



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 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-20-018, by T. Johns Consulting Group Ltd. c/o Diana Morris, on behalf of Atlas Homes Corp. c/o Tarik Abbas, Owner**, for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone, to permit the development of five single detached dwellings, for lands located at 212 and 220 Rymal Road West, as shown on Appendix “A” attached to Report PED23154, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23154, 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 property by introducing the Holding symbol ‘H149’ and ‘H159’ to the proposed Low Density Residential (R1) Zone;

The Holding Provisions ‘H149’ and ‘H159’ be removed conditional upon:

H149. The Owner submits and receives approval of a Stormwater Management Report to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority;

H159. That development of the easternmost lot, extending 12.2 metres westerly from the shared property line with 204 Rymal Road West, shall not occur until such time that the remnant lands at the rear of the property within the "AA" (Agricultural) District are consolidated with lands to the west to provide access to a public right-of-way, to the satisfaction of the Director of Planning and Chief Planner;

- (c) That the proposed change in zoning 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 for the southern portion of the lands municipally known as 212 and 220 Rymal Road West, Hamilton and are located on the north side of Rymal Road West between Hazelton Avenue and West 5th Street.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone. A Consent application to create the five new lots for the single detached dwellings will be required. A Site-specific modification to the (R1) Zone is proposed to accommodate the proposed development, which is discussed in detail in Appendix "C" to Report PED23154. As part of the Zoning By-law Amendment, Holding Provisions are required to be added to the subject lands with respect to completing a Stormwater Management Report and for lot consolidation with lands at the rear of a portion of the property.

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

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

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- The development is compatible with and complementary to the existing surrounding neighbourhood.

Alternatives for Consideration – See Page 14

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

Application Details	
Applicant/Owner:	Atlas Homes Corp. c/o Tarik Abbas
Agent:	T. Johns Consulting Group Ltd. (c/o Diana Morris)
File Number:	ZAC-20-018.
Type of Application:	Zoning By-law Amendment.
Proposal:	To rezone the southern portion of the lands to permit development of five single detached dwellings with access provided from Rymal Road West.
Property Details	
Municipal Address:	212 and 220 Rymal Road West.
Lot Area:	0.79 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwellings (to be removed).
Documents	
Provincial Policy Statement:	The proposal is consistent with the PPS (2020).

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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:	No amendment proposed.
Zoning Existing:	“B” (Suburban Agriculture and Residential, Etc.) District.
Zoning Proposed:	“C” (Urban Protected Residential Etc.) District, Modified.
Zoning Proposed, Amended:	Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone.
Modifications Proposed:	To reduce the front yard landscape area requirement from 50% to 40%.
Processing Details	
Received:	February 20, 2022
Deemed Complete:	March 16, 2020
Notice of Complete Application:	Sent to property owners within 120 m of the subject properties on April 16, 2020.
Public Notice Sign:	Posted March 31, 2020 and updated with Public Meeting date July 19, 2023.
Notice of Public Meeting:	Sent to 56 property owners within 120 m of the subject properties on July 28, 2023.
Public Comments:	No comments were received.
Revised Submissions Received:	<ul style="list-style-type: none"> • Submission 2: June 30, 2021 • Submission 3: May 23, 2023
Processing Time:	1272 days, 84 days from receipt of final submission.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings.	“B” (Suburban Agriculture and Residential, Etc.) District.
Surrounding Lands:		
North	Vacant (rear portions of 212 and 220 Rymal Road West).	“AA” (Agricultural) District.
South	Single detached dwellings.	Low Density Residential (R1) Zone.
East	Single detached dwelling.	“C/S-1822” (Urban Protected Residential, Etc.) District, Modified.
West	Single detached dwelling.	“AA” (Agricultural) District.

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 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 PPS (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 (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. 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.

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 property fronts Rymal Road West, which is identified as a major arterial road on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. An Environmental Noise Impact Study, prepared by dBA Acoustical Consultants Inc. and dated October 2019, submitted in support of the development, identified the acoustic mitigation requirements for the development with respect to road noise from Rymal Road West including warning clauses, provision for central air conditioning and specific building components.

Further details will be required to be submitted at the future building permit stage to confirm Sound Transmission Class requirements based on floor plans and exterior wall design. Appropriate noise warning clauses will be required to be implemented in the appropriate agreements through conditions of the future Consent to sever applications.

