



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 15, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14)
<b>WARD AFFECTED:</b>	Ward 14
<b>PREPARED BY:</b>	Johnpaul Loiacono (905) 546-2424 Ext. 5134
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Amended Zoning By-law Amendment Application ZAC-22-028, by Bousfields Inc. (c/o David Falletta, Agent), on behalf of DiCenzo Construction Company Limited (Owner)**, for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District and the “C/S-1822” (Urban Protected Residential, Etc.) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone, to permit a 12 storey multiple dwelling with 165 dwelling units, 35 surface parking spaces and 163 underground parking spaces, for lands located at 631 and 639 Rymal Road West, as shown on Appendix “A” attached to Report PED23162, be **APPROVED** on the following basis:

- (a) That the draft By-law attached as Appendix “B” to Report PED23162, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H157’ to the proposed Transit Oriented Corridor Multiple Dwelling Residential (TOC3, 864) Zone.

The Holding Provision 'H157' is to be removed conditional upon:

- (ii) The Owner submits a Sanitary Sewer Capacity Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (ii) The Owner makes satisfactory arrangements with the City's Growth Management Division and enters into an External Works Agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (c) That the proposed amendment 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.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 631 and 639 Rymal Road West and are located at the southeast corner of Rymal Road West and Upper Paradise Road. The purpose and effect of the Zoning By-law Amendment application is for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District and the "C/S-1822" (Urban Protected Residential, Etc.) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone to permit the development of a 12 storey multiple dwelling with 165 dwelling units and 198 vehicle parking spaces consisting of 35 surface parking spaces (the majority accommodating visitor parking) and 163 parking spaces in two levels of underground parking.

Holding Provisions are being added in the amending By-law with regard to servicing, in particular the sanitary capacity. To remove the Holding Provision, the applicant is required to demonstrate that there is sufficient unallocated capacity available at the Twenty Road Sanitary Pumping to service the subject lands.

The proposal has merit and can be supported as:

- 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 general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the Medium Density Residential policies in the “Neighbourhoods” designation, provides a built form that is compatible with the surrounding land uses and represents good planning by, among other things, proposing an efficient urban form of development that supports a higher order transit corridor.

### **Alternatives for Consideration – See Page 31**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for a Zoning By-law Amendment.

### **HISTORICAL BACKGROUND**

#### **Report Fact Sheet**

<b>Application Details</b>	
Owner:	Dicenzo Construction Company Limited c/o Allan Buist
Applicant/Agent:	Bousfields Inc. c/o David Falletta
File Number:	ZAC-22-028
Type of Application:	Zoning By-law Amendment
Proposal:	To permit a 12 storey multiple dwelling with 165 dwelling units and 198 vehicle parking spaces consisting of 35 surface parking spaces and 163 underground parking spaces over two levels. Access to the site is proposed from Upper Paradise Road. A total of 888 m <sup>2</sup> of amenity space and 760 m <sup>2</sup> of landscaped area is provided, which includes over 300 m <sup>2</sup> of private outdoor amenity space and over 400 m <sup>2</sup> of amenity space in the form of balconies and terraces. In addition, 85 long-term bicycle parking spaces and eight short-term bicycle parking spaces are proposed.
<b>Property Details</b>	
Municipal Address:	631 and 639 Rymal Road West (see Location Map attached as Appendix “A” to Report PED23162).

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<b>Property Details</b>	
Lot Area:	±3,946 m <sup>2</sup> (rectangular).
Servicing:	Existing full municipal services.
Existing Use:	<ul style="list-style-type: none"> <li>631 Rymal Road West is vacant.</li> <li>639 Rymal Road West contains a vacant, one storey single detached dwelling with a detached garage (to be removed).</li> </ul>
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (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:	An Urban Hamilton Official Plan Amendment was initially required when the applications were made in April 2022 to allow a maximum residential density of 420 units per hectare. Given Official Plan Amendment 167, the Urban Hamilton Official Plan no longer contains applicable policies that limit the density on the subject lands, therefore an Urban Hamilton Official Plan Amendment is no longer required.
Zoning Existing:	“B” (Suburban Agriculture and Residential, Etc.) District and “C/S-1822” (Urban Protected Residential, Etc.) District, Modified.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone.
Further Modifications Proposed:	<ul style="list-style-type: none"> <li>Remove the minimum first floor elevation requirement of 0.9 m;</li> <li>Reduce the minimum setback to a street line from 3.0 m to 0.5 m;</li> <li>Reduce the minimum interior side yard from 7.5 m to 1.6 m (to the parking structure). The minimum setbacks to the building are increased with the height of the building as follows: <ul style="list-style-type: none"> <li>5.5 m setback to the 1<sup>st</sup> through 4<sup>th</sup> floors;</li> <li>13.6 m setback to the 5<sup>th</sup> through 7<sup>th</sup> floors;</li> <li>20.5 m setback to the 8<sup>th</sup> floor;</li> <li>25.0 m setback to the 9<sup>th</sup> and 10<sup>th</sup> floors;</li> <li>26.6 m setback to the 11<sup>th</sup> floor; and,</li> <li>29.3 m setback to the 12<sup>th</sup> floor;</li> </ul> </li> <li>Increase the maximum building height from 22 m to 40 m.</li> </ul>

