



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 11, 2023
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202210, by Wellings Planning Consultants (c/o Glenn Wellings), on behalf Royal Living Development Group Inc. (Alex Arbab), Owners**, on lands located at 705 and 713 Rymal Road East, as shown on Appendix "A" attached to Report PED23131, be **APPROVED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (a) That this approval apply to the Draft Plan of Subdivision 25T-202210, certified by S. D. McLaren, O.L.S., dated August 5, 2022, consisting of one development block for townhouse dwellings (Block 1) and one block for road right of way dedications (Block 2) as shown on Appendix "B" attached to Report PED23131;
- (b) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "C" attached to Report PED23131;

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 2 of 16

- (c) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, as shown on Appendix “C” attached to Report PED23131, be received and endorsed by City Council;
- (d) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (e) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The subject property is municipally known as 705 and 713 Rymal Road East, Hamilton as shown on Appendix “A” attached to Report PED23131. The lands are located on the north side of Rymal Road East, east of the intersection of Rymal Road East and Upper Sherman Avenue, is rectangular in shape and 0.90 ha in area.

The Applicant has submitted a Draft Plan of Subdivision application to establish two blocks as shown on Appendix “B” attached to Report PED23131. Block 1 is intended for the development of 41 townhouses along with a private roadway, sidewalk and visitor parking, which is the subject of Site Plan Control application DA-22-071 and Draft Plan of Condominium application 25CDM-202211. Block 2 is a road right of way dedication of 3.05 metres along Rymal Road East. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

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 Urban Hamilton Official Plan (UHOP) subject to Urban Hamilton Official Plan Amendment No. 172 (By-law No. 22-214) being final and binding. The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

A future Part Lot Control application and Draft Plan of Condominium application will be required to create the individual townhouse lots and the condominium (private) road and associated parking areas.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 3 of 16

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	Royal Living Development Group Inc. (c/o Alex Arbab)
Applicant/Agent:	Wellings Planning Consultants Inc. (c/o Glenn Wellings)
File Number:	25T-202210
Type of Application:	Draft Plan of Subdivision
Proposal:	The Draft Plan of Subdivision proposes to create two blocks: Block 1 will consist of 41 townhouse dwellings, a private roadway, sidewalk, visitor parking. Block 2 is a road right of way dedication of 3.05 metres along Rymal Road East. Block 2 will be for a road right of way dedication. As shown on the Draft Plan of Subdivision attached as Appendix “B” to Report PED23131.
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).

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 4 of 16

Documents	
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:	An Urban Hamilton Official Plan Amendment is not subject to this application. Urban Hamilton Official Plan Amendment (UHOPA-21-012) was approved by Council by By-law No. 22-213 and is currently under appeal at the Ontario Land Tribunal (OLT).
Zoning Existing:	<ul style="list-style-type: none"> • “AA” (Agricultural) District; and, • “C” (Urban Protected Residential, Etc.) District.
Zoning Proposed:	This application is not subject to a Zoning By-law Amendment. Zoning By-law Amendment application (ZAC-21-026) was approved by Council by By-law No. 22-214 and is currently under appeal at the Ontario Land Tribunal (OLT). By-law No. 22-214, as adopted by Council, rezones the subject lands from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1824” (Street - Townhouse) District, Modified.
Processing Details	
Received:	October 27, 2022
Deemed Complete:	December 2, 2022
Notice of Complete Application:	Sent to 89 property owners within 120 m of the subject lands on December 8, 2022.
Public Notice Sign:	Posted December 9, 2022 and updated with Public Meeting date June 14, 2023.
Notice of Public Meeting:	Sent to 89 property owners within 120 m of the subject lands on June 23, 2023.
Public Comments:	One letter from the public was received with regards to the removal of vegetation on the subject lands (see Appendix “D” attached to Report PED23131).

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 5 of 16

Processing Details	
Processing Time:	257 days.

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. By-law No. 22-214, as adopted by Council, rezones the subject lands from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1824” (Street - Townhouse) District, Modified.

Surrounding Land Uses:

North	Single Detached Dwellings and Vacant Land	“R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified; “C/S-1822” (Urban Protected Residential, Etc.) District, Modified; and, “AA” (Agricultural) District.
South	Single Detached Dwellings	“C/S-1822” (Urban Protected Residential, Etc.) District, Modified.
East	Single Detached Dwellings	“AA” (Agricultural) District; and, “C/S-1822” (Urban Protected Residential, Etc.) District, Modified.
West	Commercial Uses	“G-1” (Designed Shopping Centre) District.

The following related applications were submitted and are being reviewed by the City to facilitate the development of the proposed 41 freehold townhouse dwellings fronting onto a common element condominium road:

Urban Hamilton Official Plan Amendment Application UHOPA-21-012

An Urban Hamilton Official Plan Amendment (UHOPA) application 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 was approved by Council by By-law No. 22-213 and is currently under appeal to the OLT.

