



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 14, 2020
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Zoning By-law Amendment Application ZAC-19-031, by 1333664 Ontario Inc., Owners**, for a change in zoning from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding to permit the development of a three storey, 21 unit multiple dwelling with 26 surface parking spaces for lands located at 323 Rymal Road East, as shown on Appendix “A” to Report PED20060, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED20060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 323 Rymal Road East as shown on Schedule “A” of Appendix “B” to Report PED20060.

The Holding Provision “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- (1) The owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library's HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan with regard to matters including compatibility with the immediate area and providing an alternative housing form.
- (b) That upon finalization of the implementing By-law, the Barnstown Neighbourhood Plan be amended by changing the designation of the subject lands from "Single and Double" to "Medium Density Apartments" to accommodate the proposed residential development.

EXECUTIVE SUMMARY

The subject property is municipally known as 323 Rymal Road East, Hamilton. The owner, 1333664 Ontario Inc., also known as Valvasori Properties has applied for a Zoning By-law Amendment to Hamilton Zoning By-law No. 6593 to permit:

- A three storey, 21 unit, multiple dwelling with 26 at grade parking spaces, two of which will be barrier free parking spaces, and three of which will be visitor parking spaces.

A Holding provision is required, as the lands require further evaluation of the Turner Park Library HVAC equipment to address noise. The noise impacts will be addressed as part of the Site Plan Control process in further detail and prior to lifting the Holding provision.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- It complies with the Urban Hamilton Official Plan; and,
- Is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, providing for a diversification of the housing form in the neighbourhood and supports developing a complete community.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet:

Application Details	
Applicant/Owner:	1333664 Ontario Inc.
File Number:	ZAC-19-031
Type of Application:	Zoning By-law Amendment Application
Proposal:	Three storey, 21 unit multiple dwelling. 26 surface parking spaces. The proposal includes approximately 29% landscaped area along with private patios and balconies for each unit.
Property Details	
Municipal Address:	323 Rymal Road East
Lot Area:	0.24 ha
Servicing:	Water service exists. Waste water and storm sewers will be extended to service the lands.
Existing Use:	One single detached dwelling.

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with A Place to Grow.
Official Plan Existing:	Secondary Corridor on Schedule “E” – Urban Structure and Neighbourhoods on Schedule “E-1” – Urban Land Use Designations
Barnstown Neighbourhood Plan:	Neighbourhood Plan identifies the subject lands as “Single and Double”
Zoning Proposed:	“DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Minimum Front Yard Setback for a Multiple Dwelling of 3 metres, whereas a minimum of 3.18 metres is required. • Minimum Rear Yard Setback of 15 metres, whereas 6.18 metres is required. • Minimum Side Yard Setback for a Multiple Dwelling of 3.11 metres, whereas a minimum of 5.07 metres is required if a balcony, sunroom or window of a habitable room overlooks the side yard. • Minimum Parking requirement of 1.23 spaces per dwelling unit, whereas 1.25 spaces is required. • Allow projections of up to 1.5 metres into a required front or rear yard, whereas only 1 metre projections are permitted. • No Loading Space requirements, whereas a minimum of one Loading Space for a Multiple Dwelling consisting of 5 to 30 units is required.
Processing Details	
Received:	April 26, 2019
Deemed Complete:	May 13, 2019
Notice of Complete Application:	Sent to 77 property owners within 120 m of the subject property on May 21, 2019.

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Public Notice Sign:	June 3, 2019 and updated on June 17, 2020.
Notice of Public Meeting:	March 6, 2020
Notice of Public Meeting - Cancellation	March 20, 2020
2 nd Notice of Public Meeting -	June 26, 2020
Applicant Request to Postpone:	The application was originally scheduled for the February 4, 2020 Planning Committee. On January 16, 2020 the applicant requested to put the application on hold and on February 5, 2020, the applicant requested to proceed with a Statutory Public Meeting.
Public Consultation:	On June 25, 2019 an open house was hosted by the applicant and attended by approximately 20 residents.
Public Comments:	Three letters expressing concerns.
Processing Time:	445 days

Background

The property is municipally known as 323 Rymal Road East and is located on the north side of Rymal Road East, between Upper Wellington Street and Upper Wentworth Street. The property is 0.248 hectares in size, has a frontage of 58.6 metres, a depth of approximately 43 metres and is rectangular in shape. The subject property is currently developed with a two and a half storey dwelling which is located in the north west quadrant of the lands and there is an accessory structure in the rear yard.

