



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 11, 2017
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Robert Clackett (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-11, by CONNECT Communities (c/o Patti Flaherty, Owner)**, for OPA No. XX, to create a Site Specific Policy Area “ ” within the Trinity West Secondary Plan to permit a multiple dwelling for the purposes of a Residential Care Facility and amend the minimum and maximum density, for the lands known as 26 Upper Mount Albion Road (Stoney Creek), be **APPROVED**, as shown on Appendix “A” to Report PED17121, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Zoning By-law Amendment Application ZAC-17-023, by CONNECT Communities (c/o Patti Flaherty, Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone, in Stoney Creek By-law No. 3692-92 to the Community Institutional (I2, 615) Zone, in Zoning By-law No. 05-200, for the

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 2 of 29

lands located at 26 Upper Mount Albion Road (Stoney Creek), as shown on Appendix “A” to Report PED17121, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED17121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017); and,
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___;

EXECUTIVE SUMMARY

The proposed Official Plan Amendment and Zoning By-law Amendment is to permit the development of a 42 resident Residential Care Facility (RCF). The RCF client group is for individuals suffering from brain injury and / or stroke.

The form of development will be a two storey multiple dwelling comprised of six units in total. Seven residents / bedrooms per unit are proposed. The buildings are attached to, and connected by a common space along the rear of the buildings. Support staff will reside on site, with between six and thirty staff members working on site at any given time. The proposed form of development is a multiple dwelling. Each of the six units will have a kitchen, eating area and lounge space for the residents.

The proposed Urban Hamilton Official Plan Amendment will create a Site Specific Policy in the Trinity West Secondary Plan to permit a multiple dwelling, for the purposes of a Residential Care Facility; and amend the minimum and maximum density requirements for lands designated “Low Density Residential 1” and “Low Density Residential 2”.

The Zoning By-law Amendment will rezone the subject lands from Neighbourhood Development (ND) Zone in Stoney Creek By-law No. 3692-92 to a modified Community Institutional (I2) Zone within Hamilton Zoning By-law No. 05-200. Modifications to the Community Institutional (I2) Zone provisions are required to address the accessory structure located on the subject lands, and by-law requirements related to parking.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, since the proposal is consistent with the Provincial Policy

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 3 of 29

Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and will comply with the Urban Hamilton Official Plan, subject to the recommended amendment.

Alternatives for Consideration – See Page 29

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 an application for an Official Plan Amendment and a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject lands, totalling 1.19 ha in area, are located on the east side of Upper Mount Albion Road, between Highland Road West and Rymal Road East, known as 26 Upper Mount Albion Road (see location map attached as Appendix “A” to Report PED17121). Currently the subject lands are occupied by a single detached dwelling, which will remain, and a shed.

The proposed development is for a 42 resident, two storey RCF comprised of six units in total. Seven residents / bedrooms per unit are proposed. The buildings are attached to, and connected by a common space along the rear of the buildings. Support staff will reside on site, with between six and thirty staff members working on site at any given time. The proposed form of development is a multiple dwelling. Each of the units will have a kitchen, eating area and lounge space for the residents.

Nine parking spaces will be provided for the residents and visitors, with each having a direct access to Upper Mount Albion Road. Staff parking (35 spaces) and service vehicle areas will be located at the back of the building with a driveway connection to a future road at the south end of the property (see Appendix “D” to Report PED17121).

Amended Urban Hamilton Official Plan Amendment:

The subject lands are designated as “Neighbourhoods”, “Mixed-Use Medium Density”, and Site Specific Policy Area “USC-1” in the UHOP. In the Trinity West Secondary

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 4 of 29

Plan, the subject lands are designated as “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use - Medium Density”.

An Urban Hamilton Official Plan Amendment was submitted to create a Site Specific Policy within the Trinity West Secondary Plan, to allow for a two storey multiple dwelling on those lands designated “Low Density Residential 1” and “Low Density Residential 2”, on the subject lands. A multiple dwelling is permitted within the “Mixed Use – Medium Density” designation.

The UHOP permits Housing with Supports, including residential care facilities, in the Institutional, Neighbourhoods, and Commercial and Mixed Use designations. As such, an amendment to the UHOP is not required with respect to the function of the proposed use.

With respect to built form, multiple dwellings are not permitted in the “Low Density Residential 1” and “Low Density Residential 2” designations of the Secondary Plan. As such, an amendment to the Secondary Plan is required.

An amendment will be required to address the minimum and maximum density allowed on the lands that are designated “Low Density Residential 2” within the Secondary Plan to establish a density range of 5 to 20 units per hectare. This amendment was not initially identified in the application.

Zoning By-law Amendment:

The Zoning By-law Amendment will rezone the subject lands from the Neighbourhood Development (ND) Zone in Stoney Creek By-law No. 3692-92 to the Community Institutional (I2) Zone within Hamilton Zoning By-law No. 05-200.