Zoning By-law Amendment Application ZAC-21-026

A Zoning By-law Amendment Application 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) was approved by Council by By-law No. 22-214 and is currently under appeal to the OLT.

Site Plan Control Application DA-22-071

A Site Plan Control application has been submitted to facilitate the development of 41 freehold townhouse dwellings on a condominium road including visitor parking, a sidewalk and community mailboxes. The Application received conditional approval on September 21, 2022.

Draft Plan of Condominium (Common Element) Application 25CDM-202211

The Draft Plan of Condominium (Common Element) application is comprised of a private road, visitor parking, sidewalk and community mailboxes for the 41 freehold townhouse dwellings and was received on October 27, 2022. The Application is currently under review.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial 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 shall be consistent with the PPS (2020).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent OLT approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 7 of 16

framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to 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 application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has not waived clergy and this application is to be reviewed under the UHOP policies prior to amending OPA No. 167.

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."

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 8 of 16

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

The proposal meets the general intent of the Medium Density designation which permit townhouse dwellings. The proposal supports a range of housing options, has direct access to a major arterial road, and is supported by public transit and will serve as a transition between the lower density uses to the interior of the Eleanor neighbourhood in the immediate established neighbourhood to the north.

UHOPA application No. 172 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 was approved by Council by By-law No. 22-213, prior to OPA No. 167 coming into effect, and is currently under appeal to the Ontario Land Tribunal (OLT).

Condition No. 2 of Appendix "C" attached to Report PED23131 has been included to ensure that the subdivision cannot be registered until UHOPA No. 172 is final and binding.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The subject property meets two of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism 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

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 9 of 16

Citizenship and Multiculturalism. The Province signed off on the report for 705 Rymal Road East in a letter dated November 23, 2018 and for the report for 713 Rymal Road East in a letter dated October 20, 2021 for compliance with licensing requirements. Staff are of the opinion that the municipal interest in the archaeology of the site has been satisfied.

Noise

“B.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.”

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, identified a 2.5 metre tall noise barrier will be required at the southeast corner of the subject lands to mitigate road noise from Rymal Road East. As Rymal Road East is designated as a Secondary Corridor on Schedule E – Urban Structure, a site specific amendment to the UHOP was required to permit the use of a noise barrier. This was included in UHOPA No. 172 which was approved by Council and is currently under appeal at the OLT.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 10 of 16

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, is being reviewed through Site Plan Control application DA-22-071. Long term maintenance and replacement as well as other matters identified including warning clauses will also be addressed through Site Plan Control application DA-22-071 and Draft Plan of Condominium application 25CDM-202211.

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 were 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 and 87 of the 88 private trees were identified for removal. The root zones of the trees proposed to be removed, conflict with the required grading for development of the subject lands, and there are limited opportunities for retention of the trees. Seven of the private trees proposed for removal are neighbouring or boundary trees.

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 shall be included on the tree protection plan indicating that permission from adjacent landowners is required prior to the removal of any trees. This matter, along with the implementation of tree protection measures, are being addressed through Site Plan Control application DA-22-071.

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. One tree has been deemed dead and one has been identified as Common Buckthorn (highly invasive species), so compensation would be required for 85 trees. A total of 28 trees are proposed to be planted on the subject lands and 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 was required with Site Plan Control application DA-22-071 to confirm compensation tree plantings and cash-in-lieu requirements.

Road Right-of-Way Dedication

- “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 Road 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. Block 2, as shown Appendix “B” attached to Report PED23131, has demonstrated the required road widening width dedication. The required road widening is addressed through Condition No. 1 of Appendix “C” attached to Report PED23131.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP.

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 PED23131. Council approved By-law No. 22-214 to rezone the subject lands “RT-30/S-1824” (Street - Townhouse) District, Modified, to permit 41 two-storey street townhouse dwellings on a private condominium road. By-law No. 22-214 is currently under appeal to the OLT. Condition No. 3 of Appendix “C” attached to Report PED23131 has been included to ensure By-law No. 22-214 is final and binding prior to registration of the plan of subdivision.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 12 of 16

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing and Stormwater Management Report, prepared by ACIII Group Inc. and dated March 23, 2022 was reviewed through Official Plan Amendment application UHOPA-21-012 and Zoning By-law Amendment application ZAC-21-026.</p> <p>There is existing watermain, sanitary and storm sewer services fronting the subject lands, and there are no further comments or concerns from a servicing perspective. 3.05 metres are to be dedicated to the right-of-way on Rymal Road East.</p>	<p>These matters will be addressed through Site Plan Control DA-22-071.</p> <p>The required road widening is being addressed through Condition No. 1 of Appendix "C" attached to Report PED23131.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning approved the Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited, dated April 2021, revised, September 13, 2021 through UHOPA (UHOPA-21-012) and Zoning By-law Amendment application ZAC-21-026.</p> <p>Approximately 3.0 metres are to be dedicated to the right-of-way on Rymal Road East, as per the Council Approved Urban Official Plan: Schedule C-2 – Future Right-of-Way Dedications. Rymal Road East is to be 36.576 metres.</p>	<p>The required road widening is shown as Block 2 in Appendix "B" attached to Report PED23131.</p> <p>The required road widening is being addressed through Condition No. 1 of Appendix "C" attached to Report PED23131.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Reviewed and approved the Tree Management Plan and Landscape Plan, prepared by Adesso Design Inc., revision dated May 17, 2022.</p> <p>All Forestry fees have been paid.</p>	<p>Fees have been collected through Site Plan Control Application DA-22-071.</p>