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<b>Documents</b>	
Further Modifications Proposed <b>Continued:</b>	<ul style="list-style-type: none"> <li>Allow a balcony to encroach into a side yard to a maximum of 1.5 m; and,</li> <li>Increase the maximum number of small car parking spaces from 12 spaces to 16 spaces.</li> </ul> (See Appendix “C” to Report PED23162.)
<b>Processing Details</b>	
Received:	April 22, 2022
Deemed Complete:	April 28, 2022
Notice of Complete Application:	Sent to 80 property owners within 120 m of the subject lands on February 4, 2022.
Public Notice Sign:	Posted May 11, 2022 and updated with Public Meeting date July 19, 2023.
Notice of Public Meeting:	Sent to 80 property owners within 120 m of the subject lands on July 28, 2023.
Public Comments:	Nine letters / emails and four phone calls opposing the proposed development (see Appendix “C” attached to Report PED23162).
Revised Submissions Received:	<ul style="list-style-type: none"> <li>February 9, 2023; and,</li> <li>May 9, 2023.</li> </ul>
Processing Time:	474 days from the date deemed complete and 98 days from receipt of the final submission.

## Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	631 Rymal Road West – vacant.	“B” (Suburban Agriculture and Residential, Etc.) District.
	639 Rymal Road West – one storey single detached dwelling with a detached garage (to be removed).	“C/S-1822” (Urban Protected Residential, Etc.) District, Modified.

## Surrounding Land Uses:

North	Commercial building, early childcare education centre	“AA/S-807” (Agricultural) District, Modified.
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**Surrounding Land Uses (Continued):**

South	Single detached dwellings	Low Density Residential (R1) Zone.
East	Single detached dwellings	“B” (Suburban Agriculture and Residential) District.
West	Single detached dwellings	“B” (Suburban Agriculture and Residential) 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 Provincial Policy Statement 2020.

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 approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the Provincial Policy Statement (2020), it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**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. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is

to be reviewed under the Urban Hamilton Official Plan policies currently in effect, as amended by Official Plan Amendment No. 167.

The following policies, amongst others, apply to this 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.3.5.8 For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the Applicant demonstrates that: (OPA 167)
- a) the development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
  - b) the development shall incorporate sustainable building and design principles including but not limited to the use of locally sourced and/or recycled materials, water conservation, energy efficiency techniques, and low impact development approaches; (OPA 167)
  - c) the development shall not unduly overshadow or block light on adjacent sensitive land uses the public realm and outdoor private amenity areas; (OPA 167)
  - d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and, (OPA 167)
  - e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary. (OPA 167)
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) the development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area;
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses; and,
- f) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, cultural heritage resources, cultural heritage landscapes, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City. (OPA 167)”

The proposal meets the Medium Density Residential policies given the location of the subject lands along a major arterial road (Rymal Road West) at the periphery of the neighbourhood. As will be further discussed below, the Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited and dated March 2022, has shown that the road network will continue to adequately operate with this proposal and that the proposed site access from Upper Paradise Road is appropriate.

The proposed use of the subject lands also helps contribute to a range and mix of housing types in the immediate area, which mainly consists of single detached



dwellings. Of the 165 units proposed, the applicant has noted that 53 units (32%) will be two-bedroom units. This represents a mix of small to large unit types to support various household sizes and income levels. The applicant has also committed to sustainable design by: incorporating electric vehicle charging stations and/or rough-ins for future charging stations; adding amenities to the bike storage room (e.g., bike repair station); using native and/or low-maintenance plant species; and, using of high-efficiency appliances to improve energy and water conservation.

Staff are satisfied with the proposal in terms of amenity space and landscaping proposed, including the buffers to the eastern and southern property limits that abut residential uses, which meet the intent of the TOC3 Zone.

The remaining policies found in E.3.5.9 with regard to integration, compatibility and stepbacks are discussed in detail below in the Residential Intensification policy section.

#### 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;
- g) The ability of the development to comply with all applicable policies:

- h) The contribution of the proposed development to supporting and facilitating active transportation modes;
- i) The contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;
- j) The availability and location of existing and proposed public community facilities/services;
- k) The ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,
- l) Compliance of the proposed development with all other 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 lands are within the City’s built boundary and more specifically within the “Neighbourhoods” designations. As such, the proposed residential land use, and generally, the intensity of the use, is appropriate for the subject lands.

The existing surrounding built form consists mainly of low rise buildings (e.g. two storeys in height) and the Residential Intensification policies above speak to compatibility, which is a defined term in the Urban Hamilton Official Plan. The Urban Hamilton Official Plan defines compatibility as “land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area.

Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Policy B.2.4.1.4 (d) highlights this requirement, which states that development shall be compatible in terms of use, scale, form and character. As noted above, staff also acknowledge that the surrounding area is evolving to include other forms of urban development given the changing urban context and current Provincial and Urban Hamilton Official Plan policies that support the intensification of the built-up area in order to create compact and complete communities.

Development is encouraged where there is existing and planned transit, with a priority on higher order transit. The proposed development supports transit along one of the City’s arterial roads and the potential location of the S-Line of the B.L.A.S.T. network, as shown on Appendix B of Volume 1 of the Urban Hamilton Official Plan. Currently, the subject lands are serviced from a transit perspective by Hamilton Street Railway bus Route 44 along Rymal Road West and Route 34 along Upper Paradise Road. Route 44 provides a connection eastward to Confederation GO via Centennial Parkway and Route 34 travels northward to the downtown core. The subject lands have conventional transit service and will provide additional density to support higher order transit.

The proposed multiple dwelling is appropriately sited on the subject lands by considering the transition from the proposal to the surrounding low rise residential uses through, among other things, orienting the bulk of the massing towards the northwest corner (i.e. tallest portions of the multiple dwelling) to limit the impact on the abutting low density residential uses (refer to the Concept Plans attached as Appendix “D” to Report PED23162). Compliance with the angular plane along Rymal Road West and along the eastern and southern elevations were achieved through step backs to upper storeys of the building. A Sun/Shadow Study, prepared by Bousfields Inc. and dated February

2022, assessed the shadow of the building cast at the spring and fall equinoxes. The shadowing was minimized to:

- Three residential sites on the west side of Upper Paradise Road along Rymal Road West in the morning (shadowing eliminated by 10:50 am);
- Lands to the north east along Rymal Road West for a few hours in the late afternoon from 4:50 pm. The shadow is then cast much longer in the late evening of the equinoxes while the sun is setting; and,
- The abutting lands to the east from the late afternoon, around 4:50 pm, however given the setbacks of the dwellings, no shadowing impacted residential living areas.

The Sun/Shadow Study and the angular plane drawing, prepared by KNYMH Architecture Solutions and dated May 9, 2023, demonstrate that the proposal is in compliance with the City's guidelines and as such there would be no shadowing and overlook issues on the adjacent properties.

Further, the proposal addresses the concern of transition to the low rise residential uses by providing appropriate setbacks. The rear yard setback is in excess of 24 m, where the TOC3 Zone provisions require a minimum of 7.5 m and includes an approximate four metre wide landscape strip abutting the low density residential uses to the south. Similarly, with regard to the transition to the east, the spacing between the proposed building and the existing single detached dwelling is over 14 m and considering the proposed building's shape and placement and given the large setback of the single detached dwelling from Rymal Road West, this transition is appropriate. Further, the landscaping (proposed and retained) contributes to the appropriate transition between the sites.

With regard to amenities and landscaping on the subject lands, the applicant has proposed both communal and private amenity spaces that meet the TOC3 Zone provisions. The proposal includes 888 m<sup>2</sup> of amenity space and 760 m<sup>2</sup> of landscaped area. This includes over 300 m<sup>2</sup> of private outdoor amenity space and over 400 m<sup>2</sup> in the form of balconies and terraces (achievable through the step backs). The landscaping and amenity space along with the siting of the building also minimizes the surface parking area from view of the public roads.

The proposal will improve the public realm through landscaping additions and the general streetscape. The proposed multiple dwelling provides a principal entrance at the northwest corner of the subject lands further animating the street frontages thereby providing for a comfortable pedestrian friendly environment, which is particularly important along a transit corridor (see proposed Site Plan in Appendix "D" attached to Report PED23162). The design also includes dwelling units at grade fronting the

streets. Details (e.g. specific design elements including materials and the quantity and variety of vegetation for the landscaping) will be finalized at the Site Plan Control stage.

#### Cultural Heritage and Archaeology

##### “B.3.4.2.11 A cultural heritage impact assessment: (OPA 57 and OPA 64)

- a) Shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
  - i. Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the *Ontario Heritage Act*; and,
  - ii. Properties that are included in the City’s Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City’s Register of Property of Cultural Heritage Value or Interest.”

The subject lands do not contain Cultural Heritage resources nor are they located within a Cultural Heritage Landscape. There are no protected properties within proximity of the subject lands, however the proposal is located within proximity of two sites that are on the City’s Register of Property of Cultural Heritage Value or Interest (these sites are not designated as heritage properties under the *Ontario Heritage Act*). The two sites include:

- Former Union School, now the Paradise Corner Children’s Centre, on lands located at 634 Rymal Road West; and,
- The abutting site to the east on lands located at 625 Rymal Road West.

