

SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Hamilton Official Plan		
Existing Designation	Mixed Use-High Density	
<p>Residential Intensification</p> <p>Policy B.2.4.1.4</p>	<p>Development within the built-up area shall be evaluated based on a balanced evaluation of items such as: respect for existing character to build upon desirable established patterns and built forms; contribution of the development to achieving a range of dwelling types and tenures; compatible integration of the development with the surrounding area; achieving the planned function of the urban structure; the provision of adequate servicing capacity; the incorporation of green infrastructure and sustainable design elements and the support for and facilitation of active transportation modes.</p> <p>The development being transit-supportive, the availability of public community facilities and services; and the retention and/or enhancement of the natural attributes of the site and surrounding community.</p>	<p>The proposed development includes a five storey podium with appropriate setbacks which will reflect the envisioned character and will allow for the compatible integration of the development with the surrounding area. The proposed development will contribute towards achieving a range of dwelling types including approximately 43.5 percent of the units being family friendly units (two and three bedroom units).</p> <p>The proposed development will contribute towards achieving the planned urban structure for lands identified as “Neighbourhoods” by establishing residential dwelling units and local commercial uses.</p> <p>The proposed development will be required to have adequate water, wastewater and stormwater capacity.</p> <p>The development will not be able to proceed until it has been demonstrated that there is adequate services available and that any infrastructure improvements have been established. To ensure that this is undertaken a Holding Provision has been included.</p>

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<p>Residential Intensification</p> <p>Policy B.2.4.1.4 (Continued)</p>		<p>The proposed development will include a number of green infrastructure and sustainable design elements including: the provision of 108 long term and 16 short term bicycle parking spaces; the provision of 44 electric vehicle charging stations; the use of recycled material in the construction; the use of low consumption plumbing fixtures; the incorporation of energy conservation measures including automated parking garage lighting; common rooms; maximized daylight exposure; and others.</p> <p>The proposal includes both short and long-term bicycle parking, easy pedestrian accessibility, is within proximity to existing commercial services, and in proximity to existing local and higher order transit. These elements will support and facilitate active transportation modes.</p> <p>The proposed development is a form of intensification that is in proximity to existing local transit routes along Barton Street East and Centennial Parkway North and within proximity to regional transit (Confederation GO Station). Therefore, the development will be transit-supportive and will support the use of existing and planned local and regional transit services.</p> <p>The subject property is within walking distance of existing schools and therefore there are existing public community facilities that will support the proposed development.</p>

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<p>Residential Intensification</p> <p>Policy B.2.4.1.4 (Continued)</p>		<p>The requirement for a revised Tree Protection Plan has been included in the Holding Removal to ensure that the development will retain and/or enhance the natural attributes of the site and surrounding community.</p>
<p>Urban Design – Built Form</p> <p>Policies 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 impacts on neighbouring buildings and public spaces by creating transition in scale to neighbouring buildings, ensuring adequate privacy and sunlight to neighbouring properties, and minimizing impacts of shadows and wind conditions.</p> <p>New development shall be massed to respect existing and planned street proportions.</p> <p>Built form shall create a comfortable pedestrian environment by locating principal building facades and entrances parallel to and close to the street, providing ample glazing on the ground floor to create visibility to and from the public sidewalk, providing quality landscaping along frontages, locating surface parking to the side or rear of sites or buildings, and by using design techniques such as setbacks to maximize sunlight to pedestrian areas.</p>	<p>There are no sensitive land uses on the adjacent lands. The proposed development will provide appropriate setbacks and setbacks from the adjacent commercial uses and any future residential or mixed use development on the adjacent lands to address privacy and overlook concerns.</p> <p>A Sun Shadow Study prepared by SRM Architects dated December 14, 2022, was submitted, and was subsequently updated on August 31, 2023. The study illustrated that the proposed development will not cast shadows on Barton Street East between 10:00 a.m. and 4:00 p.m. and therefore will maintain a minimum of three hours of sun access during that period.</p> <p>The study also illustrates a minimum of three hours of sun access will be maintained between 10:00 a.m. and 4:00 p.m. on Covington Street, west of the subject lands.</p> <p>The study demonstrates that any future residential uses on the adjacent lands will be capable of maintaining three hours of sun between 10:00 a.m. and 4:00 p.m.</p>

