

**SUMMARY OF APPLICABLE POLICIES**

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 g)	Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that sufficient available capacity existed within the existing municipal system to accept the increased wastewater and stormwater flows from the subject lands.
<b>Management of Land Use</b>  Policy: 1.1.1 i)	Preparing for the regional and local impacts of a changing climate.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction how the proposal addressed a changing climate using building design, materials and green technology/infrastructure etc.
<b>Settlement Area</b>  Policy: 1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal provides growth and development within a settlement area.
Policy: 1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: <ul style="list-style-type: none"> <li>• Efficiently use land and resources;</li> <li>• Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>• Minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>• Prepare for the impacts of a changing climate; and,</li> <li>• Support active transportation.</li> </ul>	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction: <ul style="list-style-type: none"> <li>• that sufficient available capacity existed within the existing municipal system to accept the increased flows from the subject lands; and,</li> <li>• how the proposal would mitigate climate change impacts.</li> </ul> Staff find that the proposal is transit supportive by providing intensification on a collector road.

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Policy: 1.1.3.2 <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• Are transit-supportive, where transit is planned, exists or may be developed and freight-supportive.</li> </ul>	
Policy 1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	Staff find that the proposal is transit supportive by providing intensification on a collector road.
Policy 1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction how the loss of sunlight on the neighbouring school’s playground area would be mitigated.
<b>Noise</b>  Policy: 1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	A detailed Noise Study was submitted by dBA Acoustical Consulting Inc. dated August 30, 2022 and indicates that the recommended noise control measures satisfy the Ministry of the Environment, Conservation and Parks requirements.

<b>Provincial Policy Statement (2020)</b>		
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<b>Housing</b>  Policy 1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: <ul style="list-style-type: none"> <li>• Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.</li> <li>• All types of residential intensification, including additional residential units, and redevelopment.</li> </ul>	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that the multiple dwelling contained a mix of units in that based on the second submission: <ol style="list-style-type: none"> <li>1) The unit sizes in the multiple dwelling range from 47.1 square metres to 87.7 square metres;</li> <li>2) The floor plans indicate a breakdown of eight percent one bedroom units, 65 percent one bedroom plus den units, 13 percent two bedroom units and 13 percent two bedroom plus den units.</li> </ol>
<b>Climate Change</b>  Policy: 1.8.1	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 such as promoting compact form and structure of nodes and corridors, promoting active transportation and transit, promoting design that maximizes energy efficiency, and maximizing vegetation.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction how the proposal addressed a changing climate using building design, materials and green technology/infrastructure etc.
<b>A Place to Grow: 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>Forecasted Growth</b>  Policy 2.2.1.2	Forecasted growth to the horizon of this Plan will be allocated based on having existing and planned municipal water and wastewater systems.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that sufficient available capacity existed within the existing municipal system to accept the increased flows from the subject lands.

<b>A Place to Grow: 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>Complete Communities</b>  Policy 2.2.1.4	Applying the policies of this Plan will support the achievement of complete communities that: <ul style="list-style-type: none"> <li>• Mitigate and adapt to the impacts of a changing climate, improving resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and,</li> <li>• Integrate green infrastructure and appropriate low impact development.</li> </ul>	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction how the proposal addressed a changing climate using building design, materials and green technology/infrastructure etc.
<b>Housing/ Complete Communities</b>  Policy 2.2.6	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.	While the proposal contributes to achieving a complete community, at the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that the multiple dwelling contained a mix of units (see Policy 1.4.3 above for further commentary).
<b>Urban Hamilton Official Plan</b>		
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<b>Neighbourhoods Scale and Design</b>  Policies E.3.2.4, E.3.2.7 e), and 3.2.13	The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with other applicable policies of this Plan.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction how the shadow impacts complied with the City’s Sun Shadow Study guidelines.

<b>Urban Hamilton Official Plan</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<p><b>Medium Density Residential</b></p> <p>Policies E.3.5.1, E.3.5.2, E.3.5.5, E.3.5.6, E.3.5.8, and E.3.5.9 a) to f),</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads. Uses permitted in medium density residential areas shall include all forms of multiple dwellings.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.</p> <p>Medium density residential built forms may function as transitions between high and low profile residential uses.</p>	<p>Staff consider the built form and function of the proposal to be “Medium Density Residential” in Volume 1 of the Urban Hamilton Official Plan.</p> <p>The proposal consists of multiple dwelling forms and is in proximity to a major arterial road and fronts a collector road.</p> <p>Staff note that the proposal is within the interior of the Albion Neighbourhood within the West Mountain Area (Heritage Green) Secondary Plan.</p> <p>Paramount Road is a collector road.</p> <p>Official Plan policies require buildings to be stepped back from the street. The applicant’s second submission provided step backs for the multiple dwelling at the third, fifth, sixth and seventh floors from Paramount Drive designed to be a transition between the low profile residential uses to the east.</p> <p>At the time the appeal to the Ontario Land Tribunal had been filed the applicant there were outstanding concerns with the shadow impacts on the sensitive land use to the north (Billy Green Elementary School).</p> <p>The Shadow Impact Study dated August 23, 2023, prepared by KNYMH Inc., identifies shadow impacts on a play area throughout the school year, from fall to spring during the majority of the school day.</p>