Given the City’s interest in these properties, the applicant submitted an assessment within their Planning Justification Report, prepared by Bousfields Inc. and dated March 2022. Cultural Heritage staff have no concerns with regard to any potential impact from the proposed development on these two properties.

##### “B.3.4.4.3 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:

- a) Official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) Zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*; and,
- c) Plans of subdivision.”

The subject lands meet four of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

These criteria defined the subject lands as having archaeological potential. A Stage 1 and 2 archaeological assessment (PIF#141-119-2007) was submitted to the Ministry of Citizenship and Multiculturalism and the City of Hamilton. The Province accepted the report for compliance with licensing requirements in a letter dated January 2, 2008. Staff concurred with the recommendations made in the assessment and therefore no longer have an archaeological interest in the subject lands.

#### Noise

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;
- B.3.6.3.8 Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 Dba;
  - b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required;

- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required;
- d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

B.3.6.3.9 New residential and other noise *sensitive land uses* that include outdoor living areas shall not be permitted in locations where attenuated outdoor noise levels from road and railway traffic are forecast to exceed 60 dBA.”

As the proposed development is a sensitive land use fronting a major arterial road, a noise study was submitted to identify the sources of noise and any noise mitigation measures / construction techniques required to facilitate the proposal and the requirement for any warning clauses for the future residents of the units.

The applicant submitted a Noise Impact Study, prepared by dBA Acoustical Consultants Inc., dated March 2022, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Rymal Road West and Upper Paradise Road. Staff have reviewed the study and have concern with the sound levels at the outdoor living areas that make up part of the amenity space (i.e. large balconies/terraces). A detailed and updated Noise Impact Study will be required to be submitted at the Site Plan Control stage as part of a complete application to ensure noise attenuation can be achieved through the building design and the use of specified material.

In addition to upgraded building construction material for the proposed multiple dwelling, the inclusion of noise warning clauses in future purchase and sale or lease agreements for all proposed dwelling units will be required. This will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.

#### Urban Design

“B.3.3.2.1 The physical design of a site shall:

- a) Relate to its role in the overall urban structure of the City; and,
- b) Enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure;

B.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) Creating transitions in scale to neighbouring buildings;
- b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) Minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;



- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed development is complementary and compatible with the existing character of the neighbourhood afforded by the design of the building that provides for appropriate setbacks and step backs (see the Concept Plans attached to Appendix “D” to Report PED23162). In addition to considering the existing context, the above noted Urban Design policies also highlight the importance of considering the urban structure and further the planned context of the area. Therefore, as previously noted in this report, the location of the subject lands along a major arterial road on the periphery of a neighbourhood allows for this proposal to be considered for further intensification subject to the discussion with regard to compatibility and an assessment of the built form.

The grading of the subject lands poses challenges to the design of this proposal. The grading increases by over three metres from the northern lot line to the southern lot line, which results in the first level of underground parking structure to be partially above grade. Changes in the design were made to the underground parking structure to avoid any projections above grade at the northeast corner of the subject lands. To account for these grading and design issues, an increased setback was provided at the northeast corner to increase the landscaping with substantial vegetation (i.e. by ensuring that there was opportunity for appropriate soil volumes to accommodate larger trees versus shrubs). This setback improves the appearance from the public realm and allows for softening of the eastern wall of the building and podium. It also appropriately acts as a transition to the neighbouring site to the east and is sympathetic to the interim and future development of those lands.

#### 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.”

Staff has reviewed the Tree Protection Plan, prepared by Adesso Design Inc., revision dated May 26, 2023. A total of 54 trees plus a densely planted row of Eastern White Cedars were inventoried. Of these, 35 have been proposed to be removed (this includes two public trees) and 17 of these trees have already been removed. The cedar row, located on 625 Rymal Road West at the easterly boundary of the subject lands, is proposed for protection.

The decision to retain trees is based on vigour, condition, aesthetics, age, and species and any removed trees are to be replaced at a 1:1 ratio. Where it is not possible to accommodate replanting on the subject lands, cash in lieu payments are to be made. It is recognized that opportunities to retain trees on subject lands are limited due to the health of some of the trees, their placement on the subject lands and any conflicts with the proposal. The proposal requires parking below grade, therefore trees along the periphery of the site that don't directly conflict with the building are still required to be removed to allow for the construction of the parking garage walls. It is generally preferred to have as much parking below grade as possible. As noted above, some changes were made to the parking garage design at the northeast corner to allow for sufficient soil volumes to accommodate trees.

