



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 5, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Jennifer Catarino (905) 546-2424 Ext. 4748
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-066 by GSP Group Inc. c/o Brenda Khes on behalf of Rymal Holding Ltd., owner**, for a change in zoning from the “AA” (Agricultural) District to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, to permit an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units, on lands located at 81 and 87 Rymal Road East, as shown on Appendix “A” attached to Report PED23216, be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23216, 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 ‘H’ to the proposed Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone;

The Holding Provision ‘H’ is to be removed, conditional upon:

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- (i) That the properties municipally known as 81 and 87 Rymal Road East be merged in title, to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) That the Owner submit a revised Functional Servicing Report to demonstrate that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is a residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iii) That the Owner submit a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iv) That the Owner submit a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level, under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (v) That the Owner shall convey to the City, without cost and free of encumbrance, the road widening as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032 through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering;
 - (vi) That the Owner enter into and register on title of the lands, an External Works Agreement with the City, in accordance with the Functional Servicing Report and Watermain Hydraulic Analysis, for the design and construction of any required improvements to the municipal infrastructure including the DiCenzo Drive extension, at the Owner's cost, as upgrades are required to the infrastructure to support the development, to the satisfaction of the Director of Development Engineering;
- (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 property is municipally known as 81 and 87 Rymal Road East and is located east of Upper James Street and north of Rymal Road East. The Owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to rezone the lands from the “AA” (Agricultural) District to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone. The effect of the Zoning By-law Amendment would permit the lands to be developed for a 210 unit, eight storey multiple dwelling with two levels of underground parking, and two, three storey multiple dwellings (townhouses) containing 10 dwelling units, as shown on Appendix “D” attached to Report PED23216. Site specific modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED23216.

The proposed Zoning By-law Amendment application 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, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,
- The proposal provides a built form that is compatible with the surrounding land uses in the immediate area, and represents good planning by, among other things, proposing an efficient urban form along an arterial road, increasing the supply of housing units, and makes efficient use of existing municipal infrastructure on an underutilized site.

Alternatives for Consideration – See Page 12

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.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Rymal Holdings Ltd. (c/o Elite Developments).
Applicant:	GSP Group Inc. (c/o Brenda Khes).
File Number:	ZAC-22-066.
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>To permit the development of an eight storey multiple dwelling with 210 dwelling units, two, three storey multiple dwellings (townhouses) containing 10 dwelling units, and 157 vehicle parking spaces consisting of 11 surface parking spaces and 146 underground parking spaces over two levels with access from Rymal Road East.</p> <p>A total of 1,024 square metres of outdoor amenity area is proposed, which includes 218 square metres of amenity space within the eight storey multiple dwelling on the fourth floor, a total of 308 square metres at grade for the two, three storey multiple dwellings (townhouses) and 183 square metres along the westerly property boundary.</p> <p>In addition, 24 short term bicycle parking spaces and 125 long term bicycle parking spaces are proposed.</p>
Property Details	
Municipal Address:	81 and 87 Rymal Road East.
Lot Area:	0.73 ha.
Servicing:	Existing full municipal services available.
Existing Use:	Single detached dwellings.
Proposed Use:	An eight storey multiple dwelling with 210 dwelling units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units.

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Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“AA” (Agricultural) District.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> • To reduce the finished floor elevation for any dwelling to 0.25 metres; • To increase the maximum building height to 26.5 metres for the eight storey multiple dwelling; • To reduce the minimum rear yard to 4.5 metres for the multiple dwellings (townhouses); and, • To reduce the minimum setback for mechanical and unitary equipment to 1.0 metre from the street line. <p>The following staff-initiated modifications are recommended:</p> <ul style="list-style-type: none"> • To increase the driveway width for site ingress and egress to 7.5 metres in width; • To reduce the minimum building height to 10.3 metres for the three storey multiple dwellings (townhouses); and, • To reduce the minimum interior side yard to 3.0 metres. <p>A complete analysis of the proposed modifications is attached as Appendix “C” to Report PED23216.</p>
Processing Details	
Received:	October 24, 2022.
Deemed complete:	November 24, 2022.

