



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

| | |
|---------------------------|---|
| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | June 6, 2017 |
| SUBJECT/REPORT NO: | Applications for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road, Hamilton (PED17019) (Ward 5) |
| WARD(S) AFFECTED: | Ward 5 |
| PREPARED BY: | Cam Thomas (905) 546-2424 Ext. 4229 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-15-046, by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner**, for a modification to the Community Institutional “I2” Zone to permit residential development consisting of 192 street townhouse dwelling units and 18 semi detached dwelling units along a common element road, and from the Community Institutional “I2” Zone to the Conservation / Hazard (P5) Zone to recognize Core Area features (Environmentally Sensitive Area (ESA) and Significant Woodland) and the associated vegetation protection zone and future storm water management pond for lands located at 50 Albright Road (Hamilton), as shown on Appendix “A” to Report PED17019, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17019, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan;

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 2 of 58

- (iii) That the amending By-law, attached as Appendix “B” to Report PED17019, be added to Map Nos. 1246 and 1299 of the City of Hamilton Zoning By-law No. 05-200;
- (iv) That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding additional Holding provisions as follows:

Notwithstanding Section 8.2 of this By-law, within the lands zoned Community Institutional (I2, 502) Zone, identified on Map Nos. 1246 and 1299 of Schedule “A” – Zoning Maps, and described as 50 Albright Road (Hamilton), no development greater than 139 dwelling units shall proceed until such time as:

- a. The Owner demonstrates that the existing 250mm sanitary sewer on Quigley Road can be adequately upsized to provide sufficient capacity for the remaining 71 dwelling units or adequately upgrades the sanitary sewer to meet the current City standards to the satisfaction of the Senior Director of Growth Management; and,
 - (v) That upon finalization of the implementing Zoning By-law, the Vincent Neighbourhood Plan be amended to change the land use designation from “Institutional” to “Attached Housing” (Blocks “1”, “3”, “4”, and “6”), “Single and Double” (Block “5”) and “Open Space” (Block “2”), as shown on Appendix “B” to Report PED17019.
- (b) That **Revised Draft Plan of Subdivision Application 25T-201508, by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner,** to establish a Draft Plan of Subdivision for lands located at 50 Albright Road, Hamilton, as shown on Appendix “A” to Report PED17019, be **APPROVED** subject to the following conditions:
- (i) That this approval apply to Draft Plan of Subdivision 25T-201508, prepared by A.T. McLaren Limited, dated December 1, 2016, attached as Appendix “D” to Report PED17019, consisting of one (1) block for open space (Block 1) and one (1) block for 210 dwelling units (Block 2), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “C” to Report PED17019;

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 3 of 58

- (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development; and,
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the date of issuance of each building permit at the rate of 0.6 hectare per 300 units per hectare. All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City's Parkland Dedication Bylaw, as approved by Council.
- (c) That **Revised Draft Plan of Condominium Application 25CDM-201515 by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner**, to establish a Draft Plan of Condominium (Common Elements), known as "Ridgecrest Estates", consisting of a condominium road, 63 visitor parking spaces, a storm water management pond and landscaped areas, on lands located at 50 Albright Road, Hamilton, as shown on Appendix "A" to Report PED17019, be **APPROVED** subject to the following conditions:
- (i) That this approval apply to Draft Plan of Condominium 25CDM-201515, prepared and certified by A.T. McLaren Limited, dated December 1, 2016, showing an 6 metre wide private condominium road with sidewalks, 63 visitors parking spaces, a storm water management pond, safety berm and fence, and landscaped areas labelled as "Common Elements", attached as Appendix "F" to Report PED17019; and,
 - (ii) That the owner enters into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix "E" to Report PED17019.

EXECUTIVE SUMMARY

WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., has applied for approval of a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) to permit the development of 192 street townhouse dwelling units and 18 semi detached dwelling units along a common elements road on the former Bishop Ryan Secondary School property. The subject lands are approximately 5.52 hectare in area and located at the northwest corner of Quigley Road and Albright Road (see Appendix "A" to Report PED17019).

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 4 of 58

While an Urban Hamilton Official Plan (UHOP) amendment was required to address residential uses and density associated with the original proposal, which proposed maisonettes and stacked townhouses, a UHOP amendment is no longer necessary since the proposed residential uses (i.e. street townhouse and semi detached dwellings) are recognized as being legal non-complying uses in that the current zoning that is in force and effect for the subject lands permits these uses as of right.

The proposed amended Application for a Zoning By-law Amendment is to modify the zoning applicable to the subject lands to a site specific Community Institutional (“I2”, 502, H95) Zone, to permit the development of 192 street townhouse dwelling units and 18 semi detached dwelling units along a common elements road. The proposed Zoning By-law Amendment, as amended, is also to permit a change in zoning from the Community Institutional “I2” Zone to the Conservation / Hazard (P5) Zone to create a Vegetation Protection Zone (VPZ) and Storm Water Management (SWM) Pond, and to recognize Core Area features (Environmentally Sensitive Area (ESA) and Significant Woodland).

The applicant has requested modifications to the Community Institutional “I2” Zone which address minimum lot area, minimum lot width, minimum front yard, minimum flankage yard, minimum rear yard, maximum building height, minimum setback from a “P5” Zone, tandem parking, maximum driveway width, decks and building projections. In addition, the recommended Site Specific “I2” Zoning also includes provisions that were added by staff to address requirements for air conditioning units, accessory buildings, overall minimum landscaped area and visitor parking.

A Holding ‘H’ Provision is required in the amending zoning by-law to address sanitary upgrades and, until such time, only 139 of the proposed 210 dwelling units can be developed.

The proposed development requires a Draft Plan of Subdivision application to allow for the creation of two blocks which includes one (1) block for residential development to permit a mix of street townhouse dwellings and semi detached dwellings with a SWM pond, and also one (1) block for a VPZ and the protection of Core Area features. A future Part Lot Control application will be required to facilitate the conveyance of the units.

In addition, the proposed development requires a Draft Plan of Condominium (Common Elements) application to allow for the creation of common element features including a condominium road, safety berm and fence, a SWM pond, visitor parking, landscaped areas, amenity areas and internal sidewalks. The proposed Draft Plan of Condominium (Common Elements) will also allow for the creation of individual lots known as parcels of

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 5 of 58

land (POTL) through the removal of Part Lot Control under Section 50(28) of the *Planning Act*.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the UHOP.

Alternatives for Consideration – See Page 57

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements).

HISTORICAL BACKGROUND

Description of Proposal

The subject property was previously a secondary school known as Bishop Ryan Catholic Secondary School. The school operated as an elementary school from 1970 until 1991 and as a secondary school from 1991 until September, 2014. The school building and parking area are located at the corner of the property at the intersection of Quigley Road and Albright Road. The sports fields and open space components of the school are located between the school building and the Canadian Pacific Rail (CPR) line. The former school is unoccupied and is pending demolition.

The proposal was initially submitted for the creation of a residential condominium (common elements) block consisting of 278 dwelling units comprised of two and three storey street townhouse dwellings, maisonettes, stacked townhouses and semi detached dwellings. The open space portion of the property was proposed to be maintained as a VPZ buffer for the adjacent ESA lands to the north and west.

On January 17, 2016, the application was reduced to 231 dwelling units, comprised of 212 street townhouse dwelling units, including 41 street townhouse dwelling units with rear lane access from a common elements road and 171 two and three storey street townhouse dwelling units, and 18 semi detached dwelling units in response to concerns from the public with respect to the density of the development proposal. Additionally, due to changes in the location of the semi detached dwelling units and to address the

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 6 of 58

requirement for a dry SWM pond, the proposal was further reduced to 230 units in June, 2016.

Additional modifications to the proposed design were provided on November 7, 2016 resulting in a further reduction to 220 dwelling units comprised of 202 street townhouse dwelling units, including 41 street townhouse dwelling units with rear lane access from a common elements road and 161 two and three storey street townhouse dwelling units, and 18 semi detached dwelling units (see Appendix “J” to Report PED17019).

The applicant provided a new design on March 21, 2017 at the request of staff to increase the minimum lot area, lot widths, front yard setback, and flankage yard for the proposed street townhouse dwelling units with rear lane access, to increase the flankage yard for the proposed street townhouse and semi detached dwelling units along the condominium road and to address the reduction of other variances, where possible. The various applications and their purpose are more specifically discussed in the following section.

Official Plan Amendment Application (UHOPA-15-21)

The subject property is presently designated “Institutional” in the UHOP. An UHOP Amendment was required for the original application to permit the development of medium density uses (i.e. block townhouses, stacked townhouses and maisonettes) on Institutional lands in which the institutional use has ceased.

A UHOP Amendment was also required for the original proposal to create a Site Specific Policy to permit medium density uses that are below the density requirement of 60 – 100 units per hectare provided in Policy E.3.5.7. For the original proposal, the proposed density was determined to be 56 units per hectare.

The planning applications were amended to remove stacked townhouses and maisonettes from the proposal. Through this change, the proposed uses would be permitted under the existing Community Institutional “I2” Zone of Zoning By-law No. 05-200 which permits single detached dwellings, semi detached dwellings and street townhouse dwellings. In particular, the proposed townhouses, including those dwelling units with rear lane access, would be recognized as a type of “street townhouse” based on the definition in Zoning By-law No. 05-200 which permits street townhouses to be developed with frontage on a laneway or a common condominium driveway. Both the UHOP and the Zoning By-law recognize a condominium road as a “street” for administrative purposes to allow for common element condominiums.

As the uses proposed through the amended proposal have been permitted since 2007 when the Community Institutional “I2” Zone of Zoning By-law No. 05-200 was created,

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 7 of 58

the uses are deemed as a Non-Complying Use under Policy F.1.12 of the UHOP and therefore a UHOP Amendment is not required for the amended proposal.

Amended Zoning By-law Amendment Application ZAC-15-043

The amended application is to modify the zoning of the property from the Community Institutional (I2) Zone in By-law No. 05-200 to establish site specific zoning provisions for street townhouse dwellings (including street townhouses with rear lane access) and semi detached dwellings (see Appendix “J” to Report PED17019).

The special zoning provisions that would be required to address the proposed residential development are for the following:

- Minimum Lot Area for Unit (Blocks “1”, “3”, “4”, “5” and “6”);
- Minimum Unit Width (Block “1”);
- Minimum Front Yard for a corner lot (Blocks “1”, “4”, “5” and “6”);
- Minimum Flankage Yard (Blocks “4”, “5” and “6”);
- Minimum Rear Yard (Block “3” and “4”);
- Maximum Building Height (Blocks “1”, “3”, “4” and “6”);
- Minimum Setback from a “P5” Zone (Block “4”);
- Maximum Driveway Width (Block “3”); and,
- Specific provisions for rear decks, building projections, air conditioning (A/C) units, accessory buildings, minimum landscaping, among others, are discussed in the Analysis and Rationale for Recommendations Section.

