



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 10, 2021
<b>SUBJECT/REPORT NO:</b>	Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
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<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### **RECOMMENDATION**

That the Pier 8 Block 16 Urban Design Guidelines, attached as Appendix “B” to Report PED21018, be adopted and staff be directed and authorized to use the guidelines to evaluate and guide development applications for lands identified as Pier 8 (65 Guise Street East), Block 16 in the West Harbour area, as shown on Appendix “A” to Report PED21018.

### **EXECUTIVE SUMMARY**

In 2017, City Council enacted Zoning By-law No. 17-095 and approved a draft Plan of Subdivision, 25T-201605, for the lands known as Piers 7 and 8 (65 Guise Street East, Hamilton) for the intended purpose of implementing the West Harbour “Setting Sail” Secondary Plan as it applies to the Pier 7 and 8 lands. Zoning By-law No. 17-095 and the draft Plan of Subdivision 25T- 201605.

The planning instruments were subsequently appealed to the Ontario Land Tribunal (formerly the Local Planning Area Tribunal (LPAT) (Case No. PL170742)). An agreement was reached by way of a settlement between the City, Waterfront Shores Corporation (WSC), and the Harbour West Neighbours Inc (HWN) to resolve the appeal

files by HWN. The proposed settlement was brought forward to Council for its consideration on September 4, 2019 (Confidential Report LS19033(a)/PED19180(a)). Council's approval of the settlement was subsequently presented to the LPAT and approved on September 16, 2019.

### **Minutes of Settlement Decision**

The minutes of settlement direct the City to bring forward, for Planning Committee and Council's consideration, an amendment to the Setting Sail Secondary Plan and an implementing zoning-by-law amendment that would re-designate and re-zone the existing institutional block (Block 16) on Pier 8 (refer to location map in Appendix "A" to Report PED21018) to permit either residential or mixed use development in a mid-rise or high-rise form. The terms of the settlement require that the City bring forward an official plan amendment and a zoning by-law amendment within one year of the date of execution of the Settlement. As the Covid-19 pandemic impacted the City's ability to consult with the community, all Parties consented to the City request for an extension to the 1-year time frame.

Although the City agreed to bring forward an OPA and ZBA for Block 16 for Council's future consideration as part of the LPAT settlement process, there was no commitment for additional height on Block 16.

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

In order to fulfil the minutes of settlement, a review of the existing Pier 7 and 8 Urban Design Study (2016) in order to assess the opportunity and design parameters required to accommodate a mid-rise (5-12 storeys) or tall building (+ 12 storeys) on Block 16 and to develop associated urban design guidelines for the subject lands was undertaken by Planning Division staff, in conjunction with external planning and urban design consultants.

The Pier 8 Block 16 Urban Design Guidelines (attached as Appendix "B" to Report PED21018) contain recommendations pertaining to matters such as character, landscape requirements, amenity areas, massing, sustainability, circulation and accessibility for both a mid-rise and tall building scenario on Block 16, as well as recommendations for successful implementation of the Guidelines.

The Urban Design Guidelines serve as design, form and functional benchmarks to which future official plan and zoning by-law regulations will be developed for Block 16.

These guidelines also provide the design criteria and performance standards to evaluate future development applications for Block 16, including the official plan amendment and zoning by-law amendments to be submitted to address the

requirements of the minutes of settlement and a subsequent site plan control application for Block 16.

The Urban Design Guidelines identify the role that a mid-rise or tall building on Block 16 must have to positively contribute to the built form context of the rest of the Pier 8 development lands. The design of a mid-rise building should complement the planned public realm context of Pier 8 and generally replicate the shape, form, size and texture of the surrounding mid-rise buildings on Pier 8. However, a tall building proposal should create a metropolitan/regional landmark that can only be achieved if designed to standards of exceptional quality and design excellence. A tall building in this location must be considered intentional urban design and an architecturally innovative building that creates a singular exception to the uniformity of the 8-storey maximum height on all the other blocks on Pier 8. A tall building on Block 16 must create both variety and interest in the urban fabric and a landmark that is emblematic of the renewal of the Hamilton Harbour. It must raise the bar as an example of exceptional design and environmental sustainability that will serve as an exemplar for future community development. The planning permissions for a tall building proposal should be restricted to one and only one tall tower in this location in order to achieve and maintain the planned intent and design vision for the area. Therefore, in the case of a tall building proposal, the Guidelines recommend a more rigorous implementation and design review process.

Consultation with the public on the Draft Urban Design Guidelines occurred on November 5, 2020 in the form of a virtual Public Information Centre. Feedback from the public and the City's Design Review Panel was incorporated into the revised Urban Design Guidelines.

### **Alternatives for Consideration – See Page 22**

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

Financial: N/A

Staffing: N/A

Legal: The adoption of the Urban Design Guidelines is the first step towards fulfilling the City's obligation to bring forward, for Council's consideration, an Official Plan and Zoning By-law amendment for either a mid-rise or high-rise mixed-use or residential building on Block 16, as identified in the approved LPAT minutes of settlement.

