

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
<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 adjacent to Rymal Road East 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> <p>Commercial uses are located approximately one kilometre north of the subject site and the nearest commercial uses are located approximately 310 metres west. Additional commercial uses are located approximately two kilometres east and can be accessed via Hamilton Street Railway operated bus route 44 located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Summit Park is located approximately 200 metres south of the subject site and the Eramosa Karst Conservation Area is located approximately 650 metres to the north. Bishop Ryan Catholic Secondary School is located directly west of the subject site.</p> <p>The proposed development consists of 177 retirement units and ground floor commercial space within an eight storey building with 55 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 as bicycle lanes exist adjacent to the site.</p> <p>The proposal is consistent with these policies.</p>

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
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<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>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>	<p>The subject site is not located within the delineated built boundary. However, the subject site is located on Rymal Road East 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> <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 a vibrant public realm.</p> <p>The proposal conforms to these policies.</p>
Urban Hamilton Official Plan		
<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; • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; and, • Creating places that are adaptable to future changes. 	<p>An Urban Design Brief, prepared by Masri O Inc. Architects dated October 2023, was submitted in support of the proposed development. Staff analysis found that the proposed development contributes to a sense of place at the intersection and the creation of a pedestrian focused street realm. The corner of the proposed building incorporates soft landscape features that, along with exterior 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> <p>A Site Plan, prepared by Masri O Inc. Architects, dated November 16, 2023, was submitted in support of the proposed development.</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"> • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment; and, • Enhancing physical and mental health; and, • Designing streets as a transportation network and as public spaces. 	<p>The plan shows the building located close to the street lot lines, which contributes towards improving the pedestrian focus street realm. In addition, the site plan shows increased side setbacks towards the rear and side of the building adjacent to the existing residential dwelling located to the west.</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>Residential Intensification Criteria</p> <p>Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4</p>	<p>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 surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, and transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.</p>	<p>The proposed development represents a compatible form of infill within the neighbourhood. It will provide a greater range of housing types and achieve the planned urban structure. The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities.</p> <p>Commercial uses are located approximately one kilometre north of the subject site and the nearest commercial uses are located approximately 310 metres west. Additional commercial uses are located approximately two kilometres east and can be accessed via Hamilton Street Railway operated bus route 44 located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Summit Park is located approximately 200 metres south of the subject site and the Eramosa Karst Conservation Area is located approximately 650 metres to the north. Bishop Ryan Catholic Secondary School is located directly west of the subject site.</p> <p>The proposed development consists of 177 retirement units and ground floor commercial space within an eight storey building with 55 parking spaces. The proposed development will provide a greater range of housing types and achieve the planned urban structure.</p>

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<p>Residential Intensification Criteria</p> <p>Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4 (Continued)</p>		<p>The increased density will support the use of existing and planned transit and commercial uses and it will also support active transportation as bicycle lanes exist adjacent to the site.</p> <p>The proposal is consistent 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 Hill Design Studio Inc., dated October 17, 2023, was submitted in support of the development. A total of eight individual trees were inventoried and six individual trees are proposed to be removed. Of the six individual trees to be removed, one was found to be in “poor” condition, and one is currently located within the municipal right-of-way and permits for removal will be required. The six trees to be removed include one London Planetree, one Pear Tree, and four Blue Spruce. Justification for removal was not provided.</p> <p>The Tree Protection Plan has not yet been approved. The decision to retain trees is to be based on condition, aesthetics, age, and species. Five of the trees proposed to be removed are in “good” or “fair” condition. This matter, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage. 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 six trees.</p> <p>A Landscape Plan, prepared by Hill Design Studio Inc., dated October 17, 2023, was submitted in support of the development. The Landscape Plan shows 27 trees are proposed to be planted. A Landscape Plan will be required at the Site Plan Control stage to confirm compensation tree plantings and cash-in-lieu requirements.</p>

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<p>Transportation 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 Paradigm Transportation Solutions Limited, dated November 2023, has been submitted in support of this application. Revisions to the study are required before the findings can be accepted by Transportation Planning staff.</p> <p>The recommended Zoning By-law includes a Holding Provision to address the revised Transportation Impact Study (see Appendix “C” attached to Report PED24099).</p> <p>Subject to the Holding Provision, the proposal complies with this policy.</p>
<p>Infrastructure 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 S. Llewellyn & Associates Limited dated May 2023 and revised October 2023, was submitted in support of the development. Development Engineering staff agree with the findings in the report and do not have any objections to the approval of the applications.</p> <p>The proposal complies with this policy.</p>
<p>Archaeology 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 meets four 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, 2, and 3 (P017-018 and P017-025) archaeological assessment which examined the archaeological potential of the site. Staff received a copy of the letter from the Ministry dated June 3, 2004, 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>The proposal complies with this policy.</p>

