

SUMMARY OF POLICY REVIEW

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

| Provincial Policy Statement (2020) | | |
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| Theme and Policy | Summary of Policy or Issue | Staff Response |
| <p>Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity</p> <p>Policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.1, 1.6.7.4, and 1.7.1</p> | <p>Settlement Areas are intended to be the focus of growth and development. Within Settlement Areas, land use patterns shall efficiently use land, efficiently use infrastructure and public service facilities, and be transit-supportive. Healthy, liveable, and safe communities are, in part, sustained by accommodating a range and mix of residential types and promoting the integration of land use planning, transit supportive development, and by encouraging sense of place through promoting well designed built form.</p> | <p>The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located on Highway No. 8 which is identified as a “Secondary Corridor” and is intended to develop at a higher density and as a transit supportive location. The proposal contains a mix of uses which promotes the efficient use of land and utilizes infrastructure and public service facilities along a Secondary Corridor. The proposal also encourages a sense of place by locating active commercial uses along the street.</p> <p>The proposed development consists of 189 residential dwelling units and 273 square metres of ground floor commercial and 187 parking spaces. The proposed development will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the use of existing and planned transit and commercial uses and it will also support active transportation.</p> <p>The proposal is consistent with these policies.</p> |
| A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) | | |
| <p>Managing Growth</p> <p>Policies: 2.2.1.2 and 2.2.1.4</p> | <p>The vast majority of growth is intended to occur within the Settlement Areas and specifically within strategic growth areas.</p> | <p>The subject site is located within the delineated built boundary and adjacent to Highway No. 8 which is identified as a “Secondary Corridor” on Schedule E – Urban Structure of the Urban Hamilton Official Plan, which is intended to develop at a higher density and as a transit supportive location.</p> |

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| Managing Growth Policies: 2.2.1.2 and 2.2.1.4 (Continued) | Growth will support the achievement of complete communities that feature, among other things, a diverse mix of land uses, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options and public service facilities, and that provides a more compact built form and vibrant public realm. | <p>The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and will contribute to a vibrant public realm by maintaining an active use at grade.</p> <p>The proposal conforms to these policies.</p> |
| Housing/ Complete Communities 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. | <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.</p> <p>The proposal conforms to this policy.</p> |
| Urban Hamilton Official Plan | | |
| Residential Intensification Policy B.2.4.1.1 | Residential Intensification is encouraged throughout the entire built-up area. | The proposal complies with this policy as the subject lands are located within the built-up area. |
| Residential Intensification Evaluation Policy: B.2.4.1.4 | 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 area in terms of use, scale, form, and character. This policy also considers evaluating the proposal against the Urban Structure to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved. | The proposal provides a dwelling type that is generally missing in the immediate area and provides for compatibility with the abutting uses through the proposed setbacks and setbacks to ensure a 45 degree angular plane limits any shadowing and overview concerns on the low density residential uses to the north. A Sun/Shadow Study, prepared by Office Architecture, dated September 2023, demonstrated that there is minimal shadow impact on residential land uses to the north on Deerhurst Road between 11:50 a.m. and 12:50 p.m. and on Federal Street and Worsley Street from 4:50 p.m. to 6:04 p.m. |

| Urban Hamilton Official Plan | | |
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| <p>Residential Intensification Evaluation</p> <p>Policy: B.2.4.1.4 (Continued)</p> | | <p>The expected shadow impacts on the public realm and surrounding properties are acceptable, exceeding the minimum of three hours of continual sunlight on adjacent outdoor spaces and does not cause adverse shadow impacts on adjacent or surrounding properties. The proposed development will provide additional housing typologies to the surrounding area, which is currently comprised of predominately single detached, semi detached and townhouse dwellings in the surrounding neighbourhood to the north, with existing and approved mid rise multiple dwellings along Highway No. 8. The proposed nine storey height is consistent with the existing and planned scale of the area. The mass of the proposed building is oriented towards the street edge along Highway No. 8 and the proposed mixed-use development provides an appropriate scale of residential intensification in a transitioning area that is located adjacent to a major collector road. The proposed development includes stepbacks above the sixth storey to minimize the appearance of height and mass from the street.</p> <p>The proposed development incorporates efficiencies to reduce heating and cooling loss by utilizing Juliet style balconies that do not result in heat transfers between balcony projections. Additional design elements and material will be further determined at the detailed design stage.</p> <p>The proposal complies with this policy.</p> |
| <p>Urban Design Policies – General Policies and Principles</p> <p>Policies: B.3.3.2.2 – B.3.3.2.10</p> | <p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> • Fostering a sense of community pride and identity. | <p>The proposed development incorporates soft landscape features that, along with a commercial ground floor façade and exterior commercial patios, contribute to the pedestrian experience of the streetscape. The streetscape is designed to increase interaction of the building with the street through glazed façades, series of entrances, landscaping, and building detailing.</p> |

