



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1866 Rymal Road East, Glanbrook (PED24099) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-24-002, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc., Owner**, to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan, to permit an eight storey retirement home with 177 retirement units and ground floor commercial uses, for lands located at 1866 Rymal Road East, as shown on Appendix “A” attached to Report PED24099, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24009, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment 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);
- (b) That **Amended Zoning By-law Amendment Application ZAC-24-006, by Masri O Inc. Architects (c/o Reema Masri) on behalf of 1685487 Ontario Inc.,**

Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone, to permit an eight storey retirement home with 177 retirement units, a day nursery and ground floor commercial space, for lands located at 1866 Rymal Road East, as shown on attached Appendix “A” to Report PED24099, be **APPROVED** on the following basis:

- (i) That the draft Amended By-law, attached as Appendix “C” to Report PED24099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending Amended 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 Mixed Use Medium Density (C5, 895, H175) Zone:

The Holding Provision ‘H175’, is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
 - (2) That the owner submit and receive approval of a Neighbourhood Traffic Calming Options Report, to the satisfaction of the Director of Transportation Planning and Parking;
 - (3) That the owner submit and receive approval of a Roadway Development Safety Audit, to the satisfaction of the Director of Transportation Planning and Parking;
- (iii) 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 will comply with the Urban Hamilton Official Plan and the Rymal Road Secondary Plan upon adoption of Official Plan Amendment No. ____.

EXECUTIVE SUMMARY

The subject lands are municipally known as 1866 Rymal Road East in Glanbrook and are located on the southeast corner of Rymal Road East and Dakota Boulevard. The

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applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the amended Official Plan Amendment application is to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan.

The purpose of the amended Zoning By-law Amendment application is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone to permit an eight storey retirement home with 177 retirement units, a day nursery, and 450 square metres of ground floor commercial uses, as shown on Appendix “E” to Report PED24099. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED24099.

Staff do not support the applicant’s concept plan because of a number of the corresponding zoning modifications required to implement the concept plan. Staff are of the opinion that a revised concept plan could meet the zoning requirements proposed by staff through the amended Zoning By-law Amendment included in Appendix “C” attached to Report PED24099.

The proposed amended Official Plan Amendment and amended Zoning By-law Amendment have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the Urban Hamilton Official Plan and Rymal Road Secondary Plan upon adoption of the proposed Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. In accordance with Section 34 (10.12), if the City makes a decision on a joint Official Plan Amendment application and Zoning By-law Amendment application within 120 days after the receipt of the application, the City shall not refund the application fee.

HISTORICAL BACKGROUND

Application Details	
Owner:	1685487 Ontario Inc.
Applicant:	Masri O Inc. Architects (c/o Reema Masri).
File Number:	UHOPA-24-002 and ZAC-24-006.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The purpose of the amended Official Plan Amendment is to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan.</p> <p>The purpose of the amended Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone.</p> <p>The effect of these applications is to facilitate the development of an eight storey retirement home with 177 retirement units, a day nursery with a 121 square metre exterior playground, 450 square metres of ground floor commercial uses, 55 surface parking spaces (including three barrier free parking spaces), and 99 long term bicycle parking spaces. The development is proposed to include 138 studio units, 26 one bedroom units, and 13 two bedroom units.</p> <p>Access to the development will be provided from both Dakota Boulevard and Rymal Road East.</p>

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Application Details	
Proposal: (Continued)	<p>Staff modifications have incorporated a setback above the fourth floor and an increased landscaped planting strip requirement to mitigate any privacy and overlook impacts with existing residential uses to the south.</p> <p>See the Concept Plan provided in Appendix “E” attached to Report PED24099.</p>
Property Details	
Municipal Address:	1866 Rymal Road East.
Lot Area:	0.53 ha.
Servicing:	Existing full municipal services.
Existing Use:	Vacant.
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 “District Commercial” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed by Applicant:	“Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed by Staff:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Local Commercial” on Rymal Road Secondary Plan Map B.5.2-1 – Land Use Plan Map.
Secondary Plan Proposed by Applicant:	“Mixed Use – Medium Density” on Rymal Road Secondary Plan Map B.5.2-1 – Land Use Plan Map.
Secondary Plan Proposed by Staff:	“Medium Density Residential 2c” on Map B.5.2-1 – Land Use Plan Map.
Zoning Existing:	Community Commercial (C3) Zone.

