



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 15, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 311 Rymal Road East, Hamilton (PED23174) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAR-22-052, by Springbrook Associates Limited (c/o Saddique Khan), on behalf of 2836749 Ontario Ltd. (c/o Salvatore Aquino, Owner)**, for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 859) Zone (Block 1) and the Low Density Residential – Small Lot (R1a, 865) Zone (Block 2 and 3) to permit two semi detached dwellings, on lands located at 311 Rymal Road East, as shown on Appendix “A” attached to Report PED23174, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23174, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 (UHOP).

EXECUTIVE SUMMARY

The subject lands are municipally known as 311 Rymal Road East and are located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street. The purpose of the Zoning By-law Amendment is to change the zoning from the “B” (Suburban Agriculture and Residential, Etc.) District in the Hamilton Zoning By-law No. 6593 to the Low Density Residential (R1, 859) Zone and the Low Density Residential – Small Lot (R1a, 865) Zone, in the City of Hamilton Zoning By-law No. 05-200. The retained lot located at 311 Rymal Road East contains an existing single detached dwelling that is proposed to be retained. The proposed new lots will each have frontage along Rymal Road East and will be developed for semi detached dwellings. The applicant has also applied for Consent application HM/B-23:22 to permit the conveyance of the parcel into four new lots for the two semi detached dwellings.

The Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development is compatible with existing land uses in the immediate area establishing housing forms and densities that are in keeping with existing and planned development in the surrounding area.

Alternatives for Consideration – See Page 13

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

Application Details	
Owner:	2836749 Ontario Ltd. (c/o Salvatore Aquino)
Applicant/Agent:	Springbrook Associates Limited (c/o Saddique Khan)
File Number:	ZAR-22-052
Type of Application:	Zoning By-law Amendment
Proposal:	To retain the existing single detached dwelling and permit the development of two semi detached dwellings. The applicant amended their application to rezone the lands to a modified Low Density Residential (R1) Zone in Zoning By-law No. 05-200. The application was further revised by staff to rezone the existing single detached dwelling to the Low Density Residential (R1, 859) Zone and the proposed semi detached dwellings to the Low Density Residential – Small Lot (R1a, 865) Zone.
Property Details	
Municipal Address:	311 Rymal Road East, Hamilton.
Lot Area:	±0.21 ha (rectangular).
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“B” (Suburban Agriculture and Residential, Etc.) District.
Zoning Proposed:	Low Density Residential (R1, 859) Zone and Low Density Residential – Small Lot (R1a, 865) Zone.

Documents	
Modifications Proposed:	<p>Low Density Residential (R1) Zone (Block 1 - existing single detached dwelling):</p> <ul style="list-style-type: none"> • Increased setback projection of the existing porch from 1.5 metres to 2.6 metres; • Increased accessory building size for the existing accessory building from 45 square metres to 55 square metres; and, • Decreased driveway width of the existing driveway from 5.1 metres to 3.5 metres. <p>Low Density Residential – Small Lot (R1a) Zone (Block 2 - proposed semi detached dwellings):</p> <ul style="list-style-type: none"> • Increased setback projection of porches, decks, and canopies from 1.5 metres to 1.6 metres. <p>Low Density Residential – Small Lot (R1a) Zone (Block 3 - proposed semi detached dwellings):</p> <ul style="list-style-type: none"> • Decreased lot width from 7.5 metres to 5.6 metres; • Reduced landscape area in the front yard from 50% to 44%; and, • Increased setback projection of porches, decks, and canopies from 1.5 metres to 1.6 metres. <p>Staff requested modification:</p> <ul style="list-style-type: none"> • Increased lot frontage from 3.0 metres to 6.0 metres.
Processing Details	
Received:	August 3, 2022.
Deemed complete:	August 17, 2022.
Notice of Complete Application:	Sent to 80 property owners within 120 metres of the subject property on August 23, 2022.
Public Notice Sign:	Posted August 30, 2022 and updated with public meeting date on July 19, 2023.
Notice of Public Meeting:	Sent to 80 property owners within 120 metres of the subject property on July 28, 2023.
Public Comments:	No comments have been received.

Processing Details	
Revised Submissions Received:	<ul style="list-style-type: none">• January 12, 2023; and,• April 11, 2023.
Processing Time:	377 days from date of receipt of initial application, and 126 days from receipt of final submission.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling	“B” (Suburban Agriculture and Residential, Etc.) District
Surrounding Land Uses:		
North	Single detached dwellings	Low Density Residential (R1) Zone
South	Stormwater Management Pond, Turner Park Recreation Centre, and Public Works Operations Yard	City Wide Park (P3) Zone
East	Multiple dwelling (under construction)	“DE-2/S-1798” (Low Density Multiple Dwelling) District, Modified
West	Single detached dwelling	Low Density Residential (R1) Zone

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 Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) 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* and,
- 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-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 (UHOP) policies currently in effect, as amended by OPA No. 167.

The following policies, amongst others, apply to the proposal.

