



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-16-075, (Zest Communities, Owner)**, for further modification to the “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified, to permit a 157 unit multiple dwelling, on lands located at 393 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED18183, be APPROVED, on the following basis:

- i) That the draft By-law, attached as Appendix “B” to Report PED18183, 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 “B to Report PED18183, be added to sheet W17e of the District Maps of the City of Hamilton Zoning By-law No. 6593;
- iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is to permit the development of a 157 residential unit multiple dwelling proposal with a maximum height of six storeys and

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24 m in height, along with a club house (including a pool, fitness centre, yoga, dance centre and multi purpose room) on a portion of the subject lands.

This proposal is the first phase of the redevelopment of St. Elizabeth's Village and includes an area of 1.61 ha (3.97 ac). It is the intent of the applicant to redevelop the lands as a resort style village for mature adults and the seniors community.

The Zoning By-law Amendment will further amend the site specific "DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified zoning with site specific provisions to address the maximum height of a multiple dwelling, the number of residential units, front and side yard setbacks, setbacks to the established floodline, the required number of visitor parking spaces and loading space size.

The proposed Zoning By-law Amendment has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 26

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 an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

St. Elizabeth's Village has a total area of 46.1 ha and is comprised of an existing private road network servicing commercial/office, institutional, residential and accessory uses. The lands subject to this application, as shown in Appendix "B" to Report PED18183, have a total area of 1.61 ha with street frontage on Garth Street containing three existing townhouse dwellings and the clubhouse which are all to be demolished in order to construct the multiple dwelling. Staff note that the proposed zoning boundary will also function as lot lines to facilitate a future severance of the subject lands for financial purposes.

St. Elizabeth's Village was developed in the early 1980's and numerous Zoning By-law Amendments have occurred as the lands evolved over time (By-laws 79-226, 81-235,

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83-221 and 85-165) as follows:

- By-law 79-226: permitted a six storey residential care facility (nursing home) having 150 beds, commercial uses within a building not exceeding four storeys and a gross floor area of 35,600 sq ft (3,307 sq m) and a club house and cafeteria with a maximum combined gross floor area of 17,000 sq ft (1,625 sq m). In addition, modifications to setbacks and parking standards were also established;
- Amending By-law 81-235: deleted the requirement for the lands to be developed in accordance with a registered plan of subdivision;
- Amending By-law 83-221: permitted a Place of Assembly being a banquet hall with a seating capacity not exceeding 1,000 persons; and,
- Amending By-law 85-165: regulated signage requirements for commercial uses.

The applicant's original submission concept was for two multiple dwellings, one building being a four and a half storey building and the other being a five and a half storey building. The applicant amended the proposal to one multiple dwelling with 157 residential dwelling units which is located outside of the Vegetation Protection Zone (VPZ). The proposal also includes a 902 sq m clubhouse within the new multiple dwelling which include a pool, fitness centre, yoga dance centre and multi-purpose room. The height and number of storeys of the building vary from four to six storeys with a maximum permitted height of 24 m. The multiple dwelling has proposed a total of 157 dwelling units, with 158 underground parking spaces and 30 surface parking spaces for a total of 153 parking spaces including five barrier free spaces. The multiple dwelling will be accessed from Sister Varga Terrace using the existing private road system. The proposal will also recognize three existing townhouse dwellings located adjacent to Garth Street.

Staff also amended the application to address additional zoning requirements related to parking requirements.

Chronology:

November 15, 2016: Application ZAC-16-075 received.

December 1, 2016: Applications ZAC-16-075 deemed complete.

December 8, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-16-075 to 800 property owners within 120 m of the subject lands.

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December 20, 2016: Public Notice sign installed on the property.

June 13, 2018: Public Notice sign updated with Public Meeting information.

June 22, 2018: Circulation of the Notice of Public Meeting to 801 property owners within 120 m of the subject lands.

Details of Submitted Application

Location: 393 Rymal Road West (Hamilton)

Owner: Zest Communities Inc.

Agent: GSP Group Inc.