There are generally four groupings of trees on the subject lands that include two toward the centre of the lands and another two along the eastern and southern lot lines:

- Trees located toward the centre-front (identified on the Tree Protection Plan as trees 34 - 49) mostly included Colorado Blue Spruce (34 - 44), which are densely spaced. Generally, this spruce species is used as an ornamental tree and is not native to Ontario. There is also a large White Willow tree in Very Poor condition that has experienced significant branch failures (and can be labelled as a hazard tree). It is also located in the right-of-way to be dedicated to the City and therefore the City would not be interested in assuming a tree in this condition. Trees 47 - 49 have already been removed, which were Norway Maple trees in Fair or Poor condition. They are generally not highly valued in Southern Ontario and are considered invasive (e.g. in a woodlot context). The loss in canopy cover from this grouping of trees is not comprised of highly valued trees in Southern Ontario;
- Trees located toward the centre (identified on the Tree Protection Plan as trees 28 - 33) also include species generally not highly valued in Southern Ontario. Moreover, they are in Poor or Very Poor conditions or dying. The exception to the above point is the presence of the Sugar Maple tree (tree 30), which is a native tree to Southern Ontario, however, it is also in poor form. It is located almost directly at the centre of the subject lands;
- Trees located toward the centre - rear (identified on the Tree Protection Plan as trees 4 - 16) mainly consisted of Siberian Elms (4 - 14). They have already been removed. They were relatively small in diameter at breast height and were densely planted. Given the planting condition, it is likely why these trees were in Very Poor health and not very large;

- Trees located along the southern lot line (identified on the Tree Protection Plan as trees 1, 2, 3 and 17) included Eastern White Cedars (Trees 1 and 17). They are generally in good condition, however, protecting these trees would impact the construction of the underground parking garage. Tree 2 is a White Ash that is likely to succumb to the Emerald Ash Borer and Tree 3 is a Choke Cherry with a diameter at breast height of 11 cm; and,
- Trees located along the eastern lot line (identified on the Tree Protection Plan as trees 18 - 28) are Siberian Elm (18, 21 - 24) and in Very Poor condition. Given the density of the planting of the elms, it resulted in relatively small trees and poor health. Protecting these trees would impact the construction of the required underground parking garage. One further note with regard to this grouping is a Red Maple (tree 20), a native tree to Southern Ontario though it is under 10 cm in diameter at breast height.

Overall, the above analysis shows that the majority of the trees on the subject lands are classified as being in a poor condition and not in ideal growing conditions. Further, a large portion of the trees were in a location that would limit almost any form of development to take place on the subject lands. The applicant's landscape architect determined that 17 trees can be appropriately replaced on the subject lands and therefore the remaining 33 trees for replacement will require a cash-in-lieu payment to the City, which will be addressed during the Site Plan Control stage as a condition of approval.

Forestry and Horticulture staff have approved the plans with the replacement of the proposed removal of the two public trees found within the public right-of-way and the addition of seven street trees (in the public right-of-way), subject to receipt of applicable fees. The Tree Protection Plan has also been reviewed and approved by the City's Natural Heritage staff.

#### 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:

b) 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.

- C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

The existing right-of-way width along the frontage of 631 Rymal Road West is less than 30 m. Rymal Road West is classified as a major arterial road with a future right-of-way width of 36.576 m from Glancaster Road to Upper Centennial Parkway specified in Schedule C-2 – Future Right-of-Way Dedications of the Urban Hamilton Official Plan. No further right-of-way dedications or daylighting triangles are required from the lands located at 639 Rymal Road West. The proposal identifies the future right-of-way requirements and will be addressed with the future Site Plan Control application.

Transportation Planning staff reviewed the Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited, dated March 2022, and advised that the surrounding road network can accommodate the proposal without significant concerns or improvements to road infrastructure. The Transportation Impact Study noted that there would be minor increases in queuing length when accounting for the proposal and that the queueing could potentially spill back to the subject lands’ driveway during the AM peak hours. The Transportation Impact Study recommends that further signal optimization be considered to address queuing and improve total future traffic conditions. Transportation Planning staff advise that the intersection will continue to be monitored and evaluated until the planned road improvements from the Municipal Class Environmental Assessment are implemented.

#### Infrastructure and Servicing

- “C.5.3.13 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system...”

The applicant has adequately demonstrated that there is sufficient pressure and flow in the existing municipal water system to supply the required fire flow (RFF) and domestic demand of the proposed development. However, staff have concerns regarding the sanitary servicing capacity as the applicant has not yet fully demonstrated that there is sufficient unallocated capacity upstream of the Twenty Road Sanitary Pumping Station.

The submitted sanitary capacity analysis, prepared by C3 Water Inc., dated April 14, 2023, on behalf of the applicant, showed that the downstream trunk sanitary sewer is at about 85% capacity (above City standard capacity of 60% for trunk sewers). The subject lands are serviced by a downstream 750 mm sanitary trunk sewer that

ultimately discharges to the Twenty Road Pumping Station. This pumping station also services Mount Hope and the Airport Employment Growth District.

Therefore, staff require a Holding Provision to be placed on the subject lands until such time that it has been confirmed through a Sanitary Sewer Capacity Analysis, prepared by the applicant, that there is sufficient capacity available. If required, arrangements will also be made with the applicant to enter into an External Works Agreement with the City at the future Site Plan Control stage for the design and construction of any improvement to municipal infrastructure to facilitate the proposal.