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<p>Urban Design – Built Form</p> <p>Policies B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 (Continued)</p>		<p>The principal outdoor amenity area for the subject lands is the roof top patio located on the westerly side of the proposed tower. The study identified that the patio area will receive a minimum of three hours of sun access and therefore the proposed development will not unduly overshadow the on-site amenity areas.</p> <p>A Pedestrian Wind Assessment prepared by GradientWind Engineers & Scientists dated December 12, 2022, was submitted and addendum letters dated August 30, 2023, and January 5, 2024, were also submitted. The study undertook a wind tunnel testing which is consistent with the City’s terms of reference. The study based the wind comfort conditions for sitting, standing, strolling, walking and uncomfortable conditions based on the respective wind levels in the City’s terms of reference.</p> <p>The study did identify that there were some wind speed exceedances during the winter period.</p> <p>The study dated December 12, 2022, was based upon the original design proposal, however in the subsequent addendum it was identified that it was in the opinion of GradientWind Engineers & Scientists that these areas of exceedance would be able to be comfortably mitigated either by way of the changes in the design or through further mitigation measures identified and implemented through the Site Plan Control application.</p> <p>A detailed Pedestrian Wind Study of the revised design has not been undertaken at this time.</p>

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<p>Urban Design – Built Form</p> <p>Policies B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 (Continued)</p>		<p>The requirement for an updated Pedestrian Wind Study has been included in the Holding Provision.</p> <p>The proposed development includes a well defined five storey podium that reflects the existing streetscape width of Barton Street East.</p> <p>The proposal does include approximately 2/5 of the tower encroaching beyond the 45 degree build to plane from the street; however, the massing is reflective of the general policy direction envisioned for in the Centennial Neighbourhoods Secondary Plan.</p> <p>Additionally, the scale and massing of the proposed development will not negatively impact the public realm along Barton Street East including shadow impacts.</p> <p>The proposed building runs parallel to the street and has building entrances for both the residential lobby and commercial units fronting onto Barton Street East. The built form includes glazing on the ground floor facing the street which provides visibility to and from the public sidewalk. The proposed development will include landscaping along the street and will locate surface parking to the rear of the subject property.</p> <p>The proposed development includes setbacks and stepbacks and a sun shadow study has been undertaken which has demonstrated that sunlight is provided to pedestrian areas.</p>

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<p>Cultural Heritage</p> <p>Policy B.3.4.2.1 a) d)</p>	<p>The City shall protect and conserve cultural heritage resources of the City, including archaeological resources. The City shall avoid harmful disruption of known archaeological sites or areas of archaeological potential.</p>	<p>The subject property meets two of the ten criteria used for determining archaeological potential.</p> <p>A Stage 1 archaeological report has been submitted to the City of Hamilton and Ministry of Citizenship and Multiculturalism. The Province signed off on the report for compliance with licensing requirements in a letter dated February 24, 2022. Therefore, the municipal interest in the archaeology of this site has been satisfied.</p>
<p>Site Condition</p> <p>Policy B.3.6.1.1</p>	<p>Where there is potential for contamination due to previous uses and more sensitive land uses a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.</p>	<p>A Phase Two Environmental Site Assessment was submitted. At this time, a Record of Site Condition has not yet been filed. The requirement for a Record of Site Condition has been included in the Holding Provision.</p>
<p>Noise</p> <p>Policy B.3.6.3.1</p>	<p>Development of noise sensitive land uses in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>An Environmental Noise Assessment prepared by dBA Acoustical Consultants Inc. dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024, were submitted. The study concludes that the principal of the land use for sensitive residential uses can be established on-site, subject to required mitigation measures.</p> <p>The mitigation measures include establishment of central air conditioning for all units, upgraded windows, doors, and walls, required warning clauses, minimum railing height for the sixth storey podium outdoor living area, amongst others. These matters will be addressed at the Site Plan Control stage.</p>

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<p>Tree and Woodland Protection</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. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>Trees have been identified within the subject property. A Tree Protection Plan dated December 12, 2022, and revised dated August 29, 2023, were submitted. A total of 11 trees including three public trees have been inventoried, of which four trees including two public trees have been proposed to be removed. The four trees included two Siberian Elm (public trees), one Balsam Poplar (private) and one Willow Species (private) that are fair and good condition. The two private trees are proposed to be removed as they are within the proposed surface parking area and two public trees are impacted by the proposed grading and construction. The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. It is recognized that retention of additional trees within the subject property is limited. Further revision to the Tree Protection Plan is required.</p> <p>To ensure that a revised Tree Protection Plan is undertaken a condition of Holding Provision has been recommended.</p>
<p>Secondary Plan</p>	<p>Centennial Neighbourhoods Secondary Plan</p>	<p>Staff Response</p>
<p>Existing Designation</p>	<p>“Mixed Use – High Density – Pedestrian Focus Street”</p>	
<p>Maximum Building Heights</p>	<p>Max. 12 Storeys</p>	