The proposed I2 Zone will contain site-specific provisions to implement the proposed development. These provisions are described in greater detail in the Analysis and Rationale section of this Report.

Chronology:

February 6, 2017: Applications UHOPA-17-11 and ZAC-17-023 received.

February 24, 2017: Applications UHOPA-17-11 and ZAC-17-023 deemed complete.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 5 of 29

- March 3, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-11 and ZAC-17-023 to 29 property owners within 120 m of the subject lands.
- March 8, 2017: Public Notice sign installed on the property.
- June 14, 2017: Public Notice sign updated with Public Meeting information.
- June 23, 2017: Circulation of the Notice of Public Meeting to 29 property owners within 120 m of the subject lands.

Details of Submitted Application

- Location:** 26 Upper Mount Albion Road (Stoney Creek)
- Owner:** CONNECT Communities (c/o Patti Flaherty)
- Agent:** Paul Mallard Consulting (c/o Paul Mallard)
- Property Description:** Frontage: 149 m (Upper Mount Albion Road)
Lot Depth: 80 m
Area: 1.19 ha
- Services:** Municipal Piped Water System
Municipal Sanitary Sewer System

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Neighbourhood Development "ND" Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Single Residential "R1" Zone
East	Eramosa Karst Conservation Area	Neighbourhood Development "ND" Zone

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 6 of 29

South	Single Detached Dwellings	Single Residential "R1" Zone
West	Single Detached Dwellings	Single Residential "R1" Zone Single Residential "R1-20" Zone, Modified
	Vacant	Single Residential "R3-41" Zone, Modified Mixed Use Commercial (Holding) "MUC-9-H" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1. Furthermore, staff recognizes that the applications are consistent with the policies that focus on growth and development in Settlement Areas:

"1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted."

The subject lands are located within a settlement area where full municipal services are available, and will provide for a complete community through a compact design that includes a range and mix of housing types with easy access to local stores and services in the area.

The proposal is consistent with Policy 1.4.3 which contemplates the provision of a range and mix of housing types and densities to meet the requirements of current and future residents.

"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents."

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 7 of 29

Also, by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements the proposal is consistent with policy 1.4.3 b) 1).

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;”

As the use of the proposed development is a transitional service for people that have suffered either a brain injury and / or stroke, the intent of this policy has been met.

“2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.”

A Stage 1-2 archaeological report (P018-0829-2016) dated December 12, 2016 has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport which concluded that the subject lands do not hold any cultural value or interest. While the Provincial interest has yet to be signed off by the Ministry, Staff concurs with the recommendations made in the report, and the archaeology interest for the subject application has been satisfactorily addressed. Staff requests a copy of the letter from the Ministry when available.

In light of the above, the proposed development is consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households. Finally, it improves the integration of land use planning with planning and investment in *infrastructure* and *public service facilities*.

The subject lands constitute a greenfield development as the lands are within the urban boundary but not within the built-up area.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 8 of 29

Policy Section 2.2.1 provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

In review, the subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that includes a diverse range and mix of housing types and land use with easy access to local stores and services in the area. The applications will also assist in the improvement of life for those who have suffered a brain injury and / or stroke.

Moreover, Policy Section 2.2.7 provides direction with respect to Designated Greenfield Areas; in particular, Policy 2.2.7.1 states that “new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that:

- “a) supports the achievement of complete communities;
- b) supports *active transportation*;
- c) encourages the integration and sustained viability of transit services.”

As mentioned above, the proposal will contribute to a complete community by providing an alternative housing type and acts as a transition from mixed use developments to single detached dwellings, while maintaining the natural landscape surrounding the subject lands.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure. The majority of the subject lands are designated as “Neighbourhoods”, while a small southerly portion of the lands are designated as “Mixed-Use Medium Density” on Schedule “E-1” – Urban Land Use Designations in the UHOP. Within the Trinity West Secondary Plan, the subject lands are designated as “Low Density Residential 1” and “Low Density Residential 2”; and, a small rectangular area, at the southerly limit of the subjects lands adjacent to 1865 and 1869 Rymal Road East, is designated as “Mixed Use - Medium Density”. The southeast corner of the subject lands is located within the Site Specific Policy Area “USC-1”. Finally, the subject lands are located outside of the Built Boundary on Appendix “G”, and are therefore considered a “Designated Greenfield Area”. The following policies, amongst others, apply to the proposal.

Built Form

The proposed form of development for the RCF will be a multiple dwelling.

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses.

- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.”

As per Policies E.3.5.1 and E.3.5.2 of the UHOP, medium density residential is permitted on the subject lands as it is located on the periphery of the Trinity West neighbourhood and fronts onto Upper Mount Albion Road, which has been identified as a collector road.