Archaeology

“B.3.4.4.2 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:*”

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared an archaeological assessment which examined the archaeological potential of the site to the satisfaction of the Ministry. Staff received a copy of the letter from the Ministry dated September 12, 2019, confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

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 Adesso Design Inc. dated February 11, 2020, and last revised June 16, 2021. A total of 44 trees have been inventoried including a cluster of 17 Eastern White Cedar which are located in the middle of the rear yard of one of the proposed building lots. Of the remaining 27 trees, two of the trees are Manitoba Maple, which are non-native species that reduce local biodiversity. In addition, three trees have been identified to be in poor health, one tree was identified as dead, and one tree is proposed to be removed due to the tree being in poor condition.

To accommodate the proposed development, one tree is proposed to be removed due to conflict with proposed building location. Seven trees are proposed to be removed due to conflict with proposed driveway location. The remaining 22 trees, including the cluster of 17 Eastern White Cedar, are proposed to be removed due to site grading for the proposed buildings and driveways.

Given these considerations, the Tree Protection Plan is approved. To ensure that tree cover is maintained, one for one compensation for the loss of 30 trees is required. Compensation for the one dead tree is not required. This matter, along with the implementation of tree protection measures, will be addressed at the Consent stage through the Consent Agreement.

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:

d) Minor arterial roads, subject to the following policies:

- iii) The basic maximum right-of-way widths for minor arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.”

The future right-of-way of Rymal Road from Glancaster Road to Upper Centennial Parkway is identified as 36.576 metres, and widenings are offset based on previous Provincial Highway Survey Plans on Schedule C-2 – Future Right-Of-Way Dedications. The current right-of-way of Rymal Road West at the subject property is approximately 30.0 metres, therefore, a dedication of approximately 6.0 metres is required, which will be required as a condition at the Consent application stage.

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,
 - b) May include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads.
- 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)
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

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The subject lands are located on a major arterial road, Rymal Road West, and on the exterior of a neighbourhood. The surrounding land uses are single detached dwellings similar to the proposed development. The proposed development will maintain the character of the area and is a scale compatible with the neighbourhood. The proposed lots will contain a hammerhead driveway that will allow vehicles to turn around and drive in a forward motion onto Rymal Road West. This will improve safety as it will prevent vehicles from backing onto Rymal Road West. The proposed zoning permits the various forms of low-density dwellings permitted by the land use designation.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

City of 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 PED23154.

As the application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167, the applicant originally applied to rezone the subject lands as “C” (Urban Protected Residential, Etc.) District. 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 and to amend their proposed zoning to a modified Low Density Residential (R1) Zone within the City of Hamilton Zoning By-law No. 05-200 to facilitate the development of five single detached dwellings. The Low Density Residential (R1) Zone permits a range of low-density residential building types. An evaluation of the proposed modification to the (R1) Zone is included in Appendix “C” attached to Report PED23154. The Holding Provisions will address the completion of a Stormwater Management Report for the subject lands and lot consolidation.

RELEVANT CONSULTATION

Department and Agencies	Response
<ul style="list-style-type: none">Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section.	No Comment.