Secondary Plan	Centennial Neighbourhoods Secondary Plan	Staff Response
Transportation and Corridors	<p>Within Sub-Regional Service Node and Higher Order Transit Station Area</p> <p>Located along a Streetscape Improvement Area (Barton Street East)</p>	
Transition Areas	The easterly side of the subject property is identified as an Industrial Transition Area.	
Land Use Policy Policy 6.7.3.1	<p>Support and implement the planned function of the Sub-Regional Service Node.</p> <p>Support the provision and maintenance of a mix of housing types and tenures that meet the housing needs of residents throughout their life cycle and provide opportunities for residents to remain within the community.</p> <p>Direct the majority of intensification to the Sub-Regional Service Node.</p> <p>Promote and encourage appropriate development in proximity to higher order transit stations.</p> <p>Support the transition of the Centennial Node from low density, auto dependent land uses and built form to a more compact, transit supportive environment.</p>	<p>The proposed development supports and implements the planned function of the Sub-Regional Service Node by increasing the supply of residential dwelling units and provides ground related commercial uses.</p> <p>The proposed development supports the provision of a mix of housing types and tenures by providing a range of dwelling unit sizes. The implementing By-law will establish minimum requirements for two and three bedroom dwelling units.</p> <p>The proposed development helps achieve the policy goal of directing the majority of intensification to the Sub-Regional Service Node and promotes and encourages intensification in proximity to higher order transit; specifically the S Line of the BLAST network and the Confederation GO Station.</p>

Secondary Plan	Centennial Neighbourhoods Secondary Plan	Staff Response
<p>Land Use Policy</p> <p>Policy 6.7.3.1 (Continued)</p>		<p>The proposed development supports the transition of the node from low density, automotive dependent land uses, towards a mixed use compact urban form by establishing a mixed use 17 storey building with ground floor commercial and residential above, on lands that are in proximity to existing public transit.</p>
<p>Centennial Sub-Regional Service Node</p> <p>Policy 6.7.5.1</p>	<p>Centennial Node shall function as a mixed use area and permits a range of uses.</p> <p>Centennial Node shall be the focus for commercial, residential, and mixed use growth, development, and intensification within the Secondary Plan. The majority of new development shall be directed to locate within the Node.</p>	<p>The proposal will contribute to the Centennial Node mixed use area by adding residential and commercial uses in proximity to public transit.</p>
<p>General Commercial Policies</p> <p>Policy 6.7.7.2 a)</p>	<p>Existing commercial areas shall evolve over time through infilling, additions to existing building and redevelopment into mixed use, pedestrian-oriented places.</p>	<p>The proposed development maintains the commercial function of the area through the provision of ground floor commercial uses.</p>
<p>Mixed Use – High Density Designation</p> <p>Policy 6.7.7.4</p>	<p>Maximum building height is 12 storeys.</p> <p>Additional height may be permitted above the heights noted on Schedule B.6.7-2, without amending to the Secondary Plan, subject to the following requirements, including:</p>	<p>The proposed 17 storeys can be achieved in accordance with Policy B.6.7.7.4 d) as it has demonstrated that: the additional height is limited to a maximum of five additional storeys; the subject property fronts on Barton Street East which is classified as a minor arterial road; and, there is adequate transportation capacity and will need to ensure that adequate servicing capacity is in place prior to lifting the Holding Provision.</p>

Secondary Plan	Centennial Neighbourhoods Secondary Plan	Staff Response
<p>Mixed Use – High Density Designation</p> <p>Policy 6.7.7.4 (Continued)</p>	<p>Additional height limited to a maximum of five additional storeys, increase height is authorized through a Zoning By-law Amendment.</p> <p>Development has frontage on an arterial road, and development shall not preclude the ability of other properties in the Centennial Node to develop in accordance with their permitted height in terms of infrastructure and transportation capacity.</p>	<p>Therefore, the proposed development complies with the maximum height policies of the Mixed Use – High Density Designation.</p>
<p>Pedestrian Focus Streets</p> <p>Policy 6.7.7.5</p>	<p>Pedestrian Focus Streets shall be a focus for retail activity and shall provide pedestrian oriented design.</p> <p>New buildings shall be built close to the street to provide street presence.</p>	<p>The proposed development includes at-grade commercial uses. The built form is oriented towards the street and is located close to the street, which will create a street presence.</p>
<p>Urban Design</p> <p>Policy 6.7.12.1</p>	<p>Any development with a proposed height greater than six storeys shall require an Urban Design Report and a Sun Shadow Study.</p> <p>Development shall be consistent with the City-Wide Corridor Planning Principles and Design Guidelines.</p> <p>Landscaping shall form an integral part of all developments.</p>	<p>An Urban Design Report prepared by GSP Group dated December 2022 was submitted. A Sun Shadow Study prepared by SRM Architects dated December 14, 2022, was submitted and was subsequently updated on August 31, 2023.</p> <p>The proposed development establishes a clear building base and includes adequate setbacks to the proposed tower that will facilitate a design that is reflective of the planned context of the area. The proposed development will not result in sun shadow impacts on the public realm, adjacent lands, or the on-site amenities.</p>

