

SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Planning Statement (2024)		
<p>Planning for People and Homes</p> <p>Policy: 2.1.6. a), b), c)</p> <p>Housing</p> <p>Policy: 2.2.1 b)</p>	<p>Planning authorities should promote complete communities by accommodating a diverse mix of land uses, housing, transportation options, employment, and public services to meet long-term needs; enhancing accessibility for people of all ages and abilities by addressing land use barriers; as well as improving social equity and quality of life for all, including equity deserving groups.</p>	<p>The proposed development of six new street townhouse dwellings introduces additional housing options within the neighbourhood, contributing to a diverse range of residential choices. However, the proposal is premature as it lacks comprehensive and orderly development for the remainder of the subject lands. The concept plan fails to show that the proposed development is organized in a logical manner with surrounding lands. The development lacks cohesive pedestrian infrastructure, and the future street network is not being proposed in an orderly manner through a Draft Plan of Subdivision with the balance of the subject lands, further undermining connectivity and walkability.</p> <p>The proposal is not consistent with these policies.</p>
<p>Cultural Heritage and Archaeology</p> <p>Policies: 4.6.2 and 4.6.3</p>	<p>Planning authorities shall not permit development or site alteration on lands with archaeological resources or potential unless significant resources are conserved. Similarly, development on adjacent lands to protected heritage properties is prohibited unless heritage attributes are preserved.</p>	<p>The subject lands are adjacent to a Protected Heritage Property, which is Designated under Part IV of the <i>Ontario Heritage Act</i>. A Cultural Heritage Impact Assessment, prepared by NPG Planning Solutions Inc. dated September 13, 2024, was submitted and concluded that the proposed development will not negatively impact the heritage property. Additionally, as the Subject Lands are in an area of archaeological potential, a Stage I & II Archaeological Assessment, prepared by AS & G Archaeological Consulting dated November 16, 2023, which identified no archaeological resources. The report was reviewed by staff, who recommended that no further assessment is required.</p> <p>The proposal is consistent with these policies.</p>

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Settlement Area Policy: 2.3.1.1	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	The proposed development is located within a settlement area. The proposal is consistent with this policy.
General Policies for Agriculture Policy: 4.3.1.3	Specialty crop areas shall be given the highest priority for protection.	The proposed development has not demonstrated that it protects specialty crop areas with the lands south of Highway No. 8 designated “Specialty Crop” in the Rural Hamilton Official Plan. Air drainage patterns exist between these lands and Lake Ontario over the subject lands and modifications to the street layout and building height have the potential to disrupt these drainage patterns. An Air Drainage Analysis/Plan was not submitted with the application. The proposal is not consistent with this policy.
Urban Hamilton Official Plan		
Cultural Heritage Policies: B.3.4.1.4; B.4.1.2.1; B.3.4.2.11 to B.3.4.2.14; and F.3.2.3.1	The City of Hamilton is committed to the protection, conservation, and management of cultural heritage resources, including archaeological, built heritage, and cultural heritage landscapes. New development, site alterations, and building additions must be contextually appropriate and maintain the integrity of on-site or adjacent cultural heritage resources. The city works in partnership with other stakeholders to safeguard tangible cultural heritage for present and future generations. This is achieved through planning and design measures or as conditions of development approvals, in accordance with the Planning Act, R.S.O. 1990. Additionally, development proposals may require a Cultural Heritage Impact Assessment, particularly when they could affect designated properties under the Ontario Heritage Act or properties in the City’s	A Cultural Heritage Impact Assessment, prepared by NPG Planning Solutions Inc. dated September 13, 2024, was submitted. The Cultural Heritage Impact Assessment aligns with Hamilton's guidelines for cultural heritage impact assessments and follows best practices, including the Standards and Guidelines for the Conservation of Historic Places in Canada and the Eight Guiding Principles for the Conservation of Built Heritage Properties. The Cultural Heritage Impact Assessment determined that the proposed residential development on the subject lands, adjacent to a Protected Heritage Property, will not negatively impact the heritage property. The development is contextually compatible with adjacent cultural heritage resources and will maintain the integrity of the adjacent Protected Heritage Property, known as the Lewis House, located at 265 Lewis Road. The distance between the development and the Lewis House is sufficient to avoid any adverse effects on its heritage attributes.

