

SUMMARY OF POLICY REVIEW

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

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Management of Land Use Policy: 1.1.1	Healthy, liveable and safe communities are, in part, developed through the appropriate management of land use patterns.	The proposal contributes to the creation of a healthy, liveable and safe community through providing an efficient form of development that, among other things, is transit-supportive and provides a mix of uses in a compact built form. The development also proposes one, two, and three-bedroom residential units, contributing to a built form that expands on the range and mix of housing options in the area. The proposal is consistent with this policy.
Settlement Area Policy: 1.1.3	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 mitigating and adapting to the impacts of a changing climate and be transit supportive.	The proposal is appropriate given it is located within the settlement area of the City and provides for an efficient use of public infrastructure subject to a Holding Provision for servicing capacity. The proposal also provides a mix of uses including residential intensification and commercial uses in proximity to transit, which contributes to the reduction of trips taken using single occupancy personal vehicles and increases alternative transportation modal split. The proposal is consistent with this policy.
Transportation Policy: 1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.	A mix of uses and residential intensification is proposed that positively contributes to the use of current and future transit planned along King Street West and Centennial Parkway South. Currently, the existing bus routes adjacent to and within proximity of the subject lands are 5 Delaware, 5B Delaware, 44 Rymal, 4 Bayfront and 4F Bayfront.

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Transportation Policy: 1.6.7.4 (Continued)		The proposal is consistent with this policy.
Long-Term Economic Prosperity Policy: 1.7.1	Consideration must be given to promoting opportunities for economic development, encouraging residential supply and a range of housing options for a diverse workforce and other aspects such as a cost-effective, reliable, multimodal transportation system.	The proposal positively contributes to long-term economic prosperity, in part, through the supply of a multi-unit residential building that will provide additional housing options, efficiently uses lands, optimizes infrastructure, and that will support the viability of existing and future transit. The proposal is consistent with this policy.
Human-Made Hazards Policy: 3.2.2	Sites with contaminants in land or water shall be assessed and remediated, as necessary.	A Phase 1 and 2 Environmental Site Assessment Report was completed on the subject lands. The Phase 2 assessment concluded that site contaminant level met the applicable provincial guidelines. The owner has filed a Record of Site Condition with the Ministry of the Environment, Conservation and Parks in accordance with Provincial regulations. Written acknowledgement of the filing of the Record of Site Condition from the Ministry was received on October 6, 2021, and provided to staff. The proposal is consistent with this policy.

A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Managing Growth Policy: 2.2.1	The vast majority of growth is intended to happen within Settlement Areas and more specifically within the delineated built boundary as intensification. The application of the policies found within this section of the Plan are intended to help achieve complete communities.	The subject lands are in the delineated built-up area, adjacent to existing transit systems, commercial amenities, and public service facilities. The proposal contributes to the achievement of complete communities. The proposal conforms to this policy.
Housing/ Complete Communities Policy: 2.2.6	A mix of housing options and densities is an important aspect of achieving complete communities. This is to be realized, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a variety of household sizes, incomes and residents at all stages of life.	The proposal will contribute to achieving a complete community by providing additional multi-unit residential units with a mix of unit sizes (one bedroom, two bedroom and three bedroom units) and ground related commercial space. The proposal conforms to this policy.
Urban Hamilton Official Plan		
Residential Intensification Policy B.2.4.1.1	Residential Intensification is encouraged throughout the entire built-up area.	The subject lands are located within the built-up area. The proposal complies with this policy
Residential Intensification Evaluation Policy: B.2.4.1.4	Residential intensification is evaluated against a series of policy criteria in order to determine appropriateness. Proposals are evaluated based on how it builds upon and is compatible with the established development patterns and built form in the neighbourhood in terms of use, scale, form and character.	The proposal is appropriately integrated within the surrounding neighbourhood through the use of building setbacks and stepbacks that limit any shadowing and overlook concerns on the low rise residential uses to the north. Staff have evaluated the proposal from a privacy and overlook perspective and determined that no adverse impacts are being created on the surrounding neighbourhood. The shadowing was analyzed through a Shadow Impact Analysis prepared by KNYMH Architecture Solutions, dated October 25, 2022, 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 1:00 a.m. and 4:00 p.m.