## **HISTORICAL BACKGROUND**

The West Harbour (Setting Sail) Secondary Plan came into effect into the Hamilton Official Plan by way of an Ontario Land Tribunal (formerly Ontario Municipal Board) decision on December 27, 2012. Currently the lands are not in effect in the Urban Hamilton Official Plan and remain identified as Non-decision No. 113. Setting Sail is a comprehensive land use plan for the West Harbour area, bound by Wellington Street to the east, Cannon Street to the south, York Boulevard to the west, and Hamilton Harbour to the north. It establishes the planning principles, land use designations and policies that guide development throughout the West Harbour area. Block 16 is designated “Institutional” on Schedule “M-2” – General Land Use, in the Setting Sail Secondary Plan.

In May, 2016, City Council adopted the Pier 7 and 8 Urban Design Study. The Pier 7 and 8 Design Study was guided by the planning framework of the Setting Sail Secondary Plan and translates Setting Sail policy text in a visual way to guide the future development of Piers 7 and 8. Recommendations pertaining to matters such as character, massing, sustainability, circulation, accessibility and programming were developed through consultation with the community. The urban design guidelines contained in the study informed, where appropriate, the Zoning By-law amendment (No. 17-095). The Draft Plan of Subdivision (25T- 201605) that were approved by Council on May 24, 2017 for the Pier 8 lands contains conditions requiring a control architect and sustainability consultant to ensure, amongst other matters, the appropriate development of Pier 7 and 8 with respect to design, built form, materials, wind and noise mitigation and sustainability in compliance with the approved Urban Design Guidelines for Pier 7 and 8.

In May, 2017, the Zoning by-law amendment and Draft Plan of Subdivision were appealed to the then Local Planning Area Tribunal (now Ontario Land Tribunal) by Herman Turkstra, the Harbour West Neighbour Inc. and Parrish & Heimbecker Ltd. (the Parrish & Heimbecker Ltd. appeal has been resolved separately). Through mediation, a settlement was reached between Herman Turkstra, the Harbour West Neighbours, the City and Waterfront Shores Corporation. Waterfront Shores Corporation is acquiring the Pier 7 and 8 lands from the City and will be proceeding to develop these lands in accordance with the Setting Sail Secondary Plan. The proposed settlement was brought forward to Council for its consideration on September 4, 2019 (Confidential Report LS19033(a)/PED19180(a)). Council’s approval of the settlement was subsequently presented to the LPAT and the LPAT approved the Minutes of Settlement on September 16, 2019.

## **Minutes of Settlement Decision**

The minutes of settlement, signed by the City of Hamilton, require the City to bring forward, an amendment to the Setting Sail Secondary Plan and an implementing

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zoning-by-law amendment that would re-designate and re-zone the existing institutional block (Block 16) on Pier 8 (refer to location map in Appendix “A” to Report PED21018) to permit residential or mixed use in a mid-rise or high-rise form for Planning Committee and Council’s consideration. Council may accept, modify or reject the proposed amendments to the Secondary Plan.

Other components of the settlement included the following key items:

- The total density allowed within the nine development blocks of Pier 8 (including the redevelopment of Block 16) remains unchanged at 1,645 units;
- 15% of the units developed on Pier 8 must be “family units” (defined to mean residential units of two or more bedrooms);
- If an OPA and ZBA is approved for Block 16 resulting in an increase in height above the current permission (4 storeys), additional family-sized units would be required based on the number of additional storeys approved:

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

The terms of the settlement require that the City bring forward the Official Plan amendment (OPA) and Zoning by-law amendment (ZBA) for Block 16 within one year of the date of execution of the settlement (i.e. September 16, 2020). As a result of the Covid-19 pandemic and to ensure that community consultation occurred, the City requested an extension to the one-year time frame. Parties to the settlement agreed with extending the timeline to accommodate community consultation and engagement.

Although the City agreed to bring forward an OPA and ZBA for Block 16 for Planning Committee and Council’s future consideration as part of the settlement process, Council is not bound to any requirement to approve additional height on Block 16.

City staff have undertaken a two phased planning process that included public consultation in order to comply with the commitment to bring forward for Council’s consideration an OPA and ZBA process for Block 16. Phase 1 is the Pier 8 Block 16 Urban Design Study and Guidelines and Phase 2 will be the official plan and zoning by-law amendments.

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## **Phase 1 – Pier 8 Block-16 Study and Urban Design Guidelines**

The City retained the consulting firm Brook-McIlroy, the authors of the Pier 7 and 8 Urban Design Study (2016), to assist City staff with the completion of Phase 1.

Led by Community Planning staff, the Phase 1 is the study that resulted in the development of the Pier 8 Block 16 Urban Design Guidelines which is the subject matter of this staff report. Phase 1 included a review of the existing Pier 7 and 8 Urban Design Study (2016) in order to assess the opportunity and parameters required to accommodate a mid-rise or high-rise building on Block 16. This process tested various building height scenarios and the associated design requirements to provide direction for a land use change and associated urban design guidelines.

The purpose of Phase 1 was to develop performance standards and criteria for a mid-rise building scenario (8 to 12 storeys) and a tall building scenario (+ 12 storeys) to assist Council and staff when deciding on the development application that challenges the current height permissions on Block 16. The study included the following tasks:

- Evaluate Block 16 as an opportunity site for a change in land use designation from institutional to residential or mixed-use; and,
- Evaluate Block 16 as an opportunity site for increased height as either residential or mixed use (i.e. evaluate mid-rise residential, mid-rise mixed use, high-rise residential, and high-rise mixed use);
- Develop urban design guidelines and update the Pier 7 and 8 Urban Design Study (2016) to reflect the outcome of the above evaluations;
- Identify any recommended changes to the Setting Sail Secondary Plan and Zoning By-law to implement the outcome of all the above.

