

SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Policy Statement (2020)		
<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 subject site is located at the intersection of Upper James Street and Rymal Road West. The proposed development is located a convenient walking distance from amenities. Hamilton Street Railway bus routes are located along both Upper James Street and Rymal Road West. In addition, Upper James Street and Rymal Road West have been identified as a rapid transit routes. William Connell Park, a citywide park, is located on the west side of West 5th Street. Corpus Christi Catholic Elementary School is located to the south on Upper James Street.</p> <p>The proposed development is a mixed use building with 250 dwelling units, 438 square metres of ground floor commercial uses, and 177 parking spaces. The applicant has proposed to include three affordable rental dwelling units within the development comprising a one bedroom unit, two bedroom unit and three bedroom unit. This will contribute to accommodating a range and mix of dwelling types in the neighbourhood.</p> <p>The application supports the development of healthy, liveable, and safe communities as it provides a sense of place through promoting a well-designed built form which will support future rapid transit routes. The applicant has agreed to provide enhanced ground floor landscaping and features to support the future rapid transit line and create a sense of place.</p> <p>The proposal is consistent with these policies.</p>

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A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Managing Growth Policy: 2.2.1.2	The vast majority of growth is intended to occur within the Settlement Areas and specifically within strategic growth areas.	The subject site is located within the delineated built boundary. The proposal conforms to this policy.
Managing Growth Policy: 2.2.1.4	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.	The proposed development supports the achievement of complete communities as it will: provide a diverse range and mix of housing options, including three affordable rental dwelling units in a compact form; expand access to existing transit routes; future rapid transit lines; and it will create a vibrant public realm. The public realm will be achieved by including: commercial uses on the ground floor; building stepbacks at the seventh storey; and building massing designed to reduce down drafts onto the ground floor and surrounding public spaces. The proposal conforms to this policy.
Urban Hamilton Official Plan		
Residential Intensification Criteria Policy: B.2.4.1.4	Residential intensification in the built-up area shall be evaluated on: <ul style="list-style-type: none"> • 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; and, • Ability to retain natural attributes of the site. 	The proposed development represents a compatible form of infill development within the neighbourhood. It will provide a greater range of housing types, including three affordable rental dwelling units, and achieves the planned urban structure. The residential intensification can be supported as the proposed development is located a convenient distance from a number of amenities to support the proposed density. The subject site is located at the intersection of Upper James Street and Rymal Road West and walking distance to several amenities including retail uses to the north along Upper James Street and along Rymal Road West. Hamilton Street Railway operated bus routes along both Upper James Street and Rymal Road West. Upper James Street and Rymal Road West have been identified as a rapid transit routes.

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<p>Residential Intensification Criteria</p> <p>Policy: B.2.4.1.4 (Continued)</p>	<ul style="list-style-type: none"> • Compliance with all other applicable policies. 	<p>William Connell Park, a citywide park, is located on the west side of West 5th Street. Corpus Christi Catholic Elementary School is located to the south on Upper James Street.</p> <p>In addition, the proposed development is compatible with the existing neighbourhood character. The existing neighbourhood consists of commercial buildings oriented toward automobiles. Buildings are typically setback from the street line with parking spaces in the intervening space. Pedestrian connections to the buildings are inconsistent and indirect. However, this neighbourhood is anticipated to evolve into a pedestrian oriented area. The proposed development is located close to the street line and provides direct access from public sidewalks.</p> <p>The proposal complies to this policy.</p>
<p>Urban Design Policies – General Policies and Principles, Community Node – Function, Community Node – Design, Mixed Use – Medium Density Designation – Function, and Mixed Use – Medium Density Designation - Design</p> <p>Policies: B.3.3.2.2 – B.3.3.2.10, B.3.3.3.2, E.2.3.3.5,</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; • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment; • Enhancing physical and mental health; and, • Designing streets as a transportation network and as public spaces. 	<p>An Urban Design Brief, prepared by McCallumSather dated December 2023, was reviewed and staff support the proposed development. Staff analysis found that the proposed development will create a quality space that is safe, accessible, connected, and which will enhance the character of the existing environment.</p> <p>The proposed development includes commercial uses at the ground floor, and it is located close to the street. A Landscape Concept Plan, prepared by Adesso Design Inc. dated April 3, 2024, was submitted in support of the proposed development. The plan includes direct access to public sidewalks.</p> <p>A Wind Pedestrian Study, prepared by Rowan Williams Davies & Irwin Inc. dated April 5, 2024, and A Letter of Opinion dated June 5, 2024, were submitted in support of the proposed development. The Letter of Opinion further recommends a tower setback of 2.5 metres along both Rymal Road West and Upper James Street to mitigate the wind impact. However, wind tunnel testing has not been completed to date. The proposed Zoning By-law</p>