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<p><b>Medium Density Residential (Continued)</b></p> <p>Policies E.3.5.1, E.3.5.2, E.3.5.5, E.3.5.6, E.3.5.8, and E.3.5.9 a) to f),</p>	<p>For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the applicant demonstrates:</p> <ul style="list-style-type: none"> <li>• The development shall provide for a mix of unit sizes;</li> <li>• The development shall incorporate sustainable building and design principles;</li> <li>• The development shall not unduly overshadow or block light on adjacent sensitive land uses; and,</li> <li>• Buildings are progressively stepped back from adjacent areas designated Neighbourhoods and the street.</li> </ul> <p>Development within the medium density residential category shall be evaluated on the basis of the following criteria:</p> <ul style="list-style-type: none"> <li>• Developments should have direct access to a collector, major or minor arterial road, and if not possible the development may gain access from a local road only if a small number of low density residential dwellings are located on that portion of the local road.</li> <li>• Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.</li> </ul>	<p>The City’s Sun Shadow Study guidelines for common amenity areas indicates that a minimum of 50% sun coverage at all times of the day measured on March 21st is required. The Shadow Impact Study demonstrates that between the hours of 9 a.m. to 11:26 a.m. on March 21st and September 21st one of the play areas is more than 50% shadowed. Most school activities occur in the morning when shade is prevalent on the existing play areas to the north. There is also an existing pathway between the proposed multiple dwelling and the elementary school that would be covered in shadow.</p> <p>The multiple dwelling is stepped back from the adjacent elementary school property above the fifth floor. The adjacent lands to the north are designated “Institutional” and not “Neighbourhoods”.</p> <p>At the time the appeal to the Ontario Land Tribunal had been filed there were outstanding concerns that the proposed height, massing and density and compatibility with the existing and future uses in the surrounding area.</p> <p>The surrounding area is characterized as being a low rise built form of one to three storey dwellings. There are no other buildings higher than three storeys in the surrounding area.</p> <p>The densities prescribed by the West Mountain (Heritage Green) Secondary Plan for the surrounding nearby single detached dwelling properties permit a maximum of 29 units per hectare and 30 to 49 units per hectare (Low Density Residential 2b designation and Low Density Residential 2c designation), in comparison, the proposal is 190 units per hectare</p>

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<p><b>Medium Density Residential (Continued)</b></p> <p>Policies E.3.5.1, E.3.5.2, E.3.5.5, E.3.5.6, E.3.5.8, and E.3.5.9 a) to f),</p>	<ul style="list-style-type: none"> <li>• Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity, parking, and buffering. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.</li> <li>• Access to the property shall be designed to minimize conflicts between traffic and pedestrians.</li> <li>• The City may require studies to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.</li> </ul>	
<p><b>Residential Intensification</b></p> <p>Policies B.2.4.1.4 and B.2.4.2.2</p>	<p>Residential intensification developments within the built-up area shall be evaluated based on a balanced evaluation of the following criteria:</p> <ul style="list-style-type: none"> <li>• Relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;</li> <li>• Contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;</li> <li>• Compatible integration with the surrounding area in terms of use, scale, form and character.</li> </ul>	<p>The proposal is in an area that consists of low rise built forms between one and three storeys, mainly made up of single detached dwellings.</p> <p>At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction:</p> <ul style="list-style-type: none"> <li>• That the proposal is integrated with the neighbouring lands to the north in terms of scale and form as there is shadowing cast over the sensitive land use to the north (Billy Green Elementary School).</li> <li>• That there is sufficient available capacity within the existing municipal sanitary sewer system to accept the increased flows from the subject lands; and,</li> <li>• The green infrastructure and sustainable design elements of the proposed development.</li> </ul>