The Phase 1 study resulted in urban design guidelines for Block 16 based on a mid-rise scenario (8 to 12 storeys) and a tall building scenario (greater than 12 storeys) (Pier 8 Block 16 Urban Design Guidelines are attached as Appendix “B” to Report PED21018). If the Block 16 Urban Design Guidelines are approved, they will be used to assist Staff and Council when evaluating an application for a change in land use and increased height for Block 16.

## **Phase 2 – Block 16 OPA/ZBA Application Process**

Phase 2 involves the preparation of the implementing official plan and zoning by-law amendments based on the policy framework and design guidelines developed in Phase 1. Consistent with the previous Pier 7 and 8 development applications, West Harbour staff have retained Webb Planning Consultants Inc. to prepare and formally submit the applications to the Planning Division for review. The development applications will be prepared and will proceed through the statutory planning application process under the *Planning Act*, including a statutory public meeting of the Planning Committee to consider any changes to the Secondary Plan and associated Zoning By-law applicable

to Block 16. The Phase 2 process will commence once the Pier 8 Block 16 Urban Design Guidelines have been presented to Council for approval.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

The Pier 8 Block 16 lands are currently designated as “Institutional” in the Setting Sail Secondary Plan. Pier 8 Block 16 is part of the broader West Harbour waterfront for which the Setting Sail Secondary Plan provides the following Waterfront vision:

#### **“A.6.3.2.8 Promote excellence in design**

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attract tourists and encourage reinvestment in the area. In designing new buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

- i) design and construct buildings that respect, complement and enhance the best attributes of West Harbour;
- ii) adopt “best practice” technologies to achieve energy efficient buildings;
- iii) ensure the public realm—the area’s parks, squares, streets, trails and public buildings—is designed, up-graded and maintained to the highest standards;
- iv) incorporate public art into the design of significant buildings and open spaces; and,
- v) promote the development of inspiring, meaningful and memorable places.

#### **A.6.3.3.1.14 In Medium Density Residential 2 areas:**

- iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways;
- viii) above-grade parking structures shall be located within buildings and fronted on all levels by residential uses;
- ix) front yard parking shall not be permitted;
- x) the main entrances to buildings shall face public streets;

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- xi) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xii) common amenity space shall be consolidated on the site to create useable spaces;
- xiii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

**A.6.3.3.1.15 In High Density Residential areas:**

- i) apartment buildings and apartment buildings combined with street townhouses are permitted;
- ii) the maximum density of development on individual sites shall be the density that existed on the date of adoption of this Plan;
- iii) notwithstanding ii), the addition of street-relating dwelling units to existing High Density Residential areas is permitted and encouraged, subject to rezoning; and,
- iv) in the event of comprehensive redevelopment, new buildings shall be more compatible with surrounding lower-density housing than existing buildings, in terms of their built form, and shall generally comply with Policy A.6.3.3.1.14 iv)-xiv) of this Plan.

**A.6.3.5.1.1 Development and improvements in the Waterfront shall help realize the City's vision of a waterfront that:**

- i) is beautiful, publicly-accessible and inviting;
- ii) promotes a healthy world class harbour;
- iii) offers a variety of attractions to Hamilton residents and visitors;
- iv) facilitates active and passive enjoyment of the harbour;
- v) contains a variety of linked open spaces at the water's edge, including parks, trails, promenades and plazas;
- vi) enhances recreational boating opportunities;
- vii) accommodates waterfront-appropriate commercial amenities;
- viii) accommodates new residential neighbourhoods;
- ix) is active throughout the day, the week and the year;
- x) enhances adjacent neighbourhoods and complements the vision for Downtown;
- xi) extends the existing grid pattern of streets in West Harbour; and,
- xii) displays pride in the city's heritage and excellence in design."

More specific to the Piers 8 Block 16 study, the Secondary Plan policies have determined that the Pier 8 area will be a mixed use neighbourhood surrounded by open space that maintains public access to the Waterfront:



“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 Pier 8 Block 16 study is an implementation initiative required to guide development on Block 16.

The Secondary Plan contains environmental policies regarding sustainability measures to incorporate into development in the West Harbour:

“A.6.3.4.1.2 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.

A.6.3.4.1.3 New development and redevelopment shall be encouraged to incorporate rooftop terraces, green walls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.

A.6.3.4.1.4 To reduce energy consumption and improve air quality, a balanced transportation network for automobiles, public transit, bicycles, and pedestrians, including efficient routes for walking and cycling, shall be provided and promoted in West Harbour.”

The guiding policy framework includes the “Institutional” land use designation for Block 16 (Policy A.6.3.3.1.20). This designation permits institutional uses such as museums, places of worship and social services, hospitals, nursing homes, schools, day cares and libraries. The building height permissions for the site is a maximum of four storeys.

The above policies, amongst others, provided the framework and direction for the development of the Urban Design Guidelines for Block 16.