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<p>E.2.3.3.13, E.2.3.3.15, E.4.6.3, E.4.6.4, E.4.6.16, E.4.6.17, and E.4.6.19 (Continued)</p>	<p>New development shall be designed to minimize impact on public spaces by minimizing impacts of wind conditions.</p> <p>Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing, and housing with supports.</p> <p>The Community Nodes shall be planned to have a strong pedestrian focus. In the newer Community Nodes, a strong pedestrian focus shall evolve over time through infilling of retail, service commercial and mixed use buildings.</p> <p>Newer areas designated “Mixed Use - Medium Density” shall evolve over time into compact, mixed use people places where people can live, work, and shop.</p>	<p>Amendment includes regulations to provide setbacks from Upper James Street and Rymal Road East and a Holding provision for an updated Wind Study. See Appendix “C” attached to Report PED24159.</p> <p>The proposed development contributes to a range of housing opportunities, including three affordable rental dwelling units and will contribute to the Community Node’s evolution into a pedestrian environment.</p> <p>The proposal complies with these policies.</p>
<p>Tree Management 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 Protection Plan, prepared by Adesso Design Inc. and dated April 3, 2024, was submitted in support of the development. A total of nine individual trees were inventoried and four individual trees are proposed to be removed.</p> <p>Of the four individual trees to be removed, all were found to be in “fair” condition or better, and two trees are identified as boundary trees with 1576 Upper James Street. The City requires permission from neighbouring landowners to remove a boundary tree. The four trees to be removed include two Manitoba Maples, one White Mulberry, and one Siberian Elm. These trees will be removed to accommodate a driveway.</p> <p>The Tree Protection Plan has not yet been approved.</p>

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<p>Tree Management</p> <p>Policy: C.2.11.1 (Continued)</p>		<p>The decision to retain trees is to be based on condition, aesthetics, age, and species. The implementation of the tree protection measures, will be addressed at the Site Plan Control stage.</p> <p>To ensure existing tree cover is maintained, one for one compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. As a result of the driveway location and the loss of four trees, compensation is required for four trees. A Landscape Concept Plan, prepared by Adesso Design Inc. dated April 3, 2024, was submitted in support of the development. The plan indicates that one tree is proposed to be planted on the subject property. A Landscape Plan will be required at the Site Plan Control stage to confirm tree planting compensation and cash-in-lieu requirements.</p> <p>The proposal complies with this policy.</p>
<p>Transportation</p> <p>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 and Transportation Demand Management Study, prepared by Paradigm Transportation Solutions Limited, dated April 2024, has been submitted in support of this application.</p> <p>Staff found that the local transportation network can support the proposed development, provided that the proposed driveway access to Rymal Road West is limited to right in/right out movements only.</p> <p>The proposal complies 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 MTE Consultant Inc. dated November 2, 2023, was submitted in support of the development.</p>

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<p>Infrastructure</p> <p>Policy: C.5.3.6 (Continued)</p>		<p>Development Engineering supports the applications with Holding Provisions to ensure that:</p> <ul style="list-style-type: none"> • A revised Functional Servicing Report to demonstrate that there is adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed stormwater and wastewater flows to support this development is submitted; • A Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted is submitted; and, • The Owner enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner’s cost, should it be determined that the upgrades are required to the municipal infrastructure to support this development according to the Functional Servicing Report and Watermain Hydraulic Analysis Report. <p>The recommended Zoning By-law includes a Holding Provision to address these items. See Appendix “C” attached to Report PED24159.</p> <p>The proposal complies with this policy.</p>
<p>Archaeology</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 for the following planning matters under the <i>Planning Act</i>, R.S.O., 1990 c. P.13.</p>	<p>The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. Staff recommend that a written caution be added to any future site plan.</p> <p>The proposal complies with this policy.</p>

