



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 3, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-23-036, by Weston Consulting (c/o Kayly Robbins) on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc. (c/o Mackenzie Paterson), Owners**, for a change in zoning from General Agricultural “A1” Zone to the Residential Multiple – Holding “H-RM2-328” Zone, Modified, to permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free, for lands located at 1898 and 1900 Rymal Road East, Glanbrook, as shown on Appendix “A” attached to Report PED23206, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan and Rymal Road Secondary Plan;

OUR Vision: To be the best place to raise a child and age successfully.

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

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

- (c) 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 “H” symbol as a prefix to the proposed Residential Multiple – Holding “H-RM2-328” Zone, Modified, as shown on Schedule “A” of Appendix “B” attached to Report PED23206 and shall be lifted conditional upon the following:
- (i) That the owner submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;
 - (ii) That the Owner submits and receives approval of a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
 - (iii) That the Owner submits a revised Tree Protection Plan addressing the protection of the trees and finalizes the justification for the removal of the identified trees, including submission of written confirmation from the abutting owners of 55 and 63 Bocelli Crescent and 11 Enclave Place for permission to encroach into the dripline of Trees A, B, C, H and P, to the satisfaction of the Director of Planning and Chief Planner. The resubmission is to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.

EXECUTIVE SUMMARY

The subject lands are known as 1898 and 1900 Rymal Road East. The applicant, Weston Consulting, c/o Kayly Robbins on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc., has applied for a Zoning By-law Amendment to permit development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings on a private condominium road with 38 parking spaces and four visitor parking spaces inclusive of one barrier free parking space.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the General Agricultural “A1” Zone to the “Residential Multiple – Holding “H-RM2-328” Zone, Modified in Glanbrook Zoning By-law No. 464.

Holding Provisions are recommended for the amending By-law with regard to the Transportation Impact Study, a Watermain Hydraulic Analysis to demonstrate the required domestic water and fire flows are available, and the submission and approval of a revised Tree Protection Plan.

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The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan and the Rymal Road Secondary Plan; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 10

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 an amendment to the Zoning By-law. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

HISTORICAL BACKGROUND

Application Details	
Owners:	Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc.
Agent/Applicant:	Weston Consulting, c/o Kayly Robbins
File Number:	ZAC-23-036
Type of Application:	Zoning By-law Amendment.
Proposal:	The purpose of the Zoning By-law Amendment is for a change in zoning from the General Agricultural “A1” Zone to the “Residential Multiple – Holding “H-RM2-328” Zone, Modified to permit development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings on a private condominium road with 38 parking spaces and four visitor parking spaces inclusive of one barrier free parking space.

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Property Details	
Municipal Address:	1898 and 1900 Rymal Road East
Lot Area:	0.45 hectares.
Servicing:	Existing municipal services.
Existing Use:	1898 Rymal Road East is occupied by a single detached dwelling. 1900 Rymal Road East is occupied by a single detached dwelling.
Documents	
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:	“Secondary Corridor” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2h” on Rymal Road Secondary Plan – Land Use Plan Map B.5.2-1.
Zoning Existing:	General Agricultural “A1” Zone.
Zoning Proposed:	Residential Multiple – Holding “H-RM2-328” Zone, Modified.
Modifications Proposed:	<p>The following modifications are being proposed to the Zoning By-law:</p> <ul style="list-style-type: none"> • To permit Street Townhouse Dwelling which includes but not limited to individual townhouse lots having frontage on or otherwise tied to a public road or condominium road; • To define a “Lot” as individual dwelling unit lots that may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street; • To decrease the lot frontage from 7.5 metres to 5.9 metres; • To decrease the lot frontage from 7.5 metres to 6.5 metres for dwelling end units and corner lots; • To decrease the lot area per dwelling unit from 210 square metres to 130 square metres except: <ul style="list-style-type: none"> (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 175 square metres; and, (ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 165 square metres; • To decrease the front yard setback from 7.5 metres to 4.0 metres except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> • To decrease the front yard setback from 7.5 metres to 1.65 metres for a corner lot except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres; • To decrease the side yard setback for an end unit 0.7 metres; • To decrease the rear yard setback from 7.5 metres to 6.0 metres; • To increase the lot coverage from 35 percent to 55 percent; • To decrease the landscape area from 30 percent to 20 percent; • To increase in the number of consecutive dwellings from four to eight; • To increase the projection into a yard to 3 metres from 1.5 metres; and, • To increase the maximum building height from 10.7 metres to 11.6 metres for townhouse units located along the frontage of Rymal Road East.
Processing Details	
Received:	July 26, 2023
Deemed Complete:	July 26, 2023
Notice of Complete Application:	Sent to 145 property owners within 120 metres of the subject property on August 8, 2023.
Public Notice Sign:	Posted on August 9, 2023.
Notice of Public Meeting:	Sent to 145 property owners within 120 metres of the subject property on September 22, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23206.
Public Consultation:	<p>The following Public Consultation was completed for the proposed development:</p> <ul style="list-style-type: none"> • An Open House hosted at Valley Park Community Centre (970 Paramount Drive, Stoney Creek), by Weston Consulting on Thursday, April 27, 2023 from 7:00 p.m. until 8:00 p.m.; • Residents within 200 metres of the subject lands were notified through individual notice delivered to each resident; • Four Presentation boards were displayed identifying various aspects, including the Site Plan and development statistics, elevations, land use designation, zoning, and the surrounding context; and, • At the Open House, 14 people signed in however, approximately 20 residents were in attendance. Of the residents in attendance five submitted comments sheets.

