



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 25, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)
WARD(S) AFFECTED:	Ward 14
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

- (a) That **Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner**, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

- (b) That **Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner**, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix “E” attached to Report PED22083, be **APPROVED** on the following basis:
- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix “E” to Report PED22083;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
 - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 525 Rymal Road West and is located at the south east corner of Rymal Road West and Davinci Boulevard. The owner has applied for an amendment to City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision.

The purpose of the Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified, and

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from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, as shown on Appendix "A" attached to Report PED22083 to permit the lands to be developed for six street townhouses and one single detached dwelling.

The purpose of the Draft Plan of Subdivision application is to create seven lots and one block (Lots 1-7, and Block 8 shown on Appendix "E" attached to Report PED22083). Lots 2-7 are intended for six street townhouse dwellings, Lot 1 for a single detached dwelling, and Block 8 is for a Right-of-Way dedication along Rymal Road West.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 23

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 and a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina
Applicant/Owner:	A.J. Clarke and Associates c/o Stephen Fraser
File Number:	ZAC-20-044 and 25T-202010
Application Details	
Type of Application:	Zoning By-law Amendment and Draft Plan of Subdivision

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Proposal:	<p>The Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified and from the "AA" District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, to permit the lands to be developed for six street townhouses and one single detached dwelling.</p> <p>The Draft Plan of Subdivision proposes to create seven lots and one block. Lots 2 to 7 are intended for street townhouses and Lot 1 is intended for a single detached dwelling. A block is also being created and will be dedicated for a Right-of-Way widening along Rymal Road West. The lots will have access from Davinci Boulevard.</p>
Property Details	
Municipal Address:	525 Rymal Road West, Hamilton
Lot Area:	1,576 square metres (0.15 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Two-storey single detached dwelling.

Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.
Official Plan Proposed:	N/A
Zoning Existing:	"AA" (Agricultural) District

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Documents	
Zoning Proposed:	"RT-30/S-1817" (Street - Townhouse) District, Modified, (shown as Block 1 in Appendix "A" to Report PED22083) "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (shown as Block 2 in Appendix "A" to Report PED22083)
Modifications Proposed:	<p>The following modification to the "C" (Urban Protected Residential, etc.) District is required for the development:</p> <ul style="list-style-type: none"> To reduce the minimum lot area from 360 square metres to 358 square metres. <p>The following modifications to the "RT-30" (Street - Townhouse) District are required for the development:</p> <ul style="list-style-type: none"> To reduce the minimum side yard from 2 metres to 1.2 metres; and, To reduce the minimum lot area per unit from 180 square metres to 160 square metres.
Processing Details	
Received:	October 21, 2020
Deemed incomplete:	November 20, 2020
Deemed complete:	December 3, 2021
Notice of Complete Application:	Sent to 82 property owners within 120 metres of the subject property on December 11, 2020.
Public Notice Sign:	Posted December 12, 2020 and updated with public meeting date on March 29, 2022.
Notice of Public Meeting:	Sent to 82 property owners within 120 metres of the subject property on April 7, 2022.
Public Consultation:	A public information letter from the applicant was mailed to residents within 120 metres of the subject lands and offered the public to provide feedback. The Applicant initially intended on hosting an open house.
Public Comments:	Three emails were received expressing concern for the proposed Zoning By-law Amendment and Draft Plan of Subdivision (attached as Appendix "G" to Report PED22083).
Processing Details	

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Processing Time:	550 days from date of receipt of initial Application.
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Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Single detached dwelling	“AA” (Agricultural) District

Surrounding Land Uses:

North	Single detached dwelling	“R-4” (Small Lot Single Family Dwelling) District
East	Single detached dwelling	“AA” (Agricultural) District
South	Single detached dwelling	“C” (Urban Protected Residential, etc.) District
West	Single detached dwelling	“AA” (Agricultural) 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, 2020 and conform to A Place to Grow (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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. Matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Archaeology

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Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS, 2020. The following policy of the PPS, 2020 also applies:

“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 subject property meets three of ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) 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.

