



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Adam Lucas (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-18-006 by Roxborough Park Inc., Applicant** to establish a site specific policy area to permit residential development having a minimum net residential density of 115 units per hectare and a maximum net residential density of 135 units per hectare for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, as shown on Appendix “A” to Report PED18158, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-010 by Roxborough Park Inc., Applicant**, for a change in zoning from the “D” (Urban

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Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 and Neighborhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 to a site specific Downtown Multiple Residential (D6) Zone and Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit eight blocks for 36 street townhouse dwellings (Blocks “1” and “3”), 44 block townhouse dwellings (Blocks “2” and “6”), 122 maisonette dwellings (Blocks “4” and “5”), 120 stacked townhouse dwellings (“Block 5”), three multiple dwelling buildings consisting of 365 dwelling units (“Block 7”), and 1 Conservation / Hazard Block (Block “8”) for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix “A” to Report PED18158 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18158 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18158, be added to Map No. 1092 of the City of Hamilton Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding additional Holding provisions as follows:

For the lands identified as Blocks “1” – “3”, on Map No. 1092 on Schedule “A” – Zoning Maps, and described as 20 Reid Avenue North (Hamilton), no development shall proceed until such time as:

- (a) A signed Record of Site Condition (RSC) has been submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
 - (iv) That this By-law will be in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;
- (c) That **Draft Plan of Subdivision Application 25T-201802, by MHBC Planning, on behalf of Roxborough Park Inc., Applicant,** to establish a Draft Plan of

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 3 of 37

Subdivision for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix "A" to Report PED18158 be **APPROVED**, subject to the following conditions:

- (i) That this approval apply to Draft Plan of Subdivision 25T-201802, prepared by A.T. McLaren Limited, and certified by S. Dan McLaren, O.L.S, dated November 30, 2017, attached as Appendix "E" to Report PED18158, consisting of 36 Street Townhouse Dwellings (Blocks 1 and 3), 44 Block Townhouse Dwellings (Blocks 2 and 6), 122 Maisonette Dwellings (Blocks 4 and 5), 120 Stacked Townhouse Dwellings (Blocks 4 and 5), and three Multiple Dwelling buildings consisting of 365 dwelling units (Block 7), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "D" to Report PED18158;
- (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit as follows:
 - (1) For townhouses and maisonettes based on a maximum dedication rate of one hectare for every 500 dwelling units and capped at \$9,000 per townhouse dwelling unit, subject to annual indexing; and,
 - (2) For stacked townhouses and multiple dwellings, based on a fixed rate of \$7,000 per unit, subject to annual indexing; and that the affordable housing exemption may apply.
- (iii) In accordance with City financial policies, the City of Hamilton will share costs with the Owner for storm water infrastructure as follows:
 - a. 50% of the cost for the storm water infrastructure including the drop structure and downstream outfall infrastructure from MH 17 to Redhill Creek as shown in Drawing 9 of 14 from the Functional Servicing Report prepared by Amec Foster Wheeler, last revised April, 2018, subject to council approval of funding;
 - b. 50% of the cost of storm sewer construction and restoration for the proposed sewers on:

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- i. Reid Avenue North from Main Street East to Ayr Avenue;
- ii. Bingham Road from Hayes Avenue to Ayr Avenue;
- iii. Hayes Avenue from Bingham Road to the proposed MH 17;

Other cost sharing provisions for this development shall be in accordance with the City's Financial Policy, if any.

EXECUTIVE SUMMARY

The Applicant, Roxborough Park Inc., has applied for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit the redevelopment of lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (subject lands) as shown on Appendix "A" to Report PED18158. The applications propose a residential development consisting of seven blocks of land which show:

- 36 street townhouse dwellings;
- 44 block townhouse dwellings;
- 122 maisonette dwellings;
- 120 stacked townhouse dwellings;
- three multiple dwellings containing 365 dwellings units; and,
- Conservation/Hazard lands.

The proposed development, as shown on the concept plan provided by the applicant, will consist of approximately 687 dwelling units. In addition to the built form proposed, the applicants are proposing one internal public road (Street "A") and a number of private condominium roads to service the proposed development. With the exception of the street townhouse dwellings and one of the multiple dwellings, the proposed dwellings will proceed by way of future Draft Plan of Condominium applications. It is noted that the applicant has requested flexible zoning permissions that would allow for the ultimate development that could be different from the concept plan in that any one form of development could be replaced by a different form of development (e.g. block townhouse dwellings instead of maisonette dwellings). As such, staff are recommending both a minimum and maximum density to ensure a variety of unit types are built.

The proposed Draft Plan of Subdivision will establish seven blocks of lands. The UHOP Amendment will permit an overall minimum net residential density of 115 units per hectare and a maximum net residential density for the subject lands of 165 dwelling per

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hectare. The Zoning By-law Amendment will change the zoning of the property to a site specific Downtown Multiple Residential (D6) Zone and Conservation/Hazard Land (P5) Zone under the City of Hamilton Zoning By-law No. 05-200. In addition, a Holding Provision is being applied to Blocks 1-3 of the Draft Plan of Subdivision and site specific amendments are proposed to the (D6) Zone to accommodate the proposed uses.

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 (2017) and comply with the policies of the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 36

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The subject lands are located on the east side of Reid Avenue North, south of Ayr Avenue and west of the Red Hill Valley Parkway (see Appendix “A” to Report PED18158). The property is approximately 5.52 ha (55,200 sq m) in size, with approximately 278 m of lot frontage along Reid Avenue North. The subject lands consist of the former Roxborough Park Elementary School site and land owned by City Housing Hamilton (CHH) which currently contains 90 CHH occupied block townhouse dwellings. The proposal seeks to demolish all of the block townhouse dwellings units currently on site, while constructing a new multiple dwelling to accommodate the current residents.