The proposal is adjacent to the strip of lands designated “Mixed Use – Medium Density” which stretches across the full width of the Trinity West Neighbourhood and Secondary Plan area. Furthermore, HSR provides service along Rymal Road thereby providing transit connections to the proposed development.

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Density

“E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.

E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

An amendment to the UHOP will be required as the density of the proposed development is 5 units per hectare. This will be discussed in greater detail later in this report. The maximum height of the proposal is two storeys and will be established in the draft by-law (see Appendix “C” to Report PED17121).

Housing with Supports

The proposed transitional service for people that have suffered a brain injury and / or stroke is considered in the UHOP as *Housing with Supports*, which is defined as follows:

“Housing with Supports: means public, private or non-profit owned housing with some form of support component, beyond economic support, intended for people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. Housing with supports includes special needs housing as defined by the Provincial Policy Statement (2005).”

Housing with Supports are permitted on lands designated “Neighbourhoods” and “Mixed use – Medium Density” subject to any requirements set out in applicable zoning by-laws. However, there is no mention in Policy B.3.2.4.3 of required built form, as such, an amendment will be required to permit a Residential Care Facility within a multiple dwelling on the subject lands.

“B.3.2.4.3 Housing with supports, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations where applicable.”

The proposed Community Institutional (I2) Zone permits Residential Care Facilities, which are defined in By-law No. 05-200 in a similar manner to Housing with Supports.

Housing

The UHOP sets out the following Housing goals for the Urban Area within the City:

- “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.3.2.1.4 Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.
- 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.3.2.4.2 The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to development applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and primary rental housing with a full range of affordability, social housing, rent-geared-to-income housing, lodging houses, shared and/or congregate-living housing arrangements, housing with supports, emergency and transitional housing, and housing that meets all needs.”

As previously discussed, the proposed development is for the purposes of providing a transitional living and support service to people after brain injury and / or stroke in Hamilton and the surrounding communities. As such, it is providing a housing option to serve the social, health and well-being need of the surrounding community that is not currently being provided within the Trinity West Neighbourhood or the surrounding community; in this respect, the proposal will assist in creating a complete community.

The UHOP also sets out policies requiring housing to meet the social and health needs of the community. This proposal will service these needs for both the local community, and that of the City.

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Secondary Corridor

A small rectangular area, at the southerly limit of the subjects lands (see Appendix “A” to Report PED17121), adjacent to 1869 and 1865 Rymal Road East, is identified as a “Secondary Corridor” in the UHOP.

“E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.”

The proposed development consists of a low-rise built form. The Secondary Corridor policy noted above allows for some variance in design; and the proposal is not directly on the corridor itself. As such, the medium density built form (multiple dwelling) complies with this Secondary Corridor policy.

Urban Design

The UHOP has a detailed set of policies related to urban design. The following policies, amongst others apply:

- “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;
 - e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
 - h) Respecting prominent sites, views, and vistas in the City;”

The street presence along Upper Mount Albion Road can be enhanced for the common area building to improve its visibility from the street and to enhance its accessibility for staff or any visitors. This can be done by modifying its design and façade treatment. All

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 13 of 29

of these modifications will be addressed at the detailed design stage of development through the Site Plan Control process.

Also, the general pedestrian connectivity on site will be provided to connect on site access points and facilities in a more direct manner. The north-eastern recreational hub and bike storage platform would also benefit from a walkway connecting them to the public sidewalk. Again, the location of internal sidewalks and how they integrate into the public domain will be addressed at the detailed design stage of development through the Site Plan Control process.

Finally, landscaped walkways between the public sidewalk and each residential building will be provided to facilitate barrier-free pedestrian circulation and provide street presence.

Natural Heritage

Based on mapping within the UHOP (Volume 1, Schedule “B” - Natural Heritage System and Volume 2, Map B.7.7-2 - Trinity West Secondary Plan Natural Heritage System, and Volume 3: Map 1, Area Specific Policies Key Map), a Core Area has been identified within and adjacent to the subject property. The subject lands are also identified as Site Specific Policy Area “USC-1” in the UHOP. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions.

In this case, the Core Area has been identified as the Eramosa Karst Area of Natural and Scientific Interest (ANSI). Karst is a landscape commonly developed on limestone, characterized by sink holes, sinking streams, closed depressions, subterranean drainage and caves. This ANSI is comprised of 3 sub-areas (Core, Developed and Feeder), which are essential for the preservation of geomorphology and hydrologic function. The subject property has been identified as being within the Feeder sub-area.

The Feeder sub-area includes all of the watersheds for streams that contribute flow to the provincially significant karst systems in the Core sub-area and provides water flows which are important to the continued functioning and development of the karst features within the Core sub-area.

