



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 9, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED22171) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-012, by Wellings Planning Consultants Inc. (c/o Glenn Wellings, Applicant) on behalf of Royal Living Development Group Inc. (Alex Arbab, Owner)** to establish an Urban Site Specific Policy to permit a noise barrier adjacent to a Secondary Corridor and to permit a minimum net residential density of 50 units per hectare within a medium density residential area of the Neighbourhoods Designation on lands located at 705 and 713 Rymal Road East, as shown on Appendix “A” to Report PED22171, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED22171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment 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) That **Zoning By-law Amendment Application ZAC-21-026, by Wellings Planning Consultants Inc. (c/o Glenn Wellings, Applicant) on behalf of Royal Living Development Group Inc. (Alex Arbab, Owner)** for a change in zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1824” (Street - Townhouse) District, Modified, to permit 41 two-storey street townhouse dwellings on a private condominium road with a total of 52 parking spaces (one garage space per unit plus 11 visitor parking spaces) on lands located at 705 and 713 Rymal Road East, as shown on Appendix “A” to Report PED22171, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED22171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment 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);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-012 and Zoning By-law Amendment Application ZAC-21-026, the subject lands be re-designated from “Single and Double” to “Attached Housing” and the Proposed Roads being the westerly extension of Eaglewood Drive be deleted from the subject lands in the Eleanor Neighbourhood Plan.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit the development of 41 two-storey street townhouse dwellings on a private condominium road with a total of 52 parking spaces (one garage space per unit plus 11 visitor parking spaces).

The purpose of the Official Plan Amendment Application is to establish an Urban Site Specific Policy to permit a noise barrier adjacent to a Secondary Corridor and to permit a minimum net residential density of 50 units per hectare within a medium density residential area of the Neighbourhoods Designation.

The Zoning By-law Amendment Application is to change the zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1824” (Street - Townhouse) District, Modified. Site specific modifications to the

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“RT-30” (Street - Townhouse) District are proposed to accommodate the proposed development.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the Urban Hamilton Official Plan (UHOP), in particular, the function, scale and design of the Medium Density Residential policies as they relate to residential greenfield development in the Neighbourhoods designation. The proposed 41 townhouse dwelling units are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

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 Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Royal Living Development Group Inc. (c/o Alex Arbab)
Applicant/Agent:	Wellings Planning Consultants Inc. (c/o Glenn Wellings)
File Number:	UHOPA-21-012 ZAC-21-026
Type of Application:	Official Plan Amendment Zoning By-law Amendment
Proposal:	To permit 41 two-storey street townhouse dwellings on a private condominium road with a total of 52 parking spaces (one garage space unit plus 11 visitor parking spaces), as shown on the Concept Plans attached as Appendix “E” to Report PED22171.

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Property Details	
Municipal Address:	705 and 713 Rymal Road East
Lot Area:	±8,805 m ² (0.88 ha) (Rectangular)
Servicing:	Full municipal services
Existing Use:	Single detached dwelling on 713 Rymal Road East (to be removed) and vacant lands on 705 Rymal Road East.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure; and, “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	<ul style="list-style-type: none"> • To permit a noise barrier adjacent to a Secondary Corridor; and, • To permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation.
Neighbourhood Plan Existing:	<ul style="list-style-type: none"> • Eleanor – Single and Double; and, • A Proposed Road is identified within the subject lands.
Zoning Existing:	<ul style="list-style-type: none"> • “AA” (Agricultural) District; and, • “C” (Urban Protected Residential, Etc.) District.
Zoning Proposed:	<ul style="list-style-type: none"> • “RT-30/S-1824” (Street - Townhouse) District, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> • Deeming the common element condominium road as a street and the lot line abutting this road as the front lot line; • Maximum building height from 11.0 metres to 10.5 metres; • Minimum front yard from 6.0 metres to 6.0 metres to a garage and 2.8 metres to a dwelling; • Minimum rear yard from 7.5 metres to 6.0 metres; • Minimum side yard from 2.0 metres (for two storeys) to 1.5 metres, except 3.0 metres abutting Rymal Road East; • Minimum distance between buildings from 3.5 metres (for two storeys) to 2.4 metres; • Minimum lot area from 180 to 150 square metres; • To permit covered front porches into the required side yard up to 2.0 metres and minimum 1.3 metres from the street line; • To permit transformers within a required front yard; and, • Minimum visitor parking from no required parking spaces to 0.25 visitor parking spaces per dwelling unit.