Proposal:

On December 22, 2017, applications for Zoning By-law Amendment and Draft Plan of Subdivision were submitted seeking to permit a residential development consisting of

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 6 of 37

seven blocks of land which include 36 street townhouse dwellings, 44 block townhouse dwellings, 122 maisonette dwellings, 120 stacked townhouse dwellings, three multiple dwellings containing 365 dwellings units and Conservation / Hazard lands. In addition to the built form proposed, the applicants are proposing one internal public road (Street "A") and a number of private condominium roads to service the proposed development. With the exception of the street townhouse dwellings and one of the multiple dwelling buildings, the proposed dwellings will proceed by way of future Draft Plan of Condominium applications.

Urban Hamilton Official Plan Amendment UHOPA-18-006:

Subsequent to staff's review, it was determined that an amendment to the Urban Hamilton Official Plan (UHOP) was required to facilitate the proposal. Specifically, an UHOP Amendment is required for the following reasons:

- the street townhouse dwellings exceed the maximum net density requirements in the low density residential category of the Neighbourhoods Designation;
- the block townhouse dwellings are proposed to not meet the minimum net density requirements of the medium density residential category within the Neighbourhoods Designation; and,
- the multiple dwellings exceed the maximum net density requirements in the high density residential category of the Neighbourhoods designation.

Given the above, on February 21, 2018 an application to amend the UHOP was received to permit an overall maximum net residential density for the subject lands of 135 units per hectare. Further, a minimum net residential density was included in the Official Plan Amendment to permit a minimum net residential density of 115 unit per hectare and a maximum net residential density of 165 units per hectare to allow flexibility in the location of the unit types proposed, and to ensure a variety of unit types are constructed at full build out on the subject lands.

Draft Plan of Subdivision 25T-201802:

The proposed Draft Plan of Subdivision (see Appendix "E" of Report PED18158) is intended to create:

- 36 street townhouse dwellings (Blocks 1 and 3);
- 44 block townhouse dwellings (Blocks 2 and 6);
- 122 maisonette dwellings (Blocks 4 and 5);
- 120 stacked townhouse dwellings (Block 5);

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 7 of 37

- Three multiple dwellings consisting of 365 dwelling units (Block 7);
- One internal public street (shown as Street “A”); and,
- Dedication of daylight triangles along Street “A”.

In total, seven blocks of land will be created to accommodate the development. Development within the Blocks 2, and 4 to 7 will proceed by way of Plan of Condominium and will be located on condominium roads. Further, the street townhouses in Blocks 1 and 3 will proceed by way of future Part Lot Control applications. Staff note that the proposed Draft Plan will be proceeding on the basis of Street “A” being a 18 m right-of-way to reflect the Council motion regarding the reduced right-of-way width from 20 m to 18 m.

Amended Zoning By-law Amendment Application ZAC-18-010:

The amended application proposes to:

- Remove the southerly portion of the lands zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 and rezone the lands to site specific Downtown Multiple Residential (D6, 696, H70) Zone and Conservation/Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200; and,
- Rezone the northerly portion of the lands, which is the former Roxborough elementary school site from Neighbourhood Institutional (I1) Zone to a site specific Downtown Multiple Residential (D6, 696, H70) Zone in the City of Hamilton Zoning By-law No. 05-200.

In addition, site specific modifications are requested to the (D6) Zone relating to definitions, permitted encroachments and uses, maximum building height, number of dwelling units per block, number of dwellings in a row, minimum setback to a condominium road, number of required parking spaces, lot area, yards, unit width, setbacks of parking spaces, landscape area, amenity area, bicycle parking and planting strips.

Second Submission – April 5, 2018

In response to comments from internal departments and external agencies, the applicant provided a revised submission which included a concept plan and supportive studies/reports. In summary, the new concept plan included the following changes:

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 8 of 37

- reorientation of the eight storey multiple dwelling along the Reid Avenue North frontage and a reduction to seven surface parking spaces located within the Height Density Block (Block 7);
- inclusion of an underground parking ramp within the central green area of the site;
- relocation of the stormwater outfall from private backyards to the condominium road within Block 6;
- realignment of Street “A”;
- updates to the amending Zoning By-law to reflect changes suggest by staff which are in keeping with the language of Zoning By-law No. 05-200;
- inclusion of a decorative landscape feature to create for a dead end condominium road at the terminus of Main Street East and the subject lands; and,
- inclusion of a connection to the existing Red Hill Valley trail.

Third Submission – May 16, 2018

In response to comments from internal departments with respect to the amending Zoning By-law provided by the applicant, the applicant provided a revised amending By-law to incorporate the staff amendments suggested changes. The updates to the amending by-law are as follows:

- Provide for minimum and maximum number of dwelling units within Blocks 4 – 6 to comply with the proposed UHOPA Amendment;
- Inclusion of definitions for Block Townhouse, Maisonette Dwellings and Stacked Townhouse Dwelling;
- Permit a maximum of 18 Block Townhouse Dwellings in each of Blocks 4 and 5 to ensure an adequate mix of housing types within the draft plan;
- Increase the rear yards of Street and Block Townhouse Dwellings within the Draft Plan; and,
- Provide a provision for landscape area and private amenity area within Blocks “4”, “5” and “7”.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 9 of 37

Staff note that the above changes did not have an effect on the revised concept plan but rather reflect a refinement and clarification of the development proposal.