Volume 3, USC-1, Policy 1.0 b) states the following:

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

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 14 of 29

- i) the flows of the creeks into the Core Area are substantially maintained (i.e. stream discharge including low flow and high flow characteristics and discharge response to runoff events);
 - ii) water quality is improved (i.e. primarily a reduction in sediment load); and,
 - iii) protective measures are employed to reduce the risk of contamination of surface streams by substances that would significantly impact groundwater and the karst.
- c) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, no *development* shall occur within the Feeder Area unless it can be shown, through technical studies completed to the satisfaction of the City, the Province and the Conservation Authority, that these objectives shall be met. Individuals who review these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.
- e) Within the Feeder Area of the Eramosa Karst ANSI, below grade fuel and chemical storage tanks shall not be permitted.”

The Trinity West Secondary Plan also speaks to the importance of the Eramosa Karst ANSI:

“B.7.7.9.1 In addition to Section C.2.0 - Natural Heritage System of Volume 1, the following policies shall apply:

- b) The area identified as Subsurface Conduit Overlay on Map B.7.7 - 2 - Trinity West - Natural Heritage System, contains subsurface flow conduits originating from the Eramosa Karst ANSI to a spring within the Trinity West Neighbourhood. The subsurface water flow function shall be maintained to sustain the drainage function of the conduit.
- c) Prior to approval of development applications within the area subject to the Subsurface Conduit Overlay, the specific location and depth of this conduit and an appropriate buffer width shall be determined through further detailed study. Once defined, development including building structures and deep buried services shall only be permitted on land over the conduit and within the recommended buffer if accompanied by a detailed study, prepared

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by a professional geoscientist with demonstrated expertise in karst environments, which demonstrates that the function of the conduit can be maintained.

- h) The eastern portion of Trinity West is subject to the Davis Creek Subwatershed Study, and the western portion of Trinity West is subject to the Hannon Creek Subwatershed Study. Development shall conform to the recommendations of these studies.”

The Province confirmed, in June 2003, that the Eramosa Karst lands are a Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI).

The Hamilton Conservation Authority (HCA) has delegated responsibility to represent provincial interest regarding natural hazards outlined within Section 3.1 (Natural Hazards) of the PPS. HCA also provides advice on natural heritage features as per the Memorandum of Understanding (MOU). This includes ANSIs. The current MOU with the City has been in effect since March 1, 2013.

To address the policies noted above, a Karst Assessment has been prepared by Terra-Dynamics Consulting Inc. (Feb.1, 2016). Specific recommendations have been identified within this Karst Assessment to maintain the ANSI and its functions. Planning staff and the HCA have reviewed this report, are satisfied with the Karst Assessment, and find that the proposal has no negative impacts on the Karst feature.

To implement the findings of the Karst Assessment, Policy USC-1 1 e) requires that below grade fuel and chemical storage tanks shall be prohibited on site. This requirement will be included in the proposed Site Specific Zoning By-law (Appendix “C” to Report PED17121).

In addition, trees have been identified on the subject property. The City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees and forests.

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan (TPP) was requested and subsequently submitted with these applications (prepared by Adesso Design Inc). Staff has reviewed the TPP and found some discrepancies with respect to the location of the proposed workshop and fire pit (see Appendix “D” to Report PED17121) as they relate to mature trees found on site.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 16 of 29

An addendum to the TPP, and the location of the proposed workshop and fire pit will be reviewed at the detailed stage of development through the Site Plan Control process.

Trinity West Secondary Plan

The subject lands are designated as “Low Density Residential 1” and “Low Density Residential 2”; and, a small rectangular area, at the southerly limit of the subjects lands adjacent to 1865 and 1869 Rymal Road East, is designated as “Mixed Use - Medium Density” on Map B.7.7-1 – Secondary West Secondary Plan Land Use Plan (see Appendix “A” to Report PED17121).

The proposed development is for a 42 resident Residential Care Facility (RCF). The RCF client group is for individuals suffering from brain injury and / or stroke.

The form of the RCF will be a two storey multiple dwelling comprised of six units in total. Seven residents / bedrooms per unit are proposed for a total of 42 residents. The buildings are attached to, and connected by a common space along the rear of the buildings. Support staff will reside on site, as between six and thirty staff members will be working on site at any given time. The proposed form of development is a multiple dwelling. Each of the six units will have a kitchen, eating area and lounge space for the residents.

As discussed previously, all of the land use designations that apply to the subject lands allow for Housing with Supports. The “Low Density Residential 1” only permits single detached dwellings and the “Low Density Residential 2” only permits single detached, semi detached, duplex, triplex, and street townhouse dwellings. As such, an amendment to the Secondary Plan is required to recognize the form of the RCF. The following policies, amongst others, apply to the proposal.

Low Density Residential 1

The most northern portion of the subject lands is designated as “Low Density Residential 1” within the Trinity West Secondary Plan.

“B.7.7.3.4 Low Density Residential 1 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 1 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 17 of 29

- a) Notwithstanding Policy E.3.4.3, permitted uses shall include only single detached dwellings.
- b) The maximum net residential density of development shall not exceed 20 units per hectare (uph).
- c) Notwithstanding Policy E.3.4.5, the maximum building height shall be two storeys.”

