

## SUMMARY OF POLICY REVIEW

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

<b>Provincial Policy Statement (2020)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Management of Land Use</b>  Policy: 1.1.1	<p>The proposal is consistent with this policy.</p> <p>Healthy, liveable and safe communities are, in part, developed through the appropriate management of land use patterns.</p>	<p>The proposal provides for a healthy, liveable and safe community through an efficient form of development that, among other things, is transit-supportive and provides a mix of uses in a compact form. The development also proposes one, two, and three-bedroom residential units, contributing a built form that expands the range and mix of housing options in the area.</p>
<b>Settlement Area</b>  Policy: 1.1.3	<p>The proposal is consistent with this policy.</p> <p>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.</p>	<p>The proposal is appropriate given it is located within the Settlement Area of the City and provides for an efficient use of public infrastructure given the mix of uses including residential intensification and commercial uses.</p>
<b>Noise</b>  Policy: 1.2.6.1	<p>The proposal is consistent with this policy.</p> <p>A Noise Study is required to demonstrate that the transportation related noises from Highway 8 and any stationary noise sources uses surrounding the subject lands can be appropriately mitigated.</p>	<p>Staff received a noise feasibility study from HGC Engineering, dated April 3, 2023. This study, as submitted, reviewed the acoustic requirements for this development with respect to transportation noise from Highway 8, stationary noise sources from the commercial use and drive-thru facility (Dairy Queen restaurant) to the west and the noise generated from the proposal itself. Staff highlighted two aspects to be included in the future noise submission at</p>

		<p>the Site Plan Control stage: measure the noise levels from the Dairy Queen restaurant during their busiest times and that additional detail is included to capture the loading bays, garbage pickup and retail deliveries aspects from the proposal.</p> <p>Mitigation measures generally include fencing along the eastern and western sides of the subject lands to mitigate any excessive dBA levels observed. Warning clauses will also be required to be included in any Agreements of Purchase and Sale or Lease, as a condition of Site Plan Control and/or Draft Plan of Condominium, to meet Provincial guidelines.</p> <p>Given the above, staff are requesting a detailed Noise Study be submitted when details are available, at the Site Plan Control stage, which will be a condition of Site Plan approval.</p>
<p><b>Transportation</b></p> <p>Policy: 1.6.7.4</p>	<p>The proposal is consistent with this policy.</p> <p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>A mix of uses and residential intensification is proposed that positively contributes to the future use of transit planned along Highway 8.</p>
<p><b>Long-Term Economic Prosperity</b></p> <p>Policy: 1.7.1</p>	<p>The proposal is consistent with this policy.</p> <p>Consideration must be given to promoting opportunities for economic development, encouraging residential supply and a range of housing options for a diverse workforce and</p>	<p>The proposal positively contributes to the long-term economic prosperity, in part, through the supply of a multi-unit residential dwelling that will provide additional housing options, optimizes the use of land, and that will positively contribute to a transit system.</p>

	other aspects like a cost-effective, reliable, multimodal transportation system.	
<b>Climate Change</b>  Policy: 1.8.1	<p>The proposal is consistent with this policy.</p> <p>Improvements can be made to air quality and reducing greenhouse gas emissions (positively impacting a changing climate) through appropriate land use assignment and development patterns.</p>	<p>The proposed built form (i.e. a compact, dense development) is, in part, a contributor to improving air quality and the reduction of emissions. It contributes to a development pattern that can reduce individual car trips through the construction of an active and vibrant public realm that encourages walking and that supports transit. It positively contributes to the evolution of this portion of Highway 8 to more compact, dense and efficient forms of urban development.</p>
<b>Human-Made Hazards</b>  3.2.2	<p>The proposal is consistent with this policy.</p> <p>Sites with contaminants in land or water shall be assessed and remediated, as necessary.</p>	<p>Staff reviewed the Phase 1 and 2 Environmental Site Assessment, prepared by Landtek Limited, dated February 2023. The Phase 2 assessment, which included an analysis of the soil and water (and nearby areas of potential environmental concern), confirmed that the soil and water condition on the subject lands met Provincial standards and that no site remediation was required. In accordance with Provincial regulation, the Owner is required to file a mandatory Record of Site Condition with the Ministry of the Environment Conservation and Parks for the proposed change in use from a commercial use to a non-sensitive use (residential). The Record of Site Condition will become a condition of approval at the Site Plan Control stage.</p>