Property Description: Frontage: ± 640.0 m (Garth Street)
Lot Depth: ± 345.0 m
Area: ± 46.1 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>	Townhouses, Clubhouse	“DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified
<u>Surrounding Lands:</u>		
North	Townhouses, Apartments, Multiple Dwelling (for assisted living), and a commercial / retail building (Village Centre)	“DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified
East	Townhouses, Apartments, Multiple Dwelling (for assisted	“DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings)

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	living), and a commercial / retail building (Village Centre)	District, Modified
South	Townhouses and Apartments	“DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified
West	Vacant lands and a Single Detached Dwelling	“AA” Agricultural District
	Stormwater Management Pond / Open Space	Conservation / Hazard Land (P5) Zone
	Vacant	“E-H/S-1701” (Multiple Dwellings, Lodges, Clubs etc.) District, Modified

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 (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. However, the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policies amongst others, apply:

“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.*”

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The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1. Within 250 m of known archaeological sites;
2. 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;
3. Local knowledge associates areas with historic events / activities / occupations;
4. In the vicinity of distinctive or unusual landforms; and,
5. Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1 and 2 Archaeological Reports (P018-0778-2016 and P018-0795-2016) dated June 14, 2016 and July 26, 2016 have 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 heritage value or interest. The Province signed off on the reports for compliance with licensing requirements in a letter dated August 4, 2016. Staff are of the opinion that the municipal interest in the archaeology for the lands subject of this rezoning application have been satisfied.

In concurrence with the recommendations of the Archaeological Report, staff advise that future development within the remainder of the village lands will require further archaeological assessment.

Therefore, the proposal is consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built up area as defined by the Growth Plan. The proposal conforms to the Guiding Principles of Section 2.2.1.4 which provides direction on managing growth whereby population and employment growth will:

- “2.4.1.4 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 mix of dwelling units for mature adults and seniors within easy access to local stores and services in the area.

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 “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies amongst others apply to the application.

Natural Heritage System

- “B.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- B.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. *Core Areas* of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.
- B.2.3.2 *Core Areas* include *key natural heritage features*, *key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.
- B.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted,

and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.”

A tributary of Twenty Mile Creek (identified as Type 2 Important Fish Habitat) and a series of lakes (ponds) are located to the south of the proposed development within the subject lands. The tributary is identified as a locally significant wetland, known as the Rymal Road Wetland Complex. An Environmental Impact Study (EIS) was submitted and revised to the satisfaction of the Niagara Peninsula Conservation Authority (NPCA) and Planning staff. The proposal has been revised to ensure the ecological preservation and function of the ponds. An appropriate Vegetative Protection Zone (VPZ) has been established from the ponds and the Zoning boundary will act as the limit of the VPZ along the southerly portion of this proposal. The ponds will function as passive amenity and recreation space for the residents in addition to its Stormwater Management functionality. The EIS was brought before the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and it was determined that the revised EIS was satisfactory.

A Site Plan Control Application is required to implement the proposal. Staff note that an Erosion and Siltation Plan, Stormwater Management as well as a Landscape Plan, Tree Protection and Restoration Planting Plans will be required to be submitted with the future Site Plan Control Application. Furthermore, the applicant will be required to demonstrate that Stormwater Management quality controls will preserve the ecological function of the watercourse feature.

Residential Intensification

“B.2.4.1.1 *Residential intensification* shall be encouraged throughout the entire *built-up area*, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

B.2.4.1.2 The City’s primary *intensification areas* shall be the *Urban Nodes* and *Urban Corridors* as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

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;

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- 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;
- 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;

- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

In review of the residential intensification policies above, a comprehensive review of policies B.2.4.1.4 a) to g) must be evaluated to ensure the intent of all polices are achieved. Staff note that the subject lands in their entirety are approximately 46 ha in size and the existing character of the neighbourhood is a mix of residential forms with townhouse dwellings immediately surrounding the existing area of development. Staff note that within the Village there are also commercial, professional offices and residential uses in multiple dwellings including a six storey residential care facility. The meandering road pattern will remain within the Village development, and the proposal will contribute to the existing varied forms of development in the community by adding additional dwelling units in the form of a multiple dwelling.

The proposed multiple dwelling is compatible with the existing neighbourhood as it has been designed to take into consideration the existing surrounding residential development through the use of varying storeys as well as incorporating the existing grading and landscape. The height of the building varies from four to six storeys with a maximum permitted height of 24 m. Of note, the grade decreases to the south, near the ponds and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials. The building is four storeys along Jaczenko Terrace and transitions from four to six storeys to the rear of the adjacent townhouse dwellings as the grade decreases, approximately 20 m from Jazcenko Terrace.

