.4	The existing maximum building height for Block 16 as shown on Schedule “M-4” is two to four storeys.	<p>An Official Plan Amendment is required to increase the maximum building height from two to four storeys to 45 storeys.</p> <p>The Pier 8 Block 16 Urban Design Guidelines evaluated the potential for a tall building on the site and determined that a tall building that is designed to standards of exceptional quality and design excellence has the potential to create a regional landmark emblematic of the Harbour’s renewal. The Guidelines recommend the proposed maximum height of 45 storeys (147.0 metres) based on an analysis of the existing tallest building in Hamilton (Landmark Place). The proposed 45 storey building on Block 16 will have a geodetic elevation (height above sea level) of 224.0 metres which is slightly less than the 226.0 metre geodetic elevation of the 43 storey Landmark Place. Therefore, the visual presence of the proposed building on the Hamilton skyline will be similar to the existing tallest building in Hamilton.</p> <p>Staff support the proposed amendment to building height which implements the recommendations of the Pier 8 Block 16 Urban Design Guidelines. The proposed tall building will achieve a regional level landmark building that is emblematic of the Harbour’s renewal, will achieve placemaking that is built on quality of life, sustainability, and design excellence and include publicly accessible open spaces, and will achieve a high standard of design as it relates to energy efficiency, water conservation and air quality.</p>
Views and Vistas A.6.3.3.4.5	The vistas of Hamilton Harbour and the key views leading to the harbour shall be preserved	The Pier 8 Block 16 Guidelines establish that the following viewpoints towards Block 16 should be considered:

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<p>Views and Vistas (continued)</p> <p>A.6.3.3.4.5</p>		<ul style="list-style-type: none"> • Mid-span on the Burlington Bay James N. Allan Skyway bridge; • Mid-span on the McQuesten High Level Bridge; and, • James Street North at King Street. <p>The Guidelines further recommend that the building have a slender profile as seen from the James Street corridor and other surrounding areas and to serve as a visual “beacon” on the Hamilton Harbour.</p> <p>Views are addressed in a Visual Analysis dated August 2023, prepared by WND Associates. The Analysis concludes that the proposed tower will be highly visible but will not overwhelm the Hamilton skyline and will serve as a landmark on the Hamilton Harbour as is recommended in the Pier 8 Block 16 Urban Design Guidelines.</p>
<p>Excellence in Design</p> <p>A.6.3.2.8 and A.6.3.3.4.1</p>	<p>Development shall promote excellence in design, including:</p> <ul style="list-style-type: none"> • Enhancing the best attributes of the West Harbour. • Creating a comfortable and interesting pedestrian environment, including by providing main entrances facing the street and ensuring barrier free access. • Promoting a high standard of design for the public realm, including by incorporating public art. • Respect the design and scale of neighbouring buildings. 	<p>The proposed preferred tower design demonstrates excellence in design by achieving a landmark building on the Hamilton Harbour.</p> <p>The ground floor of the proposed building includes entrances facing the street and the “Greenway,” and townhouse units facing the mid-block pedestrian connection to the east. The proposal contributes to the public realm by incorporating a publicly accessible open space with access to a viewing platform facing the Hamilton Harbour. Opportunities to incorporate public art will be considered at the Site Plan Control stage.</p> <p>The proposed tower is located at the northwest corner of Pier 8, away from the lower scale residential uses to the south.</p>

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Excellence in Design (continued) A.6.3.2.8 and A.6.3.3.4.1		<p>The proposal includes setbacks and step backs to create separation from adjacent development blocks to respect the design and scale of future mid-rise development.</p>
Housing A.6.3.3.1.9 to A.6.3.3.1.11	<p>To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types.</p> <p>In the event of disposal of publicly owned lands, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, encourage its development.</p>	<p>The proposal will contribute to achieving a broad mix of housing types 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.</p> <p>Specific to affordable housing, the City’s development agreement with WSC includes the requirement that no less than five percent (5%) of the residential housing units being developed across all of Pier 8 will meet the definition of affordable housing according to the City’s Hamilton’s Municipal Housing Facilities By-law No. 16-233.</p>
Sustainability A.6.3.4.1.2 and A.6.3.4.1.3	<p>The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.</p>	<p>The applicant has incorporated sustainability measures in the proposed development that are documented in a Sustainability Report submitted with the application, prepared by Purpose Building, dated May 30, 2022. Included in this Report is a commitment by the applicant 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, waste reduction and air quality.</p> <p>The proposed Official Plan Amendment requires that the development achieve the environmental sustainability targets set out in a Sustainability Report.</p>