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<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 Rymal Road East, which is classified as a major arterial road in the Urban Hamilton Official Plan.</p> <p>A Noise Impact Assessment, prepared by JJ Acoustic Engineer Ltd. dated December 8, 2023, was submitted in support of the development. 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. 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 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 overlook on properties in adjacent neighbourhoods.</p>	<p>The subject site is adjacent to Rymal Road East which is identified as a “Secondary Corridor” in the Urban Hamilton Official Plan.</p> <p>The proposed mid rise retirement home with ground floor commercial 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 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.</p> <p>There are potential privacy and overlook concerns with the existing townhouse dwellings located south of the property because backyards face the southern lot line. The brief found that the southern wing of the building falls within the 45 degree plane above the fourth floor.</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 incorporated a setback above the fourth floor and an increased landscaped planting strip requirement to mitigate any negative privacy and overlook impacts.</p> <p>The proposal complies with these policies.</p>
<p>Urban Corridors – Design</p> <p>Policy: E.2.4.17</p>	<p>Reductions in parking requirements shall be considered to encourage a broader range of uses and densities to support existing and planned transit routes.</p>	<p>The proposed reduction in parking spaces by the applicant is not supported by staff as insufficient justification was provided to support the modification.</p> <p>The analysis required is to use Institute of Transportation Engineers parking generation data to assess the parking generated by the proposal, proxy sites to assess parking generated by similar developments, and Transportation Tomorrow Survey Vehicle Ownership to assess ownership rates of the proposed development area. The materials submitted in support of these applications did not include this analysis.</p> <p>On April 10, 2024, City Council approved By-law No. 24-052, which modifies Zoning By-law No. 05-200 Section 5: Parking Regulations. Under the parking regulations approved under By-law No. 24-052, 69 parking spaces are required.</p> <p>The proposal as recommended by staff complies with this policy.</p>
<p>Commercial and Mixed Use Designations – General Policies</p> <p>Policy: E.4.2.5</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>The proposal is to permit ground floor commercial uses.</p> <p>The proposed amendments can be supported as the proposed development, which is a mixed use building with retirement home, day nursery, and retail uses on a small site, will provide a greater range of housing types, and achieve the planned urban structure.</p>

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<p>Commercial and Mixed Use Designations – General Policies</p> <p>Policy: E.4.2.5 (Continued)</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.</p> <p>The proposal complies with this policy.</p>
<p>Medium Density Residential and Local Commercial Designation – Function</p> <p>Policy: E.3.5.4 and E.3.8.2</p>	<p>Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, subject to the provisions of Section E.3.8 – Local Commercial.</p> <p>The following uses shall be permitted:</p> <p>a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; and,</p> <p>b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses.</p>	<p>The proposed development consists of retirement units with a day nursery and commercial space on the ground floor. The proposed Zoning By-law includes regulations to restrict commercial uses to the ground floor (see Appendix “C” attached to Report PED24099).</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with these policies.</p>
<p>Medium Density Residential Designation – Scale</p> <p>Policy: E.3.5.8</p>	<p>For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the applicant demonstrates that:</p> <p>a) the development shall provide for a mix of unit sizes; and,</p> <p>b) the development shall incorporate sustainable building and design principles.</p>	<p>The proposed height of eight storeys can be supported as the development meets the criteria established for permitting additional height above six storeys. The recommended Zoning By-law includes a maximum height of 29.0 metres.</p> <p>The building is proposed to contain 177 retirement units, which will consist of 138 studio units, 26 one bedroom units, and 13 two bedroom units. This represents a mix of small to large unit types to support various household sizes and income levels.</p>

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<p>Medium Density Residential Designation – Scale</p> <p>Policy: E.3.5.8 (Continued)</p>	<p>c) the development shall not unduly overshadow or block light on adjacent sensitive land uses; d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods; and, e) buildings are stepped back from the street to minimize the height appearance from the street.</p>	<p>The applicant has proposed sustainability measures to reduce energy use, carbon generation, and water use including increased airtightness, reduced cold joints, high efficiency electrical, mechanical equipment, and fixtures, high efficiency appliances, light colour roofing material, LED lighting, local construction materials, durable building materials, low flow fixtures, high efficiency appliances, and native landscape elements. Details of sustainable building and design features will be addressed through the future Site Plan Control stage.</p> <p>A Shadow Study, prepared by Masri O Inc. Architects, dated May 2023, was submitted in support of the proposed development. Staff are satisfied that the development will not cause adverse impacts on existing residential uses and the shadow impact will be reduced due to the stepbacks incorporated into the amending Zoning By-law. The recommended Zoning By-law includes a stepback requirement above the fourth floor, increased setbacks, and increased landscaped planting strip (see Appendix “C” attached to Report PED24099). With these staff modifications, the proposed development will provide an appropriate transition in height. The proposed 29.0 metre height has been incorporated into the recommended Zoning By-law and no further stepbacks are required to respect the angular plane.</p> <p>The recommended Zoning By-law does not include a stepback requirement from street lines. Staff do not anticipate negative visual impacts as the ultimate right-of-way width of Rymal Road East is greater than 36 metres wide. The proposed 29.0 metre height has been incorporated into the recommended Zoning By-law.</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with this policy.</p>