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<p>Residential Intensification Evaluation</p> <p>Policy: B.2.4.1.4 (Continued)</p>	<p>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>Staff note that the policies of the Urban Hamilton Official Plan make it clear that compatibility does not mean that proposed development needs to be the same as, or even similar to, existing development. Through the submitted materials, the applicant has demonstrated that the proposal can be compatibly integrated into the neighbourhood.</p> <p>The built form of the proposal also supports transit and active transportation through increased density adjacent to existing transit routes and the inclusion of short and long-term bicycle parking spaces.</p> <p>A Functional Servicing Study was submitted with respect to water, wastewater and stormwater capacity. As part of the circulation, a Holding Provision has been added to the amending By-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system. In addition, a Hydrogeological Study has been requested as part of the comments provided through the circulation. Accordingly, the proposal can be adequately serviced subject to the recommend Holding Provisions.</p> <p>The proposal complies with this policy subject to a Holding Provision.</p>
<p>Urban Design</p> <p>Policy: B.3.3</p>	<p>These policies apply to all development in the urban area and seek 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"> • Creating identity and quality spaces. 	<p>The lands currently are vacant. The proposal is a transit-supportive built form that can positively contribute to mitigating and adapting to a changing climate. In addition, on the conceptual Landscape Plan prepared by IBI Group, dated December 9, 2022, the 1:1 tree replacement compensation requirement is being exceeded.</p>

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Urban Design Policy: B.3.3 (Continued)	<ul style="list-style-type: none"> • Creating safe, accessible, connections; • Enhancing the character of the environment; • Creating adaptable developments with respect to changing needs of people; • Creating adaptable developments with respect to a changing climate; • Creating development that has a positive impact on the physical and mental health of the occupants; and, • Creating streets that contribute to the transportation network and that are important public spaces. 	<p>The Landscape Plan will be finalized as a component of the future Site Plan Control application.</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 introducing additional residential density. Through the proposed internal and rooftop amenity spaces, the proposed amenity exceeds the requirements of the C5 Zone regulations. The proposal is compatibly integrated into the existing neighbourhood and will serve to redevelop an underutilized site that will add a desirable built form and enhance the character of the area.</p> <p>The proposal complies with this policy.</p>
Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)		
Cultural Heritage Resource Policies Policy: B.3.4.1.4 and B.3.4.2.1 (g)	<p>Ensure that all new development is contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources. In addition, ensure the conservation and protection of cultural heritage resources in planning and development matters through either appropriate planning and design measures or through conditions.</p>	<p>The subject lands are located within 150 metres of 1 Faircourt Drive, a property comprised of a circa 1862 one-and one- half-storey dwelling listed on the Municipal Heritage Register. Further, the subject lands are across the street from the Stoney Creek Municipal Cemetery located at 2860 King Street East, a property listed on the City’s Inventory of Cemeteries and Burial Grounds. Additionally, the property is located approximately 200 metres from the northwest boundary of Battlefield House, Park and Museum, a property designated under Part IV of the <i>Ontario Heritage Act</i>, a National Historic Site containing a stone monument erected in 1913 and a “protected heritage property” under the Provincial Policy Statement.</p>