The proposed Zoning By-law Amendment would also be required to change the zoning on the northerly portion of the property (approximately 0.23 hectare), which comprise the VPZ, Significant Woodland and ESA from the Community Institutional (I2) Zone to the Conservation / Hazard (P5) Zone to provide for the protection of these Core Area features. The “P5” Zone would also apply to the SWM pond which is to be developed as a rectangular “dry pond” along the north easterly part of the residential block abutting the CPR line.

Draft Plan of Subdivision Application 25T-201508

A Draft Plan of Subdivision is required for the creation of two blocks on lands comprising 5.52 hectare. The Draft Plan of Subdivision is to facilitate a future Part Lot Control Application to create the individual lots to allow for the conveyance of the units. The blocks are:

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 8 of 58

- Block 1, an open space block comprising 0.23 hectare which contains natural heritage features including a Significant Woodland and an ESA; and,
- Block 2, a future residential block comprising 5.29 hectares intended for the development of two and three storey street townhouse and semi detached dwelling units on a common element road (see Appendix “D” to Report PED17019).

The Draft Plan of Subdivision was revised to address changes to the configuration of Block 1 to identify the top of stable slope, erosion hazard, VPZ and 6 metre erosion maintenance access.

Draft Plan of Condominium Application (Common Elements) (25CDM-201515)

The Draft Plan of Condominium (Common Elements) application identifies a condominium block for the development of 210 dwelling units consisting of two and three storey townhouse and semi detached dwellings (see Appendix “F” to Report PED17019).

The proposed common elements include the internal road system consisting of 8 metre wide condominium roads with sidewalks, 63 visitor parking spaces, SWM pond, a landscaped berm with acoustical fence, landscaped areas, and amenity areas.

Chronology:

- August 21, 2015: Applications UHOPA-15-21, ZAC-15-046, 25T-201508, and 25CDM-201515 submitted by WEBB Planning Consultants.
- September 21, 2015: Applications UHOPA-15-21, ZAC-15-046, 25T-201508 and 25CDM-201515 deemed incomplete due to the plan showing City-owned lands as part of a future land exchange.
- September 22, 2015: Revised materials submitted for applications UHOPA-15-21, ZAC-15-046, 25T-201508, and 25CDM-201515.
- September 23, 2015: Applications UHOPA-15-21, ZAC-15-046, 25T-201508 and 25CDM-201515 deemed complete.
- October 9, 2015: Circulation of Notice of Complete Applications and Preliminary Circulation for Applications to 1019 property owners within 120 metres of the subject lands.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 9 of 58

- October 15, 2015: Public Notice Sign posted.
- January 17, 2016: Applications UHOPA-15-21, ZAC-15-046, 25T-201508 and 25CDM-201515 revised to 231 units.
- May 12, 2016: ESAIEG Meeting.
- June 6, 2016: Applications UHOPA-15-21, ZAC-15-046, 25T-201508 and 25CDM-201515 revised to 230 units.
- November 23, 2016: Applications UHOPA-15-21, ZAC-15-046, 25T-201508 and 25CDM-201515 revised to 220 units.
- January 30, 2017: UHOP Amendment application UHOPA-15-21 deemed no longer required.
- March 21, 2017: Applications ZAC-15-046, 25T-201508 and 25CDM-201515 revised to 210 units.
- May 10, 2017: Public Notice Sign updated to reflect Public Meeting date.
- May 19, 2017: Circulation of Notice of Public Meeting to 1019 property owners within 120 metres of the subject lands.

Details of Submitted Applications

- Owner:** Ridgecrest Estates Inc.
- Applicant / Agent:** WEBB Planning Consultants Ltd. (c/o James Webb)
- Location:** 50 Albright Road, Hamilton
(see Appendix "A" to Report PED17019)

| Property Size: | Block 1 (Open Space) | Block 2 (Residential) | Total |
|-----------------------|---------------------------------|----------------------------------|---------------|
| Frontage | n/a | 171.7 metres (Albright Road) | 171.73 metres |
| | n/a | 176.3 metres (Quigley Road) | 176.3 metres |

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 10 of 58

| | | | |
|---------------|---------------|---------------|---------------|
| Depth: | 51.26 metres | 290.5 metres | 341.76 metres |
| Area: | 0.23 hectares | 5.29 hectares | 5.52 hectares |

EXISTING LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------------------|--|--|
| <u>Subject Lands:</u> | Former Secondary School (Bishop Ryan) | Community Institutional "I2" Zone |
| <u>Surrounding Lands:</u> | | |
| North | CP Railway and Open Space | "AA" (Agricultural) District |
| South | Multiple Dwellings | "DE-2/S-75b" (Multiple Dwellings) District, Modified |
| East | CP Railway, Vacant Lands, and Convenience Plaza | "AA" (Agricultural) District; "G-1" (Designed Shopping Centre) District; "G-3" (Public Parking Lot) District |
| West | Sir Wilfrid Laurier Recreation Centre (City of Hamilton) and ESA | Community Institutional "I2" Zone and "AA" (Agricultural) District |

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The following policies, among others, from the Provincial Policy Statements (PPS) are considered to be applicable to the proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) applications.

Building Strong Communities:

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 11 of 58

With respect to Section 1.1.1 of the PPS, the proposal would provide an efficient form of development (1.1.1a)), through the creation of various compact and attached housing forms (i.e. townhouses and semi detached dwellings) along a condominium road.

The proposal would accommodate a mix of residential housing types (1.1.1b)) which would fit into the surrounding neighbourhood context which consists of medium and high density uses. The proposed development is cost effective (1.1.1e)) with respect to the internal roads, sidewalks, landscaping and SWM facilities which would be under the ownership of the future condominium. The proposed development can be accommodated by existing services in terms of water and waste water servicing requirements.

The proposal would allow for the conservation of the biodiversity of this area (1.1.1h)), by providing an appropriate VPZ or buffer to protect the adjacent ESA and Significant Woodland from the impacts of the proposed residential development. As a condition of the Draft Plan of Subdivision, the developer would be required to obtain approval for a restoration planting plan for the buffer and a Tree Protection Plan (see Condition No. 4 and 5 of Appendix “C” to Report PED17019) and would be required to grade outside of the VPZ (see Condition No. 3 of Appendix “C” to Report PED17019).

Settlement Areas:

As per Policy 1.1.3.2 of the PPS, the proposal would provide a suitable land use and density for the former Bishop Ryan Secondary School that is compatible with existing residential uses within this area. The proposal would support existing transit services that are available along Quigley Road and provides an opportunity for intensification within the built up area which fully utilizes the developable area of the site.

Land Use Compatibility:

The proposal has required a noise and vibration study due to the adjacent CPR Corridor which is a principal main line. The study identified mitigation requirements which include the provision of a safety berm, acoustical barrier, specific building material requirements and warning clauses for inclusion in future purchase and sale agreements for specific blocks within the development. The requirements are more specifically identified in the Relevant Consultation Section under the comments from the CPR. Conditions for noise mitigation are included for both the Draft Plan of Subdivision (see Condition No. 25 and 26 of Appendix “C” to Report PED17019) and the Common Elements Condominium (see Condition No. 9 of Appendix “E” to Report PED17019).

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 12 of 58

The above policy also applies to provincial requirements for environmental site assessments (ESA) to ensure that the former school site has been properly assessed for contamination and has been remediated if necessary. As an institutional use, filing of a Record of Site Condition is non-mandatory and therefore not required. However to ensure the items of concerns identified in the Phase 1 ESA have been addressed, a Site Remediation Report is required.

This requirement would apply to Draft Plan of Subdivision 25T-201508 and is addressed as Condition No. 9 of Appendix “C” to Report PED17019.

Housing

With respect to Policy 1.4.3, the proposed development would contribute to the range of housing within the surrounding area by providing different forms of low density housing (i.e. street townhouses and semi detached dwellings) that would serve families as well as smaller households. The proposal provides for the redevelopment of a former high school through residential intensification and achieves a compact design through the use of common elements roads, reduced setbacks and attached housing. The proposal is within an urbanized area that would utilize existing services (i.e. sidewalks, transit, sewers, and water) and is accessible to community facilities including a public school and community centre.

Airports, Rail and Marine Facilities:

The proposed residential development is a sensitive land use which would abut a railway right-of-way. The proposal has required the submission of a noise and vibration study to assess noise levels in accordance with provincial requirements. The applicant’s noise study was considered to be satisfactory and would be addressed through conditions of approval for the Draft Plan of Subdivision (see Conditions No. 25 and 26 of Appendix “C” to Report PED17019) and Draft Plan of Condominium (Common Elements) (see Conditions Nos. 7, 8 and 9 of Appendix “E” to Report PED17019). In addition, the proposed development would be subject to Site Plan Control which also addresses the location of the noise attenuation features.

Natural Features:

Policy 2.1.1 of the PPS is satisfied in that Block 1 of the proposed Draft Plan of Subdivision (refer to Appendix “D” to Report PED17019) has been identified as a parcel which contains natural heritage features including an ESA and Significant Woodland. For the proposal, an Environmental Impact Study (EIS) has been provided to the satisfaction of the City and the Hamilton Conservation Authority. This block would be

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 13 of 58

protected through the application of the Conservation / Hazard (P5) Zone in the amending Zoning By-law as well as through conditions of Draft Plan of Subdivision Approval to require landscaping and restoration for the buffer and the dedication of the 0.23 hectare block to the City (see Condition Nos. 4 and 13 of Appendix “C” to Report PED17019).

With respect to PPS Policies 2.1.5 and 2.1.8, the proposed development was evaluated through the applicant’s EIS which determined that a minimum 10 metre wide VPZ would be required along adjacent lands on Block 1. The VPZ would also be enhanced through restoration planting (see Appendix “H” to Report PED17019). To maintain the integrity of the VPZ, the developer would be required to prepare and implement an invasive species management plan (see Condition No. 8 of Appendix “C” to Report PED17019).

In addition, staff note that the proposed development would require the extension of storm water management facilities north of Block 1, within the ESA and Significant Woodlands, to provide an outlet for the proposed SWM pond. This change was examined through an addendum to the applicant’s EIS and staff and the Hamilton Conservation Authority (HCA) are supportive of the applicant’s restoration planting plan to address tree removal in this area.

With respect to PPS Policy 2.1.7, the identification of Chimney Swift, a Threatened Species within the chimney of the former secondary school, would require as a condition of Draft Plan of Subdivision Approval, that the applicant provide evidence of compliance with the *Endangered Species Act, 2007* that a suitable alternative habitat can be provided to the satisfaction of the Director of Planning and Chief Planner and the MNR (see Condition No. 2 of Appendix “C” to Report PED17019).

