

**SUMMARY OF POLICY REVIEW**

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

<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Official Plan:</b>	<b>Urban Hamilton Official Plan</b>	
<p><b>Cultural Heritage Resources</b></p> <p>Policy: B.2.4.2 j), B.2.4.3, B.3.4, B.3.4.2.1 g), B.3.4.2.8, B. 3.4.2.11, B.3.4.2.12, B.3.4.2.13, B.3.4.2.14</p>	<p>Residential intensification involving cultural heritage resources shall ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources. The policies intend to ensure the conservation and protection of cultural heritage resources either through appropriate planning and design measures or as conditions of development approvals.</p> <p>A cultural heritage impact assessment shall be required when a proposed development has the potential to adversely affect a cultural heritage resource including properties included in the City’s Inventory of Buildings of Architectural or Historical Interest.</p>	<p>The proposal complies with these policies.</p> <p>A Cultural Heritage Impact Assessment for the subject property was completed by Parslow Heritage Consultants Inc. on June 6, 2023. The report assessed the impact of the proposed development on the existing built heritage resource at 164 Rymal Road East. Staff have reviewed the Cultural Heritage Impact Assessment submitted with the subject application and found it to be incomplete and not prepared to staff’s satisfaction.</p> <p>The report submitted does not adequately assess the alternatives to demolition of 164 Rymal Road East, which was identified in the report as having sufficient cultural heritage value or interest to be worthy of designation under the <i>Ontario Heritage Act</i>. Section 29 of the <i>Ontario Heritage Act</i> notes that a property must meet “two or more” of the criteria to be considered a candidate for designation. 164 Rymal Road East satisfied three of the 10 criteria, including that the property is an example of the Edwardian Classicism style, the structure displays fine examples of period craftsmanship, and the structure has a visual connection to the building owned by a member of the Bethune family.</p>

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<p><b>Cultural Heritage Resources (Continued)</b></p> <p>Policy: B.2.4.2 j), B.2.4.3, B.3.4, B.3.4.2.1 g), B.3.4.2.8, B. 3.4.2.11, B.3.4.2.12, B.3.4.2.13, B.3.4.2.14</p>	<p>Where cultural heritage resources are to be affected, the City may impose conditions of approval on any <i>Planning Act</i> application, to protect the resource, and may require that affected resources be documented.</p> <p>Prior to any site alterations any required cultural heritage impact assessment must be approved.</p>	<p>Recent changes to the <i>Ontario Heritage Act</i> introduced timeline requirements for designation once a prescribed event occurs, such as a <i>Planning Act</i> application. Due to the timing of the Zoning By-law Amendment application being submitted, Staff were unable to complete the process to proceed with a designation. As a result, staff are not seeking a heritage designation for 164 Rymal Road East.</p> <p>Staff are of the opinion that the building should be retained and adaptively reused within the proposed development and have recommended the existing dwelling at 164 Rymal Road East be retained and adaptively reused in the development. A provision has been included in the site specific Zoning By-law Amendment attached as Appendix “B” to Report PED24021 which requires the building be retained and used in the proposed development.</p>
<p><b>Archaeological Assessment</b></p> <p>Policy: B.3.4.4.3 b)</p>	<p>In areas of archaeological potential an archaeological assessment shall be required as part of a Zoning By-law Amendment application.</p>	<p>The proposal complies with this policy.</p> <p>A Stage 1 and 2 Archaeological Assessment of 164, 168 and 176 Rymal Road East (P1056-0161-2022) was submitted to the City and the Ministry of Citizenship and Multiculturalism. The Province signed off on the report for compliance with licensing requirements in a letter dated June 15, 2022. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.</p>