As part of this Application, a Stage 1-2 (P389-0479-2020) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The report concluded that no further archaeological assessment of the subject lands was required. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Noise

The PPS provides the following policy direction:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The subject lands are adjacent to Rymal Road West, which is considered as a “Major Arterial” in the UHOP. An Acoustical Study was prepared by HGC Engineering dated October 13, 2020 and submitted with the Applications.

The noise sources identified in the study that impact the subject lands included Rymal Road West and Davinci Boulevard.

The study found the sound levels from future road traffic will exceed the MECP guidelines. The Noise Study by HGC Engineering has identified the required mitigation

measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines. Required mitigation measures include:

- Installing an acoustical barrier facing Rymal Road West at a minimum of 2.0 metres in height and with a minimum surface density of 20kg/m²;
- Warning clauses that will need to be included in all offers of purchase and sale, and property and tenancy agreements;
- Requirement for the dwelling units to be fitted for central air conditioning systems so that windows can be kept closed;
- Requirement for the closest lot to Rymal Road West to be equipped with central air conditioning system so that windows and doors can be kept closed; and,
- Prior to issuance of a building permit, a qualified professional will review the plans to ensure compliance with the Noise Study provided by HGC Engineering.

The conditions related to noise are included as Condition No. 14 of Appendix “F” attached to Report PED22083.

The Applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (PPS, 2020);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- They comply with the Urban Hamilton Official Plan.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi detached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;

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- E.3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged;
 - 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; and,
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The UHOP policy indicates that the preferred location for low density residential uses is in the interior of neighbourhoods. The subject lands are at the periphery of the Carpenter neighbourhood with Rymal Road West being the northern most boundary. The periphery of neighbourhoods is generally where increased densities are encouraged and permitted, and this proposal represents an increase in density at the periphery of a neighbourhood. The proposal would facilitate the development of a single detached dwelling and six street townhouse dwellings on the lands at a density of 47 units per hectare. The proposed zoning does not seek to amend the height requirements of the parent zones, and the proposal would not exceed three storeys.

In accordance with policy E.3.4.6 a), the development proposes access for all the lots onto Davinci Boulevard which is a local road and not a minor or major arterial road. In accordance with policy E.3.4.6 b), the design of the townhouses is generally acceptable as the garages do not protrude and appear to be recessed thereby reducing their street presence. Staff have recommended a condition that elevation drawings should be reviewed as part of the Draft Plan of Subdivision approval process (Condition No. 11 of Appendix “F” attached to Report PED22083) to further review the architectural design of the proposal and to consider its relation in design to surrounding properties along Davinci Boulevard and Rymal Road West. In response to E.3.4.6 c), the proposal introduces a mix of lot widths and sizes compatible with the streetscape character of the area which is made up of low density, low rise built forms. The proposed zoning by-law

maintains a minimum 6 metre front yard setback, which is consistent with the dwellings fronting Davinci Boulevard and Spadara Drive.

Residential Intensification

“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.”

The subject property is in an area dominated by a low-rise built form ranging in height from one to two storeys. The proposed development seeks to establish a development that is two storeys in height. The proposal would also implement setbacks for side yards, front yards and rear yards that are reflective of the development standards found along Davinci Boulevard and Spadara Drive. The proposed street townhouses and single detached dwelling height, building setbacks and building massing maintain the pattern and built form of the area. The street townhouses and single detached dwelling will have a standard 7.5 metre setback from the neighbouring property to the east. This setback combined with a two storey height of the proposed street townhouses would provide appropriate spacing to mitigate overlook and privacy concerns. Furthermore, the proposal includes a 1.8 metre board on board fence and there are existing hedge rows along the rear yards that mitigate privacy and overlook.

In accordance with B.2.4.1.4 f) and B.2.4.2.2 j), there are existing municipal services available to service the subject property and adequate transportation capacity available on the abutting municipal roads.

Trees

“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.”

A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment and Draft Plan of Subdivision applications. A total of 15 trees have been inventoried on the subject properties and adjacent properties. Of these, and to facilitate the proposed development, 11 trees will be removed from the subject lands, one tree will remain on the subject lands and three within the road allowance along Rymal Road West.

If approved, the Applicants will be required to provide adequate compensation in the form of either replanting's or cash-in-lieu (i.e. one to one) for the removal of trees on the lands. Condition Nos. 12 and 13 of Appendix “F” attached to Report PED22083 require that a Tree Protection Plan and a Landscape Plan be approved prior to preliminary grading and the registration of the Plan of Subdivision.