Chronology:

- December 22, 2017: Zoning By-law Amendment Application ZAC-18-010 and Draft Plan of Subdivision 25T-201802 were received.
- January 18, 2018: Applications ZAC-17-085 and 25T-201802 deemed complete.
- January 25, 2018: Notice of Complete Application and Preliminary Circulation was sent to 427 property owners within 120 m of the subject property.
- January 26, 2018: A Public Notice Sign was posted on site.
- February 21, 2018: Urban Hamilton Official Plan Amendment Application UHOPA-18-006 was received.
- February 26, 2018: Revised Amending Zoning By-law submitted by applicant.
- March 5, 2018: Application UHOPA-18-006 was deemed complete.
- March 12, 2018: Notice of Complete Application and Preliminary Circulation was sent to 427 property owners within 120 m of the subject property
- April 5, 2018: Revised Concept plan, Amending Zoning By-law and supporting studies / reports submitted by the applicant.
- April 24, 2018: Public information meeting held by the Applicant at the Knights of Columbus Hall (222 Queenston Road).
- May 16, 2018: Revised Amending Zoning By-law submitted by applicant.
- June 13, 2018: Public Notice Sign updated with Public Meeting date.
- June 22, 2018: Circulation of the Notice of Public Meeting to 427 property owners within 120 m of the subject property.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 10 of 37

Details of Submitted Application:

Owner: Community Hamilton Housing and Roxborough Park Inc.

Applicant: Roxborough Park Inc.

Agent: MHBC Planning (c/o Dana Anderson)

Location: 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (see Appendix “A” to Report PED18158)

Property Description:

<u>Lot Frontage:</u>	278 m (Reid Avenue North) 111.18 m (Ayr Avenue) 120.2 m (Bingham Road) 170.8 m (Hayes Avenue)
<u>Lot Depth:</u>	329.1 m
<u>Lot Area:</u>	5.52 ha (55,200 sq m)
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	90 Block Townhouse Dwellings	Community Institutional (I2) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

Surrounding Lands:

North	Community Park and Low Density Residential Uses	Neighbourhood Park (P1) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 11 of 37

East	Red Hill Valley Parkway	“B” (Suburban Agriculture and Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Multiple Dwelling	“E” (Multiple Dwellings, Lodges, Clubs, Etc.)
West	Low Density Residential Uses	“C” (Urban Protected Residential, Etc.)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*; and,

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 12 of 37

5. are *transit-supportive*, where transit is planned, exists or may be developed.

b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposal consists of a total of 687 dwelling units and includes low, medium and high density residential uses. The proposal is contributing to the mix of land uses in the City of Hamilton that efficiently use land and existing infrastructure, and represents a form of intensification. The proposal seeks a reduction in the amount of vehicular parking and is located in close proximity to public transit including current bus services and the future light rail transit line.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

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

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

In respect to archaeological potential, the subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- Within 250 m of known archaeological sites;

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 13 of 37

- Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody; and,
- Local knowledge associates areas with historic events/activities/occupations.

These criteria define the property as having archaeological potential.

In support of the proposal, the applicant submitted Stage 1 and 2 Archaeological Assessments of the property both to the City and the Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of staff. Also, staff have received a copy of the letter from the Ministry indicating that the assessments have been entered into the Ontario Public Register of Archaeological Reports without Technical review.

In addition, noise, environmental remediation, affordable housing and hazard land policies are discussed in the Analysis and Rationale for Recommendation section of this Report to demonstrate provincial plan conformity.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any planning decision.

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 14 of 37

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
 - c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
 - 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; and,
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 15 of 37

2.2.2 Delineated Built-up Areas

1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area.”

The applications conform to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) by focusing growth within the built-up area, contributing to achieving a complete community and helping to achieve the intensification targets, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

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

Urban Hamilton Official Plan (UHOP)

It is the intent that development proposed on the subject lands provide for an innovative and creative design that evolves over time, while providing for flexibility from a mixed income and mixed tenure basis. This development will a comprehensive redevelopment of the lands, which will not be replicated everywhere in the City. However, it is appropriate based on this context. Given the above, the following is provided.

The subject lands are identified as “Neighbourhoods” on Schedule “E” - Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the proposed development.

Urban Structure

“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 –

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 16 of 37

Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and *housing with supports*; and,
- b) open space and parks.

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 –Residential Intensification and other applicable policies of this plan.

E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to *community facilities / services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 17 of 37

- e) *Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.*”

With respect to the above policies, the following is provided:

- The proposal provides for a full range of housing forms, types and tenures including affordable housing, that are permitted as residential dwellings in the Neighbourhood Designation (Policies E.2.6.4, E.3.2.1 and E.3.2.3);
- The proposal represents a form of residential intensification within an existing built up neighbourhood. Low density residential development in the form of street townhouse dwellings have been located within the interior, while medium density development in the form of maisonette and stacked townhouse dwellings have been positioned internal to the subject lands and serve as a transition to the high density development to the south on the periphery of the residential area and in close proximity to Queenston Road, which is a Major Arterial Road. As discussed further in the Analysis and Rationale section of this Report, staff are of the opinion that the proposal is compatible with the scale and character of the existing residential neighbourhood which is predominantly single detached dwellings (Policy E.2.6.7 and E.3.2.4);
- The proposal includes direct access and linkages to community facilities (i.e. Roxborough Park and pedestrian connections and the Red High Valley Trail) as well as local commercial uses along Queenston Road (Policy E.3.2.1 and E3.2.7 c));
- The subject property is considered a large site that seeks to reconnect the grid system of streets by proposing the continuation of Bingham Road southerly into the subject property, known as Street “A” (see Appendix “E” to Report PED18158). The proposal includes dwellings that contain garages that will be flush with or recessed relative to the front face of the dwellings. Surface parking areas have been located internal to the blocks, while buildings have been located along the streetline to provide for a pedestrian scale development. Also, the amending Zoning By-law includes 3.0 m planting strips surrounding the perimeter of the medium and high density blocks (Blocks 4, 5 and 7), a central green area in Block 5, and minimum landscape areas for Blocks 4, 5 and 7 and opportunities for connections to the Red Hill Valley Trail. Also, the development of Blocks 2, and 4-7 will be subject to Site Plan Control which will ensure improved landscaping of the area (Policy E.3.2.7 a), b), d) and e)).