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<p><b>Neighbourhoods – General Policies</b></p> <p>Policies: E.3.2.1, E.3.2.3, E.3.2.4, and E.3.3.2</p>	<p>Areas designated “Neighbourhoods” shall function as complete communities including a full range of residential dwelling types.</p> <p>The existing character of established areas designated “Neighbourhoods” shall be maintained. Residential intensification shall be compatible to the scale and character of the surrounding neighbourhood.</p>	<p>The proposal complies with these policies.</p> <p>The proposed development seeks to establish residential development in the form of multiple dwellings and includes larger units with three bedrooms which is consistent with the envisioned uses for lands designated “Neighbourhoods”, as per policies E.3.2.1 and E.3.2.3. The Concept Plan, attached as Appendix “C” to Report PED24021 includes a unit breakdown of 11, two-bedroom units (23%) and 36, three bedroom units (77%).</p> <p>The proposed two storey and three storey multiple dwellings will be consistent with the existing low rise built forms of predominately single detached dwellings that exist in the area. Therefore, the proposed development will maintain the existing character of the established neighbourhood, as per policy E.3.2.4.</p> <p>The scale of development being proposed will ensure that the height, massing and building arrangement will be compatible with the existing uses in the surrounding area.</p>
<p><b>Neighbourhoods – Residential Uses – General Policies</b></p> <p>Policies E.3.3, E.3.3.1 and E.3.2</p>	<p>Lower density residential uses and built forms shall generally be located in the interior of neighbourhood areas with higher density dwelling forms located along the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.</p> <p>Development adjacent to areas of lower density shall ensure compatibility with existing and future uses.</p>	<p>The proposal complies with these policies.</p> <p>The Urban Hamilton Official Plan defines a multiple dwelling as a building with five or more dwelling units and can include block townhouse and stacked townhouse dwellings.</p> <p>The proposed development constitutes a low-rise form of intensification and will therefore have a height and massing that is compatible with the existing and future uses in the area, as per policy E.3.3.2.</p>

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<p><b>Neighbourhoods – Residential Uses – General Policies (Continued)</b></p> <p>Policies E.3.3, E.3.3.1 and E.3.2</p>	<p>Lower density residential uses and built forms shall generally be located in the interior of neighbourhood areas with higher density dwelling forms located along the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.</p> <p>Development adjacent to areas of lower density shall ensure compatibility with existing and future uses.</p>	<p>The proposal complies with these policies.</p> <p>The Urban Hamilton Official Plan defines a multiple dwelling as a building with five or more dwelling units and can include block townhouse and stacked townhouse dwellings.</p> <p>The proposed development constitutes a low-rise form of intensification and will therefore have a height and massing that is compatible with the existing and future uses in the area, as per policy E.3.3.2.</p>
<p><b>Neighbourhoods – Medium Density Residential</b></p> <p>Policies E.3.5.1, E.3.5.2, E.3.5.5, E.3.5.7, E.3.5.8, and E.3.5.9</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods. Uses permitted in medium density residential areas shall include all forms of multiple dwellings and shall be located within a safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, as well as local or District Commercial uses.</p> <p>For medium density residential uses, the maximum height shall be six storeys.</p>	<p>The proposal complies with these policies.</p> <p>As noted above, the proposed development represents a Medium Density Residential form.</p> <p>The proposed multiple dwellings are setback from the lands to the interior of the neighbourhood at the rear of the site and are at the periphery of the neighbourhood in proximity to a major arterial road, as per policy E.3.5.1.</p> <p>The proposed development does not include any modifications to reduce minimum parking, landscaping, amenity, or planting strip requirements. Therefore, the site is of suitable size to provide adequate landscaping, amenity, on-site parking, and buffering. The proposed building height of two to three storeys and the massing of the proposed development will be compatible with the existing and future uses in the surrounding area, as per policy E.3.5.9 c).</p>

