



Hamilton

STAFF COMMENTS

HEARING DATE: June 11, 2024

HM/A-23:261 – 1865 Rymal Road East, Stoney Creek

Recommendation:

Table

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To facilitate the construction of a mixed-use building containing a total of 195 dwelling units and ground floor commercial.

The variances are necessary to facilitate Site Plan Control Application DA-21-017. Conditional approval was granted on November 9, 2022, to permit construction of an eight storey (27.00 metre) mixed use building with 172 residential units, 317.00 square metres of commercial floor area and 107 parking spaces, including 35 surface parking spaces and 72 below grade parking spaces.

On May 26, 2022, the Committee of Adjustment approved Minor Variance application HM/A-22:131, to permit a maximum building height of 27.0 metres.

Analysis

Urban Hamilton Official Plan and Trinity West Secondary Plan

The Urban Hamilton Official Plan designates the property as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Mixed use multiple dwellings are permitted in the above designation. Staff note that Official Plan Amendment No. 167 came into effect as of November 4, 2022.

The Trinity West Secondary Plan designates the property as “Mixed Use – Medium Density” in Land Use Plan Map B.7.7-1 and further identifies the northeast corner of the subject lands as “Core Areas” and “Area Specific Policy USC-1 (Eramosa Karst)” in Natural Heritage System Map B.7.7-2.

The following policies, amongst others, apply to the proposal:

Volume 1

E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.8 Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:

a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;



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- b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.”
- a) The development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
- b) The development shall incorporate sustainable building and design principles including but not limited to use of locally sourced and/ or recycled materials, water conservation and energy efficiently techniques and low impact development approaches: (OPA 167)
- c) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.

Volume 2

B.7.7.4.1. In addition to Section E.4.6 – Mixed-Use – Medium Density of Volume 1, the following policies shall apply to the lands designated Mixed-Use – Medium Density on Map B.7.7-1 – Trinity West – Land Use Plan:

- d) Direct access to individual properties or units from Rymal Road shall be discouraged; shared or combined common access points and rear lane arrangements shall be provided, where possible, through land consolidation and/or rights-of-way.
- f) Where Core Areas and Area Specific Policy – USC-1 areas occur within the Mixed-Use – Medium designation, as shown on Map B.7.7.2 – Trinity West – Natural Heritage System, the policies in Section 2.0 – Natural Heritage System of Volume 1 and USC-1 of Volume 3 shall also apply.

Volume 3 – USC-1

1.0 In addition to the policies of Section C.2.0 – Natural Heritage System of Volume 1, the following policies shall apply to the lands located [within] the entire Feeder Area as identified in Figure 2 to the



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Eramosa Karst ANSI report (Buck, Worthington and Ford, 2003) shown as Area Specific USC-1 on Map SC-1:

a) The Eramosa Karst Area of Natural and Scientific Interest (ANSI) has been divided into various zones, with different levels of protection. The Core Area includes the highest density of significant features and has been identified as a Core Area in the Natural Heritage System. The Feeder Area includes all of the watersheds for streams that contribute flow to the provincially significant karst systems in the Core Area. The Feeder Area provides water flows which are important to the continued functioning and development of the karst features within the Core Area.

b) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, the Feeder Area shall be afforded a level of protection to ensure that:

- i) the flows of the creeks into the Core Area are substantially maintained (i.e. stream discharge including low flow and high flow characteristics and discharge response to runoff events);
- ii) water quality is improved (i.e. primarily a reduction in sediment load); and,
- iii) protective measures are employed to reduce the risk of contamination of surface streams by substances that would significantly impact groundwater and the karst.

c) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, no development shall occur within the Feeder Area unless it can be shown, through technical studies completed to the satisfaction of the City, the Province and the Conservation Authority, that these objectives shall be met. Individuals who review these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.

Zoning By-law City of Hamilton 05-200

The subject site is zoned Mixed Use Medium Density (C5, 589) Zone, which permits the use.

Variances 1-11

1. A maximum building height of 28.2m shall be permitted from average grade to the uppermost point of the building instead of the maximum 27.0m height permitted.
2. The finished floor elevation of any dwelling unit shall be permitted to be a minimum of 0.5m above grade instead of the minimum required 0.9m above grade.
3. A rooftop level amenity area shall be permitted to contain a maximum area of 19.5% of the floor area directly beneath and a maximum height of 3.4m whereas the zoning by-law permits a rooftop amenity area to consist of only 10.0% of the floor area directly beneath and a maximum height of 3.0m.
4. A minimum setback of 1.5m shall be permitted from a street for a building with residential units on the ground floor facing instead of the minimum 3.0m setback required from a street for a building with residential units on the ground floor facing a street.