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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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> • Minimum parking space size from 2.7 x 6.0 metres to 2.8 x 5.8 metres; • To permit off site visitor parking spaces within the common element condominium road; and, • To exempt certain parking area location requirements. <p>(See Appendix “D” attached to Report PED22171.)</p>
Processing Details	
Received:	July 2, 2021
Deemed Complete:	July 26, 2021
Notice of Complete Application:	Sent to 89 property owners within 120 m of the subject lands on August 5, 2021.
Public Notice Sign:	Posted August 5, 2021 and updated with Public Meeting date July 14, 2022.
Notice of Public Meeting:	Sent to 89 property owners within 120 m of the subject lands on July 22, 2022.
Public Comments:	One letter not in support (see Appendix “F” to Report PED22171).
Revised Submissions Received:	<ul style="list-style-type: none"> • April 5, 2022; and, • May 25, 2022.
Processing Time:	403 days from receipt of initial Application, 76 days from receipt of final Application submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling Vacant Land	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Surrounding Land Uses:		
North	Single Detached Dwellings and Vacant Land	“R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified; “C” (Urban Protected Residential, Etc.) District; and, “AA” (Agricultural) District.

Surrounding Land Uses Continued:

South	Single Detached Dwellings	“C” (Urban Protected Residential, Etc.) District.
East	Single Detached Dwellings	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
West	Commercial Uses	“G-1” (Designed Shopping Centre) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The following policies, amongst others, apply to the proposed development.

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
 - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;

- b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- e) Support *active transportation*; and,
- f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated; and,

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The development of townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located along an arterial road and is close to public transit, amenities, and open spaces. The subject lands are well serviced by a comprehensive street network with nearby transit routes, which will encourage active transportation and transit usage.

Noise

- “1.2.6.1 *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front Rymal Road East, which is identified as a major arterial road on Schedule C – Functional Road Classification in the UHOP. Staff have reviewed the environmental noise impact study titled “705 Rymal Rd East Residences”, prepared by dBA Acoustical Consultants Inc., dated April 2021 and addendum dated October 25, 2021. The study identified the acoustic mitigation requirements for this development

with respect to road noise from Rymal Road East. Staff concur with the recommendations of the study that warning clauses, provisions for central air conditioning, building components and a noise barrier will be required. The required noise barrier is discussed further in the Urban Hamilton Official Plan section below, and these matters will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.

Archaeology

“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 two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) 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,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1-2 archaeological reports (P389-0381-2018 for 705 Rymal Road East and P389-0503-2020 for 713 Rymal Road East) were submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for 705 Rymal Road East for compliance with licensing requirements in a letter dated November 23, 2018. While the Provincial interest has yet to be signed off by the Ministry on the report for 713 Rymal Road East, Staff are of the opinion that the municipal interest in the archaeology of the site has been satisfied.

Based on the foregoing, the proposal is consistent with the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;
 - c. Within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. Areas with existing or planned *public service facilities*;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
 - c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary in a settlement area, and the proposed development of 41 townhouse dwellings will provide a compact urban form that that will introduce an additional housing type and form to the immediate area, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities along a major arterial road (Rymal Road East) with available transit services.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

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

Medium Density Residential

- “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.3.5.7 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; and,
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The subject lands are on the periphery of the Eleanor Neighbourhood directly fronting onto Rymal Road East. The proposed townhouse dwellings are forms of multiple dwellings. The immediately surrounding neighbourhood contains low density residential and commercial developments with a network of safe and convenient pedestrian connections.

The proposed height of two storeys conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 52.9 units per hectare falls below the permitted net residential density range for medium density residential uses. Staff are supportive of a modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP and is compatible with the existing surrounding dwelling form of generally 1.5 to two storey heights. A minimum of 50 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED22171 to provide added flexibility.

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character;
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point;
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods;
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) Minimize changes to existing topography; and,
 - b) Preserve existing trees and natural features;
- E.3.7.6 New *development or redevelopment* adjacent to open spaces shall:
- a) Minimize the impacts on natural heritage features;
 - b) Maintain or enhance public access to trails, bikeways, and parks within these features;
 - c) Preserve or enhance public views to these features; and,
 - d) Use native plant material adjacent to these features.”