Based on the above analysis, staff are of the opinion that the proposed development complies with the policies of the UHOP.

Carpenter Neighbourhood Plan Policies

The lands are identified as “Single and Double” in the Carpenter Neighbourhood Plan. If approved, staff recommend the neighbourhood plan be updated (recommendation (c) of Report PED22083) so that the lands intended for street townhouses being Block “1” on Appendix “A” attached to Report PED22083 are identified as “Attached Housing.” The following objectives of the Carpenter Neighbourhood Plan are applicable:

- “Objective 1 Residential - The Carpenter Neighbourhood will have a variety of housing types including single family dwellings, semi-detached dwellings, and townhouses;
- Objective 2 Compatibility - Future residential development will be compatible with the existing residential units fronting Rymal; and,
- Objective 3 Variety of Housing Types - A mixture of residential units will be provided.”

Staff have reviewed the policy objectives and are satisfied that the proposed development meets the general intent of adding a mixture of residential units in the form

of a single detached dwelling and street townhouses to the area. The proposal is compatible with the existing residential units fronting onto Rymal Road West as there will be appropriate setbacks incorporated, privacy and overlook concerns have been addressed and enhanced design will be included for facades facing Rymal Road West.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the UHOP and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure. It can be integrated with adjacent lands and road network. The proposal will not adversely impact the natural environment, transportation system, and municipal finances.

Based on the forgoing, the proposal complies with the policies outlined above in the UHOP.

City of Hamilton Zoning By-law No. 6593

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The subject property is currently zoned “AA” (Agricultural) District in Zoning By-law No. 6593. This District permits single detached dwellings as well as agricultural uses. As this District does not permit street townhouses and has different lot sizing standards, an amendment to the Zoning By-law is required.

The proposed Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District to “RT-30/S-1817” (Street - Townhouse) District, Modified and from “AA” (Agricultural) District to “C/S-1817” (Urban Protected Residential, etc.) District. The effect of this Zoning By-law Amendment will allow six street townhouses and one single detached dwelling. Modifications to the “RT-30” (Street - Townhouse) District and “C” (Urban Protected Residential, etc.) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22083.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• French Public School Board;• HydroOne;• Landscape Architectural Services, Strategic Planning Division, Public Works Department;• Transit Planning and Infrastructure, Transit Operations Division, Public Works Department; and,• Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department.	No Comment.

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Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering Approvals staff has no issue with the proposed Zoning By-law amendment for the subject lands.</p> <p>Development Engineering Approvals have requested the following conditions for the Draft Plan of Subdivision:</p> <p>The owner shall submit a written request to the Director of Growth Management which includes verification to support the amount of wastewater capacity allocation required for the lands to be serviced and obtain written confirmation that the requested allocation has been secured.</p> <p>9.14 m by 9.14 m daylight triangles be established on the final plan of subdivision at the intersection of the of Davinci Boulevard and Rymal Road West.</p> <p>The final plan of subdivision shall include a 5.18 m block widening to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Rymal Road West at 18.288 m (60 feet) from the center line of the original road allowance.</p> <p>There is a 0.30 m reserve that indicates cost recoveries (City's Best Efforts) along Davinci Boulevard. The proponent shall pay the appropriate proportion for the cost recovery related to storm, sanitary, watermain, service connections, road works, etc.as a condition of the draft plan of subdivision approval.</p>	<p>Noted.</p> <p>A condition has been included as Condition No. 1 of Appendix "F" attached to Report PED22083 regarding waste water capacity allocation.</p> <p>Staff note that the 9.14 m by 9.14 m daylight triangle has already been established. A dedication to the City is not required.</p> <p>A condition has been included as Condition No. 2 of Appendix "F" attached to Report PED22083 for road widening block.</p> <p>A condition has been included as Condition No. 3 of Appendix "F" attached to Report PED22083 for cost recoveries.</p>
Departments and Agencies		