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Cultural Heritage Resource Policies Policy: B.3.4.1.4 and B.3.4.2.1 (g) (Continued)		As a result, staff require that any future Construction Management Plan and Vibration Analysis and Impact Study address potential vibration impacts on these two cultural heritage resources (the 1913 Battlefield Monument and the Stoney Creek Municipal Cemetery) during construction to the satisfaction and approval of the Director of Heritage and Urban Design prior to any site plan approval. The proposal complies with these policies.
Archaeological Assessment Policy: B.3.4.4.3 b)	In areas of archaeological potential, an Archaeological Assessment shall be required as part of a complete Zoning By-law Amendment application.	The subject lands meet five (5) of the ten criteria used by the City of Hamilton and Ministry of Citizenship & Multiculturalism for determining archaeological potential. Staff require that a written caution be added to any future site plan. The proposal complies with these policies.
Urban Hamilton Official Plan		
Noise Policies B.3.6.3.1 and B.3.6.6.7	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.	The proposed development is along King Street West, identified as a Minor Arterial Road and close to Centennial Parkway, identified as a Major Arterial on Schedule C - Functional Road Classification. Accordingly, dBA Acoustical Consultants Inc. prepared a Noise & Vibration Study dated November 2022. The study reviewed the acoustic requirements for this development regarding road noise and rooftop HVAC equipment.

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Noise Policies B.3.6.3.1 and B.3.6.6.7 (Continued)		<p>Staff are satisfied with the findings of the Noise and Vibration study subject to warning clauses to be added as part of a future Site Plan Control application and upgraded windows which are to be certified as part of an inspection of building permit plans.</p> <p>The proposal complies with these policies.</p>
Trees Policy C.2.11.1:	<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>Trees have been identified within the subject lands and are proposed to be removed as part of the development. Four trees were identified to be removed. Of the four trees proposed for removal, three were considered fair and one was considered in good condition. The species of trees includes two Sugar Maples, one Siberian Elm, and one White Spruce. The Tree Protection Plan, prepared by IBI Group, revised December 9, 2022, has not been approved. Revisions were required regarding the Tree Protection Plan with clarification regarding if written permission has been obtained for a tree that is located on the neighbouring property which is proposed to be removed, and additional information is required regarding the number of trees inventoried as part of a previous application (DA-18-085). Therefore, a Holding Provision has been included in the amending by-law to finalize the Tree Protection Plan.</p> <p>A preliminary Landscape Plan was submitted that proposes a total of 31 trees being planted on-site, which exceeds the City’s minimum required compensation of a 1:1 replacement of any trees 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 as a condition of Site Plan approval.</p>

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Trees Policy C.2.11.1: (Continued)		The proposal complies with this policy, subject to the Holding Provision.
Transportation 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.	<p>A Traffic Impact Brief dated March 2021 and a Traffic Brief Update dated November 3, 2022, was prepared by Paradigm and the findings were accepted by Transportation Planning staff. The brief finds that the surrounding existing road network can accommodate the site-generated traffic. As part of the Transportation Brief recommendations, the study recommends that left turn movements are restricted onto Centennial Parkway South by extending the raised centre median on Centennial Parkway South past the entrance to the adjacent property with frontage onto Centennial Parkway South that provides partial access to the proposal. As well, confirmation of the legal agreements/easements between property owners is required to ensure continued shared use if/when either property is under new ownership/management.</p> <p>A Holding Provision to confirm these agreements / easements was added to the draft zoning by-law including the centre median along Centennial Parkway South to be extended.</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>

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Infrastructure Policy C.5.3.6:	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	<p>The proposed development has access to full municipal services. At the time of the review, staff raised concerns with the capacity currently available within the sanitary system, therefore a Holding Provision has been added to the amending by-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system. The proposed development has access to full municipal services.</p> <p>At the time of the review, staff raised concerns with the capacity currently available within the sanitary system, therefore a Holding Provision has been added to the amending by-law to allow for further study and confirmation that there is a suitable sanitary outlet with sufficient capacity available including but not limited to improvements to the existing municipal system.</p> <p>This may include a requirement for the owner to enter into an External Works Agreement for infrastructure improvements, which will be at the owner’s expense, if required. In addition, a Hydrogeological Brief has been identified as a requirement as part of the review. As a result, Holding Provisions were added to the draft zoning by-law.</p> <p>The proposal complies with this policy, subject to the Holding Provision.</p>

