



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 6, 2024
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 164, 168 and 176 Rymal Road East, Hamilton (PED24021) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Revised Zoning By-law Amendment Application ZAC-23-050 by Metropolitan Consulting Inc. c/o Peter De Iulio on behalf of 2826749 Ontario Inc. and Andrew Barber c/o Saddique Khan, owners**, for a change in zoning from “B” (Suburban Agriculture and Residential, Etc.) District and “AA” (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone, to retain the existing building at 164 Rymal Road East to be adaptively reused for dwelling units, and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units, for lands located at 164, 168 and 176 Rymal Road East, as shown on Appendix “A” attached to Report PED24021, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED24021, 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 including the Holding symbol ‘H’ to the proposed Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone;

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

- (i) That the properties municipally known as 164, 168 and 176 Rymal Road East be merged in title, to the satisfaction of the Director of Development Planning;
  - (ii) The Owner submitting and receiving approval of a revised Functional Servicing Report demonstrating 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 from the proposed junction to the existing manhole at the intersection of Upper Wellington Street and Byng Street to demonstrate that there is residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering;
  - (iii) The Owner submitting and receiving approval of a revised Functional Servicing Report providing additional storm water management details to demonstrate the feasibility of accommodating the required storm water storage within the site, to the satisfaction of the Director of Development Engineering;
  - (iv) The Owner submitting and receiving approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees, to the satisfaction of the Director of Heritage and Urban Design;
- (c) That the proposed change in zoning is consistent with the 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;
- (d) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Attached Housing" in the Allison Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 164, 168, and 176 Rymal Road East, Hamilton and are located on the south side of Rymal Road East, east of Upper James Street. The owner has applied for a Zoning By-law Amendment to rezone the lands from "B" (Suburban Agriculture and Residential, Etc.) District and "AA" (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone in City of

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Hamilton Zoning By-law No. 05-200. Through the review process, Staff identified that the building at 164 Rymal Road East should be retained and adaptively reused due to its cultural heritage value which results in a revision to the concept plan submitted with the application. The applicant has agreed to retaining the building at 164 Rymal Road East and incorporate it into the development concept and the retention of 164 Rymal Road East is included into the amending By-law.

The proposed Zoning By-law Amendment will retain the building at 164 Rymal Road East as well as permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units with access from Rymal Road East via a private condominium road. Site specific modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED24021.

The proposed 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, in particular, the function, scale and design of the “Neighbourhoods” designation; and,
- The development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, protecting an existing building which has been identified as having potential cultural heritage value, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

**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 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**

<b>Application Details</b>	
Owner:	2826749 Ontario Inc. and Andrew Barber c/o Saddique Khan.
Applicant:	Metropolitan Consulting Inc. c/o Peter De Iulio.
File Number:	ZAC-23-050.
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>The Staff revised proposal is to retain the building at 164 Rymal Road East to be adaptively reused as a multiple dwelling and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units. The originally submitted Concept Plans are attached as Appendix “C” to Report PED24021. The dwelling unit breakdown includes 11, two bedroom units (23%) and 36, three bedroom units (77%). The applicant has agreed to investigate how retaining the existing building could be incorporated into the development concept.</p> <p>The development is proposed to include approximately 69 parking spaces in the following layout:</p> <ul style="list-style-type: none"> <li>• 25 parking spaces within individual garages;</li> <li>• 25 parking spaces within individual driveways;</li> <li>• Nine parking spaces at the rear of the multiple dwellings along Rymal Road East; and,</li> <li>• 10 parking spaces on the condominium road, including five parallel parking spaces and five perpendicular parking spaces of which one is to be a barrier free parking space.</li> </ul> <p>Staff anticipate that minor modifications to the parking layout will occur through the Site Plan Control process as a result of retaining the building at 164 Rymal Road East.</p>
<b>Property Details</b>	
Municipal Address:	164, 168 and 176 Rymal Road East.
Lot Area:	Approximately 7,700 square metres (0.77 hectares).
Servicing:	Full municipal services.
Existing Use:	Three single detached dwellings.