### **Pier 7 and 8 Urban Design Study (2016)**

The lands located at Block 16 were included in the Pier 7 and 8 Urban Design Study (2016) and treated as an institutional block as per the land use designation in the Setting Sail Secondary Plan. Within the Pier 7 and 8 Urban Design Study, key design considerations for Block 16 (referred to as Block “A” in the design study) include the following:

- Building massing shall not negatively affect the Waterfront Promenade or the Greenway;

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- Driveway access into the internal parking and loading areas shall not be provided facing the water;
- Blank elevations shall not be permitted;
- A mid-block pedestrian walkway shall be provided between Block A (Block 16) and B (Block 1) if there is a change in use between the blocks.

The Pier 7 and 8 Urban Design Study (2016) provided an alternate design option for Block 16 that included creating a single residential development block with Block 1 and eliminating the institutional uses on Block 16. This option was considered in order to expand the uses on Block 16 and to continue the rhythm of residential buildings from Blocks C and D facing onto the new Waterfront Park. This alternative option requires an official plan and zoning by-law amendment.

The key design considerations outlined above have been carried forward in the Pier 8 Block 16 study.

## **RELEVANT CONSULTATION**

Public consultation was important to the process. The Emergency Order during the COVID-19 pandemic made it impossible for traditional consultation to take place, therefore all consultation events and meetings were carried out virtually. The following process of consultation was carried out as summarized below:

- May 6<sup>th</sup>, 2020 - North End Neighbourhood Association, Planning Committee Meeting (via Zoom)
- May 14<sup>th</sup>, 2020 - Pier 8 Block 16 City Webpage launched
- May 19<sup>th</sup>, 2020 – Staff Technical Advisory Committee
- May 20<sup>th</sup>, 2020 – North End Neighbourhood Association, General Meeting (via Zoom)
- May 28<sup>th</sup>, 2020 - Progressive North End Neighbours Association Meeting (via Zoom)
- July 14<sup>th</sup>, 2020 – City of Hamilton Design Review Panel
- October 1<sup>st</sup>, 2020 - EngageHamilton.ca website launch
- October 22<sup>nd</sup>, 2020 – Virtual Meeting Notice published in the Hamilton Spectator and emailed to all contacts on the West Harbour master mail list

- November 5<sup>th</sup>, 2020 - Virtual Public Information Session (via WebEx Events)
- April 8<sup>th</sup>, 2021 – City of Hamilton Design Review Panel

### **Neighbourhood Association Meetings**

On May 6<sup>th</sup>, 2020, City Staff were invited by the North End Neighbourhood Association's 'Planning Committee' to talk to the committee about the study process for Block 16 and to provide an update on the Ontario Land Tribunal settlement decision. There were approximately 25 people in attendance at this virtual meeting.

On May 20<sup>th</sup>, 2020, the City was invited to present to the members of the North End Neighbourhood Association. On May 28<sup>th</sup>, 2020, the City attended and presented at the Progressive North End Neighbours Association virtual meeting.

During these initial meetings, City staff explained the outcome of the Ontario Land Tribunal settlement and the scope of work that was to be undertaken for the urban design study. Brook-McIlroy presented draft parameters for the urban design study for Block 16. Waterfront Shores Corporation (WSC) was also invited by the Neighbourhood Associations to attend these virtual meetings and subsequently presented their proposed renderings for a high-rise building on Block 16 based on the draft urban design parameters that Brook-McIlroy presented.

The information was well received at these meetings. Based on input received from the participants, there was support for a tall building on Block 16. Concerns were expressed about increase traffic and impacts of increased density on Pier 8 as a result of a tall building but staff clarified that, as per the settlement agreement, the maximum number of units for the entirety of the project (all of Pier 8), including any building on Block 16, would remain at 1,645 units as was approved through the 2017 re-zoning and plan of subdivision for Pier 8. Therefore, there is no anticipated increased population/household traffic impacts.

### **Staff Technical Advisory Committee Meeting and Design Review Panel Meeting**

On May 19<sup>th</sup>, 2020, the Technical Advisory Committee comprised of City staff reviewed and commented on the Block 16 study and preliminary design principles. The group provided technical analysis from the perspective of various disciplines and staff responsibilities, including planning, engineering, transportation and transit, community services, healthy living, parks, culture and recreation. Staff were supportive of the general principles and design criteria that were presented at this meeting.

The City's Design Review Panel was circulated the draft urban design concepts for consideration at their virtual meeting on July 14<sup>th</sup>, 2020 and asked to comment on the draft urban design guiding principles and evaluation criteria. Overall, the Design Review

Panel was concerned with the proposed changes to Block 16 being made in isolation from the rest of Pier 8, even though this process is occurring as a result of an Ontario Land Tribunal decision. Although there can be no change in the number of total units on Pier 8, even if a tall building is proposed, the panel was concerned that Block 16 should not be considered in isolation of the balance of Pier 8 and the impacts of the change in density for the remainder of the blocks and the associated impacts on built form, open space and parking need to be considered.

With respect to the design of a landmark tower on Pier 8, the panel commented that it is difficult to control architecture through design policies and guidelines, recommending an international design competition to achieve a signature “beacon” of the highest design quality. The advice of the Design Review Panel from this meeting is attached as Appendix “D” to this report.

