

**SUMMARY OF POLICY REVIEW**

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

<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Residential Intensification</b>  Policy B.2.4.1.1	The proposal complies with this policy.  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.
<b>Residential Intensification Criteria</b>  Policy: B.2.4.1.4 and B.2.4.2.2	The proposal complies with these policies.  Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with the surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, contribution towards supporting transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.	<p>The proposed development represents a compatible form of infill development. It will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the existing transit and commercial uses. It will also support active transportation as existing bicycle lanes are located within proximity to the subject lands.</p> <p>The proposed development is designed with consideration to the compatibility of the building with the surrounding land uses. To ensure an appropriate transition from existing residential uses, the building is located away from the existing residential uses to the north and it is designed with a series of stepbacks. Furthermore, a planting strip along the northerly property line will provide additional screening.</p> <p>The building is located close to the street which will enhance the streetscape along West 5<sup>th</sup> Street. In addition, a stepback at the seventh storey will serve to reduce massing along the street. Parking is primarily located underground with a row of surface parking along the northerly lot line. This will reduce the impact on the streetscape.</p>

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<p><b>Residential Intensification Criteria (Continued)</b></p> <p>Policy: B.2.4.1.4 and B.2.4.2.2</p>	<p>Residential intensification in the “Neighbourhoods” designation shall be evaluated on: matters listed in B.2.4.1.4, compatibility with adjacent land uses, relationship with nearby residential buildings, transition to adjacent residential buildings, relationship with lot pattern within the neighbourhood, provision of amenity space, ability to respect and maintain the streetscape, ability to complement the existing functions of the neighbourhood, conservation of cultural heritage resources, and infrastructure and transportation capacity.</p>	<p>Further design details, such as landscaping, lighting, and noise mitigation, will be addressed through the future Site Plan Control stage.</p>
<p><b>Urban Design Policies – General Policies and Principles</b></p> <p>Policy: B.3.3.2.2 - B.3.3.2.10</p>	<p>The proposal complies with these policies.</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"> <li>• Fostering a sense of community pride and identity;</li> <li>• Creating quality spaces;</li> <li>• Creating places that are safe, accessible, connected and easy to navigate;</li> <li>• Enhancing the character of the existing environment;</li> <li>• Creating places that are adaptable to future changes;</li> <li>• Promoting the reduction of greenhouse gas emissions and protecting and enhancing the natural environment;</li> <li>• Enhancing physical and mental health; and,</li> <li>• Designing streets as a transportation network and as a public space.</li> </ul>	<p>An Urban Design Brief, prepared by Adesso Design Inc. dated May 2022, was submitted in support of the development. The proposed development is compatible with the surrounding area, will enhance and complement the existing neighbourhood, and will create comfortable pedestrian circulation.</p> <p>The applicants are proposing to incorporate the following features to achieve sustainability: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. These features contribute towards enhancing the character of the existing environment. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.</p>

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<p><b>Tree Management</b></p> <p>Policy: C.2.11.1</p>	<p>The proposal complies with this policy.</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 Protection Plan prepared by Adesso Design Inc. dated January 27, 2023 was submitted in support of the development. A total of 31 trees have been inventoried and 21 are proposed to be removed including five trees found within the City’s right-of-way. Of these 21 trees, two were found to be in “fair-poor” condition.</p> <p>Of sixteen of the 21 trees proposed to be removed, 10 (one Shagbark Hickory, one Saucer Magnolia, one Thornless Honeylocust, one White Spruce, one Common Apple, two Black Walnut, and three Colorado Blue Spruce) are proposed to be removed to accommodate surface parking, four (one Black Walnut, one Norway Spruce, one Colorado Blue Spruce, and one Manitoba Maple) to accommodate the residential building, and two (two Downy Hawthorn) to accommodate underground parking. The Tree Protection Plan has not yet been approved. The decision to retain trees is to be based on condition, aesthetics, age, and species. 11 of the trees proposed to be removed are in good condition. This matter, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage.</p> <p>Five of the 21 trees proposed to be removed are located within the City’s right-of-way. Two are proposed to be removed to provide sidewalk connections, two due to underground servicing, and to accommodate a driveway access. Staff do not support the removal of trees for sidewalk connections and underground servicing. Measures to avoid impacts on public trees must be taken. This matter will be addressed at the future Site Plan Control stage.</p>

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<p><b>Tree Management (Continued)</b></p> <p>Policy: C.2.11.1</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. The applicant proposes 13 new trees to replace the 16 trees that are proposed to be removed from the subject property. Due to the underground parking structure, the site does not have adequate soil depth or area for the additional three trees. Five street trees will be provided. A Landscape Plan will be required at the Site Plan Control stage to confirm compensation tree plantings and cash-in-lieu requirements</p>
<p><b>Transportation</b></p> <p>Policy: C.4.5.12</p>	<p>The proposal complies with this policy.</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 (with Transportation Demand Management) was prepared by NexEng Consulting Group Inc., dated March 2023, and the findings were accepted by Transportation Planning staff.</p> <p>The future modified road network can accommodate the site-generated traffic. These future modifications shall be the responsibility of the Developer and will be enforced through conditions of Site Plan approval, which include: introduction of a left-turn lane along West 5<sup>th</sup> Street, extension of municipal sidewalks along West 5<sup>th</sup> Street, and right-of-way dedication of approximately 3.2 metres along West 5<sup>th</sup> Street.</p>
<p><b>Infrastructure</b></p> <p>Policy: C.5.3.6, C.5.3.13, C.5.3.17, and C.5.4</p>	<p>The proposal complies with this policy.</p> <p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p> <p>The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.</p>	<p>Development Engineering does not have any objections to the approval of the application.</p> <p>Construction of a municipal storm sewer along West 5<sup>th</sup> Street is required to provide a stormwater outlet for the subject site and the sanitary sewer along West 5<sup>th</sup> Street requires upgrades. In addition, an updated Functional Servicing Report is required to demonstrate that the existing municipal water system can adequately supply the required fire flow for the proposed development.</p>