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 three of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism for determining archaeological potential. A Stage 1 and 2 archaeological report (P1056-0160-2022) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province has signed off on the reports for compliance with licensing requirements in a letter dated June 15, 2022. Staff concur with the recommendations made in the report, and the archaeology requirement for the subject application has been met to the satisfaction of staff.

A Cultural Heritage Impact Assessment for the subject property was completed by Parslow Heritage Consultancy Inc. in July 2022 and revised December 2022. The report assessed the impact of two proposed semi detached dwellings on either side of an existing single detached dwelling on the Municipal Heritage Register.

Staff have reviewed the revised Cultural Heritage Impact Assessment submitted with the subject application and determined the report to be comprehensive and complete. The report was previously forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and a motion was passed at their meeting on September 19, 2022 to accept the revised Cultural Heritage Impact Assessment as submitted.

Tree Management

“C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan has been prepared by Summit Professional Consulting Arborists (Stephen Shelton; certified arborist) dated March 13, 2023. In addition, a revised Tree Management Plan (drawing SP4.01 and SP4.02) has been prepared by Partridge Fine Landscapes (Darren Hoekstra; landscape architect) dated March 15, 2023.

A total of 14 trees were inventoried (inclusive of municipal trees) on these properties, of which seven trees are proposed to be removed to facilitate the proposal. The applicant has attempted to preserve as much vegetation as possible, however due to the location of the consolidated driveways to ensure safe ingress and egress, location of the dwellings to maintain the existing streetscape and character, and to accommodate the necessary site drainage, the removal of seven trees is required. The proposed grading incorporates a swale design which preserves as many trees as technically feasible. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height or greater) that is removed from private property, with said compensation to be identified on the Landscape Plan.

Compensation is required for seven trees to be removed. Compensation will occur by a combination of planting on site and a cash-in-lieu payment, which will be addressed through Consent Application HM/B-23:22. There are also five trees within the future right-of way of which three trees will be preserved. Forestry and Horticulture staff have no concerns with this proposal and will require a tree permit. The revision of the Tree Protection Plan to ensure retained trees will be protected will be addressed through Consent Application HM/B-23:22.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas:
- a) Shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)
 - b) May include multiple dwellings containing a maximum of six units for lots in proximity to collector roads or arterial roads. (OPA 167).”

The subject lands are on the periphery of the Barnstown Neighbourhood directly fronting onto Rymal Road East. The proposal is to retain the existing single detached dwelling and for the development of two semi detached dwellings for a total of four additional residential units. Semi detached dwellings are permitted uses in the Low Density designation. The surrounding neighbourhood contains low density and medium density residential to the north, east and west and the proposal is in keeping with the existing single detached dwellings immediately to the west and north.

- “E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged. (OPA 142)”

While access to arterial roads is discouraged, the two additional combined driveway accesses will not contribute to a significant increase in trip generations and the driveways have been consolidated to control and limit the number of access driveways onto Rymal Road East ensuring safe movement of vehicular traffic into and out of the site.

Road Widening

- “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:

- ii) Although land accesses are permitted, they shall generally be controlled/restricted; and,
- 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. (OPA 109)”

Rymal Road East is a major arterial road, which requires a minimum width of 36.576 metres as specifically identified in Schedule C-2 Future Right-of-Way Dedications. A 3.0 metre right-of-way dedication has been demonstrated on the Concept Plan and will be required to be dedicated through Consent application HM/B-23:22. The applicant is also providing mutual driveways to consolidate driveway accesses to Rymal Road East which will be located a minimum distance of 1.5 metres from municipal infrastructure.

Noise

“B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”

The subject lands are located adjacent to an existing noise source, being Rymal Road East, which is a “Major Arterial” road as identified in Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. An Environmental Noise Impact Study and any required mitigation will be addressed through a condition of Consent application HM/B-23:22.

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

Hamilton Zoning By-law No. 05-200

The subject lands are zoned B” (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED23174.

The “B” District only permits single detached dwellings, including uses, buildings and structures accessory to the dwelling and as such, the proposal is to amend the zoning to the Low Density Residential (R1) Zone with modifications. The existing single detached dwelling has been proposed to be zoned Low Density Residential (R1, 859) Zone and the proposed semi detached dwellings have been proposed to be zoned Low Density Residential – Small Lot (R1a, 865) Zone. Modifications are required and are discussed in detail in Appendix “C” attached to Report PED23174.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 311 Rymal Road East, Hamilton (PED23174) (Ward 7) - Page 10 of 14