Natural Hazards:

Hazardous lands have been identified on the subject property on Block 1 of the proposed Draft Plan of Subdivision (Appendix “D” to Report PED17019) and a Slope Stability Assessment required by the HCA determined the top of the stable slope profile. Abutting the stable slope, a 6 metre easement known as an erosion access allowance is required for maintenance purposes by the HCA (see Condition No. 19 of Appendix “E” to Report PED17019). This area would be separated from the proposed development by a chain link fence and the zoning would be changed to the Conservation / Hazard (P5) Zone in accordance with the above policy.

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.

Cultural and Built Heritage:

Concerning Cultural Heritage, a satisfactory Stage 1 and 2 Archaeological Assessment was submitted to the City and the Ministry of Tourism, Culture and Sport. At this time, it was determined that no further archaeological work would be required on sit. However written confirmation from the Ministry of Tourism, Culture and Sport is required to be provided by the applicant indicating the Archaeological Assessment has been entered into the Ontario Public Register of Archaeology Reports (see Condition No. 1 of Appendix "C" to Report PED17019).

Concerning built heritage, a demolition report was submitted for review with the applications and staff concur with the recommendations. The building is not listed in the City's Architectural Inventory and there were no architectural attributes of the former school that would need to be retained.

Based on the foregoing, the proposed development is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2006)

The following policies from the Growth Plan are applicable to the proposal:

Managing Growth:

With respect to Policy 2.2.2.1, the proposed development provides for new growth and intensification within the built-up area and an intensification area. In addition, the proposal would provide internal sidewalks for pedestrian activity with connections to the community centre and public school and would be situated in proximity to stops for local transit.

General Intensification:

As noted, the proposed development is within the built-up area which is intended to accommodate a substantial amount of new growth within the City (Places to Grow (P2G), 2.2.3).

The subject property is also recognized as an intensification area because it is a major redevelopment site. As such, it would be developed to high standards to encourage walkability and is within a location that is in proximity to existing transit services.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 15 of 58

Natural Systems:

As discussed previously in this report, natural heritage features have been satisfactorily addressed.

Based on the foregoing, the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject property is designated “Institutional” on Schedule “E-1” – Land Use Plan of the UHOP.

Institutional

“E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the residential uses are compatible with the surrounding area and are in keeping with the policies of this Plan.”

The Institutional designation was applied to the subject property in Schedule “E-1” to recognize the former Bishop Ryan Secondary School.

Where an institutional use ceases to exist, low density residential development is permitted, subject to compatibility with neighbouring uses and adherence to the policies of the UHOP. Essentially, Policy E.6.2.6 is referring to the development of plans of subdivision consisting of low density uses such as single detached dwellings, semi detached dwellings and street townhouses on new public streets with density not exceeding 60 units per hectare.

The amended proposal is for street townhouse that would be served by a common elements road. The proposal is also to permit semi detached dwellings along a common elements road.

An amendment to the Urban Hamilton Official Plan would typically be required to permit medium density uses such as block townhouses to be developed on a former institutional land use. However, the proposed townhouses are recognized as street townhouses in the current Community Institutional “I2” Zoning of Zoning By-law No. 05-200. The definition of Street Townhouse in 05-200 require the units to front onto a street. Zoning By-law 05-200 deems a condominium road as a public street for Zoning

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 16 of 58

By-law purposes. Therefore, the proposed development complies with the applicable provisions of the Zoning By-law.

As the “I2” Zone was in effect prior to the UHOP and the uses are permitted as-of-right, the proposed townhouses are deemed to be a legal non-complying use under the UHOP and would not be subject to a UHOP Amendment. The proposed semi detached dwellings are low density residential uses consistent with Policy E.6.2.6 and are therefore also not subject to a UHOP Amendment.

Residential Intensification

The following Residential Intensification policies are applicable to the proposed development:

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban systems and Designations and Chapter F – Implementation.
- B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
- c) 40% of the residential intensification targets is anticipated to occur within the neighbourhoods as illustrated on Schedule E –Urban Structure.”

With respect to Policy B.2.4.4.1, the subject property is located within the built-up area and is identified as Neighbourhoods in the Urban Structure in Schedule “E” of the UHOP. The proposed development is considered to be an appropriate form of density based on these requirements and contributes to the provision of the 40% residential intensification target within the Neighbourhoods designation.

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- (a) A balanced evaluation of the criteria in b) through g) as follows:
 - (b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 17 of 58

- (c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- (d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- (e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- (f) Infrastructure and transportation capacity; and,
- (g) The ability of the development to comply with all applicable policies.”

Concerning item b), the proposal would maintain neighbourhood character by providing a consistent form of development that is compatible with surrounding land uses. The proposal would also enhance neighbourhood character by utilizing a former secondary school campus for residential development that would contribute to an improved streetscape along Quigley Road and Albright Road, through building design, setbacks which are compatible with existing development and landscaping.

With respect to item c), it is recognized that there is a high concentration of multiple dwellings (apartment buildings) in the area south of the subject property that provides rental accommodation. As the proposal would allow for the development of a common elements condominium, this would contribute to housing ownership to achieve a range of tenures.

With respect to item d), while the proposed townhouses would have slightly higher building heights than other townhouses within this area, the subject lands are located between multiple dwellings to the south and the CPR line which provides a locational buffer to the north. The proposed development is also compatible with the abutting institutional, community, transportation (CP Railway) and open space uses, most of which are complementary to residential uses, and provides enhancements to the streetscape through the use of street townhouses with rear lane access where parking is to be located at the rear of the units to allow landscaped front yards along Quigley Road and Albright Road. The proposed townhouses would have variation in height, setbacks, materials, colours and design which would allow the units to fit into the surrounding area (refer to Appendices “G” and “J” of Report PED17019).

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 18 of 58

With respect to item e), the proposal would contribute to the planned urban structure because it would allow for an appropriate scale and form of intensification within the built up area and Neighbourhoods designation.

With respect to item f), it was determined that the municipal sanitary services would have capacity up to 139 units and as a result, a Holding Provision would be applied to the balance of the development until the capacity issue has been addressed. The storm water management (SWM) system would require a dry SWM pond and outlet off site within the ESA. The existing transportation system was determined to be adequate for the proposed development.

The proposed development has required an examination of other UHOP policies (item g)) to address requirements for urban design, built form, noise, natural hazards, natural heritage, servicing, transportation and cultural heritage amongst others. The proposal has been found to comply with these policy themes which are examined in this report.

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 19 of 58

- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

Respecting items b), c) and d), the proposed development does not directly abut other residential uses, is stepped away from the CPR corridor, and the proposed townhouses and semi detached dwellings would fit into the range of building forms within this area. Therefore, the proposal would not create impacts on residential uses to the north and south in terms of shadowing, overlook, noise or lighting. Additionally a transition in building height has been provided, at the request of staff, from the three storey townhouse units proposed in the interior of the development, to the one storey community centre to the west by introducing two storey townhouse units along the site boundary. The proposed development can also be accommodated appropriately through two driveways and no traffic issues were identified in the review of the proposal. The development would therefore contribute positively to the neighbourhood’s existing character and would provide variation in built form and design.

Respecting item e), the proposed lotting pattern is representative of the unique shape of the property and would be more compact than existing block and street townhouses in the area resulting in narrower frontages (i.e. 5.4 metres to 6.0 metres instead of 7 to 8 metres). However, the proposed development is uniquely located such that it does not abut or connect to other residential uses. The reduced frontages would be enhanced by the use of two and three storey building heights, variations in block designs and materials, and generally smaller block lengths of five to seven units instead of up to eight units. As these changes provide for intensification and efficient land use for compact development, are aesthetically pleasing and provide for variation within the neighbourhood, it is staff’s opinion the changes are appropriate.

At three storeys in height for Blocks “1”, “3”, “4”, and “6” (as shown on Appendix “B” to Report PED17019) the proposed building height is taller than the existing townhouses to the south. The range of height provides variety and architectural interest within an area that has a high concentration of townhouses and would be considered complementary to existing uses.

Respecting item f), the proposed development would provide suitably-sized privacy areas within the rear yards of the townhouses and semi detached dwelling units (i.e. minimum 7 metre deep rear yards). In addition, most of the proposed end units would also have additional space for privacy areas due to proposed road layout and

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.

townhouse block configuration. The proposed street townhouses with rear lane access that would front Albright Road and Quigley Road would have compact privacy areas that would be located above garages due to the reduced lot lengths. The proposed development would also have smaller amenity areas for passive recreation and social space, which would be identified and examined at the Site Plan Control stage. However, the adjacency of the community centre and the public school, which contains a sports field and tot lot would also provide additional amenities that would be accessible to the future residents through the provision of walkways.

Respecting item g), the proposed development would enhance the existing streetscape patterns in this area through the use of rear lane townhouses which would have landscaped front yards facing Albright Road and Quigley Road that would not be enclosed by fencing. The proposed development would have block lengths, setbacks and building separations that would be reduced in comparison to the existing townhouses and these variations would contribute to street interest and improved urban design within this area.

Respecting item h), the proposal would complement existing functions within the Vincent Neighbourhood including:

- transit through accessibility to services to facilitate increased ridership;
- municipal recreation through accessibility to the community centre to promote increased programming;
- public school enrolment for Sir Wilfrid Laurier Public School; and,
- local commercial uses located in the plaza to the east.

Respecting item i), it has been noted that cultural heritage resources were reviewed and there were found to be no issues with respect to the demolition of the former high school in terms of documentation or preservation.

Respecting item j), the proposed development was examined in terms of infrastructure and it was determined that the sanitary system has limited capacity and would be required to be upgraded to permit development beyond 139 units. The draft By-law proposes a holding zone to ensure that development beyond 139 units does not occur until such time as the infrastructure is upgraded. In terms of traffic capacity, Corridor Management has reviewed the applicant's Traffic Impact Study (TIS) and TIS Addendum and has determined that the proposed development would not negatively impact traffic in this area, and the required changes would be limited to the provision of a proper corner daylighting triangle and securities for construction.

Housing

The following housing objectives are applicable to the proposal:

- “B.3.2.1.1 Provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents.
- B.3.2.1.2 Provide housing within complete communities.
- B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.
- B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

The proposed development would provide a mix of dwelling forms with variations in height and frontages as well as tenures. While a full range of housing is encouraged and would be beneficial on a large parcel such as the subject property, the range of housing under the proposed condominium plan would be acceptable based on several factors. This includes the unusual configuration and narrow nature of the property which is further affected by the adjacency of the CPR line and the requirement for a 30 metre development setback from the CPR lands.

The northerly part of the property which abuts the CPR lands for example is best suited for development along compact private roads (i.e. for townhouses and semi detached dwellings) because the parcel is landlocked and does not have connections to other municipal streets.