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<p>Cultural Heritage</p> <p>Policies: B.3.4.1.4; B.4.1.2.1; B.3.4.2.11 to B.3.4.2.14; and F.3.2.3.1</p> <p>(continued)</p>	<p>Inventory of Buildings of Architectural or Historical Interest.</p> <p>Cultural Heritage Impact Assessments are required prior to development applications that may adversely affect cultural heritage resources, including those identified in the City's guidelines. The assessments must be prepared by qualified professionals and include a detailed evaluation of affected cultural heritage resources, a description of the proposed development, alternative options, potential impacts, and necessary mitigation measures. The City may impose conditions on development approvals to ensure the continued protection of cultural heritage resources. Before site alteration or soil disturbance, the City must approve the CHIA in writing, ensuring no further cultural heritage concerns exist and agreeing with the final resource management strategy.</p>	<p>The proposal complies with these policies.</p>
<p>Archeology</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.</p>	<p>The subject lands are located in an area of archaeological potential, meeting four of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism: within 250 metres of known archaeological sites, presence of sandy soil in a clay or stone area, location within a pioneer Euro-Canadian settlement, and proximity to historic transportation routes. A Stage I & II Archaeological Assessment, prepared by AS & G Archaeological Consulting, dated November 16, 2023, was submitted and concluded that no archaeological resources were found on the property. The report was reviewed by staff, who recommended that no further archaeological assessment is necessary. While Provincial sign-off is still pending, staff have confirmed that the archaeology condition has been satisfied.</p> <p>The proposal complies with this policy.</p>

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<p>Noise and Vibration</p> <p>Policies: B.3.6.3.9; B.3.6.3.18; and B.3.6.3.19 a)</p>	<p>A noise feasibility and detailed noise study will be required by the City prior to or at the time of application submission for residential or noise sensitive developments located within 400 metres of an arterial road and in the vicinity of other uses with the potential to create conflicts between sensitive land uses and stationary noise sources.</p>	<p>A Noise Feasibility Study, prepared by HGC Engineering dated September 4, 2024, was submitted. The study is required to be revised or updated to clarify whether the elementary school north of the site is considered a stationary noise source and include further analysis if applicable. Additionally, since Lewis Road is classified as a collector road and a future collector is planned through the site, the study should include further analysis to evaluate potential noise impacts in accordance with applicable provincial and municipal guidelines for sensitive land uses.</p> <p>The proposal does not comply with this policy.</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>An Arborist Report, prepared by Urban Arboretum dated October 1, 2024, was submitted. The report inventoried 46 trees, with 14 proposed for removal. Tree retention decisions are based on condition, aesthetics, age, and species, though retention opportunities are limited due to the presence of invasive species including Black Locust and Norway Maple. However, there is a concern over the proposed removal of a Species at Risk (Butternut – Endangered), which falls under the jurisdiction of the Ministry of Environment, Conservation, and Parks. A Butternut Health Assessment and Ministry correspondence have not been provided, and the Tree Protection Plan remains unapproved.</p> <p>The proposal does not comply 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 Ashenhurst Nouwens & Associates Inc. and dated August 30, 2024, was submitted. Development Engineering does not support the rezoning application until services within Lewis Road and the future municipal roads on the site and adjacent lands are fully installed and operational as per the approved Fruitland-Winona Block 3 Servicing Strategy. Specifically, Block 1 cannot proceed until the watermain upgrade and storm</p>