Zoning By-law Amendment

The lands are currently zoned “AA” (Agricultural) District in City of Hamilton Zoning By-law No. 6593. The purpose of the amendment is to change the zoning to “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding.

The applicant has requested site specific modifications from the parent “DE-2” (Multiple Dwellings) District. Appendix “C” to Report PED20060 provides a more detailed review of the general requirements of the “DE-2” (Multiple Dwellings) District with the proposed modifications.

Existing Land Use and Zoning:

<u>Subject Lands:</u>	Single Detached Dwelling	“AA” (Agricultural) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
East	Single Detached Dwelling	“C” (Urban Protected Residential, etc.) District
South	City of Hamilton park (Turner Park, Turner Park Library, and Les Chater YMCA);	City Wide (P3) Zone
West	Single Detached Dwelling	“B” (Suburban Agriculture and Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow (2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). The following policy amongst others of the PPS 2020 applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The site is currently developed with a house built between 1875 and 1907 which is on the heritage inventory. A Cultural Heritage Impact Assessment (CHIA) by Golder Associates Ltd, concluded that the house and the garage on the property did not retain sufficient cultural heritage significance to merit designation.

The subject lands meet three of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

Accordingly a Stage 1-2 Archaeological Assessment (P449-0280-2019) and Stage 3 Archaeological Assessment (P1133-0003-2019) were conducted and submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). A clearance letter from the MHSTCI was received on April 7, 2020 and confirmed that no further assessment is required.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2020, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and “Secondary Corridor” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). In addition, Rymal Road East is considered a Major Arterial road per Schedule “C” of Volume 1 in the Urban Hamilton Official Plan.

The following policy goals, amongst others, apply to the Neighbourhoods designation:

Neighbourhoods

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their on going evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

The proposal for a three storey, 21 unit building contributes to the range of housing types on the periphery of an existing stable neighbourhood and fronts onto a major arterial road. The three storey multiple dwelling (approximately 12.6 metres in height) provides residential intensification through an infill opportunity for an efficient use of land. The proposal complies with the above policies as the development of the land will facilitate a compact form of development, which contributes to a complete community. Furthermore, the design respects and enhances the character of the existing neighbourhood while allowing for its ongoing evolution.

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
 - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

As previously noted, this development would contribute to the range of housing types while respecting an existing stable neighbourhood. Proposals for intensification must be in accordance with Section B.2.4 of the UHOP which is analysed later in this report. Staff note that the applicant has proposed parking to the rear of the building, allowing the building to act as a visual screen, minimizing parking and driveway dominance from public views. The overall landscape character and features of this development will be addressed during the Site Plan Control process. Staff have identified the need to provide taller plantings in the rear yard planting strip and to frame the building with a range of shrub plantings to enhance privacy and landscape character.

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 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.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- 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.
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- 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.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

In response to the policies above, the proposal appropriately situates the development on the periphery of a neighbourhood in proximity to a major arterial road. Multiple dwellings are a permitted use that would be contemplated subject to the approval of this Zoning By-law Amendment. The proposal would have a density of 91 units per net hectare (subsequent to the road widening) and at three storeys proposes less than the maximum height of 6 storeys for medium density residential uses. The site is located within safe and convenient walking distance to Turner Park, the Library and the YMCA. The site is serviced by Transit routes 26 and 44. The long term rapid transit master plan (BLAST network) shows the site is located on a Potential Rapid Transit Line, the S-Line.