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 13 of 16

	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The unit addresses of 705 Rymal Road East, Units 1 to 44 have been assigned with 705 Rymal Road East.</p> <p>Rear yard access and maintenance easements and application requirements would be required with any future draft plan of condominium Application.</p> <p>A Note is required to be added to the Draft Conditions advising, if approved, shall lapse if final approval is not given within three years.</p>	<p>These matters have been addressed through Site Plan Control application DA-22-071 and Draft Plan of Condominium 25CDM-202210.</p> <p>Note 1 has been of Appendix "C" attached to Report PED23131 have been included.</p>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<p>The 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.</p> <p>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.</p>	<p>These matters are being addressed through Site Plan Control application DA-22-071 and Draft Plan of Condominium 25CDM-202210.</p>
Landscape Architectural Services (LAS) and Capital Infrastructure, Strategic Planning Division, Public Works Department	<p>The reconstruction and urbanization of Rymal Road East along the frontage of the subject lands is scheduled for 2026.</p> <p>Surface or subsurface works connecting to Rymal should be done with these future works in mind. If any works on site are expected to occur in the same timelines as the road works, please coordinate with Public Works on timing.</p>	<p>The applicant has been advised and matters will be addresses through Site Plan Control application.</p>
Bell Canada	<p>Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.</p>	<p>This is included as Condition No. 4 in Appendix "C" attached to Report PED23131.</p>

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 14 of 16

	Comment	Staff Response
Canada Post	Mail service will be received by centralized mailbox program. Canada Post require conditions to be added to the Draft Plan of Subdivision and Condominium	This is included as Condition Nos. 5, 6 and 7 in Appendix "C" attached to Report PED23131.
Public Consultation		
Issue	Comment	Staff Response
Tree Removal	There is a concern with the removal of vegetation within the subject lands.	The removal and compensation of trees is being addressed through Site Plan Control application DA-22-071.

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 December 8, 2022.

A Public Notice Sign was installed on the property on December 9, 2022 and updated on July 14, 2022. Notice of the non-statutory Public Meeting was given on June 14, 2023.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant previously prepared a Public Consultation Strategy for Urban Hamilton Official Plan Amendment (UHOPA-21-012) and Zoning By-law Amendment application (ZAC-21-026). Further public consultation was not required for the Draft Plan of Subdivision application.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (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;

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 15 of 16

- (b) It complies with the policies of the Urban Hamilton Official Plan subject to Urban Hamilton Official Plan Amendment No. 172 (By-law No. 22-213) being final and binding; and,
 - (c) The proposed development provides dwelling units in the area and represents good planning by, among other things increasing the supply of housing units and making efficient use of lands and existing in infrastructure.
2. 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), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the applicable policies of UHOP subject to UHOPA No. 172 (By-law No. 22-213) being final and binding;
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
 - (d) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood and can be adequately serviced by the current road network;
 - (e) The dimensions and shapes of the proposed lots generally conform to the Zoning By-law, as amended by By-law No. 22-214, and are sufficient to accommodate the proposed development of townhouse dwellings;
 - (f) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
 - (g) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement;
 - (h) Adequate land for right of way is being dedicated to the City; and,
 - (i) The proposal will not have any negative impacts on the City's finances.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) - Page 16 of 16

Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

3. Zoning By-law Amendment application ZAC-21-026 was approved by Council on August 12, 2022 and the implementing Zoning By-law was passed by Council. By-law No. 22-214 was appealed by a third party to the OLT. At the time of writing this report staff advise that the status of the appeal is in the initial intake stage and is assigned the Case Number OLT-22-004456. Staff require By-law No. 22-214 to be final and binding prior to the registration of the Subdivision.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Draft Plan of Subdivision not be approved, block townhouses would be permitted fronting on a private road, subject to By-law Nos. 22-213 and 22-214 being final and binding but would limit the tenure of the proposed townhouses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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.

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 PED23131 – Location Map
- Appendix “B” to Report PED23131 – Draft Plan of Subdivision
- Appendix “C” to Report PED23131 – Special Conditions of Draft Plan of Subdivision
- Appendix “D” to Report PED23131 – Public Comments
- Appendix “E” to Report PED23131 – Site Plan Control Application DA-22-071

MF:sd