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Urban Hamilton Official Plan		
<p>Mixed Use – Medium Density Designation – Scale</p> <p>Policy: E.4.6.8</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 back from residential uses in the “Neighbourhoods” designation, and the building is stepped back from the street.</p>	<p>The proposal provides a sufficient mix of unit sizes to satisfy residents of all incomes, household sizes, and stages of life. The proposal contains 124 units, of which, 25% will be one bedroom and one bedroom plus den, 67% will be two bedroom and two bedroom plus den, and 8% will be three bedroom.</p> <p>The Shadow Impact Analysis, prepared by KNYMH Architecture Solutions, dated October 25, 2022, demonstrates that the development will not have a negative impact on the neighbouring properties, or the public sidewalks given the design of the building that incorporates appropriate setbacks and stepbacks.</p> <p>The proposal also incorporates a setback and a series of stepbacks adjacent to the low density residential neighbourhood to the north of the site, which will aid in the transition of the building to the low density residential uses to the north and help mitigate shadowing and overlook/privacy impacts.</p> <p>Furthermore, the proposal incorporates a stepback above the fourth floor adjacent to the street to establish a four storey podium element along the streetscape that is consistent with other building heights along King Street West. As part of the implementation of sustainable building and design principles, the owner is committing to adding landscaping on the terraces of the building, specifically floors four, nine and 11, and using pollinator plants and native vegetation as part of the proposed landscaping.</p>

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Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)		
<p>Mixed Use – Medium Density Designation – Scale</p> <p>Policy: E.4.6.8 (Continued)</p>		<p>The owner has committed to using energy efficient appliances, low flow faucets and toilets and upgraded windows / façade treatments to enhance the building performance through heating / cooling and airtightness. As part of future applications, the owner has stated that they will review opportunities to incorporate bird-friendly glazing / design and investigate opportunities for alternative modes of transportation, such as partnership with local car-share programs.</p> <p>The proposal complies with this policy.</p>
<p>Mixed Use – Medium Density Designation - Design</p> <p>Policy: E.4.6.16 and E.4.6.24</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. In addition, 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 overlook on properties in adjacent neighbourhoods.</p>	<p>The proposal is mixed use with commercial uses at-grade that will help animate the streetscape and enhance the public realm. The first floor of the proposal contains increased ceiling heights to allow for a variety of commercial uses and incorporates a podium design to provide a welcoming pedestrian-oriented streetscape. The building is further setback on the fourth floor to further limit the perceived massing of the building from the public realm.</p> <p>As noted in E.4.6.8, above, through the use of setbacks and stepbacks, and as demonstrated in the submitted Shadow Impact Analysis prepared by KNYMH Architecture Solutions, dated October 25, 2022, the proposed development will minimize the effects of shadowing and overlook on to the neighbouring properties.</p> <p>The proposal complies with this policy.</p>

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Old Town Secondary Plan		
Economic Policy 7.2.1.1	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>The proposal will contribute positively to the evolution of Stoney Creek’s downtown through the redevelopment of an underutilized property with both residential and commercial uses.</p> <p>The proposal complies with this policy.</p>
Design Policy 7.2.13	Encourages good urban design principles (also considered above in Chapter B of Volume 1).	<p>The proposal contributes positively to the public realm and streetscape of King Street West. Additional commentary can be found above within the Urban Hamilton Official Plan section of this review under policies B.2.4.1 and B.3.3.</p> <p>The proposal complies with this policy.</p>
Mixed Use – Medium Density Designation Policy: 7.2.4.2	The Secondary Plan refers to Section E.4.6 of Volume 1 of the Urban Hamilton Official Plan for the applicable policy guidance. This policy also notes that heights shall generally not exceed six stories.	<p>The proposal requires an Official Plan Amendment to change the subject lands to the “Mixed Use - Medium Density” designation and to include a Site Specific policy to permit a height of 12 storeys. The policies of the Urban Hamilton Official Plan permit such an increase, provided the policies of the Plan can be met. The Volume 1 policies have been reviewed above and staff find that the proposal complies.</p> <p>The proposal complies with this policy</p>