As such, the proposal complies with the Urban Hamilton Official Plan.

### **Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned “B” (Suburban Agriculture and Residential, Etc.) District and “C/S-1822” (Urban Protected Residential, Etc.) District, Modified, in Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED23162. The applicant is proposing to rezone the lands to the Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone in Hamilton Zoning By-law No. 05-200. Specific modifications to the TOC3 Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix “C” attached to Report PED23162.

Holding Provisions have been added to address the sanitary capacity concerns.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"><li>• Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Office Section and Commercial Districts and Small Business Section;</li><li>• Bell Canada; and,</li><li>• Canada Post Corporation.</li></ul>	No Comment

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	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• The applicant will be required to enter into a Shoring Agreement to allow for construction of any shoring works;</li> <li>• Permanent dewatering from foundation drains to the municipal sewer system is not permitted (designs must be 100% sealed and leak-proof); and,</li> <li>• A revised Sanitary Sewer Capacity Analysis is required to demonstrate that there is sufficient unallocated capacity within the municipal system downstream to support the proposed development, or to identify any municipal infrastructure upgrades required to support the proposed development.</li> <li>• The Owner is required to enter into an External Works Agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development according to the Sanitary Sewer Capacity Analysis; and,</li> <li>• There is no concern from a water servicing perspective. Updated domestic water usage and required fire flow calculations based on the final design of the proposed building will be required at the time of detailed design at the Site Plan Control stage.</li> </ul>	<ul style="list-style-type: none"> <li>• A Holding Provision is required to address sanitary capacity concerns; and,</li> <li>• Shoring works and detailed site servicing and grading will be addressed at the future Site Plan Control stage.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>Staff has reviewed and approved the tree management plan and landscape plan, subject to receipt of the required fees relating to the loss of trees and tree planting found within the City's right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>A landscape plan and payment of fees will be required at the future Site Plan Control stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>A PIN Abstract is required with the submission of a future Draft Plan of Condominium application; and,</li> <li>Municipal addressing will be determined at a future Site Plan Control stage.</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage.</li> </ul>
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> <li>Requested cash in lieu of parkland dedication.</li> </ul>	<ul style="list-style-type: none"> <li>Cash in lieu of parkland dedication will be addressed at the future Site Plan Control stage.</li> </ul>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (Hamilton Street Railway)	<ul style="list-style-type: none"> <li>There are accessibility concerns with the bus stop for buses travelling eastbound at the southwest corner of Rymal Road West and Upper Paradise Road. Therefore, Transit Planning staff would like to have that stop relocated from the southwest to the southeast corner of the intersection.</li> </ul>	<ul style="list-style-type: none"> <li>This comment does not impact the applicant's rezoning application and will be addressed at the Site Plan Control stage. All the amenities (landing pad, future shelter and/or bench for Hamilton Street Railway) will be located in the City's right-of-way.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>The submitted Transportation Impact Study, prepared by Paradigm Transportation Solutions Ltd. and dated March 2022, is approved. Staff agree with the study's recommendations that the proposal would not result in any adverse impacts to the road network.</li> </ul>	<ul style="list-style-type: none"> <li>The right-of-way dedication will be taken at the Site Plan Control stage. The proposal accounts for this in their current concept; and,</li> <li>The required bicycle parking has been provided.</li> </ul>

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b>	<ul style="list-style-type: none"> <li>Transportation Demand Management and Transit Oriented Design requirements included 85 long-term bicycle parking spaces (in a convenient and secure location) and eight short-term bicycle parking spaces; and,</li> <li>A right-of-way dedication to the City of 4.89 m is required along Rymal Road West.</li> </ul>	
Alectra Utilities Corporation	<ul style="list-style-type: none"> <li>Provided information for electrical service and facility requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Developer to contact Alectra Utilities for hydro facilities and services.</li> </ul>
Enbridge Gas	<ul style="list-style-type: none"> <li>Unable to determine if there is sufficient capacity in the existing gas main fronting Rymal Road West to support this development; and,</li> <li>Also, to determine if notching/trough is required in the underground parking as the gas service is required to be in soil with specific clearance.</li> </ul>	<ul style="list-style-type: none"> <li>Developer to contact Enbridge Gas for meter location and gas service requirements.</li> </ul>
Hamilton International Airport	<ul style="list-style-type: none"> <li>The maximum building height (including any objects/structures atop the building e.g. antennas, HVAC units etc.) shall not exceed 275 m above sea level. It is the responsibility of the Applicant to demonstrate compliance with the Airport Zoning Regulation through a Legal Land Survey attesting clearance of the surfaces as specified in Transport Canada Advisory Circular (AC) 602-003.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant has submitted the required legal land survey to Hamilton International Airport, which will be addressed at the Site Plan Control stage as a condition of approval. Section 4.17 of Zoning By-law 05-200 requires that all new buildings and structures comply with the Airport Zoning Regulation.</li> </ul>