The building has been positioned to respect the rear yards of abutting residential buildings as well as provide a balance between street presence along Jaczenko Terrace and sufficient space for landscaping treatment. Although, the proposed building is taller in height and greater in mass and scale than directly adjacent residential properties, the proposed form exists within the neighbourhood and within the Village as there is an existing six storey residential care facility located to the north of the proposed multiple dwelling. As such, it is the intent of this proposal to enhance and build upon the established pattern and existing built form of the Village.

In support of the proposal, the applicant has completed a Sun Shadow Study to the satisfaction of Planning staff. The Sun Shadow Study suggested shadow impacts onto the north-eastern residential properties during the afternoon in the spring, summer, and fall and that sun shadows will have a larger impact during the winter months. As a result, staff recommended slight adjustments to the site design, as well as to the building footprint and massing to address these concerns. The applicant revised the concept plan and elevations, demonstrating that the revised sun shadow impact on adjacent residential properties will be minimal.

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Furthermore, amenity space will be provided within the residential building and exterior to the building. Balconies are proposed but have been recessed within the building, limiting direct overlook to adjacent residences. The proposal includes surrounding ground level outdoor space, allowing for connections to the existing ponds. In addition, the redesigned clubhouse space provides further amenity space.

Transportation

On Schedule “C” - Functional Road Classification Plan, Rymal Road West is classified as a “Major Arterial Road”, and Garth Street is classified as a “Collector Road”.

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- c) Major arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.

- e) Collector roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Road Widening.”

In accordance with the Urban Hamilton Official Plan, Rymal Road West is designated a “Major Arterial Road” with an ultimate width of 45.720 m. In addition, the S line of the future BLAST network is along Rymal Road West. The subject section of Rymal Road West currently does not meet this designated width and a road widening will be requested with the future Site Plan Control Application along this frontage. Garth Street, which flanks the subject lands, is designated a “Collector” road and currently meets the required width of 36.576 m; as such, no widenings are required along this frontage. Staff note that at the time of the submission of the Zoning By-law Amendment, the reconstruction of Rymal Road West was temporarily postponed to allow for coordination with surrounding development approvals to ensure road and servicing needs were met. The reconstruction of Rymal Road West from Garth Street to West 5th Street is now been completed.

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Medium Density Designation

The proposed development is for a mid-rise multiple residential building which is greater than three storeys and has been reviewed against the Medium Density designation.

- “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.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.”

The subject lands are located at the southeast corner of Rymal Road West and Garth Street. The subject lands are approximately 46 ha in size and the proposed development is located within the interior of St. Elizabeth’s Village, which does have access to an arterial and collector road. Rymal Road West is a major arterial road which is along the Hamilton Street Railway (HSR) transit routes (Routes No. 35 and 44) and is also identified as the S line for the future BLAST network. Of note, the HSR Route enters the St. Elizabeth’s lands, providing residents with convenient access to public transportation. In addition, the subject lands function as a village for mature adults, where many of the amenities required for the residents are provided on the subject lands.

The applicant has proposed a multiple dwelling which complies with the above policy E.3.5.2. The applicant has proposed a clubhouse, which is intended to serve the residents of the Village, and is not open to the general public. Staff are of the opinion the proposed multiple dwelling and clubhouse provide amenity area and private community facilities for the residents, thereby complying with the above policy as the proposal provides a safe and convenient access to services.

The proposal has considered the adjacent land uses by designing the building to take into consideration the existing elevations and grades to ensure the impact of height and massing on the adjacent one and one and a half storey townhouse dwellings is minimal.

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As well, the building has been designed with an architectural style and building materials to further minimize the potential impacts of the height and massing.

“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.

Staff note that subject lands are approximately 46 ha in size and the existing character of the neighbourhood as a whole is a mix of residential forms, with townhouse dwellings immediately surrounding the existing development. The proposed area for the development is 1.61 ha, which results in a net residential density of 99 units per hectare.