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Residential Intensification

“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;
- 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.

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;

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 19 of 37

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

The proposal will add to the mix of housing types and densities (Policy B.2.4.1.4 c)). The housing types have been oriented in a manner that is in keeping with the locational criteria for low, medium and high residential development pursuant to the UHOP. As such, staff are of the opinion the proposal enhances and builds upon desirable established patterns and built form in the area (Policies B.2.4.1.4 b) and e)). The low density and medium density residential development will have maximum building heights of 12.0 m (3 storeys) and 15.0 m (3.5 storeys) respectively, while incorporating a minimum 3.0 m setback from the streetline and adjacent properties. As such, the proposed development is in keeping with the proposed buildings of the nearby residential area in terms of the height, massing and scale and UHOP policies. The high density development provided in Block 7 has been located away from the existing low rise residential development to the west, north and east, save and except for the eight storey multiple dwelling along Reid Avenue South. However, the building has been rotated to help reduce the physical impact on the residential dwellings on the west side of Reid Avenue South. Furthermore, a minimum planting strip of 3.0 m will be required between the building and the streetline, while enhanced landscaping will be required along said area to further reduce the impact on the neighbouring area. Given all the above, staff are of the opinion the proposed uses have demonstrated compatible integration with the surrounding area (Policies B.2.4.1.4 d) and B.2.4.2.2 d)) while impacts such as shadowing, overlook, and noise are not anticipated (Policy B.2.4.2.2 b)).

The Draft Plan of Subdivision includes an extension of Bingham Road southerly which bisects the subject land and improves vehicular circulation within the area. In addition, buildings have been set back from the streetline to respect the existing streetscape in the area (Policies B.2.4.2.2 g) and h)). The proposed lots complement or are

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 20 of 37

compatible with the lot pattern and configuration within the neighbourhood (Policy B.2.4.2.2 e)).

The Growth Management Division and Transportation Planning Services have indicated that upgrades to the existing infrastructure network will need to be undertaken. However, infrastructure and transportation capacity issues have not been identified (Policy B.2.4.2.2 j)). These matters will be discussed further in the Analysis and Rationale section of this Report.

With respect to the provision of amenity space, the block townhouse dwellings and street townhouse dwellings will provide for rear yards of 6.0 m and 7.0 m, respectively, while the multiple dwellings, maisonette dwellings and stacked townhouse dwellings will provide for amenity space ranging from 3.0 sq m to 5.0 sq m per dwelling unit. Staff note that the subject lands are located south of Roxborough Park (Policy B.2.4.1.4 f).

Urban Design

“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;
- 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.

B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 21 of 37

- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed development is appropriate in respect to transition in scale to the neighbouring properties by requiring a maximum height of 12.0 m for the street and block townhouses and 15.0 m for maisonette dwellings and stacked townhouses in Blocks 1-6, whereas the neighbouring area is characterized by one and two storey single detached dwellings, which are permitted to have maximum heights of 14 m or three storeys. Further, the high density development in Block 7 has been placed adjacent to an existing multiple dwelling and has been internalized to the site, while appropriate setbacks and landscape treatment will be provided to ensure appropriate transition between the streetline and building face are being achieved. Moreover, the proposed built form has been setback 1.5 m from the northerly boundary of the subject lands which is adjacent to Roxborough Park and 6.0 m from the easterly boundary of the subject lands, which is abutting an existing residential use. Staff are of the opinion that adequate privacy and sunlight to neighbouring properties is being achieved while impacts of shadowing and wind are not anticipated given the height of the proposed buildings. Further, the development has been massed to respect existing and planned street proportions.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 22 of 37

With respect to the provision of ample glazing on ground floors, as part of the Site Plan Control process, elevation drawings of the block townhouses, maisonette dwellings, stacked townhouse dwelling and multiple dwellings will be further reviewed to ensure that building facades will provide for ample glazing on ground floors.

Parking areas within the plan have been located away from the street, either internal to the blocks or within garages being recessed or flush with the main face of the dwellings. The buildings proposed are close to and facing the street. Further, in keeping with City Development Standards, the applicant will be required to provide 40% on street parking for the street townhouses dwellings proposed. Visitor parking will be provided within the proposed condominium forms of development.

Through the Site Plan Control process, staff will ensure that ample landscape treatment will be provided both within the blocks and surrounding the perimeter of the blocks. Further, staff will ensure that building elevations are complementary to the existing, rhythm, height, colour, and surrounding context. In areas where the side elevation of dwellings are facing the street, through the Site Plan Approval process staff will be requiring upgraded treatment along this side of the building to ensure that the side elevation reads as a front facing dwelling.

Environmental Site Condition Policies

The following Environmental Site Condition policies are relevant to the proposed development:

- “B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 23 of 37

- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

A portion of the subject lands that contained the former Roxborough Park Elementary School is recognized as a potentially contaminated site. Prior to establishing residential uses on this portion of the subject lands, the applicant will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the Ministry of Environment and Climate Change (MOECC). A Holding Provision has been included in the amending Zoning By-law for these lands as the provision of an acknowledgment letter from the MOECC for the RSC is a requirement.