In addition, there are servicing capacity issues based on engineering requirements for density that affect former school sites such as the subject property. The proposal that would provide a moderate form of intensification that is slightly above the criteria applied to school sites for redevelopment (i.e. approximately 30 units per hectare) and the capacity to develop the entire parcel is not available as servicing upgrades for the

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.

sanitary sewer are required for over 139 units. Therefore, the proposed density is considered to be in the upper range and intensification to include higher density uses such as apartments and maisonettes would not be required.

Urban Design Policies – Volume 1

The following Volume 1 Urban Design goals, principles and policies, among others, are applicable to the proposed development:

“B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment; and,
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities.

B.3.3.2.4 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms;
- b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including SWM ponds, green roofs, and vegetated swales;
- d) encouraging the use of Leadership in Energy and Environmental Design (LEED) or other environmental building rating tools for buildings and infrastructure for all development and redevelopment;

- e) encouraging the reduction of resource consumption in building and site development and avoiding the release of contaminants into the environment; and,
- f) encouraging energy efficiency in neighbourhood design and development as set out in Section B.3.7.1.

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

Concerning Policy B.3.3.1.8, the proposal is appropriately suited to the subject site and provides a form and function that is compatible to the character of this area which consists of low, medium and high density uses.

Concerning Policies B.3.3.2.3, items a) and b), the proposed development would be compatible with and respect the existing character, development patterns, built form, and landscape of the surrounding urban area by providing a similar built form.

Concerning Policy B.3.3.2.3 item e), the proposed design would conserve, maintain and enhance the existing natural heritage character of the Block 1 portion of the proposed

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 24 of 58

Draft Plan of Subdivision (see Appendix “D” to Report PED17019) through the creation of a 10 metre wide VPZ (buffer) that would be zoned Conservation / Hazard (P5) Zone.

Concerning Policy B.3.3.2.4, item a), the proposal would achieve compact development through the provision of common elements roads (i.e. 6 metres in width compared to 20 metres for a local road), reduced setbacks, frontages and driveway depths; and the provision of street townhouses with rear lane access that provides a complementary front yard setback to existing development along Quigley Road and Albright Road.

Concerning item b), the proposed development has required the submission and review of an EIS to evaluate the required minimum width for the VPZ on Block 1 of Draft Plan of Subdivision 25T-201508 as the site contains an ESA and Significant Woodland. The requirement for a 10 metre wide VPZ was supported by the City’s Environmental Significant Area Evaluation Impact Group (ESAEIG) Committee. A restoration planting plan to enhance the function of the buffer was approved in principle and would be required for the subdivision (Condition No. 4 of Appendix “C” to Report PED17019).

The preferred requirement for off-site storm water management facilities consisting of an outlet and outfall would also require enhanced landscaping to address the removal of several trees within the ESA and Significant Woodland.

With respect to item c), an on-site storm water management pond is proposed to be developed within the northern part of the site and would allow water to be released through infiltration.

With respect to item d), the use of LEED design or other rated tools such as the use of permeable pavers for driveways or walkways will be examined further at the Site Plan Control stage.

With respect to item e), the proposed SWM pond and design would allow contaminants to be directed away from the ESA and Significant Woodland. The provision of enhanced landscaping within the VPZ would also reduce the impact of contaminants within the Core Area.

The proposed development would comply with item f) with respect to energy efficient design in terms of creating a compact urban form, facilitating future public transit use, and accessibility to employment areas.

With respect to Policy B.3.3.2.6 a), the proposed development of street townhouses with rear lane access would front Albright Road and Quigley Road and provide animation through variations in facade and roof design, providing different block sizes,

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 25 of 58

and in the provision of landscaping. In addition, building design would include elements such as covered porches, variation in colours and materials, and variation in the design of end units (i.e. wrap-around porches).

Within the proposed common elements condominium, the proposed development would consist of a variety of housing types that would provide animation through the provision of:

- a range of block sizes (i.e. two, five, six and seven units) and block orientations;
- a range of street designs and patterns (see Appendix “H” to Report PED17019);
- variation in facade designs for townhouse blocks that face one another;
- the use of landscaping within front and side yards, and for screening and amenity areas as well along the two public streets;
- variations in colours and materials; and,
- variations in building height, frontages, garage and facade setbacks and lot design.

With respect to item b), it has been noted that the former school will be demolished and there are no cultural heritage attributes that would need to be preserved or integrated into the proposed development. The subject property includes natural heritage features within Block 1 of Draft Plan of Subdivision 25T-201508 that will be preserved and enhanced through restoration planting within the recommended 10 metre wide VPZ (buffer). Restoration planting associated with the accommodation of SWM facilities would also be provided within the adjacent ESA.

With respect to item c), it is unlikely that additions and alterations to the proposed townhouse and semi detached dwelling units would occur as they would be subject to Site Plan Control and would also be under a Common Element Condominium.

Concerning item d), the proposal would complement the existing street pattern along both Quigley Road and Albright Road by providing attached housing (i.e. street townhouses with rear lane access) with a slightly different form than existing development to the north and west. The existing street townhouses along Albright Road and west of the site, are two storeys with projecting garages, driveways along the street, and blocks consisting of up to eight units. The townhouses to the north along both sides of Quigley Road are condominium block townhouses, also two storeys in height but with reverse frontages so that the rear yards and rear walls face the street. The yards are enclosed by board fences and the boulevards are heavily landscaped to provide privacy and conceal the development. In contrast, the proposed street townhouses with rear lane access would be three storeys in height, compact with slightly narrower frontages (i.e. 6.0 metres as per Zoning By-law No. 05-200) metres, street-oriented without driveways and garages and the landscaping would be used to

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 26 of 58

enhance the amenity of the units. The design would also include semi detached dwellings at the northerly portion of the site, which provide some variation in the built form. Details such as materiality and colouration will be addressed at the Site Plan Control stage with the intention to complement and enhance the surrounding area.

Concerning item e), the proposed development, as noted provides a harmonious and compatible approach to infilling through enhancements to the streetscape without affecting adjacent residential development and the public realm in terms of shadowing impacts. In particular, a sun / shadow study was not required as the proposed buildings are under 6 storeys in height.

Archaeological Assessment Requirements (Policy B.3.4.4.2)

As previously noted, archaeological potential has been satisfactorily addressed.

Servicing

The following policies are applicable for servicing:

- “C.5.3.5 All new development and redevelopment within the Urban Area shall be connected to the City’s water and waste water system.
- C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding, and where technically and economically possible, the City shall require such services to be located underground.”

With respect to Policy C.5.3.5, the proposed development would be integrated into the City’s existing storm, water and sanitary systems.

It has been identified that the proposed density would exceed the City’s Engineering density requirement of 30 units per hectare for the redevelopment of a school site and an upgrade to the system would be required to develop more than 139 units on the subject lands (Policies C.5.3.11 and C.5.3.15). This requirement has been applied to the amended zoning as a Holding Provision and would require the development of the subdivision in two phases. This would also be provided as a condition for the Draft Plan of Subdivision (see Condition No. 11 of Appendix “C” to Report PED17019).

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 27 of 58

- “C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.
- C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a) development and / or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other technique acceptable to the City, Conservation Authorities, or the Province and / or detailed in a Storm Water Master Plan or relevant study;
 - b) development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water management plans, a Storm Water Master plan, site plans and / to other relevant studies, guidelines or regulations; and,
 - c) Storm water systems shall be designed and constructed, in accordance with the city’s standards and guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.”

With respect to Policies C.5.4 and C.5.4.9, the extension of storm sewers and the provision of additional SWM facilities would be developed in accordance with all City Engineering and design requirements. In addition, the Hamilton Conservation Authority would be involved in the review of storm water management plans to address erosion, sedimentation and to reduce downstream flood risk (see Conditions No. 23 and 24 of Appendix “C” to Report PED17019. Detailed design would be submitted for review at the Site Plan Approval stage.

Noise

The following noise policies are relevant to the proposal:

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 28 of 58

- a) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification; and,
- e) 400 metres of a Railway line.

B.3.6.3.8 Proponents of development proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
- d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

B.3.6.3.16 All proposed development adjacent to Railways or Railway yards shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate Railway company.

B.3.6.3.17 As a condition of approval of development applications where noise or vibration studies are required as a consequence of proximity to Railway

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 29 of 58

lines or Railway yards, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.”

With respect to the above-noted policies, the application required a Noise Study due to the adjacency of the CPR lands (Policy B.3.6.3.7) and its location within 400 metres of King Street East. Staff note that the Noise Study also addressed the development adjacent to Quigley Road, which is classified as a collector road but is within an area of medium and high density development. Through the applicant’s noise study, it was identified that a combination of mitigation measures and warning clauses would be required.

The applicant’s noise study identified exceedances above the provincial requirements for outdoor living areas (OLAs) above the recommended limit of 55 dBA and for indoor sound levels above the recommended limit of 60 dBA. The OLAs for several of the proposed units are projected to be between 61 to 64 dBA. As a result, the provision for a 2.5 metre high noise berm adjacent to the CPR lands is required to reduce the noise levels to 55 dBA (see Condition No. 25 of Appendix “C” to Report PED17019). A noise barrier for the most northerly townhouse block (Block 14) would also be required for noise mitigation and the height would need to be refined at the Site Plan Approval stage. Securities and the location of the noise barrier will be addressed as a condition of Draft Plan Approval for the Subdivision (see Condition No. 26 of Appendix “C” to Report PED17019).

The indoor noise levels for daytime and night time periods were determined to be above 60 dBA for dwellings closest to the CPR lands and Quigley Road. The mitigation measures that are recommended are for air conditioning and a forced air heating system in addition to warning clauses to advise that:

- There is the potential for increased noise levels (all units);
- Certain units are equipped with a forced air heating system to allow windows and exterior doors to remain closed (Blocks 8-19, 29, 39 and 40 as shown on Appendix “F” to Report PED17019);
- Certain units are equipped with a central air conditioning system to allow windows and exterior doors to remain closed (Blocks 20-22 and 28 shown on Appendix “F” to Report PED17019);
- CPR will not accept responsibility for any complaints or claims arising from use of such facilities and / or operations; and,

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 30 of 58

- Brick exterior wall construction is required for the dwellings in the first row adjacent to the railway. Upgraded glazing construction is required for the dwellings with exposure to CPR (Blocks 14, 16-22 and 28 shown on Appendix “F” to Report PED17019).

There were no requirements for the proposed development with respect to rail vibration as the ground borne vibration levels would be below the criteria for which mitigation measures would apply. The requirements for noise mitigation apply to Draft Plan of Subdivision 25T-201508 as Condition Nos. 25, 26, 27 and 28 of Appendix “C” to Report PED17019 and for Draft Plan of Condominium (Common Element) 25CDM-201515 as Conditions Nos. 7, 8 and 9 of Appendix “E” to Report PED17019.