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<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“AA” (Agriculture) District; and, “B” (Suburban Agriculture and Residential, etc.) District.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To permit tandem parking for a multiple dwelling whereas tandem parking is not permitted;</li> <li>• To increase the maximum number of parking spaces from 58 parking spaces (1.25 spaces per dwelling unit) to 69 parking spaces (1.47 spaces per dwelling unit);</li> <li>• To increase the minimum number of short term bicycle parking spaces from five short term bicycle parking spaces to 25 short term bicycle parking spaces;</li> <li>• To remove the requirement for long term bicycle parking spaces, whereas 23 long term bicycle parking spaces (0.5 parking spaces per unit) are required;</li> <li>• To reduce the minimum rear yard setback from 7.5 metres to 1.5 metres;</li> <li>• To reduce the minimum interior side yard setback from 7.5 metres to 3.0 metres for lots abutting a single detached dwelling, semi-detached dwelling or street townhouse dwelling, for the lands included in Block 1 of Figure No. 38; and,</li> <li>• To reduce the minimum building height from 11.0 metres to 6.5 metres.</li> </ul>

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<b>Documents</b>	
<b>Modifications Proposed (Continued)</b>	<p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To retain the existing building at 164 Rymal Road East;</li> <li>• To not apply the minimum 0.9 metre finished floor elevation above grade, for the lands included in Block 2 of Figure No. 38;</li> <li>• To reduce the minimum interior side yard setback from 7.5 metres to 6.0 metres for lots abutting a single detached dwelling, semi-detached dwelling or street townhouse dwelling, for the lands included in Block 2 of Figure No. 38;</li> <li>• To reduce the maximum building height from 22.0 metres to 11.0 metres; and,</li> <li>• To permit a parking ratio of 1.47 parking spaces per unit.</li> </ul> <p>Staff are not supportive of the applicant proposed modification to remove the requirement to provide long term bicycle parking spaces and therefore have not included this modification in the site specific by-law attached as Appendix “B” to Report PED24021.</p> <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24021.</p>
<b>Processing Details</b>	
Received:	November 22, 2023.
Deemed Complete:	November 23, 2023.
Notice of Complete Application:	Sent to 173 property owners within 120 metres of the subject property on December 7, 2023.
Public Notice Sign:	Posted on December 4, 2023, and includes the Public Meeting date of February 6, 2024.
Notice of Public Meeting:	Sent to 173 property owners within 120 metres of the subject property on January 19, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24021.

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<b>Processing Details</b>	
Public Consultation:	In addition to the <i>Planning Act</i> requirements, the Applicant held a virtual Public Open House meeting on January 12, 2023, with invitations sent to 221 properties within the area. The applicant advised that a total of 22 individuals registered for the Public Consultation meeting and 13 attended.
Public Comments:	Staff received one written submission expressing concern with anticipated increased traffic volumes and congestion resulting from the proposed development (attached as Appendix “G” to Report PED24021).
Processing Time:	84 days.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwellings.	“B” (Suburban Agriculture and Residential, etc.) District and “AA” (Agricultural) District.

**Surrounding Land Uses:**

North	Single detached dwellings and townhouse dwellings.	“R-4/S-1379” and “R-4/S-1822” (Small Lot Single Family Dwelling) District, Modified.
South	Single detached dwellings.	“B-2/S-1303”, “B-2/S-1303a” and “B-2/S-1822” (Suburban Residential) District, Modified.
East	Single detached dwellings.	“R-4/S-1358” and “R-4/S-1822” (Small Lot Single Family Dwelling) District, Modified.
West	Single detached dwelling.	“B” (Suburban Agriculture and Residential, etc.) District.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (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.

As the application for a Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff's opinion that 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 properties are designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan.

The intent of the "Neighbourhoods" designation in the Urban Hamilton Official Plan is to develop neighbourhoods as complete communities. The "Neighbourhoods" designation primarily consists of residential uses with complementary facilities to serve residents. The development proposal, as revised by staff is to retain the building at 164 Rymal Road East to be adaptively reused as a multiple dwelling and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units along a private condominium road. Based on a policy review attached as Appendix "E" to Report PED24021 and the definition of multiple dwelling, the proposed development is determined to be Medium Density Residential as the form of block and stacked townhouse dwellings are considered multiple dwellings. As part of a complete community, a full range of housing forms, types and tenures shall be encouraged for



residential uses, and all new development within the “Neighbourhoods” designation should be compatible with the character of the existing neighbourhood. The proposed use complies with the applicable Medium Density Residential policies in the Urban Hamilton Official Plan.

The proposed multiple dwellings comply with the planned function, scale, and design policies for Medium Density Residential developments in terms of location of the use on the periphery of the neighbourhood, abutting a major arterial road, and within walking distance of transit, schools, parks, and commercial uses. The buildings do not exceed the maximum height restriction of six storeys and are compatible with the existing character of the area, and do not create adverse impacts on the adjacent lands.