The subject site is located on a Major Arterial road (Rymal Road East). The existing neighbourhood is comprised of predominantly single detached dwellings, with a neighbourhood park towards the interior, and commercial uses immediately west of the subject lands on the corner of Upper Sherman Avenue.

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but outside of the Built-Up Area and are considered a greenfield area. The

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subject lands are located in a settlement area where full municipal services are available and will contribute to the provision of a range and mix of housing types.

The proposed 41 block townhouse dwelling units will be of a size, density and scale that respects the existing and proposed scale of development in the area. At proposed building heights of two storeys (up to 10.5 metres), the proposed development is appropriate with respect to the scale of the neighbouring buildings, which range in height from one to two storeys, and massing that respects the existing street proportions and lot patterns. The subject proposal is appropriately designed and constitutes an evolving built form that is in harmony with the existing architectural massing of the area.

Visitor parking is proposed within the development and sufficient amenity area by way of private yards and landscaped areas will also contribute to the integration of this new development into the existing neighbourhood. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood to eliminate potential privacy concerns for adjoining residents. The proposed development will have direct vehicular and pedestrian connections to Rymal Road East, establishing direct pedestrian routes to the existing transit services (see the Concept Plan attached as Appendix “F” to Report PED22171).

The site has a ± 1.5 metre decrease in elevation from the frontage along Rymal Road East to the north. To address the change in grade with the existing topography and provide the necessary positive drainage for the site, the development concept proposes a retaining wall along the side and rear yards up to ± 3.6 metres in height along rear lot line (see the Site Grading Plan attached to Appendix “E” to Report PED22171). While retaining walls are generally not preferred when dealing with grade changes between new and existing development (per the City of Hamilton Comprehensive Development Guidelines and Financial Policies Manual 2018), it has been concluded that no feasible alternatives are available to provide the necessary drainage. The extent of where the height of the retaining wall exceeds 1.0 metre is for a limited length along the north property line adjacent to vacant undeveloped lands to the north, where there would be no impact on adjacent properties. When those lands are developed, they would need to similarly address grading changes which would further minimize the height of the retaining wall. As shown on the elevations attached to Appendix “E” to Report PED22171, no windows are proposed on the north elevations, and the proposed grades drop away to the east and west lot lines at the rear of the units where sufficient rear yard setbacks are provided and no balconies are proposed above the ground floor elevation. However, as a result of the proposed grading the rear decks would be located up to approximately three metres above the proposed top of wall grade at property line. As shown on the landscape plan attached to Appendix “E” to Report

PED22171, a 1.8 metre high wood privacy fence is proposed along the site perimeter to address any privacy and overlook issues. Lastly, an existing acoustic barrier is located within the east side yard of the commercial property to the west to screen the drive aisle and loading areas from the subject lands, where the impact of the proposed retaining wall would be insignificant and no privacy and overlook issues would be present. At the Site Plan stage, specific attention to the design of the retaining wall fencing and landscaping adjacent to the existing residential properties to the north and east to review privacy and overlook and avoid the appearance of a monolithic blank façade will be given. This could include choice materials and/or articulation to enhance the aesthetics of the retaining wall and through a future condominium application additional conditions will be required regarding ownership, reserve funds, and maintenance of the retaining wall.

Noise

- “3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible;
 - b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed;
 - c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to *pedestrian focus streets* as identified in Section E.4.3 – Pedestrian Focus Streets (OPA 69); and,
 - d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

As discussed in the Provincial Policy Statement (2020) section above, the environmental noise impact study titled “705 Rymal Rd East Residences”, prepared by dBA Acoustical Consultants Inc., dated April 2021 and addendum dated October 25,

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2021, identified that a noise barrier will be required at the southeast corner of this development to mitigate road noise from Rymal Road East. A 2.5 metre tall noise barrier is required to reduce sound levels in the outdoor living areas for Units 40 and 41, as shown in the Concept Plan attached to Appendix “E” to Report PED22171. The required noise barrier would be approximately ten metres in length along Rymal Road East. The Applicant explored alternative noise mitigation measures and demonstrated that no other measures are practical or feasible for the proposed built form. However, as Rymal Road East is designated as a Secondary Corridor on Schedule E – Urban Structure, a site specific amendment to the Urban Hamilton Official Plan is required to permit the use of a noise barrier, which is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED22171.