The proposed density (5 units per hectare) and the maximum height of two storeys meet the “Low Density Residential 1” policies, however the form of development (multiple dwelling) does not. As such, an amendment to the Trinity West Secondary Plan will be required to recognize the built form.

Low Density Residential 2

The middle portion of the subject lands is designated as Low Density Residential 2 within the Trinity West Secondary Plan.

“B.7.7.3.5 Low Density Residential 2 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policy shall apply:

- a) The net residential density of development shall be greater than 20 units per hectare, and shall not exceed 40 units per hectare (uph).”

As Section E.3.4 of the UHOP does not permit multiple dwellings; nor is the proposed density of 5 units per hectare permitted within the “Low Density Residential 2 designation” an amendment to the Secondary Plan policy will be required.

As per Section E.3.4.3 of the UHOP, permitted uses in low density residential areas include: single detached, semi detached, duplex, triplex, and street townhouse dwellings. As a two storey multiple dwelling for the purposes of Housing with Supports is proposed, the built form does not comply with the general intent of the parent policies of the UHOP. As such, an amendment will be required to allow for the multiple dwelling.

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Mixed Use - Medium Density

A small rectangular area, at the southerly limit of the subject lands (see Appendix “A” to Report PED17121), adjacent to 1865 and 1869 Rymal Road East, is identified as “Mixed Use - Medium Density” in the Secondary Plan.

“B.7.7.4.1 Mixed-Use - Medium Density

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

- b) Notwithstanding Policies E.4.6.7 and E.4.6.8, the following policies shall apply:
 - i) Within the Mixed-Use - Medium Density designation adjacent to the Natural Open Space, which is the Eramosa Karst Conservation Area, on Map B.7.7-1 - Trinity West - Land Use, the maximum building height shall be three storeys.”

Multiple dwellings are permitted in Section E.4.6.5 f) of the UHOP. Also, the proposed development will have a maximum height of two storeys and, as such, complies with the policy noted above.

Staging of Development

“B.7.7.12.1 Staging of development within the Trinity West Secondary Plan area shall be based on the availability and timing of roadway capacity, and municipal servicing and extensions thereto, such as water, wastewater and storm water services and facilities.

B.7.7.12.2 Staging of development shall proceed in a logical manner from where existing water, wastewater and storm services are located, and where extensions thereto are provided.

B.7.7.12.3 Staging of development within the Trinity West neighbourhood shall be based on the availability and timing of adequate utility infrastructure, such as communications/telecommunications networks, to be established to serve the anticipated development through discussions with public and/or private utility providers.”

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 19 of 29

The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available.

Therefore, staff are supportive of the Official Plan Amendment.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED17121.

The Neighbourhood Development “ND” Zone is a future development Zone and only permits: agricultural uses, except poultry farms, mushroom farms, fur farms, piggeries, hatcheries, kennels and also excluding any residential use not existing at the date of the passing of the By-law (December 8, 1992); one single detached dwelling, buildings or structures accessory thereto, existing at the date of passing of the By-law; greenhouses subject to Site Plan Control under the City’s Site Plan Control By-law; and, community gardens.

The Zoning By-law Amendment proposes to rezone the subject lands to incorporate them into the Hamilton Zoning By-law No. 05-200 as part of the Community Institutional (I2) Zone to allow for the development of a two storey RCF comprised of six units, for a total of 42 residents. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have provided comments on the application:

Transportation Management Division, Public Works Department requested a Transportation Demand Management (TDM) Options Report be submitted. A TDM report (Transportation Demand Management Report for 26 Upper Mt Albion Rd Transitional Residence prepared by W. B. O’Brien Services) was submitted with this application. The review of the report will be deferred to the Site Plan Control stage of development as some of the details of design, related to transportation, may change prior to the final design.

Transportation staff also requested that the proposal follow the requirements of the City’s Pedestrian Mobility Plan, Transportation Master Plan, and Transit Oriented Development (TOD) Guidelines.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 20 of 29

Finally, a future Road Widening, which has been considered in the concept plan, attached as Appendix “D” to Report PED17121, will be required for Upper Mount Albion Road (26.213 metres). This widening will be taken at the Site Plan Control stage. Furthermore, on Appendix “D” to Report PED17121 a cul-de-sac is shown on the subject lands, while the Trinity West Secondary Plan shows the cul-de-sac on lands to the west of 26 Upper Mount Albion Road. The cul-de-sac is shown within a draft approved subdivision (25T-201401) at 1831 Rymal Road East (Stoney Creek), located to the west of the subject lands, within their Engineering drawings. Revisions for this subdivision, including the revised cul-de-sac, have been submitted to staff. As part of these revisions a housekeeping amendment will be required to the UHOP to reflect the realignment of the road.