Revised draft urban design guidelines document was presented again to DRP on April 8<sup>th</sup>, 2021. Recognizing that the guidelines had been revised and that the DRP membership had been renewed and comprised all new members), staff provided historical and conceptual information to the DRP members. Overall, the panel was pleased with the draft urban design guidelines for a mid-rise and tall building scenario on Block 16. The panel supported the City and design team for aiming for an environmental certification for the site and that the sustainability focus in the guidelines is strong. They acknowledged that Block 16 could act as a visual anchor for the entire Pier 8 site, however, they also noted that the guidelines and architectural control alone may not be enough to ensure that a landmark building is developed. The panel discussed that a building’s unique, innovative and landmark quality is not tangible enough to be described and can only be achieved by excellent architects and design teams, which typically occurs through an international design competition. The advice of the Design Review Panel from the April 2021 meeting is attached as Appendix “E” to Report PED21018.

### **Virtual Public Information Meeting – November 5<sup>th</sup>, 2020**

A virtual public information meeting was held using WebEx on November 5<sup>th</sup>, 2020 at 7 pm. The meeting included a presentation by City staff on the details of the Ontario Land Tribunal settlement and the scope of work being carried out. This presentation was followed by a presentation by Brook McIlroy on the Pier 8 Block 16 study and draft urban design guidelines. Following the presentations, a question and answer period was provided. The meeting was recorded and uploaded onto the City’s EngageHamilton website at [www.engage.hamilton.ca/piers7and8](http://www.engage.hamilton.ca/piers7and8). A survey on the EngageHamilton website was made available following the virtual meeting and commenting closed on November 19<sup>th</sup>, 2020. A summary of the survey results is contained in Appendix “C” to PED21018.

The meeting was important for clarifying the purpose of the Block 16 study to discuss the urban design objectives and draft guidelines and confirming that any new building for the site would go through a planning process which would culminate in a City Council decision for the site.

Based on the public discussion at the Live Public Information Meeting some individuals were opposed to any form of high rise on this site whereas other individuals were supportive of an architecturally significant landmark building.

Questions arose about the impact of having a residential building on Block 16 on the rest of the Pier 8 lands. City staff responded that the maximum number of units for the entirety of the project, including any building on Block 16, would remain at 1,645 units. Further questions were noted about family housing and whether these would be in a mid-rise or high rise on Block 16 or elsewhere on Pier 8 lands. City staff confirmed that the increase in family units referenced could be anywhere on the Pier 8 lands. Questions and comments on the draft urban design guidelines sought to clarify step backs, building separation, outdoor landscaping, and site lines. Discussion also occurred on bird safety and bird friendly design. The Consultation Feedback Report is attached as Appendix “C” to Report PED21018.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Pier 8 Block 16 Urban Design Guidelines are attached as Appendix “B” to Report PED21018. The purpose of the Urban Design Guidelines document is to establish a set of performance standards and criteria for a mid-rise building scenario (8 to 12 storeys) and a tall building scenario (+ 12 storeys) to assist Council and staff when deciding on the development application that changes the current height permissions on Block 16. The guidelines illustrate a design framework applicable to new development located on Block 16 on Pier 8. They provide design directions for a new building and site development to promote the creation of a high-quality space for people, which reflects the unique West Harbour context. The guidelines also provide direction on the implementation process for the future planning applications for the Block.

The Urban Design Guidelines outline the design, form and functional benchmarks to which future official plan and zoning by-law regulations will be developed for Block 16. The guidelines also provide the design criteria and performance standards to evaluate future development applications for Block 16, including the official plan amendment and zoning by-law amendments to be submitted to address the requirements of the minutes of settlement and a subsequent site plan control application for Block 16. The Pier 8 Block 16 Urban Design Guidelines provide design direction for both a mid-rise building and tall building development on Block 16, however, the final selection of the most appropriate form of development will be a decision of Hamilton City Council when the development application for this block is submitted by the Waterfront Office.

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The Vision and Guiding Principles for Block 16 build upon the established Vision Statement and Guiding principles in the 2016 Pier 7 and 8 Urban Design Study:

*“Pier 8 will become a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City. The vitality of Hamilton’s urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.”*

The Pier 7 and 8 Urban Design Study (2016) also establishes key development concepts that influence the potential character of future development on Block 16. These include:

- *“A new Green Street (The Greenway) that connects from east to west. This open space is framed by new residences and has activity anchors at the east and west boundaries of the open space...”*
- *A mix of building heights and massing to provide a varied and interesting architectural character.”*

These development concepts are relevant as Block 16 is the westernmost development parcel on the Greenway. A mid-block pedestrian mews located on the east side of Block 16 links the Greenway and the waterfront Promenade park lands. The pedestrian mews can serve as a high amenity tree-lined mews flanked by at grade residential and work/live units.

Additional considerations informed how the development of Block 16 was addressed. These considerations build upon the vision established in the Pier 7 and 8 Urban Design Study (2016) and are supplemented by the following site-specific objectives and guiding principles developed for Block 16 during the study:

- Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 a site of strategic importance within the overall Pier 8 development.
- In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for.
- For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour’s renewal.
- A mid-rise building in this location should strive to create a district level landmark while a tall-building should create a metropolitan level landmark development.

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- New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional.
- Given Block 16's location on the north side of the Greenway, the identity of new development should express environmentally sustainable features, green design references, and exceptional high-quality landscaping.
- New development should animate the surrounding pedestrian areas with unique active uses at grade and create a high-quality, accessible public realm.
- New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly unit design and generous outdoor living spaces contiguous with units.
- New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public spaces.