Hazard Lands

“B.3.6.5.2 Hazard lands include hazardous lands and hazardous sites.

Hazardous Lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits (PPS, 2005).

B.3.6.5.3 Hazard lands are identified, mapped, and regulated by the Conservation - Authorities. Boundaries of most hazard lands are determined by the appropriate Conservation Authority.

B.3.6.5.4 Hazard lands shall be placed in a separate zoning classification in the Zoning Bylaw.”

With respect to the above policies, the Hamilton Conservation Authority (HCA) has determined that the northern portion of the property is subject to erosion hazards associated with the ravine slope of Montgomery Creek. Consequently, the HCA has recommended that the top of stable slope profile and 6 metre erosion hazard access allowance be used to delineate the Conservation / Hazard (P5) Zone boundary that includes the hazard lands (see Appendix “B” to Report PED17019).

Natural Heritage System

“C.2.2.2 The boundaries of Core Areas and Linkages, shown on Schedule B - Natural Heritage System, are general in nature. Minor refinements to

such boundaries may occur through Environmental Impact Statements, watershed studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas and Linkages identified on Schedule B - Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan.

- C.2.2.8 All natural features, required vegetation protection zones, and enhancement or restoration areas on a property shall be placed under appropriate zoning in the zoning by-law and/or protected through a conservation easement to the satisfaction of the City or the relevant Conservation Authority, or deeded to a public authority. Acquisition by a public body may also be considered as an option for protecting natural features and functions.
- C.2.3.3 The natural features and ecological functions of Core Areas shall be protected, and where possible and deemed feasible to the satisfaction of the City, enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.
- C.2.5.2 New development and site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands or significant habitat of threatened and endangered species.
- C.2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.
- C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
- a) There shall be no negative impacts on the *Core Area's* natural features or their ecological functions.

- b) Connectivity between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the *Core Area* and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the *Core Area* and/or its ecological functions; and,
- b) is established to achieve, and be maintained as natural self-sustaining vegetation.

C.2.5.12 Permitted uses within a vegetation protection zone shall be dependent on the sensitivity of the feature, and determined through approved studies. Generally, permitted uses within a vegetation protection zone shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the vegetation protection zone shall be the same uses as those within the *Core Area* in Policy C.2.5.1 and the vegetation protection zone should remain in or be returned to a natural state.

C.2.5.13 All plantings within vegetation protection zones shall use only non-invasive plant species native to Hamilton. The City may require that applicants for development or site alteration develop a restoration or management plan for the vegetation protection zone as a condition of approval.”

As discussed previously in the report, natural heritage features have been satisfactorily addressed.

Neighbourhood Plans - Vincent Neighbourhood Plan

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or

redevelopment must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

With respect to the above-noted policies, staff note an amendment to the Vincent Neighbourhood Plan would be required to permit the proposed residential development.

The subject property is currently designated “Civic and Institutional” in the Vincent Neighbourhood Plan. The Neighbourhood Plan contains a land use map only and there are no policies for the land use designations. A change to the “Attached Housing” (for street townhouses), the “Single and Double” designation (for semi detached dwellings) and “Open Space” (Conservation / Hazard Land) is required and supported by Staff.

Non-Complying Uses

“F.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule “E-1 – Urban Land Use designations or their related policies should cease to exist over time. Accordingly, such uses should be deemed as legal non-complying.”

Concerning the above, the proposed townhouses are considered multiple dwellings in the UHOP rather than street townhouses and are a medium density use. Medium density uses are not permitted in the UHOP policies for the development of former institutional uses and the proposed density of 38 units per hectare is also below the required minimum density for medium density uses in the UHOP which is between 60 – 100 units per hectare.

However, under the existing Community Institutional “I2” Zone of Zoning By-law No. 05-200, street townhouses and semi detached dwellings are permitted uses as-of-right. The proposed townhouses are deemed to be “street townhouses” under By-law No. 05-200 which are permitted to be developed fronting onto a common element road. The “I2” Zone predates the UHOP and therefore the proposed uses are deemed to be legal non-complying.

Hamilton Zoning By-law No. 05-200

The subject property is zoned Community Institutional “I2” Zone in Hamilton By-law No. 05-200. The “I2” Zone permits residential uses which include single detached

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 34 of 58

dwelling, semi detached dwellings and street townhouses in addition to various institutional uses.

Street townhouses are defined as:

“a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal depth of the building. Each townhouse shall be designed to be on a separate lot having access to and frontage on a street, laneway or common condominium driveway”.

By-law No. 05-200 recognizes a private condominium roadway as a “street” (Section 4.3b)). Under By-law No. 05-200, the proposed townhouses are considered street townhouses due to the allowance for development of this form along laneways or common condominium driveways.

In addition, the “I2” Zone has provisions for the development of street townhouse and semi detached dwellings which are discussed in the Analysis and Rationale for Recommendation Section of this report. By definition, the proposed townhouses with rear lanes access are a type of street townhouse on a through lot (i.e. dual frontage) and are subject to the proposed site specific zoning provisions due to the use of the rear yard for driveway and garage access. Site specific provisions are also required for the proposed semi detached dwellings to address the design of the proposed units.

RELEVANT CONSULTATION

The following internal departments had no concerns or objections to the proposed applications:

- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction Services, Strategic Planning Division, Public Works Department.

Hamilton Wentworth District School Board

The Hamilton-Wentworth District School Board has no objections to the applications submitted but requires a condition for privacy and chain link fencing along the westerly boundary abutting School Board lands.

This requirement applies to Draft Plan of Subdivision 25T-201508 and is addressed as Condition No. 31 of Appendix “C” to Report PED17019.

Bell Canada

Bell Canada requires that for the proposed Common Elements Condominium, the Owner shall be required to confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development. If this infrastructure is not available, the owner may be required to pay for the connection to and / or extension of the existing communication / telecommunication infrastructure.

This requirement applies to Draft Plan of Condominium (Common Elements) 25CDM-201515 and is Condition No. 3 of Appendix "E" to Report PED17019.

Canada Post

Canada Post requires that for the proposed Common Elements Condominium, conditions are required with respect to requirements for the owner to notify purchasers of Centralized Main Box locations.

These requirements apply to Draft Plan of Condominium (Common Elements) 25CDM-201515 and are addressed as Conditions Nos. 15 and 16 (i) to (iv) of Appendix "E" to Report PED17019.

Union Gas

Union Gas requires that for the proposed Common Elements Condominium, a condition for the provision of necessary easements and agreements for gas services within the condominium development be included in the draft plan approval.

This requirement applies to Draft Plan of Condominium (Common Elements) 25CDM-201515 and is addressed as Condition No. 17 of Appendix "E" to Report PED17019.

Hamilton Conservation Authority

The Hamilton Conservation Authority (HCA) have reviewed the proposal because the subject lands contain a regulated area of the Red Hill Creek system, a Core Area which contains an ESA and Significant Woodlands, and slopes which are subject to erosion hazard. The ESA boundary was delineated by HCA and City staff during a site visit on April 28, 2015 and it was determined that a minimum 10 metre VPZ would be required for the ESA.

Through the review of the applicant's EIS, SWM Plan and Slope Stability Study, HCA has examined the proposed development with respect to the protection of the ESA / Significant Woodland, Species at Risk (i.e. Chimney Swift), SWM impacts and the management of the erosion slope hazard.

ESA / Significant Woodland

To provide protection of the ESA and Significant Woodlands, the HCA's main recommendations have included the following:

- a landscaping plan for the VPZ (see Appendix "H" to Report PED17019);
- directing impacts from the new development, such as outdoor lighting, away from the ESA and Significant Woodland;
- a compensation plan for trees removed within the ESA due to the installation of SWM facilities (i.e. an outlet, piping and headwall);
- the creation of stewardship brochures for future residents; and,
- the clarification of future fencing along the residential boundary adjacent to the VPZ.

Species at Risk Screening

Species at Risk Screening was required as a component of the EIS. Species such as Barn Swallow, which are listed as threatened, would not be directly impacted by the development. Other species, which include the Eastern Bluebird and Carolina Wren were found to be locally rare but would be addressed under the mitigation measures for the ESA.

The main issue identified through the Species at Risk Screening was that Chimney Swifts, a federally and provincially listed species, were found to inhabit the chimney of the former Bishop Ryan Secondary School. HCA has referred the matter to the Ministry of Natural Resources because of the provincial status. HCA have also recommended that a replacement chimney site be examined near the property as per the EIS recommendations (i.e. community centre) as compensation for the removal of the former high school. Planning Staff are also in concurrence with this requirement (see Condition No. 2 of Appendix "C" to Report PED17019).

Storm Water Management

The HCA have identified concerns for SWM with respect to the engineering design for the control of increased erosion potential within the Montgomery Creek ESA, due to post development drainage, and to ensure that the overland flow rates can convey peak

flows exceeding the 100 year storm without flooding residential properties downstream of the development.

The proposed SWM system would require the development of a rectangular dry pond on the northerly portion of the property near the boundary of the CP Railway lands. Storm water would be directed to Montgomery Creek by a pipe which will extend from the SWM pond to the ESA area north of the site.

The control of adverse sedimentation because of overland flows was also of concern to the HCA and would require the review of grading and an erosion and sedimentation control plan (see Condition No. 23 of Appendix “C” to Report PED17019).

Slope Erosion Hazard

The northern portion of the proposed Draft Plan of Subdivision (Block 1) is subject to erosion hazards associated with the ravine slope of Montgomery Creek which runs north and west of the property and is regulated by the HCA. Section 3.1.1 of the PPS 2014 directs that development shall generally be directed to areas outside of hazardous lands (i.e. streams) which are impacted by flooding and erosion hazards.

As a result, HCA has required a Slope Stability Assessment applying the recommended eight (8) metre toe erosion allowance to precisely identify the top of the stable slope profile. A six (6) metre erosion access allowance is required by the HCA as an easement for maintenance purposes adjacent to the stable slope and to repair erosion protection works (see Condition No. 19 of Appendix “E” of Report PED17019).

The adjustment to the configuration of the rear and side yard of the northerly townhouse end unit (Block 14) would provide for the accommodation of the six (6) metre erosion access within the VPZ (see Appendix “J” of Report PED17019).

HCA have noted that fencing, while not a requirement of the HCA, should be provided along the “P5” Zone boundary to include the six (6) metre erosion access allowance. This is being addressed as Condition No. 18 of Appendix “C” to Report PED17019. HCA also do not have concerns with the location of the noise barrier for the reconfigured end unit in Block 14 abutting the “P5” Zone boundary.