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| <p>Urban Design Policies – General Policies and Principles</p> <p>Policies: B.3.3.2.2 – B.3.3.2.10 (Continued)</p> | <ul style="list-style-type: none"> • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; • Creating places that are adaptable to future changes; and, • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment. • Enhancing physical and mental health; and, • Designing streets as a transportation network and as a public spaces. | <p>The proposal will advance the transition of this neighbourhood in a built form and a building design that is contextually appropriate and reinforces the planned character of the Highway No. 8 as a Secondary Corridor. The Concept Plan attached to Appendix “E” to Report PED24108 shows the building located close to the street lines, which contributes towards improving the pedestrian focused street realm. In addition, the site plan shows increased side yard setbacks towards the rear of the building adjacent to the existing residential dwelling located to the north.</p> <p>Further design details, such as landscaping, building material and lighting will be addressed through the future Site Plan Control stage.</p> <p>The proposal complies with these policies.</p> |
| <p>Environmental Site Conditions</p> <p>Policy 3.6.1.2</p> | <p>Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.</p> | <p>The proposed residential land use is a more sensitive land use than the existing commercial land use, therefore triggering the mandatory filing of a Record of Site Condition. A Record of Site Condition was filed in the Ministry of the Environment, Conservation and Parks’ Environmental Site Registry on June 12, 2024, clearing the site of environmental conditions.</p> <p>The proposal complies with these policies.</p> |
| <p>Tree Management</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 Management Plan, prepared by Adesso Design Inc. April 2, 2024, was submitted in support of the development.</p> <p>A total of 57 individual trees were inventoried and are proposed to be removed. The decision to retain trees is to be based on condition, aesthetics, age, and species. Many of the trees proposed to be removed are undesirable species including 14 Siberian Elm, 17 Manitoba Maple and one Black Locust.</p> |

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| <p>Tree Management</p> <p>Policy: C.2.11.1 (Continued)</p> | | <p>It is recognized that there are limited opportunities to retain trees on site as they will be impacted by grading and construction for the proposed surface parking area and the proposed building. Four Siberian Elm trees are proposed to be removed; however, these trees have been identified as “boundary trees” with lands located at 357 Highway No. 8 per the <i>Ontario Forestry Act</i>. Permission from the owner is required prior to the removal of these trees. The Tree Protection Plan has not yet been approved. A Holding Provision is recommended to ensure that an updated Tree Protection Plan is submitted and permission from the adjacent landowner to remove the boundary trees is received. The recommended Zoning By-law includes a Holding Provision to address these items (see Appendix “C” attached to Report PED24108).</p> <p>To ensure existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. As a result, compensation is required for 27 trees. This matter will be addressed through review of a detailed Landscape Plan at the Site Plan Control stage.</p> <p>Subject to the Holding Provision, the proposal complies with this policy.</p> |
| <p>Transportation</p> <p>Policy: C.4.5.12</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, prepared by Crozier & Associates Inc., dated February 2024, was submitted in support of the applications. Revisions to the study are required before the findings can be accepted by Transportation Planning staff.</p> <p>The requested revisions include:</p> <ul style="list-style-type: none"> • Updated turning movements to 2024 existing conditions to account for the slight potential growth in the area. |

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| <p>Transportation</p> <p>Policy: C.4.5.12 (Continued)</p> | | <ul style="list-style-type: none"> • Including City of Hamilton signal timing plans as it appears only baseline Synchro signal timing were assumed for signalized study area intersections. • Using more comparable trip generation land-use code should be considered such as but not limited to LUC 822: Strip Retail Plaza, which would result in a more realistic trip generation value being considered for the site. • The report is required to be signed, stamped, and dated by a Professional Engineer registered within the Province of Ontario as per the City of Hamilton Transportation Impact Study Guidelines. <p>A Holding Provision is recommended to ensure that an updated Transportation Impact Study is submitted. The recommended Zoning By-law includes a Holding Provision to address these items (see Appendix “C” attached to Report PED24108). Subject to the Holding Provision, the proposal complies with this policy.</p> |
| <p>Infrastructure</p> <p>Policy: C.5.3.6</p> | <p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p> | <p>A Functional Servicing and Stormwater Management Report, prepared by WalterFedy dated February 23, 2024, was submitted in support of the development. Development Engineering staff are in agreement with the findings from a water servicing perspective.</p> <p>The proposed development requires wastewater capacity that exceeds the capacity allocated to the subject property and exceeds the residual capacity within the municipal sanitary sewer system. Infrastructure upgrades will be required to support the proposed development, and it is anticipated that an external works agreement will be required. A Holding Provision is recommended requiring the submission of a revised Functional Servicing Report.</p> |