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<p><b>Neighbourhoods – Medium Density Residential (Continued)</b></p> <p>Policies E.3.5.1, E.3.5.2, E.3.5.5, E.3.5.7, E.3.5.8, and E.3.5.9</p>	<p>Development within the medium density residential category shall have direct access to a collector or arterial road, be integrated with other lands, minimize traffic and pedestrian conflicts, demonstrate that the building will not adversely impact adjacent residential uses, and that the building will not have a visual impact.</p>	<p>The proposed development includes a single access driveway from a major arterial road which will help to minimize traffic conflicts between the development and public right of way. Revisions with respect to the internal pedestrian connections are required in order to minimize internal traffic conflicts between vehicles and pedestrians, as per policy E.3.5.9 d).</p> <p>A special figure has been included to the proposed Zoning By-law Amendment to ensure that the side yard setbacks are implemented at 6 metres for the multiple dwellings located interior to the site. The interior side yard will function as rear yards for these units and provide a greater distance to the property line, reducing the impact to the adjacent residential uses.</p>
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2</p>	<p>Residential intensification developments within the built-up area shall be evaluated based on a balanced evaluation of items, such as, but not limited to, compatibility with the adjacent land uses in terms of scale, form and character, building upon existing lot patterns, achieving a range of dwelling types, achieving the planned function of the urban structure, servicing capacity, provision of amenity space, conservation of cultural heritage resource, and transportation capacity.</p>	<p>The proposal complies with these policies.</p> <p>The proposed development provides for intensification of the subject lands while providing a built form that is consistent with the existing low-rise built form of the area. It builds upon the established patterns of the neighbourhood and successfully integrates with the surrounding area in terms of use, scale, form, and character.</p> <p>The proposed development contributes towards maintaining and achieving a range of dwelling types by introducing denser housing types and providing units for large households, as per policy B.2.4.1.4 c).</p>

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<p><b>Residential Intensification (Continued)</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2</p>		<p>The proposed development contributes to achieving the planned urban structure, as per policy B.2.4.1.4 e).</p> <p>There are existing municipal services in the area. In order to ensure that there is sufficient capacity in the municipal services, a Holding ‘H’ Provision will be included in the By-law to not permit development until it is adequately demonstrated that there is sufficient servicing capacity, as per policy B.2.4.1.4 f).</p> <p>The proposed development will be required to incorporate and utilize green infrastructure and sustainable design elements. The details respecting the green infrastructure and sustainable design elements that are to be implemented will be outlined as part of the detailed review of the Site Plan Control application.</p> <p>The proposed development will include short term bicycle parking, and long term bicycle parking can be provided within the proposed garages. The property is located within walking distance of community services including parks and schools, commercial uses along Upper James Street, and existing and planned transit routes.</p> <p>Therefore, the proposed development will support and facilitate active transportation.</p> <p>The proposed development is in proximity to existing transit routes along Rymal Road East and Upper Wellington Street, and planned BLAST future transit along Rymal Road East. Therefore, the proposed development is transit supportive.</p> <p>The proposed development is within walking distance of existing schools and parks and therefore is in proximity to existing public community facilities and services.</p>

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<p><b>Residential Intensification (Continued)</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2</p>		<p>The proposed development is not located within or adjacent to a core area or linkage and therefore will not negatively impact any key natural heritage feature.</p> <p>Based upon the low rise scale of the multiple dwellings, there are no anticipated shadowing or overlook impacts on adjacent properties. A detailed lighting plan will be required as part of the Site Plan Control application, and the inclusion of visual barriers and planting buffers will further protect adjacent land uses with respect to lighting impacts. Based on the proposed land use and the scale of the proposed land use the proposed development will not create noise or traffic impacts, as per policy B.2.4.2.2 b).</p> <p>The proposed multiple dwellings will have either individual rear yard amenity areas or rear balconies.</p> <p>A modification to reduce the minimum required amenity space is not proposed. Therefore, the proposed development will provide amenity space for the proposed dwellings, as per policy B.2.4.2.2 f).</p> <p>The multiple dwellings will have a building block length that will be greater than the existing single detached dwellings in the area but will include architectural elements, building separation, and setbacks that will be compatible with the streetscape pattern of the area, as per policy B.2.4.2.2 g).</p> <p>The proposed intensification complements the existing function of the area by providing additional housing in the neighbourhood that is compatible in scale and supported by transit, as per policy B.2.4.2.2 h).</p>