The height and number of storeys of the building varies from four to six storeys with a maximum height of 24 m. As previously noted, the building has been designed with an architectural style including recessed unit balcony spaces that minimize the field of vision and building materials to minimize the potential impacts of the height and massing. The scale is also mitigated as the building is stepped back from Jaczenko Terrace. The proposal complements the existing, predominately residential function of the Village with a new, purpose-built building catering to the lifestyle needs and interests of an adult and senior population.

“E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.

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- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposal builds upon the existing patterns and built form by providing additional and alternate forms of dwelling units within the neighbourhood. The proposed multiple dwelling is compatible with the existing neighbourhood as it has been designed to complement the design of the surrounding neighbourhood and also incorporates the existing grades and landscape. The site is located within a development that has direct access to both a collector road (Garth Street) and a Major Arterial Road (Rymal Road West). The private roads that directly abut the site contain a small number of townhouse dwellings.

The site has been designed to minimize surface parking areas, with the majority of the parking provided in a below grade parking structure. Each unit has been provided an appropriate number of parking spaces complying with the Zoning By-law. The site is also conveniently located on transit routes (Routes No. 35 and 44) with a transit stop located within the St. Elizabeth’s Village.

An Urban Design Report and Sun Shadow Study in support of the proposal have been prepared to the satisfaction of Planning staff, demonstrating compatibility and minimal shadowing and overlook on adjacent lands.

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

Kennedy East and West Neighbourhood Plan

The subject property is designated “Residential - ‘St. Elizabeth Retirement Village’” within the Kennedy East and Kennedy West Neighbourhood Plans. The following policies apply:

“This plan has defined a series of goals and objectives related to public and private use of land within a planning time frame of the Official Plan. Some goals have to be viewed within the context of demographic and societal changes, particularly the aging population.

These goals are as follows:

- a) Protection of residential values in the existing built up area such as the neighbourhood character densities and landscaping.
- c) The provision of convenient, safe and visually pleasing living environment.

Objective 1:

The existing built-up area of the Neighbourhood will retain its residential character.

Policies:

- 1) Limited infill development will be allowed as long as it is compatible with the existing land use pattern and densities.
- 2) The replacement of existing old houses with new, one and two-storey ones will be encouraged.

Objective 2:

St. Elizabeth Retirement Village expansion will provide housing for the specific needs of senior citizens.

Policies:

- 2) All residential units shall be single storey, ground related and attached in groupings specifically designated for the use of senior citizens.

Objective 3:

The total Retirement Village development will aim at a large degree to self-sufficiency.

Policies:

- 2) Existing barn in the expanded areas should be used for a Club House. Existing house (no. 255 Rymal Road West), should be retained.

Objective 4:

Expansion of the Village and future residential development should not adversely affect the existing built-up areas within the Neighbourhood or adjacent Neighbourhoods.

Policies:

- 2) New development adjacent to dwelling units in the existing built-up area should be similar in character.”

St. Elizabeth’s Village is entirely within the Kennedy East and West Neighbourhood Plans. The intent of the Neighbourhood Plan is to ensure the seniors residence is maintained for the needs of an aging population. The proposal intends to provide adults and seniors with an opportunity to live in a self-sufficient manner in which amenities such as a pool, fitness centre, yoga, dance centre and multi-purpose room are provided. The proposed multiple dwelling is compatible with the existing neighbourhood as it provides a housing form designed to take into consideration the existing neighbourhood, the existing grades and landscape as there is an existing six storey residential care facility located to the north of the proposed multiple dwelling. The current grade decreases to the south, near the ponds, and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials to incorporate this existing grade change. The proposal maintains the intent of the above neighbourhood policies as the development will continue to cater to the needs of the adult population while providing a compact efficient form of development.

Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified, in the Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED18183. The applicant has requested a modification to the DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified in the City of Hamilton Zoning By-law No. 6593. Further evaluation of the proposed modifications are included in the Analysis and Rationale for Recommendation section of Report PED18183.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Recycling and Waste Disposal (Public Works Department).

Landscape Architectural Services (Public Works Department) have advised that staff support the inclusion of outdoor private recreation amenity space.

Forestry & Horticulture (Public Works Department) have advised that due to the location of the proposal to the interior of the subject lands, there are no adverse effects expected to any municipal assets and therefore Tree Management and Landscape Plans will not be required.