164 and 176 Rymal Road East are listed on the City of Hamilton’s Built Heritage Inventory. As part of the Formal Consultation application (FC-23-055) Cultural Heritage staff advised that a Cultural Heritage Impact Assessment would be required and should contemplate the retention of the dwelling located at 164 Rymal Road East and explore its incorporation into the proposed development.

A Cultural Heritage Impact Assessment for the subject property was completed by Parslow Heritage Consultants Inc. and submitted in support of the application. The Cultural Heritage Impact Assessment evaluated the criteria for determining the Cultural Heritage Value or Interest of a property as prescribed by O. Reg 569/22 of the *Ontario Heritage Act* and determined that 164 Rymal Road East satisfied three of the 10 criteria, including that the property is an example of the Edwardian Classicism style, the structure displays fine examples of period craftsmanship and the structure has a visual connection to the building owned by a member of the Bethune family. Section 29 of the *Ontario Heritage Act* notes that a property must meet “two or more” of the criteria to be considered a candidate for designation. While the Cultural Heritage Impact Assessment is not complete in the opinion of staff, there is no intention to move forward with designating the property under Part V of the *Ontario Heritage Act*, however staff identify value in retaining the existing building in the proposed development.

A provision has been incorporated into the proposed Zoning By-law Amendment that requires the existing single detached dwelling located at 164 Rymal Road East, not including accessory structures, be retained and adaptively reused. Retaining the building at 164 Rymal Road East to be adaptively reused will provide an opportunity for an alternative housing option to be provided in the area and will preserve the neighbourhood character. Furthermore, the overall design as illustrated on the Concept Plans attached as Appendix “C” to Report PED24021 can proceed with minor modifications at 164 Rymal Road East. Based on a high level review of the proposal, it appears that the condominium road can remain as designed and modifications to the parking will be required.

Revisions to the Cultural Heritage Impact Assessment may be required as part of a future Site Plan Control application.

An Arborist Report prepared by Summit SKS Limited, dated August 12, 2022, and revised March 9, 2022, and June 12, 2023, identifies 42 trees on the subject site and recommends that 33 of those trees be removed to accommodate the proposed development. The trees proposed to be removed include a variety of species including, Sugar Maples, Blue Spruces, Norway Maples, Black Walnuts, Honey Locust, Apple trees, common Pear trees, Austrian Pine, Red Maples, Pin Cherry and Silver Maples. The conditions of the trees range from fair to good. The report recommends retaining nine trees. Therefore, by retaining the building at 164 Rymal Road East, three additional existing trees along the western property line of the subject lands may also be retained. Staff are recommending that a Holding 'H' Provision be applied to require the submission and approval of a revised Tree Protection Plan that would re-evaluate the retention of trees.

Finally, the policies of the Urban Hamilton Official Plan require that services be available to serve the proposed development. There are existing municipal services in the area, and a Holding 'H' Provision has been applied to ensure that there is adequate sanitary sewer system capacity and adequate storm water management to accommodate the proposed development.

Therefore, it is the opinion of staff that the proposed development complies with the policies of the Urban Hamilton Official Plan.

### **Neighbourhood Plan**

The subject lands are located in the Allison Neighbourhood Plan which is bound by Upper James Street to the west, Rymal Road East to the north and Upper Wellington Street to the east. The subject lands are identified as "Single and Double" residential. The Allison Neighbourhood Plan outlines three major goals, which include achieving a self-sufficient neighbourhood, efficient and attractive design, and a viable commercial area at the intersection of Upper James Street and Rymal Road East. The Neighbourhood Plan contemplates attached housing at the corner of Rymal Road and Upper Wellington Street and encourages residential developments that are compatible with adjacent developments in terms of height and density.

In addition, the Neighbourhood Plan encourages the inclusion of a variety of housing sizes and types. Existing vegetation will be retained where possible, including borders of mature trees within the neighbourhood and along arterial roads. Furthermore, the Neighbourhood Plan encourages that heritage resources be preserved where possible.

The proposed development generally implements the vision of the Allison Neighbourhood Plan. Staff have included a recommendation in the report that the Allison Neighbourhood Plan designation be amended from “Single and Double” to “Attached Housing” to reflect the proposed development.