Recommendations

Having reviewed the applicant’s revised EIS, landscaping plan (VPZ), geotechnical study and SWM Plan, amongst others, HCA is in support of the application with conditions to address:

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 38 of 58

- a final Tree Preservation Plan and Restoration Plan for the property and adjacent lands in support of the applicant's EIS;
- a grading plan and an erosion and sediment control plan; and,
- a final SWM Plan.

These requirements apply to Draft Plan of Subdivision 25T-201508 and are addressed as Conditions Nos. 22, 23 and 24 of Appendix "C" to Report PED17019.

Canadian Pacific Railway (CPR)

CPR has advised that the proposed development is located adjacent to mile 52.8 of CPR's Hamilton Subdivision, which is classified as a Principal Main Line. While CPR is not generally in favour of residential developments adjacent to their right-of-way due to reasons of incompatibility, they requested the requirements for Principal Main Lines be included as Conditions of Draft Plan of Subdivision Approval. The Principal Main Line requirements require a minimum development setback of 30 metres from the Railway right-of-way for dwellings, which has been identified on the proposed conceptual plan (Appendix "J" to Report PED17019).

A noise study was undertaken by an acoustical consultant to determine noise impacts and mitigation measures for the proposed development as discussed previously in this report.

The Principal Main Line requirements that would apply to the proposed development through conditions for the Draft Plan of Subdivision and Common Elements Condominium include the following:

- a berm having extensions or returns at the ends, to be erected entirely on the subject lands, parallel to the Railway right-of-way with construction to provide a minimum berm height of 2.5 metres and slopes not steeper than 2.5 to 1 (see Condition No. 25 of Appendix "C" to Report PED17019);
- A fence or wall to be constructed without openings of a durable material weighing not less than 20 kg per square metre of surface area (see Condition No. 26 of Appendix "C" to Report PED17019);
- A clause to be inserted in all offers of purchase and sale or lease and registered on title or included in leases for each dwelling affected by any noise and vibration attenuation measures, advising that any berm and fencing features implemented are not to be tampered with or altered, and further that the owner (i.e. condominium corporation) shall have the responsibility for and shall maintain these features (see Condition No. 9 of Appendix "E" to Report PED17019);

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 39 of 58

- A clause to be inserted in all offers of purchase and sale or lease and in the deed or lease of each dwelling within 300 metres of the Railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations such as expanded operations, and that the Railway will not be responsible for complaints or claims arising from its operations (see Condition No. 9 of Appendix "E" to Report PED17019);
- A 1.83 metre high chain link security fence is required along the common property line of the Railway and the development by the developer at their expense. A covenant to protect the fence is required for the lands in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense (see Condition No. 28 of Appendix "C" to Report PED17019); and,
- Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

CPR has also provided input into the requested SWM design for the proposed common elements condominium. CPR is satisfied that the proposed SWM design would not outlet onto their lands.

Waste Management, Public Works Department

The collection of municipal waste and recyclables would require the owner or future condominium corporation to enter into an Access Agreement with the City of Hamilton to enable city waste vehicles to enter the property for weekly waste collection. The matter will be examined at the Site Plan Control stage and is also a condition of the Common Elements Condominium (see Condition No. 18 of Appendix "E" to Report PED17019).

Corridor Management, Public Works Department

Staff support the proposed consolidated driveway for the common element condominium and note that direct driveway access to create multiple driveways along Quigley Road and Albright Road would not be supported.

A Traffic Impact Assessment was submitted and reviewed for the proposed development. Corridor Management has identified that the Synchro model analysis indicates that the road network capacity is capable of handling the proposed development volume. The synchro analysis for traffic counts at the intersections of

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 40 of 58

Quigley Road / Albright Road and Albright Road / Mount Albion Road for the AM and PM periods was found to require no changes. Further review for the intersection of King Street East / Quigley Road was undertaken and identified that there were no issues with respect to the proposed development.

The requirement for a 9.14 metre by 9.14 metre daylight triangle has been identified which would need to be shown on the submitted plan and dedicated as road allowance as a Condition of Draft Plan Approval (see Condition No. 10 of Appendix "C" to Report PED17019).

The roadway and sidewalk on Quigley Road were reconstructed recently. Securities to cover costs for damage to the boulevard, sidewalk or roadway from construction should be provided as a Condition of Draft Plan Approval (Condition No. 29 of Appendix "C" to Report PED17019).

Urban Forestry and Horticulture Section, Public Works Department

Urban Forestry has reviewed a Landscaping Plan and Tree Management Plan for the subject property which identified street trees along Albright Road and Quigley Road. The proposed plan identified the removal of two existing street trees along Albright Road which are in good condition. Urban Forestry would require a revised Landscaping Plan and Tree Management Plan to address the tree removal as well as permit fees (\$5,322.50) to address requirements for replacement trees. This requirement can be addressed at the Site Plan Approval stage.

Recreation Planning, Community Services Department

Recreation Planning has provided the following comments:

- The lands are adjacent to a City of Hamilton park / recreation facility, known as Sir Wilfrid Laurier Recreation Centre. The City facility previously shared recreation amenities (school gym) with the former Bishop Ryan Secondary School but which have been removed due to the school closure.
- Lands have been acquired by the City of Hamilton from the Hamilton Wentworth Catholic School Board as part of the disposition process to replace lost amenity space and to allow for frontage for the Recreation Centre onto Albright Road.
- Additional lands east of the recreation centre are proposed adjacent to the proposed development to facilitate vehicular access to the rear of the city lands.

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 41 of 58

- In lieu of the developer providing trees for a buffer along the westerly property boundary abutting the Community Centre lands, Recreation Planning supports the provision of a 1.5 metre high privacy fence along this boundary subject to the matter being addressed as a condition of Draft Plan Approval for the Subdivision.
- Connections to parkland amenities should be indicated in the Draft Plan of Subdivision (See Appendix “D” to Report PED17019).

The requirement for solid screen fencing applies to Draft Plan of Subdivision 25T201508 and is addressed as Condition No. 30 of Appendix “C” to Report PED17019.

Public Consultation

In accordance with Council’s Public Participation Policy, the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) applications were pre-circulated to all property owners within 120 m on October 15, 2015 and a notification sign was posted on the site and was updated for the Public Meeting on May 10, 2017. A total of 1019 notices were circulated. The circulation resulted in the submission of three (3) letters received from the public in 2015 for the proposed applications. The concerns raised in the letters are summarized in the Analysis and Rationale for Recommendations Section (see Appendix “I” to Report PED17019).

Notice of the Public Meeting was given on May 19, 2017 in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting and subsequent updating of a notification sign on the property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe;
 - (ii) The proposed development complies with the Urban Hamilton Official Plan which recognizes non-complying uses; and,

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 42 of 58

- (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
2. The proposed modification in zoning is from the Community Institutional (I2) Zone in By-law 05-200 to a Site Specific Community Institutional (I2) Zone to establish site specific zoning provisions based on a review and assessment of the application.

The following special zoning provisions are required for the Site Specific Community Institutional (I2) Zone to address the proposed residential development (see Appendix “K” to Report PED17019 for a comparison of the revised and proposed zoning provisions).

a) Street Townhouses (Blocks “1”, “3”, “4” and “6”)

(i) Minimum Lot Area for Unit

A modification to the Community Institutional (I2) Zone from the By-law standards of 165 square metres for a street townhouse dwelling unit and 195 square metres for a townhouse dwelling unit on a corner lot to the following:

- 129 square metres for every three (3) storey townhouse unit in Block “1”;
- 152 square metres for every two (2) storey townhouse unit in Block “4”;
- 152 square metres for every three (3) storey townhouse unit in Block “6”;
- 139 square metres for every interior street townhouse dwelling unit having rear lane access.

All of the corner lots with rear lane access would comply to the standard provision of 195 square metres for a corner lot (i.e. Block “3”).

The proposed unit lot areas, although lower than that of the “I2” Zone provision, would still be functional and aesthetically pleasing, allowing for parking within the driveway and garage and with appropriately sized privacy areas (in the rear yard and above-grade privacy areas in the case of the street townhouses having rear lane access). The proposed units would be developed in more compact townhouse block lengths of 5, 6 and 7 units with varying facade treatments to establish quality design. The proposed changes are required to permit a compact urban form that is supported under the residential intensification policies of the PPS, P2G and the UHOP.

Therefore, based on the foregoing, staff support the proposed reduced lot areas.

(ii) Minimum Unit Width

A modification to the “I2” Zone is required to reduce the minimum lot width of 6.0 metres to be 5.4 metres for three (3) storey street townhouse units (Block “1”).

The two storey street townhouse units (Block “4”), street townhouse units with rear lane access (Block “3”) and three storey street townhouse units (Block “6”) will conform to the minimum unit width regulation.

The proposed modification is a reduction from the standard “I2” Zone provision and is only for three (3) storey street townhouse units in Block “1”. The reduction in lot unit width would enable the narrower units to be developed to three (3) storey and also provide variation in the design of the development allowing for different styles of townhouse dwellings. All of the units would have front yard landscaping and the majority of driveways would be twinned to create combined landscaped blocks to allow for attractive streetscapes.

Therefore, based on the foregoing, staff support the proposed modifications to unit width.

(iii) Minimum Front Yard

A minimum front yard setback 4.5 metre is the building facades, except for 5.8 metre with attached garage, would apply to all units, except for street townhouses on a corner lot (Blocks “1”, “4” and “6”). For these units, the front yard setback would be 2.8 metres due to the 9.0 metre curve radius of the condominium road.

The proposed modification is considered to be appropriate for condominium development and would not affect the quality of the development. The design of the units would still provide for front yard landscaping and appropriate driveway access. The modification also provides for articulation of the facades along the common element road to create variation in the streetscape.

Therefore, based on the foregoing, staff support the proposed reduced front yards to the building facade.

(iv) Minimum Flankage Yard

A modification to the “I2” Zone is required to permit the minimum flankage yard to be 2.0 metres to a street line or common element sidewalk instead of the 3.0 metres required (Blocks “4” and “6”).

The proposed modifications to flankage yards would apply only to five street townhouse lots within the proposed development as the applicant has ensured that the other lots would meet the 3.0 metre flankage yard requirement.

Where the reduction in flankage yards is required, the proposed modifications would not affect the streetscape or quality of design of the development.

Therefore, based on the foregoing, staff support the proposed modification.

(v) Minimum Rear Yard

A modification to the “I2” Zone is required to permit the minimum rear yard to be 5.8 metres for units that front onto Albright Road and Quigley Road with rear lane access instead of the 7.0 metres required (Block “3”).

All other townhouse units would maintain the 7.0 metre rear yard setback, except the northerly end unit of the northerly townhouse block (Block “4”) which would have a minimum rear yard of 2.6 metres but a larger side yard with a minimum width of 7.0 metres. This modification is required to address the orientation of the “P5” Zone and is explained further in the discussion on the Minimum Setback from the “P5” Zone.