The **Hamilton Conservation Authority (HCA)** reviewed the Functional Servicing & Stormwater Management (SWM) Report prepared by The Odan / Detech Group Inc., dated February 2, 2017, for the proposed development. They noted that the SWM Report outlined a post-development scenario whereby post-development flows from the entire property would be directed to a storm sewer on Upper Mount Albion Road and then to the Central Park Subdivision (25T-201401) to the north. According to the Stormwater Management Report by S. Llewellyn & Associated, dated February 2017 for the Central Park Subdivision (25T-201401), post-development flows from the westerly half (Catchment 405) of 26 Mount Albion Road were to be directed to the Central Park site and did not include the easterly half. Currently, the easterly portion of the subject property drains to a karst sinkhole, a natural heritage feature located approximately 30 metres from the northeast corner of the lot within the Eramosa Karst Area of Natural and Scientific Interest (ANSI) and HCA’s Eramosa Karst Conservation Area. Subsurface drainage from this sinkhole flows to the Potruff Creek spring to the north. It is important that drainage to these natural heritage features be maintained and that karst hazards be appropriately addressed.

The HCA has reviewed the report titled “Impact on Existing Adjacent Karst Feature” provided by the applicant and are satisfied that the existing flow discharge to the karst feature will be maintained as required.

The **Forestry and Horticulture Section, Public Works Department** advised that they will require a Tree Management Plan, Landscape Plan, and Landscape Planting Plan at the detailed stage of development through the Site Plan Control process. These plans will show the placement of trees internally and on City property.

Public Health Services requested that a pest control plan, focusing on rats and mice, be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. The plan is to be implemented

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) - Page 21 of 29

when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221. The Pest Control Plan will be submitted and reviewed at the Site Plan Control stage of development.

Also, the Residential Care Facility will require a license from the City of Hamilton under Licensing By-law No. 07-170, Schedule 20 (page 170 – 194). It is recommended that the applicant consult directly with the City's Licensing office in the Planning and Economic Development Department. This License will be required prior to the operation of the facility.

Finally, *The Ontario Food Premises Regulation 562* under the *Health Protection and Promotion Act* would apply to the Residential Care Facility. Prior to final Site Plan Approval for the new designation of Residential Care Facility, Public Health Services, Vector Borne Disease Program would require floor plans for the kitchen area.

Alectra Utilities (formerly Horizon Utilities) requested that the applicant consult with them during the construction stage of development. Specifically, they would like to be consulted when the relocation, modification, or removal of any existing hydro facilities needs to occur; and while maintaining their minimal horizontal clearance of 4.0 metres from existing overhead lines. They noted that the applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations and all related distribution equipment. They also advised that in order for them to prepare, design, and procure the materials required to service the site in a timely manner, a minimum of a six (6) month notification is required. It would be advantageous for the applicant to contact Alectra Utilities at the Site Plan Control stage of development in order to ensure that the necessary works can occur in a timely manner.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 29 property owners within 120 m of the subject property on March 3, 2017, for the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications.

To date, one letter was received from the public through this circulation, requesting clarification as to what the form and function of the proposed development was going to be. The letter is attached as Appendix "E" to Report PED17121, and summarized in the Analysis and Rationale for Recommendation section of this Report.

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As per the statutory requirements of the *Planning Act*, and the Applicant's Public Consultation Strategy, an Open House was held on January 28, 2017. Notice of the Open House was mailed to all property owners within 120 metres of the subject lands, the Ward Councillor, and the City.

Thirty-four (34) people attended the Open House. In addition, one (1) telephone inquiry was received by the applicant in response to the mail-out. A summary of the questions / comments received are outlined in the Analysis and Rationale for Recommendation section of this Report.

A Public Notice Sign was posted on the property on March 8, 2017, and updated on June 14, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 23, 2017.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (i) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
 - (ii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iii) The proposed development represents good planning by, among other things, provides housing opportunities to meet the social and health needs of the community.

2. Urban Hamilton Official Plan Amendment

The Residential Care Facility use is permitted on the subject lands in the UHOP and the Trinity West Secondary Plan but, as discussed in the policy section of this Report, an amendment to the Trinity West Secondary Plan is required to recognize the multiple dwelling built form for those lands designated "Low Density Residential 1" and "Low Density Residential 2".

The proposed amendment will create a Site Specific Policy to permit a multiple dwelling for the purposes of a Residential Care Facility. As discussed, the

subject lands are designated “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use – Medium Density” within the Secondary Plan. Of these three designations, the “Low Density Residential 2” designation permits single detached, semi detached, duplex, triplex, and street townhouse dwelling units and the “Mixed Use – Medium Density” designation permits multiple dwellings, with a density range of 20 to 40 units per hectare.