Planning staff are of the opinion that the length and height of the required noise barrier is minimal, and the proposed wood noise fence design would not greatly differ aesthetically from a standard wood privacy fence, which is compatible with the existing and planned development for the surrounding neighbourhood and Rymal Road East corridor. A detailed noise study and design of the noise barrier, along with landscaping and other design elements to screen the noise barrier and animate the Rymal Road East corridor, will be further reviewed at the future Site Plan Control stage, and long term maintenance and replacement as well as other matters identified in the Provincial Policy Statement (2020) section above (including warning clauses) will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.

Tree Protection

“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.”

Trees have been identified in and around the subject property. Staff have reviewed the submitted Tree Protection Plan and Landscape Plan, prepared by Adesso Design Inc. (Mario Patitucci, OALA) and dated May 17, 2022. A total of 89 trees (one municipal and 88 private) have been inventoried. Of these trees, 87 of the 88 private trees have been identified for removal. As the root zones of the trees proposed to be removed conflict with the required grading for development of the subject lands, there are limited opportunities for retention of these trees. Seven of the private trees proposed for removal are neighbouring or boundary trees:

- #42, Silver Maple, on the neighbouring property located at 216 Eleanor Avenue;
- #70, Manitoba Maple, on the boundary with the property located at 230 Eleanor Avenue; and,

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- #75, Basswood, #76, Shagbark Hickory, #81, Ironwood, #82, Black Cherry, and #84, White Elm, on the boundary with the property located at 721 Rymal Road East.

Written permission has been obtained from the owner of 721 Rymal Road East to remove five of the boundary trees; however, written permission from the other adjacent landowners has not been submitted to date, and as such the Tree Protection Plan has not been approved. A notation should be included on the tree protection plan indicating that permission from adjacent landowners is required prior to the removal of these trees. This matter, along with the implementation of tree protection measures, will be addressed at the future Site Plan Control stage.

To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. Since one tree is dead and one has been identified as Common Buckthorn (highly invasive species), compensation would be required for 85 trees. A total of 28 trees are proposed to be planted on the subject lands. The Applicant has indicated their intention to provide cash-in-lieu for the remaining compensation tree plantings that will not be planted on-site. A Landscape Plan will be required at the future Site Plan Control stage to confirm compensation tree plantings and cash-in-lieu requirements.

Transportation Network and Right-of-Ways

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

- c) Major arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.”

Rymal Road East is classified as a Major Arterial with a future right-of-way width of 36.576 metres from Glancaster Road to Upper Centennial Parkway, as specified in Schedule C-2 of the UHOP. A road widening of ± 3.038 metres to provide a right-of-way width of 18.288 metres from the road centreline is required, which will be addressed at the future Site Plan Control stage.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

Eleanor Neighbourhood Plan

The subject lands are designated “Single and Double” in the Eleanor Neighbourhood Plan, which contemplates the development of single detached and semi-detached dwellings. The proposed 41 block townhouses would be categorized as “Attached Housing” in the Eleanor Neighbourhood Plan. Portions of the subject lands are also identified for “Proposed Roads”.

An amendment to the Eleanor Neighbourhood Plan is required to remove the planned local road from the subject lands (as shown on Appendix “H” attached to Report PED22171) and change the designation from “Single and Double” to “Attached Housing”. Given:

1. The extension of Eaglewood Drive would provide little benefit to the local road network for the Eleanor Neighbourhood, provided that Brenda Street will be constructed to a full local road standard from Eleanor Avenue to Halo Street;
2. The lands fronting onto Halo Street and Camomile Drive can be developed, subject to successful consent applications to sever lands from properties fronting Eleanor Avenue (Applications for Consent HM/B-21:09 and HM/B-21:10 for the lands located at 202 Eleanor Avenue were conditionally approved by the Committee of Adjustment on March 18, 2021), and the lands east of the subject lands fronting onto Eleanor Avenue and Rymal Road East would retain infill and redevelopment opportunities with or without a short cul-de-sac extension of Eaglewood Drive, without being precluded by the proposed development and the removal of the local road;
3. The site’s frontage on a major collector road (Rymal Road East); and,
4. That the development will comply with the UHOP upon approval of the proposed UHOP Amendment.

the amendment to the planned local road network and redesignation to “Attached Housing” can be supported.