### **Universal Design Objectives and Guidelines for both a Mid-rise or Tall Building**

For Block 16, a series of universal objectives and guidelines have been created for both the mid-rise and tall-building development scenarios. The objectives are as follows:

- Focus on the unique site opportunities which provide a meaningful location for a landmark building;
- Create a visual anchor at the Harbour that is emblematic of the Harbour's renewal;
- Capture the public imagination by achieving a unique, high-quality building design that is exceptional;
- Integrate green and environmental features in both the building and landscape design;
- Create a high-quality accessible public realm with unique active uses at grade;
- Provide a sufficient building envelope to ensure appropriate transition and sufficient separation distance to the planned and existing context;
- Provide flexibility to support innovative architectural design, forms and orientation.

Regardless of the height of development proposed for Block 16, a set of universal urban design guidelines have been developed that would apply to both development scenarios as follows:

**Fit and Transition in Scale:** New buildings on Block 16 should be developed with consideration with the surrounding context and building design should respect the existing and planned built form and public realm context of Pier 8. This can be achieved through appropriate transitions to surrounding buildings, parks, and open spaces.

**Sunlight and Sky View:** Design and locate new development to ensure adequate access to sunlight and sky view for the surrounding context of buildings, streets, parks, and other sensitive areas. Shadows from new development shall allow for a minimum of 3 hours of continuous sun coverage between 9 am and 6 pm (measured from March 21<sup>st</sup> to September 21<sup>st</sup>) for any area on public sidewalks and a minimum of 50% sun coverage at all times of the day on the Waterfront Promenade.

**Prominent Sites and Views:** Block 16 is located at the northwest corner of Pier 8. Its location is prominent and provides a high degree of visibility from the Harbour's edge and from the City. As a prominent site, consideration of its function as a view terminus must be addressed through the provision of high-quality design characteristics.

**Site Organization:** Site organization refers to how new buildings are placed within a site and how the overall site responds to and improves the public realm and surrounding context. The site should be organized to improve the public realm and to create a highly liveable environment. Primary building entrances should front onto public streets and pedestrian pathways and should be clearly visible and accessible. Site access, servicing, parking, and other related functions should be located to reduce visual and functional impact on the Waterfront Promenade. Private open spaces should be designed to maximize liability and year around usability. These spaces include front yards associated with at-grade units; at-grade shared open spaces/parklets; individual unit residential balconies and individual or shared roof terraces. Balconies should be an extension of private living spaces and as much as possible should be usable year-round. The design of balconies should enhance the building's façade.

**Public Realm Interface:** Public Realm Interface refers to how the building and overall site interacts with public facing areas. The design of buildings and the overall site should promote a comfortable and attractive pedestrian environment. Development on Block 16 should provide high-quality, well designed streetscape and landscape elements between proposed buildings and the adjacent streets, parks, and open spaces to support a comfortable, safe, and vibrant public realm, and where appropriate, line the base of buildings with active, grade related uses to promote an animated and safe public realm.



**Mid-block Pedestrian Connection (pedestrian mews):** A new pedestrian mews connection should be provided at the east of Block 16 and the west of Block 1 to provide a north-south, mid-block pedestrian connection. The Pedestrian Mews would serve to connect the Waterfront Promenade and Greenway. It will also function as a gateway to prominent pedestrian areas and as a transitional green amenity space between Block 16 and Block 1. The mid-block pedestrian connection will include live/work or townhouse units to create an animated residential edge.

**Residential Building Design:** Residential lobbies are the “living rooms” of buildings. They should be centred around functionality and social engagement, not just a security desk or passageway. They should be functional and foster a sense of community and promote interaction between visitors and residents. Amenity spaces are both an extension of private residential areas and serve as shared common areas for communal activities. Well-designed and located common areas can foster a culture of neighbourliness in multi-story buildings, serving as places for shared activities and social interaction that supports the diverse lifestyle and socialization needs of residents of all ages.

**Family Sized Units:** New families are encouraged in the West Harbour Neighbourhood. Family friendly designs should be incorporated into a new building on Block 16 to support a vibrant, comfortable, safe, and inviting community. Family sized units should be located on the first 6 storeys as much as possible to maintain a closer relationship with ground level activities and within proximity to indoor and outdoor amenity areas. A mid-rise building would result in 50 additional “family sized” units, whereas a tall building would result in 75 to 150 additional “family sized” units.

**Sustainability:** New development on Block 16 should incorporate sustainable design elements to reduce environmental impacts. Buildings should be located, orientated, and designed to minimize adverse wind conditions on adjacent streets, parks and open spaces, building entrances, and in public and private amenity areas. Sufficient mitigation measures should be applied to ensure pedestrian comfort and safety. Green buildings should be encouraged to promote improved energy efficiency, water conservation and improved air quality. Bird friendly building design measure must be applied to reduce bird deaths associated with collisions on buildings and structures. Bird friendly design techniques can be achieved through lighting, landscape and building design.