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Documents	
Zoning Proposed:	Mixed Use Medium Density (C5, 895, H175) Zone.
Modifications Proposed:	<p>The following modifications were proposed by the applicant and are not supported by staff:</p> <ul style="list-style-type: none"> • To reduce the parking requirement for a Retirement Home from one space for every three persons accommodated to one space for every four persons accommodated; • To reduce the parking requirement for a Day Nursery from one space for each 125.0 square metres to one space for each 250.0 square metres of gross floor area; • To introduce a minimum 1.4 metre setback from the street line; • To introduce a minimum setback from the street line of 1.4 metres and 1.5 metres along Dakota Boulevard and Rymal Road East, respectively; • To eliminate the maximum setback from the street line; and, • To reduce the planting strip requirement adjacent to a Residential Zone from 1.5 metres to 1.4 metres. <p>The following modifications were proposed by the applicant and are supported by staff:</p> <ul style="list-style-type: none"> • To increase the building height from 22.0 metres to 29.0 metres; and, • To require one principal entrance along the Rymal Road East façade. <p>The following modifications are being proposed by staff:</p> <ul style="list-style-type: none"> • To restrict the list of permitted uses and to restrict the permitted uses to the ground floor of the building; • To permit a Retirement Home in accordance with the regulations of 10.5.3 whereas Section 10.5.4 would normally apply; • To increase the minimum rear yard from 7.5 metres to 14.0 metres; • To increase the minimum interior side yard from 7.5 metres to 14.0 metres, except 24.0 metres for any portion of a building greater than 15.5 metres in height;

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Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> • To require one principal entrance along the Rymal Road East façade; • To establish a 1.5 metre planting strip along the rear lot line; • To establish a 3.0 metre planting strip along the interior side lot line; • To establish a minimum density of 60 units per net residential hectare; and, • To establish a maximum density of 360 units per net residential hectare. <p>The applicant has indicated they do not support the modifications proposed by staff.</p> <p>A complete analysis of the proposed modifications is provided in Appendix “D” attached to Report PED24099.</p>
Processing Details	
Received:	February 21, 2024.
Deemed Complete:	February 21, 2024.
Notice of Complete Application:	Sent to 116 property owners within 120 metres of the subject property on March 7, 2024.
Public Notice Sign:	Posted March 1, 2024.
Notice of Public Meeting:	Sent to 116 property owners within 120 metres of the subject property on May 24, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED24099.
Public Consultation:	A Virtual Public Consultation meeting was held on January 19, 2023. Based on the summary provided by the applicant, eight individuals attended the meeting. Letters of information and invitations were mailed to all neighbours within 120 metres of the development in December 2022. Neighbours expressed concern about traffic on Dakota Boulevard, privacy due to building height and especially immediately adjacent to the development site due to the proximity of the driveways and parking, and the number of parking spaces.

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Processing Details	
Public Consultation: (Continued)	A summary of this public consultation is included in the public comment summary provided in Appendix “H” attached to Report PED24099.
Public Comments:	Staff received five written submissions expressing concerns with construction, increased traffic, reduced privacy, reduced views, reduced property values, increased noise, and increased shadowing. Staff received one written submission expressing support for the proposed development. Written submissions are provided in Appendix “H” attached to Report PED24099.
Processing Time:	104 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	Community Commercial (C3) Zone.
Surrounding Lands:		
North	Vacant.	Mixed Use Medium Density (C5, 589) Zone.
South	Townhouse dwellings.	Neighbourhood Commercial “C1-205” Zone, Modified.
East	Townhouse dwellings.	Neighbourhood Commercial “C1-205” Zone, Modified.
West	Bishop Ryan Catholic Secondary School.	Major Institutional (I3) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A full review of the applicable Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) policies is provided in Appendix “F” attached to Report PED24099.

Provincial Policy Statement (2020)

The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located adjacent to Rymal Road East which is intended to further develop as a commercial and mixed use corridor. Hamilton Street Railway operated bus routes are located along Rymal Road East and Rymal Road East has been identified as a potential rapid transit route. Summit Park is located approximately 200 metres south of the subject site and the Eramosa Karst Conservation Area is located approximately 650 metres to the north. Bishop Ryan Catholic Secondary School is located directly west of the subject site.

Based on the foregoing, and subject to the Holding Provision, the proposal is consistent with the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The subject lands are located within a Settlement Area but not within the delineated built boundary. The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and a vibrant public realm.