Noise Policies

“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:

- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Staff note that the southerly limits of the proposed development is located approximately 48 m from Queenston Road which is identified as a major arterial road and the easterly limit is adjacent to the Red Hill Valley Parkway. As a result, a noise assessment is required. The noise assessment is required to address both indoor noise levels for the arterial roads as well as noise levels on outdoor amenity areas. The applicant has not submitted a noise study in support of the proposal as this requirement was not requested in the Formal Consultation Document; however, as a condition of Site Plan Control approval for Blocks 2, 4-7, the applicant will be required to submit a noise study and undertake any required mitigation measures accordingly once the specific details and methods of construction for the units are further developed by the applicant.

Hazard Lands

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

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 24 of 37

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 a strip of land along the eastern boundary abutting the Red Hill Valley Creek is subject to erosion hazards associated with the ravine slope of the Creek. Consequently, the HCA has recommended that the erosion hazard limit of the property be appropriately zoned to a Conservation/Hazard (P5) Zone in the City of Hamilton Zoning By-law No. 05-200. Given the limited area that is subject to the (P5) Zoning, this will not have an effect on the development of the subject lands as shown on the concept plan and the (P5) lands will be located in the rear yards within Block 5 and will not be dedicated to the HCA or the City. In consideration of the comments from the HCA, the amending Zoning By-law has been updated to reflect the (P5) zoning request (see Appendix “C” to Report PED18158).

Plan of Subdivision Policies

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 25 of 37

- g) the plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.”

The proposed Plan of Subdivision seeks to permit street townhouse dwellings, block townhouse dwellings and multiple dwellings that are generally in conformity with the policies of the UHOP. The development has access to adequate services and can be integrated with the adjacent lands and roadways, does not impact upon the transportation system or the natural environment, and meets all the requirements of the *Planning Act*. The surrounding area has been largely developed and implements the City’s staging of development.

Based on the foregoing, the proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200

The subject property is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in Zoning By-law No. 6593 and Neighbourhood Institutional (I1) Zone in Zoning By-law No. 05-200. The lands within the “D” District consist of the lands owned by City Hamilton Housing and currently contain 90 Block townhouse dwellings. The lands zoned (I1) Zone are vacant and formerly was the site of the Roxborough Park Elementary School and are currently vacant.

The “D” District permits a Single Detached Dwelling and a Two Family Dwelling, as well as a Day Nursery and Public Uses. The (I1) Zone permits Single Detached and Semi-Detached Dwellings, Day Nursery and an Educational Establishment.

In order to implement the proposal, an amendment to the City of Hamilton Zoning By-law No. 6593 is required to remove the lands zoned “D” District from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Downtown Multiple Residential (D6) Zone in the City of Hamilton Zoning By-law No. 05-200. Further, an amendment to the City of Zoning By-law No. 05-200 is required to rezone the northerly portion of the lands from Neighbourhood Institutional (I1) Zone to a site specific Downtown Multiple Residential (D6) Zone in Zoning By-law No. 05-200. Further, in order to satisfy the HCA’s comment respecting erosion hazard limits, a strip of land along the east side of the property will be rezoned to Conservation/Hazard (P5) Zone (see Appendix “A” to Report PED18158).

Site specific modifications are also required to address definitions, permitted encroachments and uses, minimum required number of parking spaces, lot area, yards, unit width, setback to a condominium road, setbacks of parking spaces, landscape area, private amenity area, bicycle parking, planting strips, and maximum number of dwelling

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 26 of 37

units, building height, and number of dwellings in a row. These will be discussed in greater detail in the Analysis and Rationale section of this Report and Appendices “H1”, “H2” and “H3” to Report PED18158.

RELEVANT CONSULTATION

The following Departments and Agencies had no objections to the applications:

- Alectra Utilities (formerly Horizon Utilities Corporation);
- Hydro One;
- Environmental Services Division, Public Works Department;
- Recreation Division, Healthy and Safe Communities Department; and,
- Transit Division, Public Works Department.

The following Departments and/or Agencies have provided comments / conditions on the applications:

Canada Post has indicated that the owners are required to notify purchasers of Centralized Mailbox locations. Further, Canada Post has provided their requirements for the Centralize Mailbox locations.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition Nos. 47 - 49 of Appendix “D” to Report PED18158.

Forestry and Horticulture Section, Public Works Department staff have indicated that they do not approve the Tree Management Plan for the property. As such a revised Tree Management Plan will be required in addition to the payment of a review fee. A condition is to be added requiring the applicant to submit a plan depicting new trees and a cash payment as shown in Item 2.8 of the standard Subdivision Agreement. Further, the applicant is also required to provide payment for road allowance trees which will be planted by the City of Hamilton.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition No. 46 of Appendix “D” to Report PED18158.

Hamilton Conservation Authority (HCA) staff have indicated that the applicant will be required to obtain a permit from the HCA prior to any development within the HCA’s regulated area. Further, the applicant will be required to provide a lot grading and drainage plan, stormwater management plan, updates to the Red Hill Creek restoration

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 27 of 37

vegetation inventories, tree / vegetation protection plan and restoration plan, and an erosion analysis, all of which are to the satisfaction of the HCA.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition No. 35 - 40 of Appendix "D" to Report PED18158.

Growth Planning, Planning and Economic Development Department staff have indicated that the applicant will be required to identify all daylight triangles as road widenings on the final plan. Further, Growth Planning staff have requested that a note be included on the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted.

The above requirement is being addressed as a note on the condition of Draft Plan of Subdivision approval (See Appendix "D" to Report PED18158).