Hamilton Zoning By-law No. 6593

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, Etc.) District, in Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED22171. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the “RT-30/S-1824” (Street - Townhouse) District, Modified. The

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proposed zoning will be discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the “RT-30” District is included in Appendix “E” attached to Report PED22171.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> Commercial Districts and Small Business, Economic Development Division, Planning and Economic Development; Real Estate, Economic Development Division, Planning and Economic Development Department; Canada Post Corporation; and, Conseil Scolaire Viamonde. 	No Comment
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Reviewed the Functional Servicing and Stormwater Management Report, prepared by ACIII Group Inc. and dated March 23, 2022; There are existing watermain, sanitary and storm sewer services fronting the subject lands, and there are no further comments or concerns from a servicing perspective at this time; If dewatering is required to support construction activities, the discharge must comply with City by-law standards and permit requirements; and, Detailed stormwater management, grading and servicing designs, and updated domestic water usage and required fire flow calculations will be reviewed at the future Site Plan Application stage. Notes note that the design must comply with the City of Hamilton Lot Grading Policy, Engineering Guideline and Sewer Water Permit Process. 	<ul style="list-style-type: none"> These matters will be addressed at the future Site Plan Control stage.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> Reviewed and approved the Tree Management Plan and Landscape Plan, prepared by adesso design inc., revision dated January 18, 2022, subject to receipt of applicable fees. 	<ul style="list-style-type: none"> Fees will be collected at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Municipal addresses will be reviewed at the Site Plan Control stage; and, Rear yard access and maintenance easements and application requirements would be required with any future draft plan of condominium Application. 	<ul style="list-style-type: none"> These matters will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.
Landscape Architectural Services (LAS) and Capital Infrastructure, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Road right-of-way dedication of 3.1 metres appears sufficient. The final property requirements for the Rymal Road East corridor will be determined through the Phase 3 Municipal Class Environmental Assessment, and staff defer to Transportation Planning for right-of-way dedication requirements; and, Does not request cash-in-lieu of parkland dedication at this point in the planning process. 	<ul style="list-style-type: none"> Road right-of-way dedication has been identified in accordance with the Urban Hamilton Official Plan and confirmed by Transportation Planning staff. Right-of-way dedications will be addressed at the Site Plan Control stage; and, Cash-in-lieu of parkland will be required to be paid prior to the issuance of any building permits.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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	Comment	Staff Response
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City’s requirements. As currently designed, the development is not serviceable as the City does not provide collection service for the proposed subterranean waste containers and additional manoeuvring information would be required; and, • The developer/owner must arrange a private waste hauler for the removal of all waste materials and disclose in writing to prospective buyers/tenants that the property is not serviceable for municipal waste collection in all agreements of purchase and sale and/or lease. 	<ul style="list-style-type: none"> • These matters will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The proposed development can be accommodated by the surrounding road network without significant concerns; • Reviewed and approved the Transportation Impact Study and Transportation Demand Management Report, prepared by Paradigm Transportation Solutions Limited and dated April 2021; and, • In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, Transportation Planning staff require a turning plan indicating the turning movements of a loading and waste collection vehicle entering the site in a forward manner, turning around within the property limits and exiting the site in a forward manner without conflicts or encroachments onto municipal infrastructure. 	<ul style="list-style-type: none"> • A turning plan and right-of-way dedications will be addressed at the Site Plan Control stage.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> The City has initiated a Municipal Class Environmental Assessment (EA) for the Rymal Road East corridor (Upper James Street to Dartnall Road). Transportation Planning staff recognize the recommendations within the report, however findings from the EA will determine the ultimate improvements within the area; and, The existing right-of-way width of Rymal Road East is ±30.5 metres. In accordance with Schedule C-2 of the Urban Hamilton Official Plan, the ultimate right-of-way width of Rymal Road East is to be 36.576 metres (18.288 m from centreline). Accordingly, a ±3.0 metre right-of-way dedication is required. The final width is to be as determined by an Ontario Land Surveyor. 	
Public Consultation		
	Comment	Staff Response
Extension of Eaglewood Drive	<ul style="list-style-type: none"> There is concern that the proposal, which amends the current Eleanor Neighbourhood Plan to remove the westerly extension of Eaglewood Drive towards Halo Street, will impact the development potential of lands along this corridor, which contains large residentially zoned lots; and, The dwelling on the lands located at 230 Eleanor Avenue has been oriented towards the westerly extension of Eaglewood Drive. 	<ul style="list-style-type: none"> As discussed above, the extension of Eaglewood Drive provides little benefit to the local road network for the Eleanor Neighbourhood, and the lands east of the subject lands retain opportunities for development, including but not limited to the example shown in Appendix “F” to Report PED22171, without being precluded by the removal of the local road.