General Residential Intensification Policies

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;

- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

In considering the policies above Staff are of the opinion that the proposal is compatible with adjacent land uses. The proposal would implement the built form intended by the UHOP, being a built form intended for medium to high density uses along a major arterial road on the periphery of a neighbourhood. As noted previously, this development would contribute to a wider range and variety of housing forms and tenures. With regard to scale, form and character, the proposal situates the building closer to the street. The proposed location for the building contributes to minimizing potential impacts of shadowing, overlook, and lighting. To reduce overlook and impacts of shadowing, the building's rear yard setback proposed exceeds the required parent provision, the proponent has also indicated that landscaping and a privacy fence will be provided in the rear yard. Staff note that the eastern side yard setback is well beyond the required setback and that overlook and privacy are mitigated between the subject lands and the property east of the site. The western side yard setback is proposed to be a minimum of 3 metres, this would still provide opportunity for landscaping and visual screening. In review of the height characteristics of the surrounding neighbourhood, staff note that the property to the east contains a one storey dwelling, the property to the west contains a two and a half storey dwelling, the properties to the north, along Bastille Street, contain two storey dwellings while the property to the south contains a one to two storey building (Turner Park Library).

The lot is consistent in size and shape and will maintain the existing lotting pattern in the neighbourhood. The proposal does not include outdoor or common amenity area, but the lands are in close proximity to Turner Park and a community centre. The location of the building closer to the street is intended to enhance the streetscape by helping frame the corridor and create a defined pedestrian realm.

While the site is serviced with municipal water, an External Works Agreement will be required to extend sanitary sewer and storm sewers to the site at the owner's expense. The site is located along transit routes 44 and 26 and will provide bicycle parking for residents. Finally, a Traffic Impact Study submitted by the proponent concludes that the subject site is forecast to generate approximately seven vehicle trips during the AM peak hour and approximately 10 vehicle trips during the PM peak hour.

Urban Design

- "B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- B.3.3.1.4 Create communities that are transit-supportive and promote active transportation.
- B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.
- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

In response to the policies above, the proposed development is appropriate in respect to the transition in scale to neighbouring buildings. The proposal is one storey higher than that of the typical surrounding area. Moreover, the proposed building has a 23 metre setback from the one storey building to the east and a 17 metre setback from the two storey buildings to the north, providing for an appropriate visual transition. The proposed building location and setbacks will ensure privacy and sunlight and no shadow

impacts with relation to adjacent properties. The building is proposed to be positioned parallel with Rymal Road and will be 3 metres from the shared right-of-way and front property line. Parking is proposed within the interior of the property and the building will interface well with the public realm. The proposed development will include sufficient space on-site for landscaping, improving the overall design of the proposed development.

Noise

“B.3.6.3.1 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.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The subject lands have frontage on Rymal Road East, which is designated a Major Arterial Road. Accordingly, a noise study titled “Environmental Noise Feasibility Study 323 Rymal Road East, Proposed Residential Development” dated April 25, 2019 and prepared by Valcoustics Canada Inc. was submitted. Upon review, staff agree with the study’s findings which recommend the provision of noise mitigation measures such as acoustic barriers and ventilation requirements. The study also recommends further assessment of the Turner Park Library’s heating, ventilation, and air conditioning (HVAC) equipment, or, if necessary screening the equipment to reduce the impact of stationary noise sources. The measures recommended would ensure compliance with MECP Noise Guidelines. During the Site Plan Control stage of development, noise warning clauses will be required to be included in the Undertaking and will be carried forward into all purchase and sale or lease agreements. Further review of any noise mitigation measures on the subject lands will be addressed through the lifting of a Holding provision and a more detailed review at the Site Plan Control stage of development.

Natural Heritage

“C.2.11.1 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.”

Based on the Concept Plan, it appears that all trees on site will be removed to facilitate this development. A Tree Protection Plan will be required through the Site Plan Control process to ensure which trees can be retained and where compensation will occur for trees proposed to be removed.

Urban Corridors

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while 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.
- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- E.2.4.16 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 overview on properties in adjacent neighbourhoods.
- E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

In response to the policies above, the subject lands are identified as Secondary Corridor. The proposal is a higher density than what currently exists, as it is a low-rise medium density development rather than a low density development. This proposal would contribute to the intent of the UHOP to evolve secondary corridors to an increasing proportion of multiple storey buildings. Staff note that the transition in height would be between one half and two storeys at most and that a reduction in parking is proposed in an effort to support existing and planned transit routes.

Based on the foregoing, staff are of the opinion that the proposal complies with the Urban Hamilton Official Plan.

Barnstown Neighbourhood Plan

The Barnstown Neighbourhood Plan identifies the subject lands as “Single and Double” Residential. As the proposed use is multiple residential, it does not conform to the Neighbourhood Plan. The following UHOP policies with respect to the Neighbourhood Plan apply:

- “F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.
- F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.”