### **City of Hamilton Zoning By-law No. 6593**

The Zoning By-law Amendment proposes a change in zoning from the “AA” (Agricultural) District of the easterly portion of the subject lands (part of 176 Rymal Road East), and “B” (Suburban Agriculture and Residential, etc.) District for the balance of the lands, in the former City of Hamilton Zoning By-law No. 6593. The current zoning permits single detached dwellings but does not permit multiple dwellings. Therefore, a Zoning By-law Amendment is required.

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

To facilitate the redevelopment of the subject lands and adaptively reuse the building at 164 Rymal Road East, staff have proposed modifications to the Zoning By-law Amendment application submitted by the applicant to rezone the subject lands to the Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone. The development proposal, as revised by staff is to retain the building at 164 Rymal Road East to be adaptively reused as a multiple dwelling and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units along a private condominium road.

The Transit Oriented Corridor Multiple Residential (TOC3) Zone implements the “Neighbourhoods” policies as the intent of the area is to development at a density to support transit along Rymal Road East and to support the commercial uses located along Upper James Street, which are within walking distance to the subject site. The site specific modifications required to accommodate the proposal are outlined in Appendix “D” attached to Report PED24021.

## **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 Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation; and,

- (iii) The development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units by adding multiple dwelling units in the form of townhouses, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

## 2. Zoning By-law Amendment

The Zoning By-law Amendment proposes to rezone the lands to the Transit Oriented Corridor - Multiple Residential (TOC3, 887, H165) Zone, in the City of Hamilton Zoning By-law No. 05-200 to retain the building at 164 Rymal Road East to be adaptively reused as a multiple dwelling and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units along a private condominium road. The proposed amendment contains modifications to the Transit Oriented Corridor - Multiple Residential (TOC3) Zone to facilitate the development. An analysis of the modifications is provided in Appendix "D" attached to Report PED24021.

Staff are satisfied that the proposal meets the intent of the "Neighbourhoods" designation policies as outlined in Appendix "E" to Report PED24021. The proposed Transit Oriented Corridor – Multiple Residential (TOC3, 887, H165) Zone will permit the uses and scale of the development which is compatible with the existing scale in the area and complies with the policies of the Urban Hamilton Official Plan. A provision has been incorporated into the proposed Zoning By-law Amendment to ensure that the existing single detached dwelling located at 164 Rymal Road East, not including accessory structures, be retained, and adaptively reused. Noise mitigation measures and Tree Protection Plan will be addressed through the future Site Plan Control process.

Staff have reviewed the proposed modifications to the Zoning By-law and are satisfied that the tandem parking provision provides sufficient flexibility to ensure that parking is provided in a functional manner as a result of the proposed design and unit typology. Staff have also recommended that a parking ratio of 1.47 parking spaces per unit be included in the Zoning By-law Amendment. The proposed ratio is consistent with the submitted amendment, however, provides some flexibility depending on the overall number of dwelling units developed on the site.

Site specific exceptions regarding the finished floor elevation, rear yard setback, interior side yard and reduction in maximum building height have also been reviewed. The proposed development, as a result of the proposed modifications,

is not anticipated to impact the adjacent residential uses and is a size and scale that is compatible with the existing neighbourhood.

In addition, the modification to remove the requirement for long term bicycle parking spaces is not supported by Staff and has not been included. The existing requirement can be accommodated within the existing design as the Zoning By-law only requires that the spaces are located within a secured and enclosed area.

Therefore, staff support the proposed amendment to the Zoning By-law as described above, subject to the proposed Holding 'H' Provision.

3. Holding Provision

A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the Owner submit and receive approval of a revised Functional Servicing Report (FSR) demonstrating that the increased wastewater generated from the proposed development will not adversely impact sanitary sewer system and that the required storm water management can be accommodated within the site.

As a result of deficiencies in the submitted Tree Protection Plan, staff are recommending that a Holding 'H' Provision be applied to require the submission and approval of a revised Tree Protection Plan.

## **ALTERNATIVES FOR CONSIDERATION**

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

Council could direct staff to implement the original development concept submitted with the application through the preparation of a revised Zoning By-law Amendment, which would include a Holding 'H' Provision requiring that a Documentation and Salvage Report for 164 Rymal Road East be completed prior to conditional Site Plan Control approval.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24021 – Location Map  
Appendix "B" to Report PED24021 – Draft Zoning By-law Amendment  
Appendix "C" to Report PED24021 – Concept Plan  
Appendix "D" to Report PED24021 – Zoning Modification Chart

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Appendix "E" to Report PED24021 – Summary of Policy Review

Appendix "F" to Report PED24021 – Department and Agency Comments

Appendix "G" to Report PED24021 – Public Comments

DB/sd