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<p><b>Residential Intensification</b></p> <p>Policies B.2.4.1.4 and B.2.4.2.2. <b>(Continued)</b></p>	<ul style="list-style-type: none"> <li>• Contribution of the proposed development to achieving the planned urban structure;</li> <li>• Existing and planned water, wastewater and stormwater capacity;</li> <li>• Incorporation and utilization of green infrastructure and sustainable design elements;</li> <li>• Supporting and facilitating active transportation modes and being transit-supportive;</li> <li>• Location of existing and proposed public community facilities; and,</li> <li>• Retain and / or enhance the natural attributes of the site.</li> </ul> <p>When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:</p> <ul style="list-style-type: none"> <li>• Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;</li> <li>• Relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;</li> <li>• Consideration of transitions in height and density to adjacent residential buildings;</li> <li>• Ability to complement the existing functions of the neighbourhood;</li> <li>• Infrastructure and transportation capacity and impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• The mix of units in the multiple dwelling;</li> <li>• Compatible integration with the surrounding area; and,</li> <li>• How a medium density use is appropriate as the proposal is not found on the periphery of a neighbourhood.</li> </ul> <p>At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction:</p> <ul style="list-style-type: none"> <li>• That the proposal is compatible with the neighbouring lands to the north in terms of scale and form as there is shadowing cast over the sensitive land use to the north (Billy Green Elementary School).</li> <li>• That there is sufficient available capacity within the existing municipal sanitary sewer system to accept the increased flows from the subject lands;</li> <li>• The green infrastructure and sustainable design elements of the proposed development;</li> <li>• Compatible integration with the surrounding area through application of transitions in height and density; and,</li> <li>• How a medium density use is appropriate as the proposal is not found on the periphery of a neighbourhood.</li> </ul>



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<p><b>Urban Design – Built Form</b></p> <p>Policies B.3.3.3.1, B.3.3.3.2, B.3.3.3.3 and B.3.3.3.5</p>	<p>New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <ul style="list-style-type: none"> <li>• Creating transitions in scale to neighbouring buildings;</li> <li>• Ensuring adequate privacy and sunlight to neighbouring properties;</li> <li>• Minimizing the impacts of shadows and wind conditions;</li> <li>• Being massed to respect existing and planned street proportions; and,</li> <li>• Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</li> </ul>	<p>At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction:</p> <ul style="list-style-type: none"> <li>• That the proposal is compatible with the neighbouring lands to the north in terms of scale and form as there is shadowing cast over the sensitive land use to the north (Billy Green Elementary School); and,</li> <li>• Compatible integration with the surrounding area through application of transitions in height and density.</li> </ul>
<p><b>Trees</b></p> <p>Policy C.2.11.1</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 sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>A Tree Preservation Plan, prepared by Adesso Design and dated November 18, 2022, was submitted in support of this application.</p> <p>The Tree Preservation Plan inventoried 63 trees on the subject lands and within the vicinity of the subject lands, of which six trees are on the property and are proposed to be removed due to conflicts with the interior road, sidewalk, or curb cuts, building envelopes. One tree was noted as being dead.</p> <p>At the time the appeal to the Ontario Land Tribunal had been file, the plan had not been approved.</p>

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<b>Archaeology</b>  Policy B.3.4.4.3	In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for planning matters under the <i>Planning Act</i> .	The applicant prepared an archaeological assessment which examined the archaeological potential of the site.  Staff received a copy of the clearance letter from the Ministry dated March 30, 2023, confirming that archaeological matters have been addressed.  Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.
<b>Infrastructure</b>  Policy C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that sufficient available capacity existed within the existing municipal system to accept the increased flows from the subject lands.
<b>Transportation</b>  Policy C.4.5.12	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	A Transportation Impact Study (with Transportation Demand Management) was prepared by Paradigm Transportation Solutions Limited, dated September 2023 and a response letter was provided by Arcadis Professional Services (Canada) Inc., dated September 12, 2023. The findings were accepted by Transportation Planning staff. The future road network can accommodate the site-generated traffic. The Transportation Impact Study recommends that the City of Hamilton monitor and adjust the signal timings at the intersection of Paramount Drive and Mud Street to reflect real world changes.  The transportation consultant has recommended that the existing bike lane be upgraded to buffered cycling lanes with physical separation to improve safety for cyclists.  The parking study sufficiently addresses the reduction of required parking spaces under the City of Stoney Creek Zoning By-Law No. 3692-92.

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<b>Transportation (Continued)</b>  Policy C.4.5.12		The applicant/owner at their expense is required to move the centre median island to allow northbound left-turns into the site. The design for the northbound left turn lane and the relocation of the centre median will need to consider the turning movements into the plaza driveway approximately 120 m to the south on the east side of road. The median may need to be removed entirely as opposed to relocated pending available area along the centre of Paramount Drive.
<b>West Mountain Area (Heritage Green) Secondary Plan</b>		
<b>General Policies</b>  Policy B.7.6.1.1	Residential development shall be permitted only when full urban services are available.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that sufficient available capacity existed within the existing municipal system to accept the increased flows from the subject lands.
<b>Medium Density Residential 3</b>  Policy B.7.6.2.3	Permitted uses shall include apartments not exceeding nine storeys in height and the density shall be approximately 50 to 99 units per net hectare.	At the time the appeal to the Ontario Land Tribunal had been filed the applicant had not yet demonstrated to the City’s satisfaction that the proposal does not represent an overdevelopment of the site.