<b>A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019, as amended)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Managing Growth</b>	The proposal conforms to this policy.	The subject lands are located within the delineated built-up area and therefore the proposal is appropriately located.

Policy: 2.2.1	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.	
<b>Housing/ Complete Communities</b>  Policy: 2.2.6	<p>The proposal conforms to this policy.</p> <p>A mix of housing options and densities is an important aspect of achieving complete communities. This is generally to be realised, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes.</p>	The proposal will contribute to achieving a complete community within the area surrounding the subject lands by providing additional multi-unit residential dwellings and ground related commercial space.

<b>Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Residential Intensification</b>  Policy B.2.4.1.1	<p>The proposal complies with this policy.</p> <p>Residential Intensification is encouraged throughout the entire built-up area.</p>	The proposal complies with this policy as the subject lands are located within the built-up area.
<b>Residential Intensification Evaluation</b>  Policy: B.2.4.1.4	<p>The proposal complies with this policy.</p> <p>Proposals are evaluated based on how it builds upon desirable established patterns and built form and requires an evaluation of compatible integration with the surrounding</p>	The proposal provides a dwelling type that is generally missing in the immediate area and provides for compatibility with the abutting uses through the setbacks and stepbacks to create a 45 degree angular plane that limits any shadowing and overlook concerns on the low rise residential uses to the north. The shadowing was analysed through a

	<p>area in terms of use, scale, form and character. This policy also considers evaluating the proposal against the Urban Structure (Schedule E of the Urban Hamilton Official Plan) to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.</p>	<p>Sun/Shadow Study prepared by RWDI, dated April 28, 2023, the results of which meet the City’s guidelines as it does not place any of the public and private outdoor amenity spaces into shadow for more than three hours between 10 am and 4 pm. This, in part, demonstrates the compatible integration of the proposal with the surrounding area. Staff note that the policies of the Urban Hamilton Official Plan make it clear that compatibility does not mean that the same development occurs that is abutting but rather that is it sensitive to the surrounding uses.</p> <p>The built form of the proposal also supports active transportation through increased density that supports transit</p> <p>Sustainability is achieved through the benefits of the compact built form that further promotes transit in the area. Low Impact Design, to address Storm Water Management, is also proposed, including a swale along the western property limit. Further, as demonstrated in the conceptual Landscape Plan prepared by Seferian Design Group, dated April 12, 2023, the tree canopy cover will be enhanced and the 1:1 compensation tree replacement is exceeded. Although the design is still being finalized, the Owner has committed to further design and energy efficiency and eco friendly building design. At present, the applicant will be providing Energy Star efficiencies (including windows, lighting and other appliances), water conservation via low flow appliances and implementing design features to reduce dust on the site.</p> <p>With respect to water, wastewater and stormwater capacity, the proposal has not yet fully demonstrated that this has been met. However, staff have no concerns with the built</p>
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		form and uses. Therefore, to address this aspect, and given Bill 109, staff have added Holding Provisions to the amending By-law to preserve the City’s interest with respect to any sanitary capacity issues.
<b>Urban Design</b>  Policy: B.3.3	<p>The proposal complies with this policy.</p> <p>These policies are to generally apply to all development in the urban area to achieve the goals of B.3.3.1. Each of these policies discusses a design direction including:</p> <ul style="list-style-type: none"> <li>• creating identity;</li> <li>• creating quality spaces;</li> <li>• creating safe, accessible, connections;</li> <li>• enhancing the character of the environment;</li> <li>• creating adaptable developments with respect to the changing needs of people;</li> <li>• creating adaptable developments with respect to a changing climate;</li> <li>• creating development that has a positive impact on the physical and mental health of the occupants; and,</li> <li>• creating streets that contribute to the transportation network and that are important public spaces.</li> </ul>	<p>The proposal is an appropriate development for an otherwise underutilized grouping of properties. The lands currently are vacant and/or contain buildings that do not address the street or contribute to the streetscape in a positive manner. The proposal is an example of a built form that can positively contribute to climate concerns that is also transit supportive. Further, as demonstrated in the conceptual Landscape Plan prepared by Seferian Design Group, dated April 12, 2023, the tree canopy cover will be enhanced and the 1:1 compensation tree replacement requirement be exceeded.</p> <p>As proposed, the building will provide commercial spaces at grade with an appropriate setback to animate the street. It will also contribute to activating the street by extending day and night time activity through the introduction of residential density. Through the proposed amenity spaces, the applicant is also creating quality spaces both at grade and within the building. The amenity space provided exceeds the requirements of the C5 Zone regulations.</p>
<b>Trees</b>  Policy C.2.11.1:	<p>Unable to determine compliance at this time.</p> <p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage</p>	<p>Trees have been identified within the subject lands and are proposed to be removed as part of the development. A total of 20 trees were identified on the subject lands and 16 are proposed to be removed including four municipal trees found within the City’s right-of-way.</p>