Transportation Management (Public Works Department) have reviewed the Traffic Impact Study (TIS) and the Transportation Demand Management Options Report (TDM) submitted in support of the application and advise that prior to the approval of the application, coordination with Public Works and Development Engineering should occur in order to ensure that road and servicing needs are met. The Traffic Impact Study reviewed the subject lands in its entirety, reviewing the needs for this current proposal as well as identified future redevelopment proposals, being Phases 3, 4 and 5. Staff concurred with the signalization of Rymal Road West and Hazelton Drive / Bishop Ryan Way. Transportation Planning does not support the additional traffic signal at the intersection of Street "A" and Rymal Road West or any additional turn lanes at this new Street as the location does not meet proximity standards to other intersections. Transportation staff recommended that should this intersection still be required, that the intersection be a right-in, right-out only.

The TIS identifies that the majority of the capacity issues are mitigated with the planned infrastructure improvements to the Rymal Road West and Garth Street corridors. Minor capacity issues and queuing issues are anticipated to occur which are fairly typical for arterial roadway intersections. A revised Traffic Impact Study may be required as future phases proceed.

The development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. As well, Transportation Planning have advised that in addition to the requirement for a 12.19 m by 12.19 m daylighting triangle to be dedicated to the City, Rymal Road West is also along the future BLAST network system and the maximum right-of-way should be protected for the future rapid transit system. The Daylighting Triangle and Road Widening as well as a Transportation Demand Management Options Report will be requested as a condition of the future Site Plan Control Application.

Transit Planning (Public Works Department) have advised that the subject lands are served by HSR routes #35 and #44, operating daily along the future S Line rapid transit corridor. HSR supports the inclusion of high quality pedestrian amenities at this development such as walkways, lighting, etc. and is willing to work with the developer on various bus stop amenities. Staff note that there is a transit stop located within the

subject lands which will provide opportunity for residents to utilize planned public transportation along Garth Street and Rymal Road West. Pedestrian sidewalks are provided throughout the subject lands to allow residents to access the bus stop. Further details with regards to pedestrian amenities will be addressed through a future Site Plan Control Application.

Niagara Peninsula Conservation Authority (NPCA) have advised that the ponds directly south of the redeveloping lands are regulated by the Conservation Authority. The applicant has submitted an Environmental Impact Study (EIS) and an addendum that satisfies the NPCA that the development will not result in any negative impacts to the ecological function of the watercourse feature. Furthermore, the applicant has provided a Cut / Fill Analysis demonstrating a net cut of 4.91 cubic metres which the NPCA has reviewed and has no objection. The applicant will be required to obtain a NPCA work permit prior to the completion of this work. The NPCA will also require the submission of the following plans, being an Erosion and Siltation Control Plan, a Landscape Plan, Restoration Planting Plan (RPP) and Stormwater Management Report with the future Site Plan Control Application to ensure the preservation of the ecological function of the watercourse and surrounding vegetation. The applicant will also need to provide confirmation of the pond system's ability to provide adequate stormwater quality control for the Southwest Mountain without negatively affecting the ecological function of the ponds.

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 800 property owners within 120 m of the subject property on December 8, 2016 for the proposed Zoning By-law Amendment Application.

To date, two submissions were received in opposition attached as Appendix "E" to Report PED18183. The concerns are summarized in the Analysis and Rationale Section.

A Public Notice Sign was posted on the property on December 20, 2016, and updated on June 13, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 22, 2018.

Public Consultation Strategy

The Public Consultation Strategy identified that resident briefs were held with the entire St. Elizabeth's Village population on April 19th and 21st, 2016 and additional meetings with the residents of St. Elizabeth's occurred on May 10, 2016, and June 28, 2016 prior to the submission of the application. A number of questions with regards to the

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development were raised, as shown in Appendix “F” to Report PED18183. A summary of the questions / comments received are outlined in the Analysis and Rationale for Recommendation section of this Report. Staff note that there have been additional meetings that have occurred with the applicant and the residents throughout the Zoning By-law Amendment process, updating the residents of the revised proposal.

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);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by, among other things, providing housing opportunities to meet the social and health needs of the community.

2. The lands subject to this rezoning application are currently zoned “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified within the City of Hamilton Zoning By-law No. 6593, permitting various uses including residential townhouses and maisonettes, a residential care facility, place of worship as well as commercial uses in accordance with the “G” (Neighbourhood Shopping Centre, Etc.) District.