The proposed development will implement the Medium Density and Secondary Corridor policies which implement the City’s vision for a sustainable community. Staff note that lands further to the east are identified as “Medium Density Apartments”. As identified in this report, the proposal is compatible with the surrounding area. An amendment from “Single and Double” to “Medium Density Apartments” is required and staff support the change in designation.

City of Hamilton Zoning By-law No. 6593

The lands are currently zoned “AA” (Agricultural) District in Zoning By-law No. 6593. This zoning permits a single detached dwelling as well as agricultural uses. As this zone does not permit multiple dwellings, an amendment to the Zoning By-law is required.

The “DE-2” (Multiple Dwellings) District permits a two family dwelling, a three family dwelling; a multiple dwelling; and an emergency shelter.

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The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 on lands municipally known as 323 Rymal Road East from “AA” (Agricultural) District to a site specific “DE-2” (Multiple Dwellings) District with a holding provision to address noise mitigation measures.

The effect of this Zoning By-law Amendment will be to allow for the development of a three storey multiple dwelling with 21 units and 26 parking spaces. Site specific modifications intend to decrease the minimum required front yard setback, increase the minimum required rear yard setback, decrease minimum required the western side yard setback, decrease the required minimum parking standard, increase the minimum required projection provision and to consider no loading space. The site-specific modifications are further discussed in Appendix “C” to Report PED20060.

RELEVANT CONSULTATION

Departments and Agencies with no comments:		
External		Internal
<ul style="list-style-type: none">• Union Gas;• Bell Canada;• Canada Post;• Rogers;• Horizon Utilities;• Hydro One Networks; and,• Hamilton Conservation Authority;		<ul style="list-style-type: none">• Budgets and Finance, Corporate Services Department;• Recycling & Waste Disposal, Environmental Services Division;• Healthy and Safe Communities Department;• Strategic Planning, Public Works Department;• Hamilton Fire Department; and,• Transit Strategy & Infrastructure Division, Public Works Department
Departments and Agencies with comments:		
	Comment	Staff Response
Forestry & Horticulture, Public Works	Acknowledge that there are potential conflicts with publicly owned trees. Where existing	Planning staff note that Forestry and Horticulture comments address the trees

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	municipal trees are impacted and are within proximity of development work or access/egress to the development work, a Tree Protection Plan is required. A Landscape Plan is also required depicting the street tree planting scheme.	and vegetation within the municipal right of way and a Tree Protection Plan and Landscape Plan will be a required as a condition of approval for the future Site Plan Control application.
Healthy Environments Division	Have indicated that if the proposed development will use a cooling tower for air conditioning or other cooling needs the owner of the development is required to register their cooling tower(s) with Public Health Services (PHS) and comply with Hamilton Cooling Tower Registry Bylaw # 11-078.	The applicant has been advised of these requirements should a cooling tower be proposed.
Legislative Approvals, Growth Planning	Have indicated that the address 323 Rymal Road East will be retained for the development and have commented that a list indicating unit numbers will need to be submitted.	Addressing and unit numbering will be reviewed through the Site Plan Control application.
Transportation Planning, Planning and Economic Development	<ul style="list-style-type: none"> Require revisions to the Transportation Impact Brief. The consultant will be required to conduct one-hour field investigation during the PM peak hour to observe the maximum number of queued vehicles in the westbound left-turn and westbound through lanes at the intersection of 	<ul style="list-style-type: none"> Through Site Plan Control an addendum to the Transportation Impact Brief will be required. If field investigation determines that site lines from queued traffic are a safety risk the proponents will have to revise the site plan drawing to restrict right in/right out movements.