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Department and Agencies		Response
<ul style="list-style-type: none"> Public Works Department, Strategic Planning Division, Corporate Asset Management Division, Architectural Services Section; and, Healthy and Safe Communities Department, Recreation Division. 		
Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The proponent has demonstrated that the proposed grading/servicing is compatible with the future servicing strategy of the Eden Park lands Zoning By-law Amendment and Draft Plan of Subdivision applications (File Nos. ZAC-21-029 and 25T-200721) to the north. The proponent has also demonstrated that there is sufficient fire flow and sanitary capacity in the municipal system to support the proposed development.	Detailed servicing, grading, and stormwater management will be addressed that the Consent stage. A Holding Provision is proposed for the subject lands which will require approval of a Stormwater Management Report to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The applicant and/or agent should be made aware that municipal addressing will be assigned to the development upon receipt of a Consent to sever application.	Individual unit addresses for the proposed development will be addressed at the Consent stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry approves the Tree Protection Plan, and no Landscape Plan is required.	Cash in lieu for street trees will be collected through the Consent stage.
Waste Management Division, Public Works Department	This project is eligible for municipal waste collection.	Noted.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Department	Comment	Staff Response
<p>Transportation Planning, Planning and Economic Development Department</p>	<p>The proposed development will have a negligible effect on the transportation network.</p> <p>A right-of-way dedication of approximately 6.0 metres is required to meet the 36.576 metre width of Rymal Road.</p> <p>Temporary access to the rear portion should be provided for property maintenance and emergency access.</p>	<p>Road right-of-way dedication will be addressed at the Consent stage a public right-of-way.</p> <p>Temporary access will be provided to the rear portion of the property through the application of a Holding Provision to preclude development of the lands until such time that the lands are combined with surrounding lands to provide access to a public right-of-way.</p>
<p>Transit Division, Public Works Department</p>	<p>The Ten-Year Local Transit Strategy currently calls for enhancements to the existing Route #44 Rymal service levels in the short term.</p> <p>Rymal Road is still considered to be one of the BLAST corridors, suitable for the introduction of rapid transit (RT)(S Line) in the medium to long term; potential RT station locations include Upper James Street and Garth Street, both located within 800m of the site.</p> <p>The infill intensification, as proposed by the applicant, is not consistent with land use density/mix required to support future RT viability on this major arterial road.</p>	<p>Road right-of-way dedication will be addressed at the Consent stage.</p> <p>The proposed development will increase density along Rymal Road West as two existing dwellings are proposed to be replaced with five. In addition, the rear portions of the lots will be developed as part of the adjacent Draft Plan of Subdivision application (File No. 25T-202108).</p>

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Department	Comment	Staff Response
Transit Division, Public Works Department Continued	Transit-supportive development can contribute to higher transit ridership, leading to improved local transit/RT service levels, helping transit to contribute positively to City in Motion modal split targets.	
Construction Section, Engineering Services Division, Public Works Department	Rymal Road was reconstructed and widened in 2018 between Garth Street and West 5th Street. Geogrid was placed on the subgrade under the granular base, which must be repaired and placed in the service trenches for the proposed development.	Rymal Road repair will be addressed through the Consent stage.
Alectra Utilities	For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department.	Noted.
Hamilton Conservation Authority (HCA)	HCA has no objection to the approval of the zoning by-law amendment, subject to the submission of a Stormwater Management Report to the satisfaction of HCA to ensure that post-development drainage is maintained to the open watercourse located downstream of the site within William Connell Park. In addition, the landowner will require an HCA Permit prior to the commencement of any fill placement/removal, grading and construction activities, or watercourse alteration within HCA's regulated area.	The recommended Zoning By-law includes a Holding Provision for the completion of a Stormwater Management Report. HCA Permits are obtained directly from the Hamilton Conservation Authority.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property

owners within 120 m of the subject property on April 16, 2020. A Public Notice Sign was posted on the property on March 31, 2020, 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 applicants submitted a Public Consultation Strategy with this application. The strategy recommended that the prescribed statutory public notice requirements were an adequate amount of public consultation.

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) (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 subject lands are currently zoned “B” (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The subject lands are proposed to be rezoned to Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit the development of five single detached dwellings. Single detached dwellings are permitted within the “Neighbourhoods” designation of the Urban Hamilton Official Plan.

The subject lands will provide similar zoning as adjacent lands. This will ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation. Therefore, staff support the proposed change in zoning.

3. A future Consent to Sever application will be required to create the five new lots fronting Rymal Road West. The rear portion of the subject lands will be developed as part of an adjacent Draft Plan of Subdivision application (File No. 25T-202108) and the Holding Provisions will ensure that the rear portion of easternmost lot shall not be developed until they are consolidated with lands to

the west and will temporarily provide access to the lands at the rear of the property until the subdivision is completed.

In addition, the Holding Provisions will ensure that a Stormwater Management Report is prepared and approved for the proposed development to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the lands will remain zoned "B" (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The "B" District permits a single detached dwelling, foster home, residential care facility, and retirement home in addition to a number of institutional, public, commercial, and farming uses.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23154 – Location Map
Appendix "B" to Report PED23154 – Draft Zoning By-law Amendment
Appendix "C" to Report PED23154 – Zoning Modification Chart
Appendix "D" to Report PED23154 – Concept Plan

MM:sd