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Processing Details	
Notice of Complete Application:	Sent to 54 property owners within 120 metres of the subject property on December 5, 2022.
Public Notice Sign:	Posted on December 9, 2022 and updated with public meeting date prior to November 27, 2023.
Notice of Public Meeting:	Sent to 54 property owners within 120 metres of the subject property on November 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23216.
Public Consultation:	A Public Information Meeting was held on May 31, 2023 with invitations sent to residents within 250 metres of the subject lands on May 10, 2023. The applicant did not receive any feedback as a result of their consultation as no members of the public attended the meeting.
Public Comments:	No comments received.
Processing Time:	323 days from date of receipt of initial application. 92 days from receipt of the Traffic Impact Assessment.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings.	"AA" (Agricultural) District.
Surrounding Land Uses:		
North	Vacant and woodlot.	"C-S/1822" (Urban Protected Residential, Etc.) District, Modified.
South	Single detached dwellings.	"B" (Suburban Agricultural and Residential, etc.) District.
East	Single detached dwelling and vacant.	"AA" (Agricultural) District.
West	Commercial (Auto Dealership).	Mixed Use Medium Density (C5, 318) 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 (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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.

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

- It is consistent with Section 3 of the *Planning Act*;
- It is consistent with the Provincial Policy Statement (2020); and,
- It 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 “Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are located at the southern edge of the Ryckmans Neighbourhood and immediately east of the Upper James Street commercial node.

Secondary Corridors are intended to provide opportunities for creating vibrant pedestrian and transit-oriented places through residential intensification, and investments in infrastructure to support higher densities. The proposal intends to achieve the planned function of Rymal Road East as a “Secondary Corridor” through intensification of the subject lands and the addition of a variety of dwelling types.

The proposal is located along Rymal Road East, which is identified as “Potential Higher Order Transit” in Appendix “B” attached to Report PED23216 – Major Transportation Facilities and Routes in the Urban Hamilton Official Plan. The proposal intends to

increase the supply of housing in the immediate area to support existing transit services and future higher order transit infrastructure.

“Neighbourhoods” designated areas are characterized as complete communities that include a range of residential dwelling types and supporting uses to serve local residents. The proposal for the development of an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units meets the intent of the “Neighbourhoods” designation.

The Applicant has submitted a Sun/Shadow Study prepared by SRM Architects Inc. dated September 26, 2022 that demonstrates how the proposal maintains a minimum of three hours of sun coverage as set out in the City’s Sun Shadow Guidelines. In addition, the proposal allows for a minimum of 50% sun coverage at all times of day on public open spaces, public sidewalks and private outdoor amenity areas.

The Applicant has committed to providing 220 dwelling units comprised of 56% one bedroom and studio units (123 units), 32% one bedroom plus den units (71 units), 7% two bedroom units and two bedroom plus den units (16 units) within the eight storey multiple dwelling, as well as 5% three bedroom units (10 units) within the multiple dwellings (townhouses). Staff are satisfied the proposal provides a mix of dwelling units to accommodate a range of household sizes.

The Applicant has submitted an Angular Plane drawing prepared by SRM Architects Inc. dated March 14, 2023, illustrating that a 45 degree angular plane is maintained for the eight storey multiple dwelling which will mitigate impacts to the low density residential uses to the east. The building has been designed with a stepback at the third and seventh storeys along the southern portion of the eastern building façade. The proposed multiple dwellings (townhouses) are consistent with the three storey maximum building height for low density residential areas and are consistent with the anticipated form of development for the surrounding neighbourhood.

In the Urban Design Brief, prepared by GSP Group dated September 2022, it was noted that approximately 29.6% of the landscaped area is proposed to provide permeable paving to assist with storm-water management. In addition, the building design scale proposes a balanced solid-to-glazing ratio anticipated to reduce the energy requirements for heating and cooling. The Planning Justification Report prepared by GSP Group and dated October 2022 notes that sustainable building design and principles will be further explored through the Site Plan Control stage.

The proposal is compatible with the existing and planned uses identified in the Ryckmans Neighbourhood Plan, which was intended to be developed as a low density residential area. A required road dedication along the northern property line of the

subject lands will facilitate the extension of DiCenzo Drive and connect the proposed development to the surrounding low density residential uses. DiCenzo Drive is anticipated to extend west and curve to the north behind the existing commercial uses along Upper James Street, ultimately connecting to the Stonegate Park development and DiCenzo Sobie subdivision (25T-87032).

The proposed multiple dwellings (townhouses) are rotated inward, towards an internal amenity space, which creates rear yards where interior side yards would be anticipated. The concept plan, attached as Appendix “D” to Report PED23216, indicates that planting and tree canopies will be provided along the rear of the three storey multiple dwellings (townhouses). These features will reduce the impact of future overlook concerns and mitigate against privacy concerns from the adjacent properties to the east. The orientation of the multiple dwellings (townhouses) provides a transition between the existing commercial uses, proposed eight storey multiple dwelling and the surrounding low density residential uses. Through the Site Plan Control process, staff will ensure the last unit of the proposed townhouses is designed to front onto DiCenzo Drive to maintain a connection to the broader neighbourhood.