OUR Vision: To be the best place to raise a child and age successfully.
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<p>The owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning throughout construction within the subdivision.</p> <p>An on-Street Parking Plan will be required. The required number of parking spaces shall be 40% of the total number of proposed units. Therefore, three parking spaces shall be provided for this development.</p> <p>The owner shall indicate all driveway locations on the engineering drawings so that no driveway shall be located within a daylight triangle.</p> <p>The owner shall investigate the noise levels on the site and determine and implement the noise control measures, that will be satisfactory to the City of Hamilton and meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits.</p> <p>The owner will agree to include a cost estimate schedule for the engineering design.</p>	<p>A condition has been included as Condition No. 4 of Appendix "F" attached to Report PED22083 for a dust control plan.</p> <p>A condition has been included as Condition No. 5 of Appendix "F" attached to Report PED22083 for an On-Street Parking Plan.</p> <p>A condition has been included as Condition No. 6 of Appendix "F" attached to Report PED22083 for indication of driveways on engineering drawings.</p> <p>A condition has been included as Condition No. 9 of Appendix "F" attached to Report PED22083 for noise control measures.</p> <p>A condition has been included as Condition No. 7 of Appendix "F" attached to Report PED22083 for requiring a cost estimate schedule.</p>

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Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<p>The owner will prepare a Storm Water Management Report to demonstrate how increased storm water run-off will be handled for all ranges of storm events including the 100 year storm.</p> <p>An infiltration system is provided at the rear of each lot and, the owner / developer must advise purchasers that ongoing maintenance of the infiltration systems will be their responsibility.</p>	<p>A condition has been included as Condition No. 8 of Appendix "F" attached to Report PED22083, for a Storm Water Management Report.</p> <p>A condition has been included as Condition No. 10 of Appendix "F" attached to Report PED22083, to ensure purchasers will be informed of infiltration systems on their lot.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Zoning By-law Amendment since the site will not generate a substantial amount of traffic (7 units).</p> <p>The existing right-of-way on Rymal Road West (Major Arterial Road) adjacent to this site is approximately 31.0 metres. The Applicant has correctly demonstrated a 5.18 road widening (Block 8) on the site plan.</p> <p>Transportation Planning is willing to permit a reduction to a 9.14 m x 9.14 m Daylighting Triangle, since this dedication already exists, which is consistent with the opposite side of Davinci Boulevard. The City does not require additional right-of-way and therefore no modifications to the submitted site plan are required.</p>	<p>Noted.</p> <p>A condition has been included (Condition No. 2 of Appendix "F" attached to Report PED22083) for the right-of-way widening block.</p> <p>Staff note that the 9.14 m by 9.14 m daylight triangle has already been established and dedicated to the City.</p>

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Departments and Agencies		
	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The existing adjacent land uses are not indicated on the plan, as required under Section 51 (17) (e) of the <i>Planning Act</i>.</p> <p>Municipal addressing will be assigned once final Draft Plan approval is granted.</p> <p>That the following be added as a NOTES: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</p>	<p>The Applicant has revised the Draft Plan of Subdivision to address adjacent land uses.</p> <p>The note has been added as Note #1 in Appendix "F" attached to Report PED22083.</p>
Waste	<p>This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p> <p>Waste Planning has no concerns regarding the Zoning By-law Amendment.</p> <p>Waste will be collected curb side on Davinci Boulevard.</p> <p>The developer is responsible for all waste removal up until the time municipal collection service is initiated.</p>	<p>Notes #2 and #3 have been added to Appendix "F" attached to Report PED22083 to address Recycling and Waste Disposal requirements.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.</p>	<p>A condition has been included as Condition No. 15 of Appendix "F" attached to Report PED22083 for Street Tree Planting fees and Loss of Tree Canopy Fees.</p>

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 19 of 24

Departments and Agencies		
	Comment	Staff Response
Canada Post	Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.	These requirements have been included as Condition Nos. 16, 17 and 18, in Appendix "F" attached to Report PED22083.
Alectra	Relocation, modification, or removal of any existing hydro facility shall be at the owner's expense. Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.	A condition has been included as Condition No. 22 in Appendix "F" attached to Report PED22083 to capture Alectra's Utility requirements.
Bell Canada	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 19 in Appendix "F" attached to Report PED22083.
Rogers	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 20 in Appendix "F" attached to Report PED22083.
Union Gas (Enbridge)	Requires that the Applicant provide necessary easements and/or agreements for the provision of gas services.	This is included as Condition No 21 in Appendix "F" attached to Report PED22083.