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Infrastructure Policy: C.5.3.6 (continued)		<p>sewer installation on Lewis Road are complete to ensure proper water and wastewater servicing.</p> <p>The proposal does not comply with this policy.</p>
Implementation Policies: F.1.1.2 and F.1.14.1.1	<p>There are instances where zoning for certain urban lands has not yet been finalized and remain zoned for agricultural use. It is intended that not all lands be pre-zoned in order that amenity and design, population density, public works requirements, environmental concerns and all other related policies of the Urban Hamilton Official Plan may be reviewed prior to development proceeding and appropriate zoning regulations applied. Accordingly, development proposals shall be required to conform to the Zoning By-law that implements the provisions of the Urban Hamilton Official Plan.</p> <p>Land division shall occur by registered plan of subdivision when a new road is required and when it is in the public interest to support proper and orderly development.</p>	<p>The proposed development is considered premature since the submission did not include a Draft Plan of Subdivision application for the balance of the subject lands, preventing comprehensive and orderly development. A draft plan of subdivision is required where new roads are proposed and where it serves the public interest to ensure proper and orderly development, in accordance with the Urban Hamilton Official Plan.</p> <p>The proposed development is not adhering to the Block 3 Servicing Strategy, which is intended to guide coordinated infrastructure, public works, and community design. The concept plan fails to demonstrate cohesive pedestrian infrastructure, which discourages active transportation, and does not show a logical organization with surrounding lands. The future street network is not being proposed in an orderly manner through a Draft Plan of Subdivision with the balance of the subject lands, and municipal services on the site and adjacent lands are fully installed and operational. As such, the proposal does not align with the intent of the Urban Hamilton Official Plan, Fruitland-Winona Secondary Plan, or Block 3 Servicing Strategy, which require that amenity, design, infrastructure, and related planning considerations be fully evaluated prior to development.</p> <p>The proposal does not comply with these policies.</p>
Fruitland-Winona Secondary Plan		
Low Density Residential 3 Designation Policy: B.7.4.4.5	In accordance with Section E.3.4 – Low Density Residential Policies of Volume 1 and the site-specific policies for lands designated Low Density Residential 3 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use	The proposed development of six street townhouse dwellings aligns with the “Low Density Residential 3” policies outlined in Section E.3.4 of Volume 1 and the Fruitland-Winona Secondary Plan. As permitted under Policy E.3.4.3, the development introduces townhouse

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<p>Low Density Residential 3 Designation</p> <p>Policy: B.7.4.4.5</p> <p>(continued)</p>	<p>Plan, and notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following additional uses shall be permitted: all forms of townhouse dwellings and existing places of worship. The net residential density shall be greater than 40 units per hectare and shall not exceed 60 units per hectare.</p>	<p>dwellings, expanding housing options in the area. The net residential density of 46.2 units per hectare falls within the required range of 40 to 60 units per hectare, in accordance with Policy E.3.4.4.</p> <p>The proposal complies with this policy.</p>
<p>Streetscape and Built Form</p> <p>Policy: B.7.4.10.2, B.7.4.10.3, B.7.4.10.4, B.7.4.10.6</p>	<p>Architectural variation should be encouraged through the use of varied rooflines, materials, colours, number of storeys, porch designs, architectural styles, and building types to create visual interest between buildings. Continuous rows of repetitive façades are discouraged. The design and layout of streets, lots, and building siting should avoid reverse lotting, promote continuity along streets and open spaces, create meaningful views within the community and toward natural features and encourage pedestrian connections to public streets and outdoor spaces.</p>	<p>As shown in the Concept Plan as shown in Appendix C attached to Report PED25123, the proposed townhouse dwelling is aligned to the side lot lines rather than parallel to Lewis Road. The front elevation should be aligned to Lewis Road to promote continuity along the street. Additionally, the proposed plans do not clarify where future roads are planned to surround the site with the balance of the subject lands through a Draft Plan of Subdivision, potentially undermining pedestrian connectivity through the public street network.,</p> <p>The proposal does not comply with these policies.</p>
<p>Active Transportation Network</p> <p>Policy: B.7.4.13.1</p>	<p>Active transportation, including walkability shall be promoted in the design of the Fruitland-Winona Secondary Plan area through the provision of transit facilities, transportation demand management, pedestrian facilities, and connections between all major destinations such as schools, parks, and commercial areas.</p>	<p>The Fruitland-Winona Secondary Plan supports active transportation by promoting walkability and enhancing connectivity within the Plan area. The subject lands are situated close to commercial, institutional, and recreational uses and located approximately 320 metres from a transit stop to support pedestrian access and existing transit routes. The compact design of the six street townhouse units contributes to a more walkable neighbourhood and supports nearby amenities, aligning with the Secondary Plan's goals to connect major destinations. However, as noted in previous comments, the current approach to pedestrian connectivity, road network design, and related infrastructure is not being cohesively implemented and may require further coordination to fully realize these objectives.</p> <p>The proposal does not comply with this policy.</p>