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	Comment	Staff Response
Extension of Eaglewood Drive Continued	<ul style="list-style-type: none"> • Recommends that regardless of the outcome of the subject applications, a modified extension of Eaglewood Drive may occur to support development of the lands east of the subject lands; and, • The adjacent landowner is not in support of the proposed multiple dwelling development and would prefer intensification in the form of single detached dwellings which would be more in keeping with the existing neighbourhood. 	<ul style="list-style-type: none"> • The proposed development of multiple dwellings is a compact built form located along the periphery of the Eleanor Neighbourhood and fronts onto a major collector road (Rymal Road East). The proposed built form complies with the Urban Hamilton Official Plan, subject to approval of the proposed Urban Hamilton Official Plan Amendment for density and noise mitigation.

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 89 property owners within 120 m of the subject lands on August 5, 2021.

A Public Notice Sign was posted on the property on August 5, 2021, and updated on July 14, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 22, 2022.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a neighbourhood meeting held on February 15, 2022 and hosted by the applicant virtually using the Microsoft Teams platform. The Applicant presented the proposal and addressed questions and concerns associated with the Applications. A notice advising of the neighbourhood meeting was sent from the applicant to all residents within 120 m of the subject lands. A total of 11 people, including the Ward Councillor, City staff, the applicant and their agent, and one member of the public, attended the meeting. The Meeting Comments, including applicable responses from the Applicant, are included in Appendix “G” attached to Report PED22171.

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 general intent and purpose of the UHOP, in particular, the function, scale and design of the Medium Density Residential policies as they relate to residential greenfield development in the Neighbourhoods designation; and,
 - iii) The proposed 41 townhouse dwelling units are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. The proposed Urban Hamilton Official Plan Amendment is required to establish an Urban Site Specific Policy to permit a noise barrier adjacent to a Secondary Corridor and to permit a minimum net residential density of 50 units per hectare within a medium density residential area of the Neighbourhoods Designation.

As per the UHOP policies identified above, the proposed Official Plan Amendment can be supported given that the length and height of the required noise barrier is minimal, and the proposed wood noise fence design would not greatly differ aesthetically from a standard wood privacy fence, which is compatible with the existing and planned development for the surrounding neighbourhood and Rymal Road East corridor.

The proposed 52.9 units per hectare falls below the permitted net residential density range for medium density residential uses. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. Staff support the modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP by proposing a development which is compatible with the existing surrounding dwelling form and massing. A minimum of 50 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED22171 to provide added flexibility.

3. The proposed Zoning By-law Amendment is to change the zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the

“RT-30/S-1824” (Street - Townhouse) District, Modified. This zoning amendment will permit 41 two-storey street townhouse dwellings on a private condominium road with a total of 52 parking spaces (one garage space unit plus 11 visitor parking spaces).

Prior to final site plan approval and issuance of any building permits, the applicant will be required to apply for and receive draft plan approval for the proposed common element condominium road (“street”) because the “RT-30” District provisions require that each townhouse unit front on a public highway. For the purposes of the zoning by-law, the proposed common element driveway has been determined to be a street.

Given that the proposed development will accommodate residential uses contributing to the provision of a range and mix of housing types to support and enhance the character of the neighbourhood, has a built form that is compatible with existing development in the area, and has adequate servicing and transportation available with sufficient capacity ensuring efficient use of land and infrastructure, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the “RT-30” (Street - Townhouse) District, which are discussed in Appendix “E” attached to Report PED22171.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the lands could be developed in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District, which permits uses including, but not limited to, agricultural use and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Healthy and Safe Communities

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22171 – Location Map
Appendix “B” to Report PED22171 – Draft Official Amendment
Appendix “C” to Report PED22171 – Draft Zoning By-law Amendment
Appendix “D” to Report PED22171 – Zoning Modification Chart
Appendix “E” to Report PED22171 – Concept Plans
Appendix “F” to Report PED22171 – Public Submissions
Appendix “G” to Report PED22171 – Neighbourhood Meeting Minutes
Appendix “H” to Report PED22171 – Eleanor Neighbourhood Plan – Removal of
Proposed Roads

TV:sd