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<p><b>Infrastructure (Continued)</b></p> <p>Policy: C.5.3.6, C.5.3.13, C.5.3.17, and C.5.4</p>	<p>The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding.</p> <p>The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.</p>	<p>The recommended Zoning By-law includes a Holding Provision for the construction of a municipal storm sewer along West 5<sup>th</sup> Street, the upgrading of the municipal sanitary sewer along West 5<sup>th</sup> Street, and completion of an updated Functional Servicing Report (see Appendix “B” attached to Report PED23179).</p>
<p><b>Archaeology</b></p> <p>Policy B.3.4.4.3</p>	<p>The proposal complies with this policy.</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 planning matters under the <i>Planning Act</i>.</p>	<p>The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared an archaeological assessment which examined the archaeological potential of the site to the satisfaction of the Ministry.</p> <p>Staff received a copy of the letter from the Ministry dated April 14, 2022 confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.</p>
<p><b>Noise</b></p> <p>Policy: B.3.6.3.1</p>	<p>The proposal complies with these policies.</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 subject lands front onto West 5<sup>th</sup> Street, which is identified as a minor arterial road, and is located approximately 300 metres west of Upper James Street and approximately 295 metres north of Rymal Road West, both of which are identified as major arterial roads on Schedule “C” – Functional Road Classification. Both to the south and east are commercial buildings with rooftop HVAC units. The commercial building to the south has two loading bays.</p>

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<p><b>Noise (Continued)</b></p> <p>Policy: B.3.6.3.1</p>		<p>A Noise &amp; Vibration Impact Study, prepared by dBA Acoustical Consultants Inc. dated April 2023, identified the following acoustic mitigation requirements for the development with respect to road noise from West 5<sup>th</sup> Street, Upper James Street, and Rymal Street West as well as stationary noise sources:</p> <ul style="list-style-type: none"> <li>• Warning Clauses inserted into all Offers and Agreements of Purchase and Sale or Lease for all residential units;</li> <li>• Central Air Conditioning for all residential units;</li> <li>• Appropriate Sound Transmission Class values required for all exterior windows, walls, and patio doors;</li> <li>• A letter from the Window Installation Company confirming the appropriate Sound Transmission Class values have been achieved and an Acoustical Certificate from the Qualified Acoustical Consultant be issued prior to issuance of the building plans; and,</li> <li>• Qualified Acoustical Consultant certifies that the required noise control measures have been incorporated into the builder’s plans prior to issuance of a building permit.</li> </ul> <p>These control measures will be implemented through the Site Plan Control application.</p>
<p><b>Neighbourhoods Designation – Function</b></p> <p>Policy: E.3.2.1</p>	<p>The proposal complies with this policy.</p> <p>Areas designated “Neighbourhood” shall include a full range of residential dwelling types and densities.</p>	<p>The proposed development is a residential use in a multiple residential built form, which introduces a new type and density within the neighbourhood.</p>

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<p><b>Medium Density Residential – Function</b></p> <p>Policy: E.3.5.1 and E.3.5.5</p>	<p>The proposal complies with these policies.</p> <p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.</p>	<p>The proposed development is a multiple dwelling located on West 5<sup>th</sup> Street, which is identified as a minor arterial road on Schedule “C” – Functional Road Classification.</p> <p>The proposed development is located within a safe and convenient walking distance of a number of features to support the proposed density including retail uses to the east and along Upper James Street as well as to the south along Rymal Road West. Hamilton Street Railway operated bus routes are located along both Upper James Street and Rymal Road West. In addition, Rymal Road West has been identified as a rapid transit route. Bicycle lanes are located north of the subject lands along Stone Church Road. And finally, William Connell Park, a city-wide park, is located on the west side of West 5<sup>th</sup> Street.</p>
<p><b>Medium Density Residential – Scale</b></p> <p>Policy: E.3.5.8</p>	<p>The proposal complies with this policy.</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 adjacent sensitive land uses, the proposal progressively steps back from residential uses in “Neighbourhoods” and the building is stepped back from the street.</p>	<p>The proposed development will contain 206 units. Of these units, 66% are one-bedroom and 34% are two-bedroom. This represents a mix of unit types to support various household sizes.</p> <p>The applicants are proposing to incorporate the following features to achieve sustainability: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.</p> <p>Staff have reviewed a Shadow Impact Analysis prepared by KNYMH Inc. dated May 24, 2022 submitted in support of the development. The study concluded that the proposed massing and orientation limits shadow impact on the adjacent residential properties.</p>

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<p><b>Medium Density Residential – Scale (Continued)</b></p> <p>Policy: E.3.5.8</p>		<p>Staff have reviewed an Angular Plane drawing prepared by KNYMH Inc. dated March 9, 2023, submitted in support of the development. The drawing illustrates the angular plane from adjacent “Neighbourhood” areas. Building massing is not located within the angular plane. Yard requirements and step backs within the proposed Zoning By-law will implement this design (see Appendix “B” attached to Report PED23179).</p> <p>To minimize the appearance of height from the street a stepback is proposed at the seventh storey. This requirement has been incorporated into the proposed Zoning By-law (see Appendix “B” attached to Report PED23179).</p>