### **Mid-rise Building Design Guidelines (5 to 12 storeys) – District Level Landmark**

In addition to the general guidelines that would apply to both a mid-rise and tall building, guidelines unique to a mid-rise building scenario have also been prepared. These guidelines are intended provide flexibility for the building design. The mid-rise building and site can function as a district level landmark that contributes to the quality of the surrounding public spaces including the Promenade, Greenway and mid-block Mews

and surrounding streets and sidewalks. The design of a mid-rise building on Block 16 should complement the planned public realm context while providing an appropriate transition to adjacent open spaces and buildings. A summary of key design considerations for a mid-rise scenario are as follows:

- The maximum building height on Block 16 should be no greater than 40.0 metres (12 storeys respectively) including the mechanical penthouse.
- The maximum Gross Construction Area of the mid-rise building, including above ground mechanical spaces but excluding below grade areas is 13,600 square metres.
- A 3-storey podium is required on the east side of the building flanking the pedestrian mews. Storeys above the 3<sup>rd</sup> storey should be setback a minimum of 3.0 metres. The north, west and south sides for the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.
- The mid-rise building envelope defines a series of setbacks, stepbacks and heights which are intended to regulate building massing to mitigate visual and physical impacts on the surrounding sites and public realm. The primary defining element for the site and adjacent public realm should be the lower portions of the building.
- Apply high-quality and environmentally sustainable materials and finishes to promote design excellence, innovation, and resilience.

### **Tall Building Design Guidelines – Metropolitan Level Landmark**

A set of unique guidelines have been developed for a tall building scenario (buildings greater than 12 storeys in height). Whereas in the mid-rise building scenario the building guidelines generally replicated the shape, form, size and texture of the surrounding mid-rise buildings on Pier 8, a tall building in this location has the potential to create a visible metropolitan level landmark that will draw attention to the harbour front. Therefore, the design of a tall building on block 16 should be of exceptional quality and innovation in order to create a landmark building at the metropolitan scale. As such, a tall building must be exceptional in design excellence. Through design, innovation and creativity, the tall building scenario should reflect the aspirations of Pier 8 as a vibrant urban waterfront neighbourhood, a place with a high quality of life and a tangible commitment to environmental sustainability.

The guidelines for a tall building are intended to provide sufficient flexibility for design excellence and innovation while ensuring appropriate transitions and sufficient separation distances to surrounding development and public spaces. The tall-building design should create an exceptional metropolitan landmark building and site. The tall building design and site should reinforce and promote a positive public realm and serve

as an extension to the Greenway to the south and the Waterfront Promenade to the north. A summary of key design considerations for a tall building scenario are as follows:

- The maximum building height within Pier 8 Block 16 should be no greater than 147.0 metres (45 storeys respectively) including the mechanical penthouse. While this height is considered the maximum, tall buildings are defined as anything above 12 storeys on Pier 8.
- Based on a 45 storey maximum height, the maximum Gross Constructed Area of a tall building, including above ground mechanical spaces but excluding below grade areas, is 38,100 square metres.
- A three-storey podium is required on the east side of the building flanking the pedestrian mews. Floors above the 3<sup>rd</sup> storey should be setback a minimum of 5.0 metres. The north, west and south sides of the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.
- The lower development zone defines a build-to envelope that may include building area, such as a podium, but may alternatively be used for landscaping or free-standing built elements. This zone is defined by the height of the first 3 storeys of the building. This zone should be designed to animate the surrounding public realm, to express the themes associated with the Greenway, green building design and sustainability. This zone includes the lobby, at grade residential or live/work units and may include common amenity areas.
- The building envelope above the 3 storey lower development zone considers the visual and physical impacts of the surrounding site, buildings and public realm. Special emphasis should be placed on optimizing building shape and design to reduce adverse wind impact early in the design process. The application of appropriate tower setbacks and stepbacks will reduce the perception of height and mass while protecting the public realm from adverse wind and shadow impacts.
- Regardless of the height of the building, the size of the tower floor plates above the 3<sup>rd</sup> floor should be limited to a maximum average of 750.0 square metres. This permits some lower floor plates to be larger than 750 square metres, while others higher up will be less than 750 square metres.
- The south façade of the building is encouraged to integrate design features that reference green elements as a continuation of the Greenway.
- The design of the top of a tall-building must make a positive contribution to the quality and character of the Hamilton skyline.

- Materials selected should be of high quality and environmentally sustainable to promote design excellence, innovation, and resilience.

Critical to achieving the requirement of exceptional design excellence, a tall building on Block 16 must raise the bar for environmental sustainability and should serve as an exemplar for future community development. In addition to the EnergyStar Certification that already applies to all buildings on Pier 8, a LEED Certification, Green Globes, or similar sustainability standard shall be used to guide the design and development of a tall building on Block 16. In addition to the sustainability guidelines that apply to both the mid-rise and tall building scenario, a number of energy related guidelines apply to the tall building scenario with the intent of limiting operational greenhouse gas emissions and encouraging use of low carbon energy sources.

### **Successful Implementation**

Although the Pier 8 Urban Design Guidelines provide direction for a mid-rise and a tall building, the final approval of the height and form of development will be the decision of Hamilton City Council made through the formal planning process which will include amendments to the Setting Sail Secondary Plan and zoning by-law and special conditions that will require design review at the site plan approval stage.

The success of the Pier 8 Block 16 Urban Design Guidelines in positively shaping development on Block 16 will be directly related to the implementation process (as outlined in Section 9.0 of the Pier 8 Block 16 Urban Design Guidelines attached as Appendix “B” to Report PED21018).

Amendments to the Setting Sail Secondary Plan and zoning by-law will be informed by the Pier 8 Block 16 Urban Design Guidelines and key design considerations and performance standards should be incorporated into the policy framework of the Official Plan amendment and translated into the technical provisions of the zoning by-law.