	sustainable forestry practices and the protection and restoration of trees and forests.	<p>Of the 16 trees proposed for removal, no trees were considered to be in good or better conditions according to the analysis provided by Kuntz Forestry Consulting. The species of trees included Norway Maples, a Pear species, Manitoba Maple, a Siberian Elm, and four additional noted neighbouring trees, one of which is a concern to the proposal (Tree A; an Emerald Cedar). Written confirmation will be required from the owner(s) to allow encroachment into the dripline.</p> <p>The Tree Protection Plan, prepared by Kuntz Forestry Consulting Inc., revised June 22, 2023, has not been approved and therefore, a Holding Provision has been included in the amending By-law to finalize the Tree Protection Plan and to obtain and submit written confirmation from the abutting owner(s) to allow encroachment into the dripline into “Tree A” prior to any development taking place on the subject lands (see staff comments and concerns attached as Appendix “G” of Report PED23173).</p> <p>A preliminary Landscape Plan was submitted that proposed tree planting in excess of the 1:1 compensation required for any trees proposed to be removed. Following the approval of a Zoning By-law Amendment implementing the proposal, the compensation will be implemented at the Site Plan Control stage with a finalized Landscape Plan and become a condition of Site Plan approval.</p>
<b>Transportation</b>  Policy C.4.5.12:	<p>The proposal complies with this policy.</p> <p>A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.</p>	<p>A Transportation Impact Study (with Transportation Demand Management) was prepared by Paradigm, dated March 2023, and the findings were accepted by Transportation Planning staff. The future modified road network can accommodate the site-generated traffic. These future</p>

		modifications shall be the responsibility of the Developer and will be enforced through conditions of Site Plan approval, which include: left-turn lane modifications on Highway 8 between Donn Avenue and Fiesta Mall easterly access and municipal sidewalk reconstruction.
<b>Infrastructure</b>  Policy C.5.3.6:	<p>The proposal complies with this policy.</p> <p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p>	<p>The proposed development is connected to municipal water and wastewater infrastructure. Given staff’s concerns with the capacity currently available, Holding Provisions will be placed in the amending By-law to allow for further study before any development takes places on the subject lands. This includes a potential requirement for the Owner to enter into an External Works Agreement if it is determined that infrastructure improvements are needed, which will be at the Owner’s expense.</p>
<b>Mixed Use – Medium Density designation - Scale</b>  Policy: E.4.6.8	<p>The proposal complies with this policy.</p> <p>Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan if it is demonstrated that the development provides a mix of unit sizes, incorporates sustainable building and design principles, there are no adverse shadow impacts on existing residential uses, the proposal progressively steps backs from residential uses in “Neighbourhoods” and the building is stepped back from the street.</p>	<p>Of the proposed 368 units, 25% will be two bedroom units and 3% will be two bedroom plus den/three bedroom units.</p> <p>Sustainability is achieved through the benefits of the compact built form that further promotes transit in the area. Low Impact Design, to address Storm Water Management, is also proposed, including a swale along the western property limit. The tree canopy cover will be enhanced and the 1:1 compensation tree replacement is exceeded. Although the design is still being finalized, the Owner has committed to further design and energy efficiency and eco-friendly building design. At present, the applicant will be providing Energy Star efficiencies (including windows, lighting and other appliances), water conversation via low flow appliances and implementing design features to reduce dust on the site.</p>