<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Compatibility with Adjacent Residential Uses	<ul style="list-style-type: none"> <li>• Too much density for an underserved area (schools and community services);</li> <li>• Concerned with overlook and privacy;</li> <li>• Concerned about the compatibility with a daycare centre across the road;</li> <li>• Townhouses and semi detached dwellings would be more appropriate for an established neighbourhood;</li> <li>• Noted that they moved to the area with the understanding that there would be no further development in the area;</li> <li>• Requested that other areas within the City be considered for this type of development; and,</li> <li>• Negative impact to home values.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal is located along a major arterial road and the Urban Hamilton Official Plan has supportive residential intensification policies for the subject lands. After evaluating this proposal with regard to urban design, built form, height, and angular planes, staff are of the opinion that the proposal complies with these policies. Further, neighbourhoods are not intended to be static and development applications are reviewed on their own merit;</li> <li>• Official Plan Amendment 167 removed density caps for all lands in the City outside of Secondary Plan areas; and,</li> <li>• Through the use of step backs and compliance with the 45 degree angular plane, privacy and overlook concerns have been addressed.</li> <li>• Staff are not concerned with compatibility of the daycare and the proposal. A mix of uses contributes to a complete community; and,</li> <li>• The City is not aware of any empirical evidence to support the claim that the proposal will impact surrounding property values.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Infrastructure	<ul style="list-style-type: none"> <li>Concerned the proposal cannot be accommodated with the existing sanitary capacity.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant is required to submit a revised sanitary analysis to demonstrate the infrastructure upgrades needed to facilitate the development. A Holding Provision will be placed in the amending By-law to address this concern.</li> </ul>
Previous applications	<ul style="list-style-type: none"> <li>Identified a previous application for townhouses that was denied by Council.</li> </ul>	<ul style="list-style-type: none"> <li>In 2006, there was a Zoning By-law Amendment application that requested permission for the development of five single detached dwellings. By-law No. 07-110 was approved to rezone the subject lands to "C" (Urban Protected Residential, etc.) District with a Holding Provision to prohibit any development until the owner provided and obtained approval relating to an archaeological assessment, a noise study and determination that there was sufficient sanitary sewer capacity.</li> <li>In 2009, the City adopted a new Official Plan, which established a new vision for the subject lands based on a nodes and corridors urban structure and increased emphasis on residential intensification, urban design and re-urbanization to support alternative transportation methods and transit.</li> </ul>
Public Parks	<ul style="list-style-type: none"> <li>Concerned with the impact to parks with the increase in population.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant will be required to submit cash-in-lieu of parkland at the future building permit stage.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Noise	<ul style="list-style-type: none"> <li>Concerned that the proposed development will increase noise levels in the area.</li> </ul>	<ul style="list-style-type: none"> <li>A noise study was submitted to assess noise from the transportation related noise sources along Rymal Road West and Upper Paradise Road affecting the residential units of the proposal. Staff will require a detailed and updated noise study to further address noise attenuation measures at the Site Plan Control stage. The proposed development of a multiple dwelling is not anticipated to generate noise in excess of provincial guidelines.</li> </ul>
Existing traffic concerns (including pedestrian safety)	<ul style="list-style-type: none"> <li>The proposed development will cause an increase in traffic, adding to already heavy traffic in the area;</li> <li>Considered the entrance to the site is on Rymal Road West and not Upper Paradise Road, which will result in additional queuing;</li> <li>Highlighted the queuing experienced during the morning rush hour at the intersection of Upper Paradise Road and Rymal Road West due to school and work trips, and recent development in the area;</li> <li>Concerned with having their children walk to school as the proposal could result in safety concerns;</li> <li>Concerned that assumptions are being made that future occupants of the proposal will walk and not use a car; and,</li> <li>Highlighted concerns of safety particularly during the construction phase.</li> </ul>	<ul style="list-style-type: none"> <li>Transportation Planning staff reviewed the Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited and dated March 2022, which concluded that the forecasted operation will operate with similar levels of service to the background traffic conditions (which are operating at acceptable levels);</li> <li>Direct access to major arterial roads, especially in close proximity to an intersection, and where there could be an access along a lesser order road (such as a collector road), are not supported;</li> <li>At the Site Plan Control stage, the applicant will be required to submit a Construction Management Plan to address traffic management during the construction phase.</li> </ul>

	<b>Comment</b>	<b>Staff Response</b>
Tenure	<ul style="list-style-type: none"><li>Concerned with the form of ownership of the units in the proposal.</li></ul>	<ul style="list-style-type: none"><li>A Zoning By-law cannot regulate tenure. The applicant intends to submit a condominium application. Future owners can rent out the units.</li></ul>
Removal of the swale in the ROW of Rymal Road West	<ul style="list-style-type: none"><li>Concerned with the removal of the swale along Rymal Road West and how that will impact water flowing to the swale.</li></ul>	<ul style="list-style-type: none"><li>The swale along Rymal Road West is not proposed to be removed at this time. Detailed stormwater management, grading, and drainage plans will be required at the future Site Plan Control stage to ensure overflow from the subject lands would not negatively impact adjacent lands.</li></ul>

### **Design Review Panel**

At the Formal Consultation stage, this application was identified as requiring feedback from the City's Design Review Panel (DRP). City staff and the applicant presented the proposal to the panel on August 11, 2022.