A mid-rise building proposal for Block 16 could provide a form of development that is similar to the existing mid-rise blocks within the remainder of the Pier 8 development, nevertheless, a mid-rise building in this location should still strive to create a district level landmark given its strategic location and visibility.

A tall building proposal in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional level landmark. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade while the taller portions of the tower will be highly visible from the downtown, the McQueston High Level Bridge and the James N. Allan Skyway, creating a landmark view. Because of the strategic location of Block 16, flanked on all sides by public open spaces, as well as its high visibility location at the terminus of the James Street view corridor, any development for a tall building on this site must create

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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.

an architectural landmark that tells a distinct story of innovation and ambition. A tall building proposal should be designed in such a way that it is considered as intentional urban design and an architecturally innovative building that creates a singular exception to the uniformity of the 8-storey maximum height on all the other blocks within the Pier 8 development. A tall building in this location can create both variety and interest in the urban fabric and provides an opportunity to create a landmark that is emblematic of the renewal of the Hamilton Harbour. It should strive to capture the public's imagination by achieving a unique building design that is exceptional. Therefore, in the case of a tall building proposal on Block 16, a more rigorous design review process is required.

Successful implementation of the Urban Design Guidelines, whether for a mid-rise or tall building scenario will be enforced through several mechanisms including Holding provisions placed on the zoning and special conditions of Draft Plan approval of which Council will have the opportunity to make decisions at various steps in the process. Appendix "F" to Report PED21018 outlines the proposed implementation process.

### **Achieving Design Excellence**

In order to achieve design excellence and to create an exceptional landmark, it is recommended that in the case of the tall building proposal (greater than 12 storeys) a special design review process be required to develop three options for a tall building design that addresses innovation in three areas: quality of life, sustainability, and exceptionalism (defined as the creation of a landmark building of exceptional design excellence that is emblematic of the renewal of Hamilton Harbour) of which one final design option will be created as the preferred design option for the site.

#### **1. Development of Design Options**

The applicant will be encouraged to engage multiple design professionals in the development of a minimum of three different tower design options that will each address innovation in all of the following three areas: sustainability, quality of life, design excellence. Once the options have been developed, a special public meeting will be held where the applicant will present the three tall building designs to the public for feedback and incorporate comments and revisions based on public feedback into the implementing official plan and zoning bylaw amendment. The applicant will be required to ensure that each design option presented is architecturally innovative and unique.

#### **2. Selecting a Design**

A special design review panel will be selected by the City of Hamilton and will attend the public meeting on the design options. At a minimum, this panel will include subject matter experts in the areas of sustainability, quality of life and architecture and should be impartial to the design team that has developed the various tower designs. The role of the special design review panel will be to attend the public meeting and listen to the

public feedback regarding each of the designs. After the public meeting, a meeting will be held with the applicant and the special design review panel to discuss the components of the various design options.

Based on the information and feedback gathered at the public meeting and special design review panel meeting, the applicant will produce a final preferred tower design to be submitted to the City for review by the director of Planning and Chief Planner as the design to accompany the OPA/ZBA application. The Director of Planning and Chief Planner will then report back to planning committee with a recommendation on the preferred tower design and the OPA/ZBA. To ensure that the preferred design option proceeds to site plan, it is proposed that a Holding provision will be placed on the zoning. In order to lift the Holding, the applicant will have to demonstrate that the preferred design option has been implemented through the site plan application process. Prior to receiving final site plan approval, the Holding provision must be lifted.

Building on the current subdivision requirements, special conditions of site plan approval will include the review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers), to review the matters of urban design and sustainability as they relate to the Pier 8 Block 16 Urban Design Guidelines and the selected design.

The special design review will take place after a statutory public meeting has been held but prior to a decision being made on the official plan and zoning by-law applications. Appendix "F" to Report PED21018 provides a detailed outline of the proposed implementation process for a tall building proposal.

## **ALTERNATIVES FOR CONSIDERATION**

The Pier 8 Block 16 Urban Design Guidelines document is an important tool that will assist Staff and Council when reviewing development applications for Block 16. It will provide clear design direction, implementation process and expectations for the applicant. Council could choose not to approve the Pier 8 Block 16 Urban Design Guidelines (attached as Appendix "B" to Report PED21018), however, as per the terms in the minutes of settlement, the City must bring forward an amendment to the Setting Sail Secondary Plan and a zoning-by-law amendment to re-designate the existing institutional block (Block 16) on Pier 8 for a mid-rise or high-rise building for Council's consideration. The Pier 8 Block 16 Urban Design Guidelines will provide Staff, Planning Committee, and Council the tools needed to assist in deciding on these applications.

Another option would be for Council to approve the Urban Design Guidelines but hold the approval in abeyance until a decision has been made on the development applications.

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

**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

**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 PED21018:	Location Map
Appendix “B” to Report PED21018:	Pier 8 Block 16 Urban Design Guidelines
Appendix “C” to Report PED21018:	Consultation Feedback Report
Appendix “D” to Report PED21018:	Design Review Panel Meeting Summary (July 14, 2020)
Appendix “E” to Report PED21018:	Design Review Panel Meeting Summary (April 8, 2021)
Appendix “F” to Report PED21018:	Implementation Process for a Tall Building Proposal – Pier 8 Block 16