		<p>The Sun/Shadow Study, prepared by RWDI, dated April 28, 2023, demonstrated that the development will not have a negative impact on the neighbouring properties given the design of the building that included an appropriate setback from the rear and side yards and through the stepbacks that terrace toward to the rear yard of the subject lands. To ensure the angular plane is implemented, the amending By-law includes specific setbacks to the applicable heights of the building.</p> <p>The proposal also meets the C5 Zone requirement with respect to the front yard/Street Line setback and further is setback at the 10<sup>th</sup> and 11<sup>th</sup> floors and the enclosed amenity areas on the rooftop. These setbacks are also included in the amending By-law to ensure the front yard angular plane is maintained as proposed.</p>
<p><b>Mixed Use – Medium Density designation - Design</b></p> <p>Policy: E.4.6.16</p>	<p>The proposal complies with this policy.</p> <p>New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.</p>	<p>The proposal is mixed use with commercial uses at-grade that address the public realm. The first floor of the proposal is 5.5 metres in height with a podium design to provide a welcoming pedestrian oriented streetscape. The building is further setback on the 10<sup>th</sup> and 11<sup>th</sup> floor to further limit the massing of the building on the public realm.</p>
<p><b>Mixed Use – Medium Density designation - Design</b></p> <p>Policy: E.4.6.24</p>	<p>The proposal complies with this policy.</p> <p>New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.</p>	<p>As noted in E.4.6.8, the proposal, through the stepbacks and submitted Sun/Shadow Study prepared by RWDI, dated April 28, 2023, has demonstrated that the gradation proposed will minimize the effects of shadowing and overlook on to the neighbouring properties.</p>

<b>Old Town Secondary Plan</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Economic</b>  Policy 7.2.1.1	<p>The proposal complies with this policy.</p> <p>Intent must be made to maintain the economic viability of Stoney Creek’s downtown and support the revitalization of it through conversion, infilling and redevelopment.</p>	<p>The proposal will contribute positively to the evolution of Stoney Creek’s downtown area through the redevelopment of underutilized properties with both residential and commercial uses.</p>
<b>Design</b>  Policy:7.2.13	<p>The proposal complies with this policy.</p> <p>Encourages good urban design principles (also considered above in Chapter B).</p>	<p>The proposal contributes positively to the public realm and streetscape of Highway 8. See the additional commentary above found within the Urban Hamilton Official Plan section of this review under policies B.2.4.1 and B.3.3.</p>
<b>Mixed Use – Medium Density designation</b>  Policy: 7.2.4.2	<p>The proposal does not comply with this policy.</p> <p>The Secondary Plan refers to Section E4.6 of Volume 1 of the Urban Hamilton Official Plan for the applicable policies to be met (referring back to the “Mixed Use – Medium Density” designation). This policy also notes that heights shall generally not exceed six stories.</p>	<p>The proposal requires an Official Plan Amendment to allow for a Site Specific policy relating to height. As also noted above, the increased height was evaluated against other Urban Hamilton Official Plan policies to ensure compatibility and appropriate transitions, among other aspects.</p> <p>The proposal, otherwise, complies with the intent of the “Mixed Use – Medium Density” designation.</p>