The existing car dealership property that is adjacent to the subject lands and extends to the future DiCenzo Drive, is designated “Mixed Use – Medium Density” in the Urban Hamilton Official Plan and zoned Mixed Use Medium Density (C5) Zone. This change has precluded the adjacent lands from developing in accordance with the Ryckmans Neighbourhood Plan, which anticipated low density residential along DiCenzo Drive. There is an existing surface parking lot at the rear of the car dealership and the City is not aware of any plans to redevelop these lands.

The proposed three storey multiple dwellings (townhouses) provide an intervening land use between the proposed eight storey multiple dwelling and existing and proposed low density residential uses to the north. The lands along the north side of the planned DiCenzo Drive extension have not been included within the DiCenzo Sobie subdivision. This Zoning By-law amendment will not impact the orderly development of the lands along the planned DiCenzo Drive extension.

Staff are satisfied that the proposal achieves orderly development that meets the intent of the Ryckmans Neighbourhood Plan and the long term vision for DiCenzo Drive. The neighbourhood was envisioned as a residential area providing access to parks, institutional and commercial uses. The development proposal removes the envisioned cul-de-sac from the Neighbourhood Plan that intended to service low density residential lots, however, the proposed development provides additional density and an alternative built form that complements the existing low density residential uses. The multiple dwellings (townhouses) provide an adequate transition from the existing commercial uses, proposed eight storey multiple dwelling and surrounding low density residential

uses. Overlook and privacy concerns were considered, and the proposed setbacks and height are not anticipated to conflict with future low density residential development along DiCenzo Drive.

In addition, the proposal demonstrates that an increase in building height to eight storeys is appropriate by meeting the evaluation criteria (i.e. progressive building setbacks, reduced shadow impacts, mix of unit sizes and sustainable design principles, etc.) within the “Medium Density Residential” policies of the “Neighbourhoods” designation. The proposed development is providing a variety of unit sizes and dwelling types that complement the planned function of the area.

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

Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone. The effect of this Zoning By-law Amendment will permit an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units. Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED23216.

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 general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, and Residential Intensification, Urban Design and Secondary Corridor Policies; and,
 - (iii) It is considered to be a compatible built form with the existing urban landscape in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form along an existing transit route, adding to the range of housing types and supporting

the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) District in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone.

The proposal complements the existing planned functions of the “Neighbourhoods” designation by intensifying an underutilized lot along an arterial road in proximity to a major transit route. The proposed height increase can be supported as the eight storey multiple dwelling meets the criteria for additional height set out in the “Neighbourhoods” designation of the Urban Hamilton Official Plan. Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan, as outlined in Appendix “E” attached to Report PED23216.

Building step backs, setbacks and the inclusion of the three storey multiple dwellings as an intervening built form reduces the impact of the building height on the abutting low density residential uses. This proposed Zoning By-law Amendment will not impact the orderly development of the lands along the north and south sides of the planned DiCenzo Drive extension. As illustrated in the Angular Plan analysis submitted, stepbacks have been incorporated into the building design. Staff are satisfied that the proposed development is considered orderly development and meets the intent of what was envisioned for DiCenzo Drive and the Ryckmans Neighbourhood Plan.

Modifications to permit a reduced finished floor elevation, reduced setbacks (i.e. rear yard, side yard and mechanical and utility equipment) are considered minor in nature and meet the general intent of the Zoning By-law. It is staff’s opinion that the proposed amendments meet the general intent of Zoning By-law No. 05-200. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED23216.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provision.

3. Holding Provision

A Holding “H” Provision is proposed to be added to the subject lands to ensure 81 and 87 Rymal Road East are merged in title to facilitate a comprehensively

planned development. The Owner or Applicant shall demonstrate through the submission of a Functional Servicing Report and Water Hydraulic Analysis that the proposal has adequate capacity in the existing municipal infrastructure system. The Owner is also required to dedicate the right-of-way width, as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032. Further, the applicant is required to pay their proportional share of the cost to complete the street. In addition, the Owner shall enter into and register on title an External Works Agreement with the City of Hamilton for any municipal infrastructure improvements. Upon submission and approval of the above noted information, the Holding Provision can be lifted.

Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the "AA" (Agricultural) District in former City of Hamilton Zoning By-law No. 6593.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23216 – Location Map
Appendix "B" to Report PED23216 – Amendment to Zoning By-law No. 05-200
Appendix "C" to Report PED23216 – Zoning Modification Table
Appendix "D" to Report PED23216 – Concept Plan and Elevation Drawings
Appendix "E" to Report PED23216 – Policy Review
Appendix "F" to Report PED23216 – Staff and Agency Comments

JC:sd