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| <p>Infrastructure</p> <p>Policy: C.5.3.6 (Continued)</p> | | <p>The Functional Servicing Report should demonstrate the availability of a suitable sanitary sewer outlet with sufficient capacity, including necessary improvements to the existing sanitary sewer infrastructure, to support the proposed increase in wastewater capacity.</p> <p>Subject to the Holding Provision, the proposal complies with this policy.</p> |
| <p>Archaeology</p> <p>Policy B.3.4.4.3</p> | <p>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 the following planning matters under the <i>Planning Act</i>, R.S.O., 1990 c. P.13.</p> | <p>The subject property is in an area of sandy soil in areas of clay or stone and along historic transportation routes. These are two of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared a Stage 1 and 2 archaeological report (P038-1351-2023).</p> <p>Municipal heritage planning staff concur with the study’s conclusion that no further archaeological assessment is warranted, and the municipal interest in archaeology has been met. The report has yet to be received by the Ministry for compliance with licensing requirements. Staff request a copy of the Ministry Letter when available. The proposal complies with this policy.</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>The proposed development is located along Highway No. 8, which is classified as a major arterial road.</p> <p>A Noise Assessment, prepared by Gradient Wind Engineers and Scientists dated January 18, 2024, was submitted in support of the application. Staff analysis found that the potential for noise impact from road traffic is significant while noise from stationary noise sources is below Ministry of the Environment, Conservation, and Parks limits.</p> |

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| <p>Noise</p> <p>Policy: B.3.6.3.1 (Continued)</p> | | <p>The report recommends mitigation measures to address the impact from traffic noise including requiring air conditioning for the entire building, warning clauses registered on title and/or in purchase and sale and/or lease or rental agreements, and special building components. These measures will be addressed through the future Site Plan Control and Building Permit stages.</p> <p>The proposal complies with this policy.</p> |
| <p>Urban Corridors – Scale and Design</p> <p>Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16</p> | <p>The built form along the Urban Corridors shall generally consist of low to mid rise forms. The Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters. Urban Corridors shall be a focus for intensification and provide a comfortable pedestrian experience. New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.</p> | <p>The subject site is located on Highway No. 8 which is identified as a “Secondary Corridor”.</p> <p>The proposed mid rise mixed use building is consistent with the planned land uses along “Secondary Corridors”. The proposed development has been designed to promote a comfortable and attractive pedestrian experience. As discussed above, the proposed nine storey height is a mid rise built form consistent with the existing and planned scale of the area. The building is located close to the street and designed with soft landscape features that, along with the exterior patios, contribute to the pedestrian experience of the streetscape by maintaining a ground floor commercial façade.</p> <p>An angular plane diagram, prepared by Office Architecture dated September 22, 2023, demonstrates that the proposed development falls under the 45 degree angular plane from the rear lot line abutting a residential zone / use. As discussed above, a Sun/Shadow Study, prepared by Office Architecture, dated September 2023, demonstrated that there is minimal shadow impact on surrounding residential land uses. The proposed setbacks and stepbacks minimize any overview concerns on the low density residential uses to the north.</p> |

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| <p>Urban Corridors – Scale and Design</p> <p>Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16 (Continued)</p> | | <p>Staff have proposed incorporating regulations to implement a 45 degree angular plane from the rear lot line as part of the amendments to the District Commercial (C6) Zone contained in the Zoning By-law Amendment attached as Appendix “C” to Report PED24108.</p> <p>The proposal, with the amended Zoning By-law Amendment, complies with this policy.</p> |
| <p>Urban Corridors – Design</p> <p>Policy: E.2.4.17</p> | <p>Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.</p> | <p>Council approved By-law No. 24-052 on April 10, 2024, to modify Zoning By-law No. 05-200 Section 5: Parking Regulations. The applications were submitted on April 15, 2024. By-law No. 24-052 is under appeal to the Ontario Land Tribunal and is not in force and effect. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The proposed development is in conformity with the currently in effect minimum parking requirements. A minimum of 175 and a maximum of 236 parking spaces are required for the residential units and no commercial parking is required. 187 parking spaces are proposed, with 181 parking spaces dedicated to the residential units and six for the commercial units.</p> <p>Under the parking regulations approved under By-law No. 24-052, 160 resident and 47 visitor parking spaces are required for the residential units for a total of 207 total parking spaces required.</p> |