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<p>Medium Density Residential Designation – Design</p> <p>Policy: E.3.5.9</p>	<p>Development within “Medium Density Residential” category shall be evaluated on the basis of the following criteria:</p> <p>a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.</p> <p>b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.</p> <p>c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.</p> <p>d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.</p> <p>e) The City may require studies to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.</p>	<p>The proposed development is located along Rymal Road East and Dakota Boulevard, which are classified as a major arterial and a collector roads respectively.</p> <p>An Urban Design Brief, prepared by Masri O Inc. Architects dated October 2023, was submitted in support of the proposed development. There are potential privacy and overlook concerns with the existing townhouse dwellings located south of the property because backyards face the southern lot line. The brief found that the southern wing of the building falls within the 45 degree plane above the fourth floor.</p> <p>Additionally, Elevation Drawings, prepared by Masri O Inc. Architects, dated November 16, 2023, was submitted in support of the proposed development. The elevation drawings do not show setbacks on the south wing of the building. Therefore, staff recommend a setback above the fourth floor and an increased landscaped planting strip requirement to mitigate any negative privacy and overlook impacts.</p> <p>A Shadow Study, prepared by Masri O Inc. Architects, dated May 2023, was submitted in support of the proposed development. Staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The Zoning By-law Amendment proposed by staff does not include any amendments to the parking or amenity area requirements.</p> <p>Access to the property is proposed from both Rymal Road East and Dakota Boulevard. A 5.0 metre by 5.0 metre visibility triangle must be provided for each access. This will be addressed at the future Site Plan Control stage.</p>

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<p>Medium Density Residential Designation – Design</p> <p>Policy: E.3.5.9 (Continued)</p>	<p>f) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, cultural heritage resources, cultural heritage landscapes, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City.</p>	<p>The Rymal Road Secondary Plan does not identify any public view corridors or general public views.</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with this policy.</p>
<p>Local Commercial Designation – Design</p> <p>Policy: E.3.8.10</p>	<p>Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.</p>	<p>The proposed development consists of a mid rise retirement home with commercial uses at grade. In addition to the commercial uses, amenity area for the retirement home are located on the ground floor. The proposed Zoning By-law amendment includes a regulation to require entrances onto Rymal Road East. This building form is permitted by this designation.</p> <p>The proposal complies with this policy.</p>

Rymal Road Secondary Plan		
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<p>Medium Density Residential 2c Designation</p> <p>Policies: B.5.2.2.4 b) i) and ii)</p>	<p>Permitted uses shall be apartments, townhouses, stacked townhouse dwellings and other forms of multiple attached dwellings as a single form or mixed form development in a mid-rise housing form (up to nine storeys).</p> <p>Retirement homes and long term care facilities are also permitted provided they are contained within a building form permitted in Policy B.5.2.2.4 b) i).</p>	<p>The proposed development consists of retirement units with a day nursery and commercial space on the ground floor. As a result of the proposed amended Official Plan Amendment, local commercial uses are permitted on the ground floor of a mixed use building. The proposed amended Zoning By-law Amendment includes regulations to restrict height to eight storeys and limit local commercial uses to the ground floor of a mixed use building (see Appendix “C” attached to Report PED24099).</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with this policy.</p>

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<p>Medium Density Residential 2c Designation</p> <p>Policy: B.5.2.2.4 b) iii)</p>	<p>The minimum density shall be 60 units per net residential hectare. The maximum density shall be set out in the implementing Zoning By-law.</p>	<p>Staff have incorporated regulations in the amended Zoning By-law Amendment to establish a minimum density of 60 units per net residential hectare and a maximum density of 360 units per net residential hectare (see Appendix “C” attached to Report PED24099).</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with this policy.</p>
<p>Medium Density Residential 2c Designation</p> <p>Policy: B.5.2.2.4 b) iv)</p>	<p>Medium Density Residential 2c areas shall be generally located on the periphery of the residential area or in areas abutting commercial development, major and minor arterial or collector roads.</p>	<p>The proposed development is located on the periphery the neighbourhood and adjacent to Rymal Road East and Dakota Boulevard, which are classified as a major arterial and a collector roads respectively.</p> <p>The proposal complies with this policy.</p>
<p>Medium Density Residential 2c Designation</p> <p>Policy: B.5.2.2.4 b) v)</p>	<p>Where Medium Density Residential 2c areas are proposed to be located adjacent to lower density residential uses, consideration shall be given to the appropriate integration of built form to enhance compatibility. Integration may be accomplished through architectural massing, lot setbacks, height, setbacks of upper floors, scale, density, buffering and landscaping.</p>	<p>An Urban Design Brief, prepared by Masri O Inc. Architects dated October 2023, was submitted in support of the proposed development. There are potential privacy and overlook concerns with the existing townhouse dwellings located south of the property because backyards face the southern lot line. The brief found that the southern wing of the building falls within the 45 degree plane above the fourth floor.</p> <p>Additionally, Elevation Drawings, prepared by Masri O Inc. Architects, dated November 16, 2023, was submitted in support of the proposed development. The elevation drawings do not show stepbacks on the south wing of the building. Therefore, staff recommend a stepback above the fourth floor and an increased landscaped planting strip requirement to mitigate any negative privacy and overlook impacts.</p> <p>The proposal, with modifications to the Zoning By-law Amendment as proposed by staff, complies with this policy.</p>