The modification would accommodate a reduced yard for a driveway and reduced landscaped area, similar to the modification proposed to the front yard setback for other street townhouses along a common elements road. The provision would therefore not affect the aesthetics of the interior streetscape within the proposed condominium.

Therefore, based on the foregoing, staff support the proposed modification.

(vi) Maximum Building Height

A modification to the Community Institutional “I2” Zone is required to permit the maximum building height to be three storeys and 13.5 metres in height instead of 10.5 metres (Blocks “1”, “3” and “6”). The proposed maximum height would

apply only to the proposed three storey townhouse dwelling units. This includes the street townhouses with rear lane access to be developed along Albright Road and Quigley Road (refer to Appendices “G” and “J” of Report PED17019).

The increased height can be accommodated along the existing streetscape of Albright Road and Quigley Road, which are collector roads, and would be categorized as medium density residential which would permit buildings of up to 6 storeys in height.

In addition, to provide for better variation in the built form within the proposed condominium development, it is recommended that the two storey street townhouses, which comprise 43 of the 192 street townhouse units, be limited to a maximum height of 11.0 metres (Block “4”).

Within the existing local context, the proposed building height would be reasonable given the location of nine (9) storey multiple dwellings (apartments) to the south, and would provide variation in the streetscape and be compatible with the townhouses to the north that are two (2) storeys in height (refer to Appendix “G” of Report PED17019).

Therefore, based on the foregoing, staff support the proposed modification to building height.

(vii) Maximum Permitted Yard Encroachments – Balconies

In addition to the permitted 1.0 metre balcony projection, a modified provision is recommended for dwelling units which front onto Albright Road and Quigley Road to permit a balcony on the second level to have a maximum projection of 1.5 metres into a rear yard (Block “3”).

The balcony projections would be visible along the common elements road and would be accommodated above the ground floor. The proposed modification would contribute to the condominium streetscape by providing a complementary building design and additional amenity space (i.e. balconies). The increase in the projection is minor and would not negatively affect the visual character of the proposed dwellings from the common elements road.

Therefore, based on the foregoing, staff support the proposed modification.

(ix) Minimum Setback from “P5” Zone

A modified provision is recommended to allow the setback for development from the Conservation / Hazard (P5) Zone to be 2.6 metres instead of 7.5 metres to accommodate a street townhouse end unit that is adjacent to the VPZ and 6.0 metre erosion access allowance (Block “2”).

This requirement is to accommodate the northerly townhouse block (Block “4”) in which the rear yard of the northerly end unit would be reduced due to the delineation of the adjacent 10 metre VPZ, top of slope and erosion access allowance required by the City and HCA. The narrow rear yard of the northerly end unit was adjusted by providing a wider northerly side yard to provide additional amenity area. Therefore, the end unit lot would still be functional due to the reconfiguration of the lot and would not impact the proposed abutting “P5” Zone features.

Therefore, based on the foregoing, staff support the proposed modification.

(x) Maximum Driveway Width for Townhouses with Rear Lane Access

A modified provision is requested by the applicant to permit the proposed driveways to be 4.6 metres in width or 76.6% of the lot width instead of 65% of the lot width (3.9 metres) or 6 metres, whichever is the lesser. The intention is to allow for a wider two-car garage within the units having rear lane access. The applicant was proposing that no landscaped area would be provided.

The applicant has agreed to introduce unit paving along both sides of the driveway in addition to a planting strip between driveways to provide some variation in material and to improve the visual elements from a streetscape perspective. The features would also generally discourage side by side parking within individual driveways. Staff are of the opinion that a reasonable standard of urban design would be maintained for the development and through the Site Plan Control process, the driveway concept will be further refined to ensure an enhanced treatment.

Therefore, based on the foregoing, staff support the proposed modification for Block “3”.

b) Semi Detached Dwellings (Block “5”)

The recommended provisions for semi detached dwellings along the proposed common element road are as follows:

(i) Minimum Lot Area for a Unit

A modification is required to the “I2” Zone to permit the minimum lot area for a unit to be 190.0 square metres for a semi detached dwelling instead of 210.0 square metres. The corner lots will meet the minimum 240 square metre requirement.

The proposed modification to lot area is minor and would provide a slightly more compact form of development while still providing appropriate amenity areas. Therefore, staff support the proposed modifications for reduced lot area.

(ii) Minimum Front Yard

A modification is required to the “I2” Zone to permit the minimum front yard (except for the setback for garage) for a corner lot only to be 2.1 metres, instead of the 4.5 metres required. The setback of the garage will comply with the By-law requirement of 5.8m.

For interior lots, the proposed modification for the front yard is minor, provides articulation for the facade and would not affect the quality of the development or the allowance for driveway parking which will maintain a 5.8 metre setback. For corner lots, the front yard setback area would be reduced due to the 9.0 metre curve radius of the common element road which affects only the front corner of the dwelling. The change therefore is to accommodate the condominium road design and would not affect the quality of the development.

Therefore, based on the foregoing, staff support the proposed modification for reduced front yard.

(iii) Minimum Flankage Yard

A modification is required to the “I2” Zone to permit the minimum flankage yard to be 2.1 metres instead of 3.0 metres.

The reduced yard is due to the portion of the flankage which would be 2.1 metres from the corner of the dwelling. The requested reduction for two of the four

flankage lots is due to the 9 metre curve radius and does not diminish the quality or design of the semi detached units. The two flankage yards that are affected would be slightly widened after the curve radius to between 2.3 metres to 2.9 metres.

Therefore, based on the foregoing, staff support the proposed modification for reduced flankage yard.

(iv) Maximum Permitted Yard Encroachments for Decks

A modified provision is recommended to permit decks to encroach 3.0 metres into a rear yard instead of a maximum of 1.5 metres for street townhouses and semi detached dwelling units (Blocks “1”, “4”, “5” and “6”), except for street townhouse units with rear lane access (Block “3”). The proposed rear yards are 7.0 metres which are standard sized rear yards. The proposed decks would maintain a suitable separation (i.e. 8.0 metres) between decks of connecting rear yards to allow for privacy.

Therefore, based on the foregoing, staff support the proposed modification.

Additional Provisions for Development within the Site Specific “I2” Zone

The following additional provisions are also recommended to encourage high quality design within this large condominium development.

3. As discussed in Section 2 (above), the proposal requires modifications to the “I2” Zone. As a result of staff’s review and assessment of the application, the following additional requirements are proposed (which either exceed the parent by-law requirements or are new site specific zoning regulations):

(i) Minimum Overall Landscaped Area

There are no landscaping requirements in the “I2” Zone for street townhouse or semi detached dwelling units. A special provision is recommended to require a minimum of 37% landscaped area based on the overall site area and the proposed design, although street townhouses are not subject to an overall landscaping requirement in Zoning By-law No. 05-200. The provision is to ensure the landscaped area excludes the “P5” Zone and SWM pond. The provision of landscaping is an important component of the streetscape as well as providing more efficient drainage.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 49 of 58

Therefore, based on the foregoing, staff are recommending the proposed modification to establish a minimum landscape requirement.

(ii) Accessory Buildings

Accessory buildings are currently permitted in both side and rear yards, however, it is recommended that they be limited to rear yards only to promote good urban design within the proposed common elements condominium development. As such, a modified provision is recommended to prohibit accessory buildings in the side yard and only permit them in the rear yards of residential lots that have a minimum lot width of 6.0 metres or more.

Therefore, based on the foregoing, staff support the proposed modification.

(iii) Visitor Parking

There are no visitor parking requirements for semi detached and street townhouse dwellings on a condominium road in 05-200. As such, a special provision is recommended to address visitor parking. Visitor parking is applied under Zoning By-law No. 6593 based on 0.3 spaces per unit for townhouses but is not a requirement in Zoning By-law No. 05-200. Staff support a special provision based on 0.3 spaces per unit for street townhouses and semi detached dwelling units due to the scale of the proposal and because the development would be a common elements condominium. For the proposed 210 units, this requirement would amount to a minimum of 66 visitor parking spaces which are provided on the applicant's updated conceptual site plan (see Appendix "J" to Report PED17019).

Therefore, based on the foregoing, staff recommend the inclusion of a visitor parking requirement in the implementing by-law.

(iv) Air Conditioning (A/C) Units

A modified provision is recommended to require air conditioning (A/C) units to be:

- a) located above the garage for street townhouse dwelling units that front onto Albright Road and Quigley Road (Block "3"); and,
- b) within rear yards for all other residential uses with a minimum setback of 0.6 metres from a side lot line (Blocks "1", "4", "5" and "6").

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 50 of 58

This is to ensure the A/C units are appropriately located due to the reduced front and side yards and would replace the standard minimum setback provision for A/C units of 3.0 metres within a front yard and 0.6 metres within a side yard. A/C units are required for the development to address noise mitigation from road and rail noise.

Therefore, based on the foregoing, staff recommend the inclusion of a visitor parking requirement in the implementing by-law.

v) Tandem Parking

Zoning By-law 05-200 requires one parking space per unit for street townhouses and semi-detached dwellings. A modified provision is recommended to require two spaces per unit, one of which may be located in the front yard in a tandem parking arrangement. This modification would allow the units to have both a garage and driveway parking space (i.e. 2 parking spaces per unit), which will provide flexibility to accommodate the parking needs for this development.

Therefore staff support the modification.

4. The Holding 'H' Provision would allow for development up to 139 dwelling units and would be applied to the amending zoning to require that the sanitary sewer system be upgraded to permit the full development of the site based on the proposed density. As noted, the review by Development Engineering and Infrastructure Planning determined that the current capacity would permit the development to proceed to a maximum of 139 units. The Holding 'H' Provision would need to be lifted for development beyond the 139 units to permit the remaining units to be developed when the sanitary upgrade has occurred, to the satisfaction of the Senior Director of Growth Management.
5. The proposed development was reviewed by Development Engineering, Growth Management and Infrastructure Planning with respect to the adequacy of existing municipal services and requirements for future servicing. The engineering reports submitted for review by the applicant have included a Functional Servicing Report; Water and Wastewater Report; Preliminary SWM Report; Slope Stability Assessment and a Sanitary Capacity Analysis and Flow Monitoring Results.

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.

i) Sanitary Servicing

There are existing 250 mm diameter sanitary sewers on both Albright Road and Quigley Road. Staff have determined that the sanitary sewer along Quigley Road does not have sufficient capacity. Development Engineering has determined that the proposed density on the site, which utilizes 144 persons per hectare, exceeds the City standard of 110 persons per hectare based on 30 units per hectare. Updated data for servicing requirements for the Draft Plan of Subdivision would be required based on the City's Engineering criteria.