	<p>Rymal Road East and Turner Park.</p> <ul style="list-style-type: none"> The existing right-of-way along Rymal Road East is approximately 30.5 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Rymal Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. 5 metre by 5 metre visibility triangles must be provided for the driveway and identified on the site plan. 	<ul style="list-style-type: none"> Road widening and visibility triangles will be addressed through the Site Plan Control application.
Engineering Approvals	<p>Approvals staff have reviewed the application, and the associated Functional Servicing Report (FSR) prepared by IBI Group, March 2019, and do not have objections to the proposed zoning change, however the owner will have to demonstrate the completion of the sanitary and storm sewer extensions.</p> <p>Water Servicing:</p> <ul style="list-style-type: none"> The water demand calculations are acceptable to the City at this stage. <p>Required Fire Flow:</p> <ul style="list-style-type: none"> The building has been determined to be the worst 	<ul style="list-style-type: none"> The proponent will be required to extend sanitary and sewer lines from the current terminus to the full frontage of the subject property through an External Works Agreement as part of the Site Plan Control process. Staff are generally satisfied with the proposal but have requested revisions to the FSR with respect to water demand and requested fire flow. In addition to the revised FSR, the owner / applicant will be required to submit a detailed grading plan, water hydraulic analysis, wastewater generation

	<p>case RFF of 250 L/s. This calculation is based on wood frame construction materials (C=1.5), exposure charges of 30%, limited combustible contents (15% reduction) and no sprinkler system. The calculation is acceptable for the change in Zoning and should be further reviewed and confirmed as part of the Site Plan Control application.</p> <p>Sanitary Servicing:</p> <ul style="list-style-type: none"> The proposed density and servicing capacity needs for the site (21 units, estimated by FSR at 202 ppha) is higher than assumed for this property and the design of the downstream sewers (75 ppha assumed for design of Rymal Road, Massena etc., and 125 ppha for Upper Wentworth trunk sewer). However, analysis of existing hydraulic conditions and anticipated remaining development in this catchment indicates there is sufficient unallocated capacity to accommodate this small increase in sanitary capacity needs. <p>There is an existing 250mmø sewer on Rymal Road which must be extended to the</p>	<p>report, site servicing plan, and storm water management quantity and quality control as conditions of a future Site Plan Control application.</p> <ul style="list-style-type: none"> Road widening will be addressed through the Site Plan Control application.
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	<p>proposed development which would be a condition of Site Plan Control. Updated wastewater generation calculations will also be required as part of Site Plan Control.</p> <p>Stormwater Management:</p> <ul style="list-style-type: none"> The property is within the planned service area of the existing 600mmø storm sewer on Rymal Road. The existing sewer needs to be extended to the proposed development site. Similar to the sanitary sewer extension, the storm sewer extension shall be a condition of Site Plan Control. <p>Road Widening:</p> <ul style="list-style-type: none"> A road widening along Rymal Road will be required for this development as the future right-of-way width is indented to be 36.576 metres. 	
Public Consultation:		
	Comment	Staff Response
	The Development is not suited to the area.	The lands are on the periphery of a low density residential area and front a major arterial road. Staff are of the opinion that the design of the site including the building's location and parking layout ensure for

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		compatibility with adjacent lands. Staff note that the lands are currently zoned for agricultural uses and that a more urban form is anticipated for this area.
	Traffic congestion in both directions, and safety.	<ul style="list-style-type: none">• A Traffic Impact Study prepared by Paradigm concluded that the site would generate between 7 and 10 trips during peak period.• Staff note that Rymal Road is designated as a Major arterial road and is expected to undergo a transition, its planned form will allow for left turn movements and/or centre medians, multi-use trails and sidewalks to adequately separate pedestrians, cyclists and vehicles. These features are intended for the safety of vehicular and pedestrian traffic.
	Tree removal and removal of mature landscaping.	As identified in the Departmental and Agency Comments, a Tree Protection Plan and Landscaping Plan are to be submitted through the Site Plan Control process. Staff note that Tree compensation of 1:1 is required for trees removed that are 10 cm in D.B.H or greater.

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	Drainage and runoff.	Stormwater Management will be further reviewed during the Site Plan Control process. The proponent will have to ensure that drainage is diverted to an appropriate outlet while at the same time providing appropriate quality and quantity control levels for run-off water.
	Property value.	Staff are not aware of any supporting information or data with regards to property devaluation.
	Reduced parking.	<ul style="list-style-type: none">• Staff note that the policies of the Official Plan for this site in particular, encourage a reduction in parking to support a broader range of uses, and densities to support existing and planned transit routes.• The required number of parking spaces is 1.25 spaces per unit, which includes visitor and barrier free parking while the applicant is proposing slightly under the typical required amount at 1.23 per unit including visitor and barrier free parking. Staff note that along Secondary Corridors, reductions in parking requirements are considered in order to encourage a broader range of uses and