The City of Hamilton has brought forward new Low Density Residential Zoning, in the City of Hamilton Zoning By-law No. 05-200. Therefore, the applicant amended their application to rezone the lands to a modified Low Density Residential (R1) Zone in Zoning By-law No. 05-200. The application was further revised by staff to rezone the existing single detached dwelling to the Low Density Residential (R1, 859) Zone and the proposed semi detached dwellings to the Low Density Residential – Small Lot (R1a, 865) Zone. The applicant is in agreement with the amendments to the application as shown on Appendix “C” attached to Report PED23174.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Office Section; and,Hamilton Conservation Authority.		No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The impact of the development to the existing servicing capacity is negligible. It has been demonstrated through the Stormwater Management Report, prepared by Sidney W. Woods Engineering Inc. and dated July 14, 2022, that the proposed development can be serviced without adverse impacts to the existing network. A detailed review of the Grading, Servicing Plans and Stormwater Management Brief will be conducted at the Consent Application stage through the Consent Agreement.	These items will be addressed at the Consent stage.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development, Department	<p>Approximately ±3.0 metres are to be dedicated to the right-of-way on Rymal Road East.</p> <p>Vehicles must be positioned properly so that drivers entering the roadway can look in both directions to see and obey the signal display and see and yield to other road users (pedestrians and cyclists).</p>	<p>The required road widening has been demonstrated on the Concept Plan and will be addressed at the Consent stage.</p> <p>Mutual driveway accesses have been demonstrated to provide adequate visibility as well as ensuring the appropriate distance from municipal infrastructure.</p>

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 311 Rymal Road East, Hamilton (PED23174) (Ward 7) - Page 11 of 14

	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development, Department Continued	Staff require the site access on the municipal right-of-way and for a minimum 6.0 metres into the subject lands be a hard surface (asphalt).	The surface material will be addressed through Grading and Servicing Plans in the Consent to Sever stage through the Consent Agreement.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The subject lands are within a defined area of cost recoveries. There may be implications arising from the adjacent Registered Plan of Subdivision, 62M-633 (25T-87030), e.g., cost recoveries relating to the registered plan.</p> <p>The municipal addresses for this proposal will be determined through the Consent to Sever process.</p>	Cost recoveries and municipal addressing will be addressed at the Consent stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>There are no existing public trees on site, however there are five trees within the future right-of way of which three trees will be preserved. Forestry and Horticulture staff have no concerns with this proposal. A Tree Management Plan is required to ensure trees acquired through the right-of-way widening are protected.</p> <p>Forestry does not approve the Landscape Plan, prepared by Partridge Fine Landscapers, and dated March 15, 2023.</p> <p>There is adequate space for an additional street tree to be planted within the new lawn on the south side of the sidewalk. A total of four proposed trees are required on the south side of the sidewalk.</p> <p>Species and condition shall be provided on all public trees.</p>	Public street tree plantings and protection will be addressed at the Consent stage.

	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department Continued	Private trees are required to be spaced a minimum distance of 8 metres from the public street trees. Otherwise, smaller species shall be selected for the private trees.	
Waste Management Operations Section, Environmental Services Division, Public Works Department	The existing single and proposed semidetached dwellings are eligible for curbside municipal waste collection service, subject to meeting municipal criteria.	Noted.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 80 property owners within 120 m of the subject property on August 23, 2022, requesting comments on the proposed Zoning By-law Amendment application. A Public Notice Sign was posted on the property on August 30, 2022, and updated on July 19, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on July 28, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy included the creation of a micro-website detailing the proposal and material submitted. In addition, the Public Consultation Strategy identified that if feedback identified significant concerns a neighbourhood meeting would occur. As the applicant did not receive any public feedback, a neighbourhood meeting was not held.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It complies with the Urban Hamilton Official Plan; and,

- (iv) It is compatible with and complementary to the existing surrounding neighbourhood.

2. Zoning By-law Amendment

The requested amendments to the Zoning By-law will permit the retention of the existing single detached dwelling and development of two semi detached dwellings for four additional dwelling units. The subject lands will provide similar zoning standards as adjacent lands to help ensure compatibility in terms of built form, massing, height, setbacks and building separation. The proposal contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and builds upon the established lot and block pattern and built form of the existing residential neighbourhood. In addition, proposal includes the preservation of an existing two storey Italianate single detached dwelling dating back to circa 1898 which is included in the City's Register of Property of Cultural Heritage Value or Interest as a non-designated property. The retention of the existing single detached dwelling conserves and promotes a cultural heritage resource (built heritage) and contributes to the historic fabric of the area, in this circumstance, a low density along a major arterial can be supported. A Cultural Heritage Impact Assessment for the subject property was completed assessing the impact of two proposed semi detached dwellings on either side of an existing single detached dwelling on the Municipal Heritage Register.

The proposal complies with the policies of the Urban Hamilton Official Plan. Therefore, staff support the proposed Zoning By-law Amendment attached as Appendix "B" to Report PED23174.

- 3. The applicant has applied for Consent application HM/B-23:22 to permit the conveyance of a parcel of land into four new lots for the existing single detached dwelling and the two proposed semi detached dwellings. The application was tabled by the Committee of Adjustment for the Zoning By-law Amendment to be heard before Planning Committee.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application not be approved, the lands would remain under the current "B" (Suburban Agriculture and Residential, Etc.) District, which permits the existing single detached dwelling on the lot in its current form.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23174 – Location Map
Appendix "B" to Report PED23174 – Draft Zoning By-law
Appendix "C" to Report PED23174 – Modifications
Appendix "D" to Report PED23174 – Concept Plan

MF:sd