Amendments to By-laws 79-226 and 85-165 are required to address the proposed modifications. Staff note that the deletion of sections of By-law 79-226 are replaced with the modifications in Appendix “B” of Report PED18183. By-law 85-165 has been deleted in its entirety as the By-law refers to regulations for ground signs in which the City of Hamilton currently regulates the erection of ground signs through the City of Hamilton Sign By-law 10-197. With respect to By-law 79-266, regulations for front and side yard setbacks have been removed as they relate to the existing setbacks of the existing development of St. Elizabeth’s Village. In addition, height and the size of a cafeteria have been deleted and replaced with the modifications in Appendix “B” to Report PED18183. The proposed By-law modifications are intended to delete redundancies and provide clarity as there have been a number of amendments throughout St. Elizabeth’s Village.

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3. The applicant has requested further modifications to the “DE” (Low Density Multiple Dwellings) District, to address height, a reduction in visitor parking, loading space size, no visual barrier adjacent to a residential district and to permit a clubhouse and cafeteria as accessory uses. Staff note that additional modifications to address the front and side yard setbacks are required to recognize the existing situation related to the three existing townhouses.

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

Number of Units

The proposal is for a 157 unit multiple dwelling being six storeys and a maximum of 24 m in height, along with a clubhouse including a pool, fitness centre, yoga, dance centre and multi-purpose room on a portion of the subject lands. The maximum density of the Medium Density Residential designation is 100 units per hectare. The proposal is currently at 99 units per hectare. Staff note that this calculation also includes the three existing townhouse dwelling units along Garth Street which will be contained within the new lot boundaries. In addition, the clubhouse and cafeteria are proposed within the multiple dwelling as accessory uses to the residential multiple dwelling for the exclusive use of the residents. These uses will serve the needs of the residents and help to provide a complete community within St. Elizabeth’s Village. The amending By-law includes a cap of 160 units (to reflect the proposed multiple dwelling and the three existing townhouse dwellings) and will permit the clubhouse and cafeteria as accessory uses. Furthermore, the existing Trillium clubhouse has been included as a permitted use as the multiple dwelling will be constructed in phases to avoid disruption in service and care for the residents of St. Elizabeth’s. The existing Trillium clubhouse will ultimately be demolished with the construction of the multiple dwelling. The inclusion of the provision is considered minor and will not ultimately the overall functionality of the proposal and therefore, staff support the proposed modifications.

Height

As previously discussed in the report, the proposed development is for a maximum six storey, 157 unit multiple dwelling. The height and number of storeys of the building varies from four to six storeys, with a maximum permitted height of 24 m. The maximum permitted height is currently 11.0 m. Of note, the grade decreases to the south, near the ponds, and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials. The building meets the Official Plan policy for height regarding Medium Density Residential as the building is a maximum of six storeys. In addition, the building has been

positioned to respect the rear yards of abutting residential townhouses utilizing design techniques such as recessed balconies to help mitigate massing, scale and overlook as well as provide a balance between street presence and sufficient space for landscaping treatment. Although, the proposed building is higher than directly adjacent residential properties, the proposed form already exists within the neighbourhood and this proposal is compatible with the current character of the Village. In addition, within St. Elizabeth's itself there is an existing six storey Residential Care Facility. As such, it is the intent of this proposal to enhance and build upon the established pattern and existing built form. On this basis, Staff support the increase in height.

Setbacks

Front Yard Setback of Existing Townhouse Dwelling

The applicant is proposing to recognize the setback of 6.9 m from Garth Street for the existing townhouse dwelling containing three dwelling units, whereas the By-law requires a minimum front yard setback of 12.19 m from Garth Street. Staff advise that these townhouses are existing and no alteration or construction will occur as a result of this proposal. Furthermore, Garth Street was originally considered as the side yard and would have complied with the setback requirement; however, due to the zoning boundary also functioning as the future lot boundary, Garth Street is now considered the front lot line. Staff are in support of the requested modification to the By-law to recognize the existing situation.