Secondary Plan	Centennial Neighbourhoods Secondary Plan	Staff Response
<p>Urban Design</p> <p>Policy 6.7.12.1 (Continued)</p>		<p>The proposed development will not result in privacy/overlook impacts on adjacent lands.</p> <p>The proposed development will include adequate step backs from both the streetscape and the adjacent lands.</p> <p>A detailed analysis of the City-Wide Corridor Planning Principles and Design Guidelines is outlined is provided below. The proposed development is consistent with the City-Wide Corridor Planning Principles and Design Guidelines.</p> <p>The proposed development will include space on-site for landscaping. The detailed design with respect to landscaping will be undertaken as part of a future Site Plan Control application, through a detailed Landscape Plan.</p>
<p>Transitional Areas</p> <p>Policy 6.7.13 e) and f)</p>	<p>New sensitive land uses within 300 metres of Industrial designated lands shall demonstrate compatibility with existing industrial uses and shall address and implement necessary mitigation measures.</p> <p>New sensitive land uses north of Barton Street shall be located a minimum of 70 metres from Industrial designated lands, this shall not include parking areas accessory to the sensitive land use.</p>	<p>The subject property is located within 300 metres of land designated Industrial located to the east of the subject property. A Land Use Compatibility Assessment prepared by GradientWind Engineers & Scientists dated April 7, 2021, was submitted as well as a Noise Study prepared by dBA Acoustical Consultants Inc dated December 2022 and addendum letters dated August 17, 2023, and January 30, 2024. The studies have confirmed that the proposed development will be compatible with existing industrial uses and will not be negatively impacted by the existing industrial uses in the area, subject to the inclusion of noise mitigation measures to achieve comfortable noise conditions for the dwelling units.</p>

Secondary Plan	Centennial Neighbourhoods Secondary Plan	Staff Response
<p>Transitional Areas Policy 6.7.13 e) and f) (Continued)</p>		<p>The proposed building containing a sensitive land use (residential) and will maintain the minimum 70 metre setback requirement. Only the access driveway, waste collection area and landscaped areas being located within the 70 metre minimum setback. Minimum building setbacks from the easterly side lot line will be included in the amending By-law to ensure that sensitive use is kept out of the 70 metre setback distance.</p>
Guidelines	City-Wide Corridor Planning Principles and Design Guidelines	Staff Response
<p>Maximum Building Height 4.3</p>	<p>New multiple storey buildings can negatively impact the existing character of neighbourhoods, streets, and adjacent properties, through shadows, overview, and abrupt changes.</p>	<p>The proposed development constitutes a new multiple storey building. The proposed development has demonstrated that it will not create negative shadow impacts on the public realm or adjacent properties. The proposed development includes a clearly defined building base with adequate stepbacks, and setbacks from the street line and adjacent lands that will reflect the character of the area, will not create overview impacts, and will not result in abrupt changes.</p>
<p>Maximum Building Height Related to Street Width 4.3.2</p>	<p>New buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front property line at a distance of 80 percent of the width of the arterial street right-of-way.</p>	<p>The proposed building base will not exceed the 45 degree build to plane measured from 80 percent of the width of the arterial street, however approximately 40 percent of the overall building will exceed the 45 degree build to plane. The tower encroachment into the build to plane will not result in shadow impacts on the public realm and stepbacks of the tower from the edge of the building base will adequately frame the street with an appropriate building massing that is reflective of the street proportions. 3</p>

Guidelines	City-Wide Corridor Planning Principles and Design Guidelines	Staff Response
<p>Maximum Building Height Related to Street Width</p> <p>4.3.2 (Continued)</p>	<p>All parts of the new building above three storeys in height should be below the build to plane.</p>	<p>The proposed encroachment beyond the build to plane will not result in adverse shadow impacts on the public realm. The proposed 3.4 metre stepback to the balconies with additional stepbacks of approximately 1.5 metres to the tower itself, will break up the massing of the proposed building and reduce the overall perceived mass from the street. The proposed 17 storey height is reflective of the scale envisioned in the Centennial Neighbourhoods Secondary Plan and the proposed stepback of the tower is consistent with minimum stepback requirements from the building base for tall buildings.</p>