The “Low Density Residential 1” within the Secondary Plan scopes the uses found in Section E.3.4 to only permit single detached dwellings. This designation also establishes a maximum density of 20 units per hectare. As such, an amendment to the “Low Density Residential 1” and Low Density Residential 2” designations will be necessary to recognize the multiple dwelling form of development which is being proposed; and to establish a density range of between 5 units per hectare to 20 units per hectare.

The new density range will maintain a similar density range to that of the Low Density Residential 1 designation. The proposed development will be a maximum of two storeys in height, which will comply with the applicable Trinity West Secondary Plan policies.

As the proposal consists of 6 units with an attached common space along the rear of the units, the amendment complies with and implements the general intent of the parent policies of the UHOP. The proposal will also provide a continuation of use and transition to other low density uses to the north of the subject lands.

From a functional point of view, the proposed transitional service for people that have suffered a brain injury and / or stroke is considered in the UHOP as Housing with Supports, which is permitted on the subject lands.

Furthermore, the proposal will provide a housing opportunity that will meet the social and health needs of the community, that are not currently being fulfilled. Therefore, staff are in support of the proposed Official Plan Amendment.

3. The subject lands are currently zoned Neighbourhood Development “ND” Zone within the Stoney Creek By-law No. 3692-92.

The applicant has requested that the subject lands be rezoned to the Community Institutional (I2) Zone in the City’s By-law No. 05-200 as this zone permits a Residential Care Facility. Staff are in support of this change in zoning as the “I2” Zone will fully implement the purpose and effect of the applicable UHOP policies.

The specific modifications to the By-law are as follows:

Multiple Dwelling

As previously discussed in the report, the proposed development is for a 42 resident Residential Care Facility for those suffering from brain injury and / or stroke. The form of development will be a multiple dwelling with 6 units in total with seven residents / bedrooms per unit. The units are attached to, and connected with a common space building along the rear of the units (see Appendix “D” to Report PED17121). Each unit will have a kitchen, eating area and lounge space for the residents.

While the proposed use is a Residential Care Facility, which is permitted in the “I2” Zone as of right, due to the built form, this development is considered to be a multiple dwelling.

As a Residential Care Facility / Housing with Supports use is permitted as of right within the UHOP and By-law No. 05-200, staff are of the opinion that permitting a multiple dwelling to implement the proposed built form of the facility, is acceptable on the subject lands.

As the proposed development will function as a Residential Care Facility, the regulations in By-law No. 05-200 which relate to this use will apply.

Therefore, staff are in support of the requested modification to the By-law.

Existing Dwelling

Section 4.8 of By-law No. 05-200 stipulates that “unless otherwise provided for in the By-law, no accessory building shall be used for human habitation.” In the case of this proposal, once the Residential Care Facility is developed, the existing Single Detached Dwelling and shed will become the accessory buildings / structures. The applicant has requested to maintain the existing dwelling and shed on the subject lands as they will function as housing and administrative offices for staff, a workshop for staff and residents, provide a valuable supportive service to the primary use of the development, and also visually help maintain the established low density residential character of Upper Mount Albion Road. Staff are supportive of this modification as it integrates and functions well with the overall proposal.

Parking

The applicant has requested relief from Section 5.1 a) v) of the By-law. This provision requires adequate separation between parking spaces and a road allowance to maintain an appealing street edge. The proposed parking spaces which are adjacent to Upper Mount Albion Road are required to be located close to the road allowance as well as the proposed dwelling units as the users and / or residents of the proposed development may have mobility issues and so accessible parking would be beneficial to the success of the proposed development. Furthermore, the design of the street edge will be reviewed and enhanced through the Site Plan Control process.

Relief from Section 5.1 d) of the By-law has also been requested. This Section of the by-law establishes the visitor parking requirements for Multiple Dwellings. As the proposed use functions as a Residential Care Facility, this section of the By-law does not apply.

Underground Storage

A provision has been added to the by-law prohibiting the underground storage of any fuel and chemical storage tanks to implement the policies of Specific Policy Area "USC-1" in the UHOP.

Staff are in support of these modifications.

4. Engineering staff requested the submission of the following studies / reports prior to the approval of the Official Plan Amendment and Zoning By-law Amendment applications:
 - A detailed Functional Servicing Report (FSR);
 - A detailed Stormwater Management Report; and,
 - A detailed Karst Report.

Upon review of the above noted reports and studies, the Development Engineering Approvals Section has advised that the subject lands have full access to the City's water and wastewater system and that they have no concerns with the proposed Urban Hamilton Official Plan Amendment or Zoning By-law Amendment applications proceeding for approval.

Also, any outstanding servicing, stormwater management, grading, and municipal road improvements will be reviewed at the detailed design stage of development through the Site Plan Control process.