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<p>Noise 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>A Noise Impact Assessment, prepared by Howe Gastmeier Chapnik Limited dated November 21, 2023, was submitted in support of the development. Staff analysis found that Upper James Street and Rymal Road West are sources of road traffic noise. The surrounding commercial uses are potential stationary noise sources; however, these noise sources are expected to be below the sound level generated by road traffic.</p> <p>The report recommends standard Ontario Building Code requirements will mitigate road traffic noise and that warning clauses shall be registered on title and/or contained within any future rental agreements. These measures will be addressed through the future Site Plan Control application and Building Permit stages.</p> <p>The proposal complies with this policy.</p>
<p>Community Nodes – Function Policies: E.2.3.3.2, E.2.3.3.3, and E2.3.3.4</p>	<p>Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit.</p>	<p>The proposed development is within a Community Node located at the intersection of Upper James Street and Rymal Road. There are a range of amenities in the surrounding area and the subject lands are serviced by existing transit as well as increased transit service in the future.</p> <p>The proposed development is a mixed use building with 250 dwelling units, including three affordable rental dwelling units, and 438 square metres of ground floor commercial uses.</p> <p>The proposal complies with these policies.</p>

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<p>Community Nodes – Scale and Mixed Use – Medium Density Designation - Scale</p> <p>Policies: E.2.3.3.9, E.2.3.3.11, E.4.6.7, and E.4.6.9</p>	<p>The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.</p> <p>Detailed secondary plans shall be undertaken for Community Nodes to establish boundaries and provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of secondary plans for Community Nodes, the land use designations and policies set out in Chapter E shall provide direction for development proposals.</p> <p>Lands designated “Mixed Use - Medium Density” shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.</p>	<p>The proposed development is a 20 storey mixed use building, which is a high rise building. The majority of the built form within the Community Node is planned to be low and medium rise buildings, with taller buildings being considered.</p> <p>The proposed increase from six storeys to 20 storeys can be supported as the proposed development will provide a mix of uses by providing commercial uses at the ground floor and it will result in the creation of a vibrant people place with a strong pedestrian focus.</p> <p>The implementing Zoning By-law specifies the permitted height. See Appendix “C” attached to Report PED24159.</p> <p>The proposal complies with these policies.</p>
<p>Community Nodes – Scale</p> <p>Policies: E.2.3.3.7 and E.2.3.3.8</p>	<p>Community Nodes shall generally be planned to achieve a target density of 100 to 150 persons and jobs per hectare measured across each node.</p> <p>Community Nodes shall be planned to accommodate some residential intensification over the time period of this Plan.</p>	<p>The subject lands are not located within a Secondary Plan Area. Therefore, the proposed development shall be evaluated using the residential intensification policies set out in B.2.4.1.4. See policy review above.</p> <p>The proposal complies with these policies.</p>

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<p>Community Nodes – Scale</p> <p>Policies: E.2.3.3.7 and E.2.3.3.8 (Continued)</p>	<p>The location, scale and amount of residential intensification shall be established through detailed secondary plans described in Policy E.2.3.3.11.</p>	
<p>Community Nodes – Design and Mixed Use – Medium Density Designation – Scale</p> <p>Policies: E.4.6.8, E.2.3.3.18, and OPA.</p>	<p>New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.</p> <p>Additional height up to a total of 20 storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:</p> <ul style="list-style-type: none"> • The development shall provide for a mix of unit sizes; • The development shall incorporate sustainable building and design principles; • There are no adverse shadow impacts; • Buildings are progressively stepped back from adjacent areas designated Neighbourhoods; and, • Buildings are stepped back from the street to minimize the height appearance from the street. 	<p>The proposed development demonstrates that it meets the criteria for additional height up to 20 storeys.</p> <p>The proposed development consists of 52 studio units, 154 one bedroom units, 34 two bedroom units, and 10 three bedroom units. The two and three bedroom units represent approximately 17% of the total number of units. This represents an appropriate range of dwelling types. The implementing Zoning By-law specifies the appropriate unit mix. See Appendix “C” to Report PED24159.</p> <p>Details of sustainable building and design features will be addressed through a future Site Plan Control application.</p> <p>A Shadow Study, prepared by Kirkor Architects and Planners dated February 28, 2024, was reviewed and staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The building is stepped back from the street and proposed to be stepback 2.5 metres at the seventh storey to minimize the appearance of height from the street. The implementing Zoning By-law specifies the building stepbacks. See Appendix “C” to Report PED24159.</p> <p>The proposed development complies with these policies.</p>