Side Yard Setback of Existing Townhouse Dwelling

The applicant is proposing to recognize the side yard setback of 3.0 m, whereas the By-law requires a minimum side yard setback of 7.62 m for the existing townhouse dwelling located along Garth Street. Staff advise that these townhouses are existing and no alteration or construction will occur as a result of this proposal. Furthermore, the existing townhouse dwelling would have complied with the original amending By-law 79-226, however, due to the zoning boundary also functioning as the future lot boundary a deficiency has occurred. Staff support of the requested modification to the By-law to recognize the existing situation.

Southerly Zone Boundary Setback for Multiple Dwelling

The applicant is proposing a setback of 4.7 m from the multiple dwelling to the southern zoning boundary line. The reduction in the southerly side yard setback is due to the meandering floodline and Vegetative Protection Zone which form

the extent of the zoning boundary. The 4.7 m reduction is the smallest setback requested and is only for a portion of the southerly side of the multiple dwelling as the setback increases to 9.0 m. Staff support the requested modification to the By-law for a reduction in the southerly side yard setback as the reduction is an appropriate distance from the established floodline.

In addition, a 10 m at grade setback from the established floodline is provided to ensure a safe distance and that the ponds and natural features surrounding the ponds are preserved. Therefore, staff support the requested modification to the By-law to require a 10 m setback from the established floodline.

Loading Spaces

The proposed development required two loading spaces to be provided, with one loading space having a minimum size of 9.0 m by 3.7 m by 4.3 m; and the second loading space requiring a minimum size of 18.0 m by 3.7 m by 4.3 m. The applicant has provided two loading spaces however, each space is 9.0 m by 3.7 m by 4.3 m. Staff are of the opinion that since the required number of loading spaces are being provided in appropriate locations which are easily accessible to the building, a reduction in size is acceptable. Staff note that a residential development does not typically receive shipments from large transport trucks. Furthermore, the design of the St. Elizabeth's Village has been constructed with interior roads which are approximately 11.0 m in width and large transport trucks would have difficulty travelling throughout St. Elizabeth's Village. Staff are in support of the requested modification to the By-law to permit a reduction in loading space size.

Parking

No modification is being requested with regards to the number of parking spaces for every Class A dwelling unit as defined in Hamilton Zoning By-law No. 6593. Parking for the residents will be provided underground while visitor parking is proposed to be provided at grade. The required parking for the residential units is 126 parking spaces and 40 parking spaces for visitor parking for a total parking requirement of 166 parking spaces. Staff note that the applicant is providing 188 parking spaces. The applicant has requested that the 30 at grade parking spaces be allocated solely for visitor parking and the underground parking will be solely dedicated to resident parking (156 spaces). This will result in a technical deficiency of ten visitor parking spaces.

On street parking is permitted within the St. Elizabeth's Village and the site is located along the Hamilton Street Railway (HSR) transit routes (Routes No. 35 and 44). Of note, the HSR Route enters the St. Elizabeth's lands, providing

residents and visitors with convenient access to public transportation. Staff are in support of the requested modification to permit the reduction in ten visitor parking spaces for the proposed development.

Visual Barrier and Location of Existing Parking

The proposed development does not provide visual barriers between the surface parking spaces and the adjacent residential townhouse dwellings. While generous setbacks from the multiple dwelling to the existing townhouses has been provided, it is the intent of the applicant to build upon the natural landscape and character of the retirement community and maintain an open concept having walking trails to and around the proposed building. The majority of the parking is located below grade, allowing for the 30 visitor parking spaces to be located at grade. The applicant has identified that the retirement community wishes to resemble a resort style retirement community, and the inclusion of fencing would segregate the development from the existing townhouse dwellings, losing the views and vistas of the surrounding enhanced natural landscape.

In addition, there are existing parking spaces associated with the existing Trillium Clubhouse which are within 1.5 m of the proposed zoning boundary line. Staff note that the parking location is existing and the modification to the amending by-law is to recognize the existing location of the parking spaces in relation to the zone boundary line. The overall function of the subject lands will not be altered and no negative impacts will occur. Furthermore, the Site Plan Control Application will provide staff a further opportunity to review details of development regarding landscaping to ensure the parking spaces at grade are appropriately buffered.

Therefore, staff support the proposed modifications.

Location of Access Driveway

An amendment to the by-law is required to permit an access driveway to be 0 m from the common zone boundary as this boundary will function as the future lot line. Staff note that the amendment is technical in nature and no further alteration to the site will occur. Staff support the required modification to permit an access driveway to be 0 m from the common zone boundary.