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 20 of 24

Public Consultation		
	Comment	Staff Response
Traffic, parking and safety	<p>Proposed development will cause an increase in traffic. The area already has a high volume of traffic from school drop off. There are safety concerns with the high amount of foot traffic and vehicular traffic</p> <p>There is limited parking and development will aggravate this situation.</p>	<p>Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The proposal provides for two parking spaces per dwelling unit which is the requirement of the Zoning By-law for the single detached dwelling and greater than what is required for a street townhouse dwelling. In addition, the applicant is required to submit an On-Street Parking Plan to provide 40% of parking for the draft plan of subdivision as shown on Appendix "D" attached to Report PED22083.</p>

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 residents within 120 metres of the subject lands on January 29, 2020. A Public Notice sign was posted on the property on December 12, 2020 and updated with the Public Meeting date on March 29, 2021. A Notice of Public Meeting was sent to property owners within 120 metres of the site on April 7, 2021, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, as part of the Planning Justification Report, the Applicant provided an informational newsletter regarding their Applications to neighbours within 120 metres of the subject lands.

To date, three public submissions in opposition to the proposal have been received in response to the Public Notice. These submissions are summarized in the chart above and included in Appendix "G" attached to Report PED22083.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development of a single detached dwelling and six street townhouses can be supported as it is compatible with the character of the area and the proposal represents good planning by, among other things, providing a compact and efficient urban form.
2. The lands are located along a section of Rymal Road West that is not considered a primary corridor, as such staff are of the opinion that low density, low rise built form is an appropriate development pattern. The design of the façade along Rymal is partially recessed, and includes features such as windows, a porch and materials that help animate the street from the public realm. The proposal also includes a single detached dwelling at the southern end of the site, which will provide for a transition from the more established single detached dwellings to the south. Staff are supportive of the Application and find that it is good urban design.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

3. Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) District in Zoning By-law No. 6593. which permits a single detached dwelling and agricultural uses. The Zoning By-law Amendment application proposes to change the zoning from the “AA” (Agricultural) District to the “RT-30/S-1817” (Street - Townhouse) District, Modified and from the “AA” (Agricultural) District to the “C/S-1817” (Urban Protected Residential etc.) District, Modified (shown as Blocks 1 and 2 respectively on Appendix “A” attached to Report PED22083). The following modifications are proposed:

“RT-30/S-1817” (Street - Townhouse) District, Modified:

- To reduce the minimum side yard from 2 metres to 1.2 metres; and,

- To reduce the minimum lot area per unit from 180 square metres to 160 square metres;

“C/S-1817” (Urban Protected Residential etc,) District, Modified:

- To reduce the minimum lot area from 360 square metres to 358 square meters.

Staff are satisfied that the proposal meets the intent of the low density residential Neighbourhood policies and applicable intensification policies of the Urban Hamilton Official Plan. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED22083.

Therefore, staff support the proposed Zoning By-law Amendment.

4. The proposed Draft Plan of Subdivision will consist of one road widening block (Block 8); one lot for a single detached dwelling (Lot 1) and six lots for street townhouse dwellings (Lots 2-7).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subdivision of the land for residential uses is suitable;
- (f) The dimensions and shape of the lots and blocks are appropriate;
- (g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (h) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval; and,

- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement.
5. The lands will also be subject to the exemption from Part Lot Control process to create future maintenance and encroachment easements for the townhouse units.

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment and Draft Plan of Subdivision Applications be denied, development could proceed in accordance with the existing development standards and use permissions of the “AA” (Agricultural) District, which permits a single detached dwelling and agricultural uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22083 – Location Map
Appendix "B" to Report PED22083 – Amendment to Zoning By-law No. 6593
Appendix "C" to Report PED22083 – Zoning Modification Table
Appendix "D" to Report PED22083 – Concept Plan
Appendix "E" to Report PED22083 – Draft Plan of Subdivision
Appendix "F" to Report PED22083 – Conditions of Draft Plan of Subdivision
Appendix "G" to Report PED22083 – Public Comments

JVR:sd