5. The applicant is showing three driveway accesses off Upper Mount Albion Road which are significantly wider than a typical driveway entrance. It is recommended that the applicant reduce the driveway accesses to two driveways or preferably one and reduce the widths of the entrances; this adjustment will mitigate conflict points with pedestrians and reduce the need for a depressed curb for long lengths, which may not be ideal for the walking comfort of pedestrians. In addition the parking lot for the visitor parking will need to be designed to require vehicles to be exit driveways in a forward manner. This detailed design will be addressed through the Site Plan Control process.
6. The applicant held an Open House on January 28, 2017. Thirty-four (34) people attended the Open House. In addition, one (1) telephone inquiry was received by the applicant in response to the mail-out. A summary of the questions / comments received are as follows:

Access and Traffic

Residents were concerned about the potential for increased traffic on Upper Mount Albion Road. As shown on Appendix "D" to Report PED17121, staff parking and service access is provided via a driveway connection to a new road (Columbus Gate). This new road is planned to connect to Rymal Road East at the existing signalized intersection with Dakota Boulevard, to the south, which will access the draft approved subdivision on the west side of Upper Mount Albion Road.

With respect to potential traffic generation, the applicant has submitted a Traffic Impact Assessment which concludes the new proposal will "generate very low levels of new traffic with about 1 vehicle trip in the AM peak hour and up to 9 vehicle trips in the afternoon peak hour. This level of vehicular traffic will not have a noticeable impact on Upper Mount Albion Road and no further measures are required to accommodate additional traffic".

Building Height

Residents inquired as to the height of the proposed building. They were advised that 2 storeys and a height of 10.5 metres is proposed, which did not raise additional concerns. In this regard, the (I2) Zone sets a maximum height of 10.5

metres and so the proposed development will conform to this By-law requirement.

Capacity

Some residents inquired as to how many people would be accommodated in the proposed residence. They were advised 42. In this regard, the (I2) Zone permits a maximum capacity of 50 residents.

Servicing

Many of the residents inquired about servicing as no sanitary sewers currently exist on Upper Mount Albion Road. They were advised that as a condition of Draft Plan approval for the proposed subdivision on the west side of Upper Mount Albion, the developer is required to reconstruct Upper Mount Albion Road to full urban standards from Highland Road West, including the provision of storm and sanitary sewers and sidewalks.

Notification

Some of the residents advised they did not receive notice of the Open House. They were informed that written notice was mailed to all property owners within 120 metres of the subject lands, and they may be beyond this circulation area. In addition, notices were also hand delivered to all residents on Upper Mount Albion Road, down to Highland Road West.

Safety

Some residents expressed concern about safety and potential risks to the neighbourhood as people with Acquired Brain Injury (ABI) can have addictions, mental illness, and aggression. It was acknowledged, by the applicant, that some people with ABI can have characteristics associated with higher risk behaviour, but anyone residing in the neighbourhood may have similar behaviour. The residents were advised that while the aim is not to provide a secured living environment, the on site staff do have the ability to make it secure if needed. In this regard, the proponent has over 23 years of experience in the field, and available resources to provide for and ensure a safe environment.

Fencing and Lighting

Some residents inquired as to whether or not the property would be fenced and how lighting would be treated. As set out under Section 5.2 a) of By-law No. 05-200, where a parking lot adjoins a Residential Zone a visual barrier is required to be provided and maintained along that portion of the lot line that abuts the Residential zone. In this regard, the proposed rear yard parking lot adjoins a Residential Zone along the northerly and southerly side lot line. Accordingly, a visual barrier is required and will be addressed at the Site Plan stage of development.

With respect to lighting, residents were advised that it would be directed downwards to avoid spill impacts. This matter will also be addressed at the Site Plan stage of development.

Design

Some residents inquired as to the exterior design and building materials, in response to the preliminary concept drawings that were exhibited at the Open House. In this regard, further design detail will be provided and evaluated at the Site Plan stage of development.

Property Values

Some residents were concerned that the proposal may negatively impact their property values. In this regard, the applicant nor staff are aware of any empirical data that would support this claim.

7. As per the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 29 property owners within 120 m of the subject lands on March 3, 2017, and a Public Notice sign was posted on the property on March 8, 2017. In total, one letter was received (see Appendix “E” to Report PED17121). The overall issues are generally summarized as follows:

Nature of the Proposed Development

Clarification was requested to outline the form and function of the proposed development. After explaining to the resident who submitted the comments, that the proposed development would be a two storey multiple dwelling comprised of six units in total for those who have suffered from brain injury and / or stroke, no

further concerns were raised with respect to the form and function of the proposal.

Status of Rymal Road East

The resident was advised that any works being done to Rymal Road East, surrounding the subject lands, was independent of any development that would result from the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications. The resident was advised of the status of applications surrounding the subject lands, including the Central Park Subdivision (25T-201401) located to the west of the subject lands.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the Neighbourhood Development (ND) Zone, which permits a variety of agricultural uses and a single detached dwelling.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Official Plan Amendment
- Appendix "C": Zoning By-law Amendment
- Appendix "D": Concept Plan
- Appendix "E": Public Submissions

RC:jp