The panel acknowledged the efforts to incorporate good urban design principles (at the early stage of the planning process) and further acknowledged that this was a suitable location for some form of residential intensification. However, the panel further noted that a more animated and active street frontage should be explored. They also had specific concerns with the overall height and density.

The concept reviewed by the panel was similar in built form and density to the final design being considered with this report with the exception of a few key differences:

- Angular plane application is now adhered to at the rear of the subject lands through the increase of step backs along the 9<sup>th</sup> through 12<sup>th</sup> storeys;
- Increased step backs of the 5<sup>th</sup> through 12<sup>th</sup> storeys along the eastern property line;
- Increased setback along the eastern property line, which coincides with enhanced landscape potential at the north eastern portion of the subject lands through the redesign of the parking garage to inset the parking garage walls; and,

- Increased animation of the street frontage through small design changes, residential units facing Rymal Road West (instead of parking covered by glazing) and the incorporation of a principal entrance at the northwest corner of the subject lands.

Design Review Panel comments can potentially be further addressed at the future Site Plan Control stage, which can include those comments relating to specific design and landscaping elements.

### **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 80 property owners within 120 m of the subject lands on February 4, 2022.

A Public Notice Sign was posted on the property on May 10, 2022, and updated on July 19, 2023, with the Public Meeting date. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 28, 2023.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy and conducted a virtual community meeting on Monday, November 23, 2022. Notices were hand delivered to properties within 120 m of the subject site on November 9, 2022. The meeting provided members of the public with an overview of the proposed built form, and answered questions raised by the public. The attendees included the owner and their consultant team, and 15 members of the public. The Record of Community Consultation is attached as Appendix "F" to Report PED23162.

### **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 proposal represents good planning by providing an efficient urban form of development that contributes to the positive evolution of Rymal

Road West, which is a potential higher order transit corridor that can accommodate more intensive forms of developments.

2. Zoning By-law Amendment

The proposed Zoning By-law Amendment is for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District and the “C/S-1822” (Urban Protected Residential, Etc.) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone to permit the development of a 12 storey multiple dwelling with 165 dwelling units and 198 vehicle parking spaces consisting of 35 surface parking spaces (the majority accommodating visitor parking) and two levels of underground parking with 163 parking spaces.

The subject lands are located along Rymal Road West, a major arterial road, that is to include potential higher order transit (the B.L.A.S.T network), and as such, more intense forms of residential development are appropriate. The Urban Hamilton Official Plan policies generally support residential intensification within parts of the “Neighbourhoods” designation at up to 12 storeys (additional considerations are needed for proposals above 12 storeys). The proposal meets the Residential Intensification policies of the Urban Hamilton Official Plan with respect to the built form and provides for an appropriate transition to mitigate the height, scale, and massing to avoid overlook, privacy and/or shadowing concerns and further meets the “Medium Density Residential” policies of the Urban Hamilton Official Plan given its location on the periphery of the neighbourhood along a major arterial road and providing a mix of dwelling units. The applicant has also committed to sustainable design by: incorporating electric vehicle charging stations and/or rough-ins for future charging stations; adding amenities to the bike storage room (e.g., bike repair station); using native and/or low-maintenance plant species; and, using of high-efficiency appliances to improve energy and water conservation. It is the opinion of staff that the proposal demonstrates a compatible integration with the surrounding area.

Therefore, staff are supportive of the proposed Zoning By-law Amendment and recommend its approval.

3. Holding Provisions are required to address sanitary capacity and development of the subject lands cannot proceed until such time as the Owner submits a Sanitary Sewer Capacity Analysis and makes satisfactory arrangement to enter into an External Works Agreement for the design and construction of any improvement to the municipal infrastructure, should it be determined that upgrades are required to support the development, all to the satisfaction of the Director of Growth management and Chief Development Engineer.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment application be denied, development could proceed in accordance with the existing development standards and use permissions of the “B” (Suburban Agriculture and Residential, Etc.) District and the “C/S-1822” (Urban Protected Residential, Etc.) District, Modified, which permits single detached dwellings on the subject lands.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23162 – Location Map and Zoning  
Appendix “B” to Report PED23162 – Draft Zoning By-law Amendment  
Appendix “C” to Report PED23162 – Zoning Modification Chart  
Appendix “D” to Report PED23162 – Concept Plans  
Appendix “E” to Report PED23162 – Public Submissions  
Appendix “F” to Report PED23162 – Record of Community Consultation

JL:sd