Health Hazards Office, Healthy and Safe Communities Department staff have requested that a written dust mitigation plan be formulated and submitted prior to any potential demolition. This matter can be addressed as part of the Site Plan Control process.

Healthy Environments Division, Public Health Services staff have indicated that a Pest Control Plan will be required. This matter will be addressed as part of the Site Plan Control Process.

Landscape Architectural Services (LAS), Public Works Department staff have requested that the applicant provide strong green connections that link the trail system to the park and the wider community. The green connection shall have a wider green space and a pedestrian walkway. LAS has indicated that they do not support the addition of the underground parking access to the central green as it detracts from the functionality of the green space as a passive recreational amenity. Further, the open green space will not count towards parkland dedication. The above matters will be addressed as part of the Site Plan Control process.

Light Rail Transit (LRT) Office has indicated that Queenston Road will have LRT tracks running down along the middle of the roadway. As such, all turning movements would continue to be permitted except for left turns in either direction along Queenston Road at Reid Avenue. It is recommended that the applicant's traffic consultant be advised of this information in order to determine whether the turning restriction would have any implication on any proposed traffic impact mitigation strategy.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 28 of 37

Transportation Planning Services (TPS), Planning and Economic Development

Department has indicated that the following matters will need to be provided as part of the detailed engineering submissions relating to Draft Plan of Subdivision:

- Dimensioned plans as per City of Hamilton guidelines;
- Updated Traffic Impact Study;
- Neighbourhood Traffic Calming Study;
- Cross-section of proposed Street “A”; and,
- The location and design of suitable cycling and pedestrian facilities and trail connections.

These requirements apply to Draft Plan of Subdivision 25T201802 and are addressed in Conditions Nos. 41 - 45 of Appendix “D” to Report PED18158.

Further, TPS has indicated that the Transportation Demand Management initiatives do not meet the objectives of the City, as outlined in the ‘TDM for Development’ document. TPS recommends that the developer review the provided initiatives and resubmit a report. This matter will be addressed at the Site Plan Control stage.

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 427 property owners and tenants within 120 m of the subject property on January 25, 2018 (for the Draft Plan of Subdivision and Zoning By-law Amendment) and March 12, 2018 (for the UHOP Amendment). A Public Notice sign was posted on the property on January 26, 2018 and updated on June 13, 2018 to reflect the Public Meeting date. In addition, the Ward Councillor has included this development as a standing item at his town hall meetings to discuss Ward 4 issues. Staff have attended these meetings to provide status updates and/or to answer any questions. Finally, Notice of the Public Meeting was circulated on June 22, 2018 in accordance with the requirements of the *Planning Act*.

To date, six pieces of correspondence were received respecting the proposed development (see Appendix “I” to Report PED18158). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included an applicant held public information

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 29 of 37

meeting at the Knights of Columbus Hall at 222 Queenston Road on April 24, 2018. The applicant set up easels with various poster boards outlining details of the development proposal. Furthermore, the applicant's agent presented the applications to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the public information meeting was sent to all residents within 120 m of the subject land. A total of 30 people including City staff, the applicant and their agent attended the public information meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) Provides for an innovative and creative design while allowing for flexibility from a mixed income and mixed tenure basis; and,
 - iii) The proposed development will be compatible with the existing and planning development in the immediate area with respect to use, size and scale.
2. The subject property is located on the east side of Reid Avenue North, the south sides of Ayr Avenue and Hayes Avenue, and the west side of Bingham Road and the west of Red Hill Valley Expressway. The property currently contains 90 block townhouse dwellings which are proposed to be demolished and vacant lands consisting of the former Roxborough Park Elementary School. Based on the concept plan provided, the applicant is proposing to construct 36 Street Townhouse Dwellings (Blocks 1 and 3), 44 Block Townhouse Dwellings (Blocks 2 and 6), 122 Maisonette Dwellings (Blocks 4 and 5), 120 Stacked Townhouse Dwellings (Block 5), and 3 multiple dwellings buildings having 365 dwelling units but the proposed zoning would allow for the applicant to substitute one built form (eg. Maisonette dwellings) for another built form (eg. Block townhouse dwellings) depending on market conditions (see Appendix "G" to Report PED18158).

Official Plan Amendment

The policies of the "Neighbourhoods" designation permit "Low Density Residential", "Medium Density Residential", and "High Density Residential" uses. As described in the aforementioned sections of this Report, the proposal has demonstrated that the uses proposed provide for compatible integration with the surrounding neighbourhood, provide for an appropriate range of dwelling types

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 30 of 37

and tenures, efficiently utilizes land and infrastructure, and provides for an appropriate balance of built form, landscape and open space areas within the Draft Plan of Subdivision. Further, the Official Plan Amendment has been crafted to allow a minimum net residential density of 115 unit per hectare and a maximum net residential density of 165 units per hectare to require unit type variety but allow flexibility in the location of the unit types proposed. The minimum density is based on Blocks 1 to 6 being developed as street and/or block townhouse dwellings only with three multiple dwellings on Blocks 7, whereas the maximum density is based on Blocks 1 to 3 and 6 being street and/or block townhouse dwellings, Blocks 4 and 5 being developed as maisonette dwellings and stacked townhouse dwellings and Block 7 consisting of four multiple dwellings. It is on this basis that staff are of the opinion that the UHOP Amendment meets the intent of the policies within the plan. The implementing zoning by-law will provide provisions to restrict the density within the site purposed by the UHOPA and include setbacks from adjacent uses and planting strips along the streetline to ensure appropriate buffering. Further, with the exception of the street townhouses within Blocks 1 and 3 of the Draft Plan of Subdivision which will be address through Architectural Control, the proposed built form will be subject to Site Plan Control. Through the Site Plan Control process, staff will ensure that enhanced landscaping occurs throughout the site, and buildings are well articulated architecturally and sensitively integrated with the surrounding neighbourhood. Given all the above, staff recommend approval of the UHOPA.