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<p><b>Residential Intensification (Continued)</b></p> <p>Policy B.2.4.1.4 and B.2.4.2.2</p>		<p>A Holding ‘H’ Provision will be required to demonstrate that there is adequate sanitary sewer system capacity and adequate storm water management.</p> <p>The applicant submitted a Trip Generation Letter, and based on staff’s review the findings of the Letter are acceptable and it has been determined that the existing road network will be able to handle the trips generated by the proposed development, as per policy B.2.4.2.2 i).</p>
<p><b>Urban Design – Principles</b></p> <p>B.3.3.2.5</p>	<p>Places that are safe, accessible, connected, and easy to navigate shall be created by using the following design applications, by amongst others:</p> <ul style="list-style-type: none"> <li>• Connecting building and spaces through efficient, intuitive, and safe streets and sidewalks;</li> <li>• Providing connections and access to all buildings for all users;</li> <li>• Building entrances are visible from the street; and,</li> <li>• Integrating conveniently located public transit and cycling infrastructure.</li> </ul>	<p>The proposed development includes pedestrian walkways connecting the sidewalk along Rymal Road East to the front entrance of the multiple dwellings. There are proposed internal sidewalks for the multiple dwellings on the easterly and westerly sides of the development. The multiple dwellings located in the interior of the site will have individual walkways from the front door to the private road and do not directly connect to the balance of the internal sidewalk. This requires residents to walk across the internal private road to reach the internal sidewalk.</p> <p>In order to ensure compliance with Policy B.3.3.2.5 a) and b), revisions to the layout and design of the internal sidewalk are required. The revision to the layout and design of the sidewalks will be undertaken as part of a future Site Plan Control application.</p> <p>In respect to policy B.3.3.2.5 d), the property is located within close walking distance of existing transit routes. The proposed development will provide a minimum of 25 short term bicycle parking spaces. There are no dedicated long term bicycle parking spaces identified, however based on the proposed individual garages, there is potential opportunity to store bicycles within the respective dwelling unit.</p>



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<p><b>Urban Design – Built Form</b></p> <p>B.3.3.3.2, B.3.3.3.3</p>	<p>New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <ul style="list-style-type: none"> <li>• Creating transitions in scale to neighbouring buildings;</li> <li>• Ensuring adequate privacy and sunlight to neighbouring properties; and,</li> <li>• Minimizing the impacts of shadows and wind conditions.</li> </ul> <p>New development shall be massed to respect existing and planned street proportions.</p>	<p>The proposal complies with these policies.</p> <p>The two storey multiple dwellings located in the interior of the site serve as a transition from the three storey multiple dwellings at the front of the property to the adjacent existing residential properties, as per policy B.3.3.3.2 a).</p> <p>The proposed two and three storey building heights represent a built form that would not create adverse shadowing impacts or wind impacts on abutting properties or the public realm.</p> <p>In respect to privacy and overlook, the proposed design of the end units of the multiple dwellings fronting onto Rymal Road East will not include windows or balconies along the easterly or westerly facades and therefore will not create overlook impacts, as per policy B.3.3.3.2 b) and c).</p> <p>The two storey multiple dwellings will have a building height comparable to what already exists in the area. The proposed buildings will be setback 6.0 metres from the lands to the east and west. For the lands to the south, the proposed development will have a side yard interface with limited windows and no balconies, as per policy B.3.3.3.2 b).</p> <p>The proposed multiple dwellings along the front of the property will have a height of three storeys which is consistent with the existing one to two storey built form and is consistent with the maximum height permitted in the zoning for the abutting lands. Therefore, the proposed development is massed to respect existing and planned street proportions, as per policy B.3.3.3.3.</p>