Mewburn Neighbourhood Plan		
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<p>Goals</p> <p>VI.A</p>	<p>There are three major goals which the Mewburn Neighbourhood Plan attempts to achieve, namely:</p> <ol style="list-style-type: none"> 1) neighbourhood self-sufficiency; 2) efficient and attractive design; and, 3) a viable commercial area on Upper James Street. <p>The neighbourhood will provide for the needs of its residents as much as possible within a primarily residential area. The Plan contains a broad range of land use designations to help ensure that community services such as a school, parkland and neighbourhood stores are provided.</p> <p>The neighbourhood will be developed in an efficient and attractive manner. Energy efficient design to allow use of passive solar heating, cost effectiveness, convenience, and safety have been considered in the design of the road pattern and lot layout. The neighbourhood will be developed to be visually attractive, and the unique character of the area will be highlighted.</p> <p>The Upper James Street corridor will be developed in a manner which recognizes its role as an important entrance into the City, and as a viable commercial area. Urban design guidelines, contained in Appendix “C” of this report, have been prepared to help ensure an orderly and attractive streetscape for this corridor.</p>	<p>The proposed development supports the goals of the Mewburn Neighbourhood Plan. The proposed development supports neighbourhood self-sufficiency by introducing residential uses into an area that is predominantly commercial. The proposed development will support these uses and support the viability of commercial uses on Upper James Street.</p> <p>The proposed development will be an attractive, efficient design and will contribute to the creation of a vibrant public realm. This is achieved having commercial uses on the ground floor, building setbacks at the seventh storey, and building massing designed to reduce down drafts onto the ground floor and surrounding public spaces.</p> <p>The proposal conforms to this policy.</p>

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<p>Administrative Provisions</p> <p>VII</p>	<p>The Neighbourhood Plan is a policy of City Council but is not incorporated into the Official Plan in its entirety. The Plan is not intended to be rigid. It is expected that there will be changes from time to time in response to new circumstances. However, change should reflect the general goals of the Plan. Very minor alterations in land use and boundaries will not require a Neighbourhood Plan Amendment. However, other changes will need Council approval and full participation of those affected.</p>	<p>The proposed development supports the goals of the Mewburn Neighbourhood Plan, and the addition of residential uses is considered minor. Therefore, a Neighbourhood Plan Amendment is not required.</p> <p>The proposal conforms to this policy.</p>
<p>Appendix C – Urban Design Guidelines Upper James Street Corridor (Mewburn Section)</p> <p>1. Commercial</p>	<p>Location - Northwest corner of Upper James Street and Rymal Road.</p> <p>Permitted Uses - General commercial uses, including neighbourhood commercial, highway commercial, and others; nd, - Appropriate uses include retail, personal services, automotive service stations, etc.</p> <p>Design The following features are common to both the Commercial and Retail Warehouse, and Commercial areas:</p> <ul style="list-style-type: none"> • Landscaping strip along the front property line, 3 m (10 ft.) in depth; and, • Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include: <ul style="list-style-type: none"> • Two rows of parking spaces, on the east and west side; and, • A traffic laneway running north-south, between the parking spaces. 	<p>The existing neighbourhood consists of commercial buildings oriented toward automobiles. Buildings are typically setback from the street line with parking spaces in the intervening space. Pedestrian connections to the buildings are inconsistent and indirect. However, this neighbourhood is anticipated to evolve into a pedestrian oriented area. The proposed development is located close to the street line and provides direct access from public sidewalks.</p> <p>A Shadow Study, prepared by Kirkor Architects and Planners dated February 28, 2024, was reviewed and staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The proposal conforms to this policy.</p>

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<p>Appendix C – Urban Design Guidelines Upper James Street Corridor (Mewburn Section)</p> <p>1. Commercial (Continued)</p>	<ul style="list-style-type: none"> • Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth; • Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway; • Rear landscaping strip 3 m (10 ft.) in depth, along rear property line; and, • Maximum building height of up to eight stories would be permitted to prevent shading of adjacent properties, but actual building heights might be one to two stories. <p>Special Features</p> <ul style="list-style-type: none"> • Intersection of Upper James Street and Rymal Road designated as a main crossroads, with special lighting and signage; and, • Front building line is jogged in this area, to compensate for curved section of Upper James Street. 	