Based on the foregoing, and subject to the Holding Provision, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan and Rymal Road East Secondary Plan

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure, designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and further designated “Local Commercial” on Map B.5.2-1– Rymal Road Secondary Plan - Land Use Plan. A full

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policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24099.

The purpose of the staff amended Official Plan Amendment is to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan. The applicant proposed the “Mixed Use – Medium Density” designation within the Urban Hamilton Official Plan and Rymal Road Secondary Plan.

The proposed amendments can be supported as the proposed development will provide a greater range of housing types and achieve the planned urban structure. The current “District Commercial” designation of Volume 1 of the Urban Hamilton Official Plan permits retail uses in a primarily non-mixed use environment and prohibits residential uses on the ground floor, whereas the “Secondary Corridor” is intended to accommodate retail and mixed use forms in small clusters. The “Neighbourhoods” designation is supported by the “Secondary Corridor” policies as outlined in Appendix “F” attached to Report PED24099.

The proposed height of eight storeys (29.0 metres) can be supported as the proposed development meets the criteria to permit height above six storeys. The proposed development contains a mix of unit size, incorporates sustainable building and design principle, which will be implemented through a future Site Plan Control application, does not have any adverse shadow impacts, provides setbacks from adjacent residential development, and minimized height appearance from the street as outlined in Appendix “F” attached to Report PED24099.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and Rymal Road Secondary Plan upon adoption of the proposed Official Plan Amendment.

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

The proposed staff amended Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 895, H175) Zone to permit an eight storey retirement home with 177 retirement units, a day nursery, and 450 square metres of ground floor commercial space. Staff do not support the proposed applicant proposed modifications to the number of required parking spaces, maximum building height, and planting strip requirement. Staff propose maintaining the parking regulations found in Zoning By-law No. 05-200 and introducing an increased setback from the easterly and southerly property lines, introducing a setback from the southernly property line, and introducing a planting strip requirement

along the easterly and southerly property lines to support the proposed increase to the maximum building height. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24099.

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 and the Rymal Road Secondary Plan subject to the proposed Official Plan Amendment; and,
 - (iii) It is compatible with existing development in the immediate area, and it represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

2. Official Plan Amendment

The purpose of the amended Official Plan Amendment is to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and from “Local Commercial” to “Medium Density Residential 2c” within the Rymal Road Secondary Plan..

The Official Plan Amendment can be supported as the proposal, as amended by staff, supports the development of healthy, liveable, and safe communities. The proposed mixed-use development represents a compatible form of development. It will provide a greater range of housing types and achieves the planned urban structure. The increased height is appropriate at this location as shadowing is not anticipated to impact adjacent residential uses. Privacy and overlook impacts have been mitigated through the introduction of a stepback above the fourth floor and an increased landscaped planting strip requirement. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in Appendix “F” attached to Report PED24099, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Community Commercial (C3) Zone in Zoning By-law No. 05-200. The staff amended Zoning By-law Amendment proposes to change the zoning to the Mixed Use Medium Density (C5, 895, H175) Zone. Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and the “Medium Density Residential 2c” policies in the Rymal Road Secondary Plan designation subject to the proposed Official Plan Amendment, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix “F” attached to Report PED24099. Staff recommend a setback above the fourth floor and an increased landscaped planting strip requirement to mitigate any privacy and overlook impacts. The type and location of commercial uses are proposed to be restricted to meet the intent of the “Neighbourhoods” designation.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in attached Appendix “D” to Report PED24099.

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

4. Holding Provisions

A Holding “H” Provision is proposed to be added to the subject lands for the purpose of requiring an updated Transportation Impact Study, Neighbourhood Traffic Calming Options Report, and Roadway Development Safety Audit. Upon completion of the above noted conditions, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Community Commercial (C3) Zone in Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24099 – Location Map
Appendix “B” to Report PED24099 – Amendment to Urban Hamilton Official Plan
Appendix “C” to Report PED24099 – Amendment to Zoning By-law No. 05-200
Appendix “D” to Report PED24099 – Zoning Modification Table
Appendix “E” to Report PED24099 – Concept Plan
Appendix “F” to Report PED24099 – Policy Review
Appendix “G” to Report PED24099 – Staff and Agency Comments

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Appendix "H" to Report PED24099 – Public Comments

MM/sd