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Processing Details	
Public Consultation Continued:	<ul style="list-style-type: none"> Residents' concerns were summarized and were categorized including height, tree preservation and fencing, lighting, setbacks to existing dwellings and timing of construction.
Public Comments:	One e-mail was received expressing concern with the proposed Zoning By-law Amendment. This correspondence and a summary of the comments are attached as Appendix "G" to Report PED23206.
Processing Time:	70 days from receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings	General Agricultural "A1" Zone
Surrounding Land Uses:		
North	Single detached dwellings; and, Eramosa Karst Conservation Area	Mixed Use Medium Density (C5, 589) Zone; and, Neighbourhood Development "ND" Zone
South	Single detached dwellings	Residential "R4-173(B)" Zone, Modified
East	Single detached dwellings	Residential "R4-173(A)" Zone, Modified
West	Residential - Townhouses	Neighbourhood Commercial (C1, 205) Zone

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 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 Zoning By-law Amendment complies with the Urban Hamilton Official Plan it is staff's opinion that the application is:

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

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Secondary Corridor" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Furthermore, the subject lands are designated "Low Density Residential 2h" in the Rymal Road Secondary Plan. Refer to Appendix "D" attached to Report PED23206 for a review of applicable Official Plan policies.

The proposed redevelopment of the subject lands for 19 townhouse dwellings meets the intent of the policies of the Urban Hamilton Official Plan and more specifically the Rymal Road Secondary Plan. The proposed use is considered appropriate development as it is compatible with and respects the existing surrounding built form which includes two and three storey townhouses and one and two storey single detached dwellings while intensifying by introducing townhouses and adding to the housing supply. The proposed townhouses will appear as a continuation of the existing townhouse development to the west, with similar height and setbacks to Rymal Road East.

Detailed design information will be required as part of a future Site Plan Control application for the subject lands. As well, Transportation Planning comments require a Transportation Impact Study, and this has been included as a Holding Provision on the subject lands. Staff did not receive confirmation from the applicant if they were in agreement with the Holding Provision for the transportation study at the time of preparation of this report.

Additionally, given the new timelines imposed by Bill 109, staff have not been able to finalize and approve the Tree Protection Plan with the applicant and therefore have also

added that a revised Tree Protection Plan be included in the Holding Provision. There are no concerns from Forestry staff regarding municipal trees as there are no existing trees found in the municipal right-of-way. 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. Tree preservation is a priority to conserve the existing tree canopy, however due to the majority of the mature trees being centrally located preservation of all trees would be limited. Further revisions are being requested for review of perimeter trees in good condition. There are trees along the rear and side property lines (identified as A, B, C, H and P) on the Tree Protection Plan dated February 21, 2023 which will require permissions from adjacent landowners. Staff are satisfied that it is appropriate to be place a Holding Provision on the lands for a revised Tree Protection Plan.

Based on the foregoing, subject to the Holding Provisions, the proposal complies with the applicable policies of the Urban Hamilton Official Plan. The full review of the policies of Volume 1 of the Urban Hamilton Official Plan is attached as Appendix “D” to Report PED23206.

Rymal Road Secondary Plan (Volume 2)

The subject lands are designated “Low Density Residential 2h” in the Rymal Road Secondary Plan and the proposed development represents a compact form with the orientation of the massing along Rymal Road East which enhances the streetscape. The architectural design and proposed landscaping will also enhance the streetscape and create a pedestrian friendly environment.

The proposed development introduces a low-rise residential development with a density of 42 units per hectare complying with the density of the “Low Density Residential 2h” designation and is consistent with the surrounding area in terms of use, density, height and built form. The proposed elevations for the development are compatible with the surrounding area and assist in enhancing architectural variation in the neighbourhood. The parking has been located internal to the site, away from Rymal Road East and the development is located within a 400-metre walking distance from a public transit stop.

The full review of the Rymal Road Secondary Plan policies is attached as Appendix “D” to Report PED23206.

Glanbrook Zoning By-law No. 464

The proposed Zoning By-law Amendment is for a change in zoning from the General Agricultural “A1” Zone to the Residential Multiple – Holding “H-RM2-328” Zone,

Modified. The effect of this Zoning By-law Amendment will permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free. Modifications to the Residential Multiple “RM2” Zone are required to facilitate the development and are summarized in the modification chart in Appendix “E” attached to Report PED23206.

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 the Rymal Road Secondary Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, enhances the pedestrian environment along Rymal Road East, makes efficient use of existing infrastructure within the urban boundary, and supports public transit.

2. Zoning By-law Amendment

The Zoning By-law Amendment is to change the zoning to the Residential Multiple RM2-328” Zone, Modified, to permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free. The proposed Zone contains modifications to permit the development which are discussed in Appendix “E” to Report PED23206.

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. The proposed Zoning By-law Amendment complies with the “Low Density Residential 2h” designation of the Rymal Road

Secondary Plan and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “D” attached to Report PED23206.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. Holding ‘H’ Provisions are proposed to be added to the subject lands for the purpose of requiring the submission of: Transportation Impact Study, a Watermain Hydraulic Analysis, and a Tree Protection Plan (and review fee), along with written confirmation, from abutting landowners, for permission to encroach into the dripline of Trees A, B, C, H and P. Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the General Agricultural “A1” Zone in the Glanbrook Zoning By-law No. 464.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23206 – Location Map
Appendix “B” to Report PED23206 – Zoning By-law Amendment
Appendix “C” to Report PED23206 – Concept Plan
Appendix “D” to Report PED23206 – Official Plan Policy Review
Appendix “E” to Report PED23206 – Zoning Modification Chart
Appendix “F” to Report PED23206 – Department and Agency Comments
Appendix “G” to Report PED23206 – Public Comments

MF:sd