The available capacity in the sewer system will support only 139 units per hectare prior to the completion of the required upgrades. As such, a Holding 'H' Provision is recommended in the Zoning Amendment to address the capacity constraints.

ii) Stormwater Management

There is an existing 525 mm to 675 mm diameter storm sewer at the south portion of the Draft Plan of Subdivision lands along the existing right-of-way of Albright Road that provides storm and sanitary outlets for the former school and the existing community centre. There is also an existing 900 mm to 1050 mm diameter storm sewer on Quigley Road adjacent to the subject lands. The proposed development would require connections to the system on Quigley Road to accommodate approximately one-third of the proposed units for storm drainage. Drainage for the other two-thirds of the proposed units would require the development of a SWM pond with an appropriate outlet. This requirement would be addressed at the Site Plan Approval stage. All storm water management facilities on the subject property will be the responsibility of the Condominium Corporation.

A blanket easement is also required over the subject lands for a storm and sanitary outlet to address the potential for the future development of the adjacent School Board lands to the west (see Condition No. 21 of Appendix "C" to Report PED17019).

iii) Water Services

There are existing 300 mm watermains on both Albright Road and Quigley Road. Water and wastewater services will be reviewed at the Site Plan Control stage for the proposed condominium (common element) development.

iv) Subdivision Conditions

In addition to the foregoing, Conditions are required for Draft Plan of Subdivision 25T-201508 as outlined in Appendix “C” to Report PED17019 to address the following requirements:

- a) 9.14m x 9.14 m daylighting triangle (Condition No. 10);
- b) A phasing plan for the development based on the current capacity for 139 units (Condition No. 11);
- c) Delineation of the top of stable slope (Condition No. 12);
- d) Conveyance of Block 1 to the City (Condition No.13);
- e) Conveyance of Part 3 on Plan 62R-19657 to the City (Condition No. 14);
- f) Dust Mitigation Plan (Condition No. 15);
- g) Agreement for new storm outfall (Condition No. 16);
- h) Design and cost estimates for Quigley Road sanitary upsizing (Condition No. 17);
- i) Black vinyl chain link fencing (Condition No. 18);
- j) Abandonment of unused services (Condition No. 19);
- k) Demonstration of post development hydraulic grade line (Condition No. 20);
- l) Servicing Easement for storm and sanitary outlet for adjacent lands to west (Condition No. 21); and,
- m) Easement in Condominium declaration for drainage purposes (Condition No. 14 in Appendix “E” to Report PED17019).

6. There were three (3) letters received from the public for the proposed planning applications (Appendix “I” to Report PED17019). The comments received were submitted with respect to the original proposal for 278 residential units including stacked townhouse and maisonette units. The following issues were identified in the public correspondence:

i) Increased Density and Over-intensification

The concerns identified are that the proposed density is too high for the area and that the site would be over-intensified. The comment was provided when the original application had proposed the development of 278 units which has been adjusted currently to 210 units. It is noted that the Vincent Neighbourhood contains a range of densities and that there is a predominance of higher density development in comparison to other neighbourhoods in this area.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 53 of 58

Staff support the proposed form of development in light of Provincial direction and the policies of the UHOP to encourage increased density within the built-up area and to support residential intensification. Staff are of the opinion that the proposed intensification is not excessive and is compatible with the residential character and density range within this area as well as the surrounding land uses.

ii) Damage to Quigley Road Improvements from Construction Activity

The concern identified is that the proposed development would impact the improvements made to Quigley Road with respect to the road resurfacing and sidewalk improvements. Measures to address construction requirements are included in the City's Standard Form Subdivision Agreement.

There is also a requirement for a dust control and street cleaning plan for internal and external streets through the Draft Plan of Subdivision 25T-201508 (Condition No. 15 of Appendix "C" to Report PED17019) and at the Site Plan Control stage, a condition would be required to provide securities to cover potential damages to existing City sidewalks.

A Construction Management Plan may also be required at the Site Plan Control stage to identify potential road closures or construction zones associated with the development of the subject property. Therefore measures will be implemented to address construction and any potential damages to the road and sidewalks.

iii) Concern with Loss of School Sports Fields

There is a concern that the proposed development would remove existing sports fields thereby impacting neighbourhood children. Staff note that the development of open space facilities is a municipal responsibility through the designation and development of open space lands. The subject property is designated "Institutional" and was under the ownership of the Hamilton–Wentworth Separate School Board. Accordingly, the former Bishop Ryan Secondary School sports fields are not part of the city's inventory of open space lands and would not need to be retained. It is acknowledged that the Vincent Neighbourhood is densely populated and is currently served by two (2) smaller parks, Greenhill Park and Veevers Park which do not provide sports fields. Therefore parkland and open space development is important within this area.

In light of the removal of the school and its outdoor facilities, improvements to the Sir Wilfrid Laurier Community Centre are being developed by the Recreation

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 54 of 58

Division which includes the development of a new double gymnasium and a sizable area for greenspace. Also, the proposed development would not affect the existing Sir Wilfrid Laurier Elementary School site which would still contain a sports field and tot lot, which would be accessible to the proposed common elements condominium.

iv) Increased Traffic and Pedestrian Safety

The concerns presented are that the proposed development would result in increased traffic and that pedestrian safety, particularly for children, would be impacted. Staff note that the application has been reduced from 278 units to 210 units through the removal of stacked townhouses and maisonette dwelling units resulting in less traffic than originally proposed.

Staff note that the proposed development site is located at a signalized intersection with crosswalks that connects to the east side of Quigley Road and to the south side of Albright Road. The small plaza is located on the east side of Quigley Road at this intersection. A public school and recreation centre are located adjacent to the proposed development. They would also be accessible by means of walkways from the subject property to provide safe access.

Among the findings provided in the applicant's revised TIS, which are relevant to the concerns of increased traffic levels and pedestrian safety, are the following:

- The area intersections are operating with satisfactory levels of service during the AM and PM peak hours. This is approximately 171 vehicle trips during AM Peak and 163 trips during PM Peak. The eastbound approach of King Street East to the north is approaching capacity, but does not require changes at this time;
- Remedial measures to the existing system were not required as the findings and comments from Corridor Management did not support further changes;
- There were no requirements for improved geometrics and traffic control improvements;
- The design of Quigley Road can support high traffic volumes and further design changes to allow additional capacity are not required based on current and projected traffic; and,

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 55 of 58

- The TIS also suggested that the reduction in travel lanes (“Road Diet” approach) to one travel lane in each direction, developing auxiliary turn lanes at roadways and major intersections and the provision of road cycling facilities, should be examined further in this area.

Therefore, staff are of the opinion that the proposed development can be accommodated within the existing traffic service regime and that the site is suitably located in terms of pedestrian safety requirements.

v) Parking

The concerns are that the proposal would not have sufficient parking available for the form and density that is proposed. The revised proposal has been reduced to 210 units and the higher density housing forms have been removed (i.e. stacked townhouses and maisonettes).

Staff note that the current proposal would accommodate up to two parking spaces per dwelling (garage and driveway tandem parking), based on the recommended provision to permit driveway parking. Visitors parking spaces in the form of 63 spaces would also be provided. Under Zoning By-law No. 05-200, parking for street townhouses and semi detached dwellings is based on 1 space per unit and there are no requirements for visitor parking.

The proposed parking that is available would exceed the parking rate that is required for the proposed development.

vi) Insufficient Entrances

The concern is that the proposed accesses would be insufficient for the development and that there would be a higher risk of accidents. The applicant's TIS identified that the proposed site driveway connections are anticipated to operate with satisfactory levels of service. There are no remedial measures recommended to support the operation of the proposed driveways.

The proximity to the intersection, recreation centre, railway crossing and open space areas tend to maintain traffic speeds at lower levels. A daylighting triangle (9.14 m x 9.14 m) would provide improved sightlines at the Quigley Road / Albright Road intersection. The location will be further refined at the Site Plan Control stage to ensure proper geometrics, crossings and vision triangles are provided. Corridor Management are satisfied with the TIS findings and recommendations.

Therefore, the proposed entrances are considered to be adequate for the proposed development.

7. The proposed development would be subject to Site Plan Control, which would allow for a detailed review of the development including matters such as conformity to grading, SWM, landscaping, access, parking, fencing and building design.

The future Site Plan could proceed as a comprehensive plan for the entire site and developed under two phases in light of the requirement for sanitary servicing upgrades. The first phase of the Site Plan would require the inclusion of the SWM pond and adjacent common elements road.

Urban design requirements would be further examined at the Site Plan Control stage for the provision of colours, materials and product design to ensure that variation is provided for street townhouse units that face each other and for rear lane townhouses units. The materiality and design treatment for end units and corner units would be examined. Detailed landscaping design for street trees, landscaping along common elements roads, and enhanced landscaping for parking and common amenity areas would also be required.

Following the Site Plan Control stage and the approval of the Draft Plans of Subdivision and Condominium (Common Elements), the applicant would require Part Lot Control applications to create the Parcels of Tied Land (POTLs) to allow for the sale of individual lots (Condition No. 11 of Appendix “E” to Report PED17019).

8. Conditions required for the Common Elements Condominium are provided in Appendix “E” to Report PED17019. Conditions that are included in Appendix “E” but which have not been specifically addressed in this report include the following:
 - i) Compliance with Site Plan (Condition No. 1);
 - ii) Requirements for registration of the Common Element Condominium (Condition No. 2);
 - iii) Compliance with Financial and all other conditions and requirements of the City (Condition No. 4);
 - iv) Compliance with all Zoning By-law provisions (Condition No. 5);
 - v) Completion of final approval for all applicable planning applications (Condition No. 6);

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.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road (Hamilton) (PED17019) (Ward 10) - Page 57 of 58

- vi) Warning Clauses for sidewalks and parking (Condition No. 9);
- vii) Compliance with the City's street naming polices for condominium lanes (Condition No. 10);
- viii) Requirement to enter into a Development Agreement to establish proper tenure for the future Parcels of Tied Land to be created through Part Lot Control (Condition No. 12); and,
- ix) Requirement for an easement to permit the City to enter the condominium to inspect the development and address grading and drainage issues (Condition No. 13).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) applications be denied, the property could continue to be used in accordance with the Community Institutional "I2" Zone which permits street townhouses, semi detached dwellings and single detached dwellings in accordance with the standard "I2" Zone provisions.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Amending Zoning By-law to Hamilton By-law No. 05-200
- Appendix "C": Proposed Conditions of Draft Plan of Subdivision Approval
- Appendix "D": Proposed Draft Plan of Subdivision
- Appendix "E": Proposed Conditions of Draft Plan of Condominium Approval (Common Element)
- Appendix "F": Proposed Draft Plan of Condominium (Common Element)
- Appendix "G": Proposed Elevations
- Appendix "H": Landscaping Plans
- Appendix "I": Correspondence
- Appendix "J": Conceptual Site Plan
- Appendix "K": Table of Existing and Proposed Zoning

CT:jp