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<p>Daylight Triangles and Right-of-Way Dedications</p> <p>Policies: B.7.4.13.8, B.7.13.9 b), B.7.4.13.9 e), B.7.4.13.9 f), B.7.4.13.11, and B.7.4.13.12</p>	<p>Daylighting triangles at neighbourhood roundabout intersections shall generally be established at 12.19 metres by 12.19 metres. This dimension may be reduced on a location-by-location basis as determined by the City once engineering designs have been approved and any surplus lands identified.</p> <p>The alignment of the local road network shall be detailed within the plans of subdivision in accordance with the Block Servicing Strategy and policies of Section 7.4.14. The rights-of-way of all streets within and bordering the Secondary Plan area shall be protected and dedicated to the City in accordance with Section C.4.5.6 – Right-of-Way Dedications of Volume 1.</p>	<p>The proposal does not provide for an adequate daylight triangle to accommodate a potential roundabout at the intersection of Lewis Road and the future collector road through the subject lands, which has been identified on Map B.7.4-3 – Fruitland-Winona Secondary Plan – Transportation Classification Plan. Additionally, the existing right-of-way on Lewis Road at the subject property is approximately 20 metres, with an additional 3.05 metres to be dedicated on each side in accordance with the Schedule C-2 - Future Right-of-Way Dedications of the Urban Hamilton Official Plan, to bring the total right-of-way to 26.213 metres. A planned Collector Road 'D' is shown as intersecting with Lewis Road on Map B.7.4-3 – Fruitland-Winona Secondary Plan – Transportation Classification Plan, requiring the full 26.213 metre right-of-way. A Draft Plan of Subdivision application is required when new public roads are required.</p> <p>The proposal does not comply with this policy.</p>
<p>Block Servicing Strategy and Implementation</p> <p>Policies: B.7.4.14.1 c), B.7.4.14.1 j) viii), B.7.4.14.1 n), B.7.4.14.1 t), B.7.4.17.2, and B.7.4.17.3, B.7.4.17.9</p>	<p>Block Servicing Strategies include plans for phasing of development including the size and location of future draft plans of subdivision application to ensure the orderly development of the lands. All development applications shall proceed in a coordinated and comprehensive manner and demonstrate that they comply and proceed in accordance with the approved Block Servicing Strategy.</p>	<p>The Functional Servicing and Stormwater Management Report, prepared by civilGo Engineering Inc. on behalf of Ashenurst Nouwens & Associates Inc. dated August 30, 2024, indicates the proposed development is intended to connect to future storm sewers on Lewis Road and the future collector road north of the site. However, the lack of an offsite stormwater management facility and storm sewers could cause downstream flooding. Additionally, the proposed development has a higher impervious ratio than the approved Block 3 Servicing Strategy. Therefore, staff does not recommend approval until municipal storm infrastructure is in place or a mitigation strategy is provided. Development Engineering staff do not support the rezoning application until all services within Lewis Road and future municipal roads are installed and operational, as per the Block 3 Servicing Strategy. Furthermore, Block 1 cannot proceed until the watermain upgrade and storm sewer on Lewis Road are completed. The proposal lacks sufficient information regarding the</p>

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<p>Block Servicing Strategy and Implementation</p> <p>Policies: B.7.4.14.1 c), B.7.4.14.1 j) viii), B.7.4.14.1 n), B.7.4.14.1 t), B.7.4.17.2, and B.7.4.17.3, B.7.4.17.9</p> <p>(continued)</p>		<p>daylight triangle for a roundabout at the intersection of Lewis Road and Street 'A'. A Draft Plan of Subdivision application is required when new public roads are required and when it is in the public interest to support proper and orderly development. Therefore, the proposal is not proceeding in accordance with the approved Block Servicing Strategy.</p> <p>The proposal does not comply with these policies.</p>