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<p><b>Health and Public Safety – Noise</b></p> <p>B.3.6.3.7 and B.3.6.3.19</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 proposal complies with these policies.</p> <p>The subject property is located along Rymal Road East, a major arterial road and potential noise source. The subject lands are also within 400 metres of vehicle repair garages located to the north-west, which is a potential stationary noise source.</p> <p>An Environmental Noise Impact Study was prepared by dBA Acoustical Consulting Inc. dated July 2023. The study evaluated the transportation noise impacts from Rymal Road East and Upper Wellington Street. The study identified that the property is located between NEF 25-28 with respect to aircraft noise. The study identified Bay King Motors dealership located approximately 200 metres from the subject property to the northwest and noted the BA Court Public Works Operation Yard and Les Charter YMCA facility located approximately 550 metres from the subject site.</p> <p>In respect to the transportation noise impacts, the study identified that the north façade of the multiple dwellings adjacent to Rymal Road East will have a noise level of 69 dBA in the daytime and 62 dBA in the nighttime and will exceed the maximum noise level of 55 dBA and 50 dBA sound levels, respectively, and will therefore require mitigation measures and warning clauses. The multiple dwellings to the rear of the development will not exceed the maximum noise level. The outdoor living areas at the rear of the multiple dwellings will not exceed the maximum permitted sound level of 55 dBA.</p> <p>As the lands have a worst-case scenario, noise contour level for aircraft noise of NEF-28 mitigation measures and warning clauses are required.</p>

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<p><b>Health and Public Safety – Noise (Continued)</b></p> <p>B.3.6.3.7 and B.3.6.3.19</p>		<p>In respect to the stationary noise sources, the study identified the roof top HVAC units for the Bay King Motors dealership to the northwest and noted that the units are shielded with rooftop parapets and equipped with acoustical mitigation measures.</p> <p>These features, along with the separation distance, will result in the HVAC units not having an impact on the proposed development. The study did not provide any analysis with respect to the repair garage activity on-site; further evaluation on this matter will be required as part of the future Site Plan Control application.</p> <p>In respect to the BA Court Public Works Operation Yard and Les Charter YMCA facility, the study identified that due to the separation distance between the existing and future uses there will not be an acoustical impact on the proposed development.</p> <p>All required mitigation measures and warning clauses will need to be implemented as part of the Site Plan Control application and as part of any future Draft Plan of Condominium, if applicable.</p>
<p><b>Tree and Woodland Protection</b></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>The proposal complies with this policy.</p> <p>An Arborist Report prepared by Summit Professional Consulting Arborists dated October 26, 2023, was submitted in support of the application. In addition, a Tree Protection Plan (drawings SP4.01 and SP4.02) prepared by Partridge Fine Landscapes dated October 26, 2023, has been provided. Through these reports, 42 trees have been inventoried, including one municipal tree. Of these trees, 34 have been proposed to be removed.</p>

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<p><b>Tree and Woodland Protection (Continued)</b></p> <p>Policy C.2.11.1</p>		<p>The trees proposed to be removed include a variety of species including, Sugar Maples, Blue Spruces, Norway Maples, Black Walnuts, Honey Locust, Apple trees, common Pear trees, Austrian Pine, Red Maples, Pin Cherry, and Silver Maples. The conditions of the trees range from fair to good. The report recommends retaining nine trees.</p> <p>Based on concerns with the submitted Arborist Report and Tree Protection Plan, the Tree Protection Plan has not been approved.</p> <p>Planning staff have recommended that a Holding ‘H’ Provision be applied to the subject site for the Owner to submit and receive approval of a Tree Protection Plan that addresses Natural Heritage staff’s comments. A ratio of one to one tree compensation, as set out in the City’s Tree Protection Guidelines (2010), will be implemented through the future Site Plan Control process.</p>