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| <p>Urban Corridors – Design</p> <p>Policy: E.2.4.17 (Continued)</p> | | <p>Staff are of the opinion that the current in-force parking regulations are appropriate and support establishing the minimum number of required parking spaces in accordance with the proposed design.</p> <p>The proposal complies with this policy.</p> |
| <p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2</p> | <p>A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment.</p> <p>Permitted uses include commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations; medical clinics and offices provided they are located above the first storey; and, residential uses provided they are located above the first storey of a mixed use building.</p> | <p>The purpose of the Official Plan Amendment is to add a new Site Specific Policy within the Western Development Area Secondary Plan within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses within the “District Commercial” designation.</p> <p>The applicant is proposing a nine storey mixed use building with ground floor commercial uses. The initial application was to redesignate the subject lands to the “Mixed Use Medium Density” designation. However, staff are concerned with creating an isolated “Mixed Use Medium Density” designation on a small parcel of land (less than 4 hectares in size) and creating a gap between “District Commercial” designations. As such, the proposed Official Plan Amendment is to add a new Site Specific Policy to modify the “District Commercial” designation.</p> <p>A Commercial Needs and Impact Analysis, included in the Planning & Urban Design Rationale report prepared by Bousfields Inc. dated March 2024, was submitted in support of the application.</p> |

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| <p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2 (Continued)</p> | | <p>The report found that the proposed development will protect the existing commercial character of the area and will ensure the planned function of the surrounding area is maintained by including a commercial unit at grade that is of adequate size to support several permitted commercial uses. The proposed development will maintain the commercial character of the area and will continue to permit uses that will support the surrounding community. The remaining lands surrounding the subject site are expected to evolve in a similar context and would expect any proposed development to accommodate commercial gross floor area as part of a development proposal. Staff are satisfied with this report, since this property is in a cluster of District Commercial uses.</p> <p>The proposed ground floor commercial use is described as an important aspect of the proposal in that it helps to maintain the commercial function and commercial character of the area. Residential uses are proposed above the ground floor and the Site Specific Policy and Zoning By-law Amendment mandate that, by restricting residential uses to the rear of the building and not along the street frontage, commercial uses are protected as they must be provided on the ground floor for the portion of the building facing the street. Due to the long and narrow shape of the subject site, permitting residential uses towards the rear of the building is appropriate.</p> <p>The proposal also expands the range of permitted commercial uses on the ground floor to include medical clinics and offices. The proposed uses complement existing commercial uses in the surrounding area and achieve the policy objectives of the “District Commercial” designation and align with the planned function of the “Secondary Corridor” and will contribute to a more active streetscape.</p> |

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| <p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2 (Continued)</p> | | <p>The proposed amendment can be supported as the proposed mixed use development will provide a greater range of housing types along with the limited range of retail uses and achieve the planned urban structure.</p> <p>The current “District Commercial” designation permits retail uses in a primarily non-mixed use environment, whereas the “Secondary Corridor” is intended to accommodate retail and mixed use forms in small clusters. The proposal complies with these policies.</p> |
| <p>District Commercial Designation – Scale</p> <p>Policies: E.4.7.5, E.4.7.7, E.4.7.8, and E.4.7.9</p> | <p>The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings. The maximum amount of retail and service commercial floor space permitted in an area designated District Commercial shall be 25,000 square metres. Office uses on the same lot, shall not exceed 2,000 square metres. Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.</p> | <p>The intent of these policies is to promote a range of retail and commercial uses to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The proposed development, with the site specific policy and zoning to restrict ground floor residential uses along the street frontage, will maintain this commercial function.</p> <p>The proposal complies with these policies.</p> |
| Western Development Area Secondary Plan | | |
| <p>District Commercial Designation</p> <p>Policy: B.7.1.2.3</p> | <p>District Commercial designation policies of Volume 1 shall apply.</p> | <p>District Commercial designation policies of Volume 1 are discussed in detail above.</p> |