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		densities to support existing and planned transit routes. The developer intends on assigning 1 parking space per unit, leaving 3 spaces for visitors and 2 barrier free spaces.
	Spillover lighting.	Staff note that site lighting is reviewed at the Site Plan Control stage to ensure that spill over on to adjacent residential lands is prevented.
	Waste collection.	It is anticipated that the site will be serviced by private pick up. The applicant has identified an area in the north east corner of the site where in-ground garbage collection bins could be located. The owner is eligible for municipal garbage pick-up, subject to meeting city requirements.
	<ul style="list-style-type: none"> • Re-development encroaching into the residential neighbourhood and the risk of more development of this sort in the future. • Concerns were raised with regard to the purchase of adjacent lands, which, if acquired could trigger taller developments. There was also concern on how to limit the current proposal from coming 	<ul style="list-style-type: none"> • Staff note that a change in permitted uses would require a separate Zoning By-law Amendment application process and would be evaluated on its own merits. • Staff note that adjacent lands are not zoned for multiple dwellings and that if adjacent lands were acquired, new Zoning By-law Amendment applications would have to be received and

	back as a taller development.	comprehensively reviewed on their own merits. A rezoning would also be required if the proponent were to seek additional storeys or units on the current property.
	Dust, pest control and blasting were identified.	A dust control plan and pest control plan will be required during the Site Plan Control process.
	Property Standards (existing and future property maintenance)	The Condominium Corporation would retain a private company to maintain the lands in terms of snow removal, landscaping, and upkeep. The owner identified that the current maintenance is through a private company.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 77 property owners within 120 metres of the subject property on May 21, 2019 for the application.

A Public Notice sign was posted on the property on June 3, 2019, and updated on February 26, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given on March 06, 2020 in accordance with the requirements of the *Planning Act*. A notice of cancellation regarding the Public Meeting was circulated on March 20, 2020 in response to the COVID-19 emergency.

The Public Notice sign has since been updated on June 10, 2020 with the new virtual public meeting date and Notice of the Public Meeting was given on June 26, 2020 in accordance with the requirements of the *Planning Act*.

To date, three submissions have been received as a result of the circulation and are attached as Appendix “E” to Report PED20060. A summary of the concerns are summarized in the table above.

Public Consultation Strategy

The applicant's Public Consultation Strategy established an Open House meeting for residents and owners within 120 metres of the subject lands. The Open House was held on June 25, 2019 at the Mall Road Fortino's (65 Mall Road, Hamilton) in the Community Room. Thirteen people signed the attendance sheet for the meeting. A number of questions / concerns with regards to the development were raised, with responses prepared by the applicant, as shown in Appendix "F" to Report PED20060.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is considered to be compatible with existing land uses in the surrounding area and represents good planning by, among other things, providing an expanded housing range for a complete community, providing intensification in keeping with the surrounding neighbourhood and making efficient use of existing infrastructure within the urban boundary.
2. Zoning By-law Amendment

The subject lands are zoned "AA" (Agricultural) District in the former City of Hamilton Zoning By-law No. 6593. As this zone does not permit multiple dwellings, an amendment to the Zoning By-law is required to the "DE-2/S-1798" (Multiple Dwellings) District, Modified, to permit the development of a three storey building for 21 residential units and associated parking. The implementing by-law includes the regulations of the parent "DE-2" (Multiple Dwellings) District along with site specific special provisions which are addressed in detail in Appendix "C" to Report PED20060. The proposed built form contributes to a complete community, adds an alternative housing type and form to the area, while allowing for higher density adjacent to a primary corridor and complies with the UHOP. Therefore, staff support the proposed Zoning By-law amendment.

3. Holding Provision

A Holding provision will be placed on the subject lands to ensure that the applicant provides further detail to ensure adhering to the Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject land will continue to be utilized in accordance with the existing “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593 which permits single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Amendment to Zoning By-law No. 6593

Appendix “C” – Zoning By-law Amendment Comparison and Analysis

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Appendix "D" – Concept Plan

Appendix "E" – Public Submissions to Planner

Appendix "F" – Open House Comments