3. Growth Management staff requested the submission of the following studies / reports prior to the approval of the Zoning By-law Amendment application:
 - A detailed Functional Servicing Report (FSR);
 - Water Servicing Study; and,

- A detailed Stormwater Management Report.

Upon review of the above noted reports and studies, the Development Engineering Approvals Section has advised of the following.

At the Site Plan Control stage easements for access and maintenance for the ponds will be required as a condition of Site Plan Approval. This is to allow for cleaning and dredging to ensure the ponds are maintained and continue to properly function with the adjacent City owned Stormwater Management ponds.

The applicant is proposing a retaining wall along the northern side of the existing pond No. 11 abutting Sister Varga Terrace in order to facilitate the development. The applicant has provided a Cut / Fill Analysis demonstrating the addition of 18 cubic metres on the north side of the existing pond and a 23 cubic metre cut has been proposed on the west side of the existing pond to recover the flood storage volume and compensate for the flood plain reduction. The applicant has provided a revised rendering demonstrating only a small portion of the retaining wall be below the floodline, as such Growth Management staff has indicated that the construction of the retaining wall should be pre-fabrication block / cast - in place having consideration of the soil bearing capacity and long-term consolidation.

As a condition of development approval the applicant shall submit a cash amount for the future urbanization of Rymal Road West adjacent to the subject lands, in accordance with the City's current financial policies at the Site Plan Control stage.

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.

4. The applicant held meetings with the residents of St. Elizabeth's on May 10, 2016, and June 28, 2016 advising the residents of the proposed development. In addition, the applicant has advised that resident briefs were held with the entire St. Elizabeth's Village populations on April 19 and 21, 2016.

Questions raised by the residents of the village pertain to the services and location of services being provided. For example, the size of the new change rooms, and whether a physiotherapist will be located in the building.

Construction

Concerns regarding timing and construction of the multiple dwelling were expressed. These concerns focused on the potential for dust and debris in

addition to concerns with the digging for underground parking. Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of the Site Plan Control to ensure that the areas surrounding the development are maintained. With regards to the timing of the construction, staff advise that further details of development will be undertaken through the submission and implementation of a Construction Management Plan as part of the Site Plan Control Application.

Parking

Clarification was requested with regards to the location of parking. Resident parking will be provided underground and visitor parking will be provided at the surface. As well, staff note that applicant is meeting the parking requirements for the residential dwelling units but has requested that the visitor parking for the residents and the clubhouse be combined. In addition, on street parking is permitted within the St. Elizabeth's Village to service the clubhouse and residents. Staff are of the opinion that the proposed reduction in visitor parking will provide adequate parking for both the visitors of the multiple dwelling and the residents of St. Elizabeth's Village.

Privacy

Concerns were raised with regards to the potential loss of privacy. Staff note that the building has been positioned to respect the rear yards of abutting buildings as well as provide a balance between street presence and sufficient space for landscaping treatment. Furthermore, amenity space as a result of the development will be provided within the residential building and away from existing buildings. The height and number of storeys of the building varies from four to six storeys with a maximum permitted height of 24 m. Finally, the grade differential has been utilized to minimize impact on adjacent dwellings.

Tenure

The applicant has advised that the proposed development will be for life lease. The applicant will be required to submit an application for a Standard Draft Plan of Condominium or a Consent Application in order to establish tenure for the dwelling units.

Height

Concern was raised with regards to a "multilevel development" adjacent to the housing along Westlawn Drive (housing abutting the subject lands to the east),

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as shown on Appendix “E” of Report PED18183. The proposed development will provide a setback of approximately 325 m (1066 ft) to these dwellings.

Traffic

In addition, comments were made with regards to the traffic along Rymal Road West and the deteriorating condition of Rymal Road West. Staff note that during the review of application, the reconstruction of Rymal Road West has occurred and the right-of-way has expanded from two to four lanes.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, modified, permitting the existing uses on the subject lands.

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.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law Amendment to By-law No. 6593

Appendix “C” – Concept Plan

Appendix “D” – Grading Plan

Appendix “E” – Public Submission

Appendix “F” – Notice Public Consultation with St. Elizabeth Village Residents

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