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5. An exterior staircase shall be permitted to be as close as 0.0m from a side lot line whereas the zoning By-law permits an exterior staircase to encroach a maximum of 1.5m or to a maximum of half the distance of the required yard, whichever is the lesser.
6. A minimum rear yard of 1.7m shall be permitted for any underground parking structure walls projecting more than 0.15m above grade instead of the minimum 7.5m rear yard required.
7. A minimum interior side yard of 1.4m shall be permitted for any underground parking structure walls projecting 0.15m the adjacent grade instead of the minimum 7.5m interior side yard required for a lot abutting a Residential or Institutional zone or lot containing a residential use.
8. A minimum 1.4m wide planting strip shall be permitted along the northerly lot line instead of the minimum 1.5m wide planting strip required where a property line abuts a property line with an Institutional zone and where a parking lot is located.
9. A planting strip may be obstructed by an underground garage vent and a hydro transformer and associated support structures including a concrete pad and decorative screen instead of the requirement that a planting strip may not include underground garage vents or hydro transformers as defined.

Variances to proposed new parking regulations:

10. A minimum of 109 parking spaces shall be permitted instead of the minimum 214 parking spaces required.
11. A total of 0.0% of the parking spaces provided required to be provided as Electric vehicle parking spaces whereas the zoning By-law requires that 100.0% of the parking spaces provided for a Dwelling Unit, Mixed use are provided as Electric Vehicle parking spaces.

Staff notes that the proposal differs from the previously tabled proposal and that there are discrepancies between the conditionally approved site plan and the variances being proposed. Staff note that a nine storey building is now being proposed. Staff are of the opinion that the application is premature until the applicant can demonstrate Urban Hamilton Official Plan Policy E.4.6.8, as amended by Official Plan Amendment No. 167, has been satisfied through a comprehensive review through the Site Plan Control application process where staff can evaluate the Natural Heritage, Urban Design, and other impacts of the proposed variances more holistically and comprehensively. This will help Staff determine overall impacts to the subject site and surrounding area associated with the proposed variances. Staff defers any drainage concerns regarding rear yard and interior yard side setback for the parking structure to Development Engineering. Staff recommend that the application be **tabled** until revisions to the Site Plan application receives a more comprehensive review.



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> The variances are necessary to facilitate Site Plan Control Application DA-21-017. Insufficient details were provided regarding the parking areas including an underground parking floor layout from which to confirm compliance respecting parking spaces sizes, access widths, minimum number of parking spaces, barrier free parking etc. Therefore, further variances may be required. Details regarding bicycle parking were not shown. Therefore, the applicant shall ensure that required short-term and long-term bicycle parking is provided; otherwise, further variances shall be required. Please be advised that a portion of this property is regulated by the Hamilton Conservation. Please contact Hamilton Conservation at 905-525-2181 for further information.
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>Staff comments addressed as part of DA-21-017</p> <p>Cultural Heritage:</p> <p>Staff comments addressed as part of DA-21-017</p>
Proposed Notes:	

Natural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has been identified within the Trinity West Secondary Plan. Based on mapping within the UHOP (Volume 1-Schedule



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	B Natural Heritage System and Volume 2-Trinity West Secondary Plan Natural Heritage System Map B.7.7-2), a Core Area has been identified within and adjacent to the subject property. This Core Area is the Eramosa Karst Area of Natural and Scientific Interest (ANSI). This feature is also regulated by the Hamilton Conservation Authority (HCA). Through the Site Plan process (DA-21-017), a Karst Assessment was required. This assessment identified a karst feature in the northwest portion of the property. This feature was to be addressed through the Site Plan and HCA permit process.
Proposed Notes:	

Development Engineering:

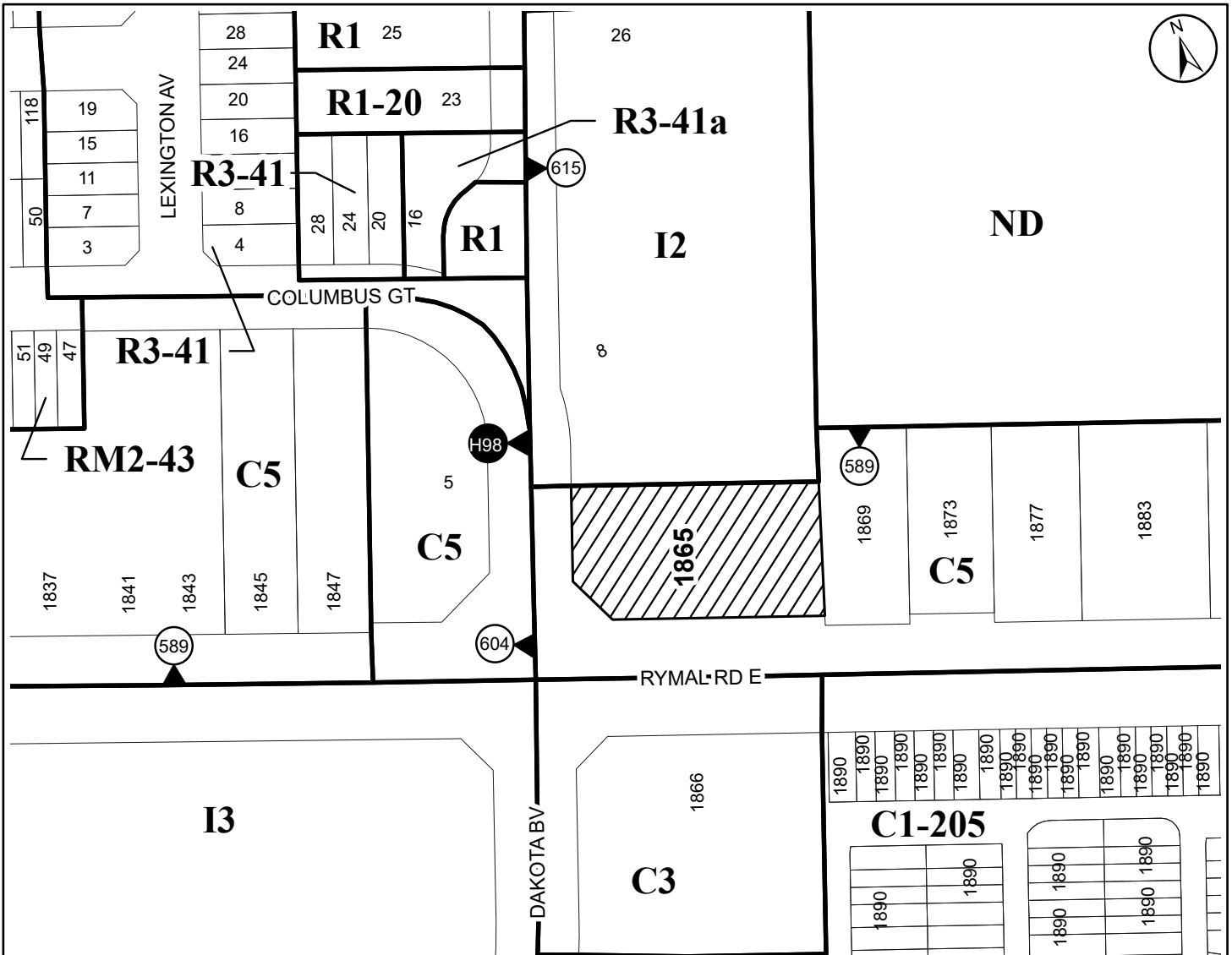
Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

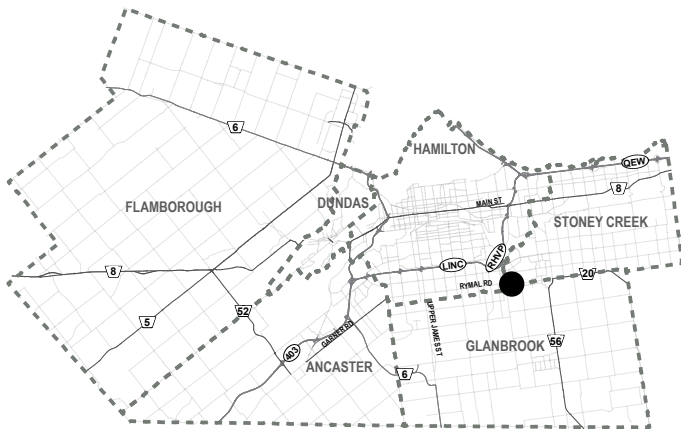
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction the proposed mixed-use building containing a total of 195 dwelling units and ground floor commercial. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1865 Rymal Road East, Stoney Creek (Ward 9)

File Name/Number:

HM/A-23:261

Date:

May 29, 2024

Technician:

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Scale:

N.T.S.

Appendix "A"



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