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

The northerly portion of the subject lands are presently zoned Neighbourhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 (see Appendix “A” to Report PED18158). Street and block townhouse dwellings are not permitted in this Zone. Further, the remainder of the site is located within the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The “D” District does not permit the proposed block townhouse dwellings, maisonette dwellings, stacked townhouse dwelling and multiple dwellings. As a result, an amendment to the Zoning By-law is required to change the zoning of the lands to permit the above proposed uses.

In anticipation of the City’s upcoming update to the City of Hamilton Zoning By-law No. 05-200 to incorporate residential zoning, the applicant has requested that the subject lands be incorporated in Zoning By-law No. 05-200. As such, the amendment seeks to rezone the subject land to a site specific Downtown Multiple Residential (D6) Zone to permit the following uses within seven Blocks on the Draft Plan of Subdivision (see Appendix “G” to Report PED18158):

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 31 of 37

- 36 street townhouse dwellings;
- 44 block townhouse dwellings;
- 122 maisonette dwellings;
- 12 stacked townhouse dwellings; and,
- 3 buildings consisting of 365 multiple dwelling units.

Further, in order to protect lands within the erosion hazard limit of the property a portion of the lands is being zoned to a Conservation/Hazard (P5) Zone.

Site specific modifications to the (D6) Zone required to implement the proposal, the staff analysis of the requested modification and staff's recommendation on the requested modifications is provided in Appendices "H1", "H2" and "H3" to Report PED18158.

(i) Holding Provision

A "H" Holding Provision is recommended for the proposed residential uses on Blocks "1"- "3" of the Draft Plan of Subdivision as shown on Appendix "C" to Report PED18158. A Record of Site Condition (RSC) is required given the change from the former institutional use (Roxborough Park Elementary School) on the property to the more sensitive residential land use.

As the proposal includes a land use change from institutional to a more sensitive use, a Record of Site Condition (RSC) is required or a conditional building permit agreement with respect to completing a RSC. The mandatory filing provisions of Section 168.3.1 of the *Environmental Protection Act* are linked to the *The Building Code Act*, 1992, by requiring that a RSC be filed before construction, if the building will be used in connection with the regulated change in use. This means that a building permit cannot be issued in relation to the regulated changes in property use (e.g. from institutional use to residential use) until a RSC is filed for that property. Subsection 11(2) of Ontario Regulation 153/04 of the *Environmental Protection Act*, specifies that the term "change in use" does not include a reference to a change in the zoning of the property under a municipal by-law but rather, a change in use refers to a change in the actual use of the property.

In this case, a RSC has not yet been filed with the Ministry of the Environment and Climate Change (MOECC). As a result, this requirement is recommended by staff.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 32 of 37

(ii) Visitor Parking

Staff have amended the application to include visitor parking for block townhouse dwellings, maisonette dwellings, stacked townhouse dwellings and multiple dwellings at a rate of 0.3 spaces per unit, except for the multiple dwelling in Block 7 which has a reduced rate of 0.25 spaces per unit. It is staff understanding that the applicant is in disagreement with this requirement however staff consider the provision of visitor parking spaces to be appropriate given that development will occur as part of a standard condominium, wherein the availability of on-street parking that is typically provided in a plan of subdivision will not occur. Additionally, staff reduced the requirement for Block 7 to recognize the City Housing building and the needs expressed by City Housing Hamilton.

(iii) Amenity Area

Staff have amended the application to extend the minimum amenity area requirement of 3.0 sq m per unit to the multiple dwelling proposed in Block 7 for City Housing. The intent of this provision is to ensure that adequate indoor/outdoor amenity area is provided for occupants of the dwelling units. It is staff understanding that the applicant is in disagreement with this requirement as ground floor amenity space may not be available. However staff consider the provision of amenity area to be appropriate given there is flexibility on where the amenity area is provided and there is an opportunity to create an outdoor courtyard space at grade in addition to amenity space on the ground floor of the building.

4. Understanding that there are more detailed design matters to be secured at later planning stages, such as Site Plan, the conditions of subdivision approval will recommend the use of a control architect (see Condition 2 of Appendix “D” to Report PED18158). The intent of this condition is to independently ensure continuity and delivery of the principles of the plan; including matters such as materiality and block design. This intent will also be achieved and secured through a supplementary condition of subdivision approval that will require the completion of the Urban Design Study and the control architect providing confirmation that the building design and site layout implement the urban design study. This confirmation will be required to be submitted and approved prior to construction of each individual block (see Condition 1 of Appendix “D” to Report PED18158).

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 33 of 37

5. Growth Management Division indicated that the following matters will need to be provided as part of the detailed engineering submission relating to the Draft Plan of Subdivision:

- The design and construction of the Stormwater outfall;
- Stormwater management for the subject land;
- A construction management plan for the subject land;
- Slope stability assessment;
- Sidewalk alignments;
- Dedication of daylight triangles;
- The stop up and closing of Lang street;
- Agreement on costs;
- A dust control and street cleaning document;
- Infrastructure and servicing upgrades;
- Lot grading and drainage plans;
- Deed transfers relating to easements for the outfall within Block 6;
- On street parking plan for the street facing dwelling units; and,
- A CCTV video inspection of existing combined sewer mains.

That separate storm sewers will be required in the servicing design for all proposed units including those units facing existing streets, and that under interim conditions, Phase 1 as shown on the Proposed Concept and Phasing Plan (from the revised Functional Servicing Report dated April, 2018) may be temporarily drained by the existing combined sewer system and other phases may be considered as well where feasible and where capacity allows until such time as the separate storm sewers are installed.

These requirements are addressed in Conditions Nos. 5-34 of Appendix "D" to Report PED18158.

6. There were six letters received from the public for the proposed planning applications (Appendix "I" to Report PED18158). Of the six letters received, two letters requested to be notified of the upcoming public meeting while four letters indicated concerns with the proposal. The following is a summary of the concerns identified in the correspondence.

Protection of Trees

A concern was raised with respect to the protection of trees on the property in that efforts should be made to preserve a mature silver maple with a diameter at breast

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 34 of 37

height (DBH) of 59 cm. As part of the proposal, a total of 216 trees are proposed to be removed. The City requires a one for one compensation for any tree 10 cm DBD or greater. As part of the Site Plan Control process, staff be working to retain as many of the existing trees as possible. Notwithstanding, where retention of trees is not possible due to implementation of the proposal, in addition to the one for one compensation, the applicant will be required to provide adequate landscape treatment throughout the Draft Plan of Subdivision.

Traffic

A concern was raised with respect to traffic concerns as a result of the approval of the Draft Plan of Subdivision. In support of the proposed development, the applicant provided a Transportation Impact Study (TIS) which analyzed the proposal in consideration of the existing and planned road networks in the area and any required upgrades. As a result of this review, draft plan conditions have been included to address matters of concerns that will need to be satisfied prior to approval.

Parking

A concern was raised with respect to parking in the area as result of the development. As previously discussed in this Report, staff are of the opinion that that the proposed development will provide an adequate amount of parking spaces for this development and issues associated with parking are not anticipated.

Noise

A concern was raised with respect to noise resulting from the new dwellings being occupied on the subject lands. Staff note that noise is a by-product of any residential development where dwellings will be occupied. Staff note that the City has a Noise Control By-law that regulates noise in the City. Notwithstanding, issues associated with noise from this development are not anticipated.

Lack of Privacy

A concern was raised with respect to the lack of privacy as a result of the development. As discussed earlier in the Report, with the exception of the Multiple Dwellings in Block "7", the proposed dwellings types will be of a height comparable to that permitted in the neighbouring area. With respect to the multiple dwellings on Block "7", the multiple dwellings are not located adjacent to any existing low density development, while an existing seven storey multiple dwelling abuts the

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 35 of 37

Block “7” to the south. Further, as previously noted the applicants have provided an adequate setback to front lot line adjacent to Reid Avenue South and a 3.0 m planting strip will be surrounding the block where it abuts a street. As a result, staff are of the opinion that there will be no issues associated with privacy resulting from the approval of the development applications.

Disruption Associated with Construction Activity

A concern was raised with respect to disruption associated with construction activity for the new dwellings on the subject land. Staff note that there are some potential disruptions to the neighbouring community whenever a new development is being construction. However, staff note that these disruptions are temporary in nature. Further, as part of the development of the blocks, the applicant will be required to provide a construction management plan demonstrating how issues associated with construction activity can be minimized.

Lack of Green Space

A concern was raised regarding the lack of green space provided in the Draft Plan of Subdivision. Staff are of the opinion that adequate landscape treatment will be provided within the Draft Plan either by way of the backyards of the Block and street townhouses in Blocks “1”-“3” and “6”, a 20% landscape requirement in Blocks “4” and “5” and a 10% landscape requirement in Block “7”.

Impact on Existing Sewer and Water Infrastructure

A concern was raised with respect to the impact of the development on the existing municipal infrastructure in the area. Staff note that the proposal was reviewed by the City’s Development Engineering staff who have noted that upgrades to the City’s municipal infrastructure will be required in this area as a result of the approval the Draft Plan of Subdivision. Further, conditions of Draft Plan Approval have been included to address municipal infrastructure in the area. Staff are of the opinion that this concern will be satisfactory addressed as part of the applicant satisfying the conditions of Draft Plan Approval (see Appendix “D” of Report PED18158) relating to the subject land.

Displacement of Existing Residents

A concern was raised respecting the displacement of the existing residence in the City Housing Hamilton block townhouse dwellings. Staff note that City Housing

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 36 of 37

Hamilton in conjunction with the City's Urban Renewal Division has undertaken a resident relocation strategy aimed to ensure that minimal disruption to the existing residents living in the area.

Reduction in Property Value

A concern was raised with respect to the proposal causing a negative impact on property values of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Density

A concern was raised with respect to the density of the proposed development. As noted earlier in this Report, staff have analysed the density proposed in this Draft Plan of Subdivision and are of the opinion that there are no issues with compatibility with the adjacent area. As a result, staff are of the opinion that this concern has been addressed.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property could be utilized in accordance with the range of uses and provision of the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in City of Hamilton Zoning By-law No. 6593 and the Neighbourhood Institutional (I2) Zone in City of Hamilton Zoning By-law No. 05-200.

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.

SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 37 of 37

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.

Culture and Diversity

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Urban Hamilton Official Plan Amendment
- Appendix “C” – Zoning By-law No. 05-200 Amendment
- Appendix “D” – Proposed Conditions of Draft Plan of Subdivision Approval
- Appendix “E” – Proposed Plan of Subdivision
- Appendix “F” – Concept Plan #1– December 20, 2017
- Appendix “G” – Concept Plan #2 – March 28, 2018
- Appendices “H1”, “H2 and “H3” – Zoning By-law Assessment
- Appendix “I” – Correspondence from the public