



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Draft Plan of Subdivision Application 25T-201902 by Cardinal Heights Development Corp., (Owners)**, to establish a Draft Plan of Subdivision to develop 54 semi-detached dwellings fronting on a new public road, on lands located at 70 Bobolink Road as shown on Appendix "A" to Report PED19163, be **APPROVED**, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T-201902, prepared by IBI Group and certified by S. Dan McLaren, O.L.S., dated December 11, 2018 (Revision 3, dated June 27, 2019), consisting of 54 lots for semi-detached dwellings (Lots 1-54) and a public road (Street 'A'), 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 PED19163;
- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including the SWM facility requirements; and,

- (iii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.
- (b) That upon the approval of Draft Plan of Subdivision Application 25T-201902, the subject lands be re-designated from "Civic and Institutional" to "Single and Double" in the Bruleville Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The application is for a proposed Draft Plan of Subdivision to establish 54 lots fronting on a new public road for the development of semi-detached dwellings. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions.

The site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and appropriately zoned to accommodate the proposed development. The site was previously developed with a school owned by the Hamilton-Wentworth District School Board (HWDSB), since closed and demolished with the land being sold.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is deemed to be compatible with existing development in the area and presents good planning by providing residential infill in an area where full municipal services are available.

## **Alternatives for Consideration – See Page 18**

## **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 Draft Plan of Subdivision.

## **HISTORICAL BACKGROUND**

### Proposal

The subject lands are located at the southeast corner of the intersection of Bobolink Road and Hummingbird Lane in the Bruleville Neighbourhood (see Location Map attached as Appendix “A” to Report PED19163). The subject lands are the former site of the Cardinal Heights Middle School, which was demolished in the fall of 2018 and the property now sits vacant.

The site is designated Neighbourhoods and zoned Neighbourhood Institutional (I1) Zone which permits semi-detached dwellings. No variances are being requested.

### Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is intended to create 54 lots (Lots 1-54) fronting on a new public road (Street ‘A’) for the development of 54 semi-detached dwellings.

### **Chronology:**

<u>December 21, 2018:</u>	Application 25T-201902 received.
<u>January 18, 2019:</u>	Application 25T-201902 deemed complete.
<u>January 30, 2019:</u>	Circulation of Notice of Complete Application and Preliminary Circulation to 171 property owners within 120 m of the subject lands.
<u>February 5, 2019:</u>	Public Notice Sign erected on the subject property.
<u>April 23, 2019:</u>	Neighbourhood Meeting.
<u>May 2, 2019:</u>	Revised concept submitted to City of Hamilton for review.
<u>July 25, 2019:</u>	Public Notice Sign updated with Public Meeting Information.
<u>August 16, 2019:</u>	Circulation of the Notice of Public Meeting to 171 property owners within 120 m of the subject lands.

## **DETAILS OF SUBMITTED APPLICATION**

<b><u>Location:</u></b>	70 Bobolink Road, Hamilton (see Appendix “A” to Report PED19163)
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**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 4 of 18**

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**Owner/Applicant:** Cardinal Heights Development Corporation (c/o Allan Buist)

**Agent:** IBI Group (c/o Angela Buonamici)

**Property Description:**

<u>Lot Frontage:</u>	± 165.08 m (Bobolink Road) ± 104.31 m (Hummingbird Lane)
<u>Lot Depth:</u>	± 165.08 m
<u>Lot Area:</u>	± 1.702 ha (Rectangular)

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Neighbourhood Institutional (I1) Zone
<b><u>Surrounding Land Uses:</u></b>		
North	Single Detached Dwellings, Semi-Detached Dwellings, and Block Townhouses	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “DE” (Low Density Multiple Dwellings) District
South	Educational Establishment	Neighbourhood Institutional (I1) Zone
East	Bruleville Park and Single Detached Dwellings	Neighbourhood Park (P1) Zone and “C” (Urban Protected Residential, Etc.) District
West	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “C” (Urban Protected Residential, Etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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 2014.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis below.

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies within the PPS. The following policy of the PPS applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 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.
- 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

The subject property meets two of the 10 criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Local knowledge associates areas with historic events/activities/occupations; and,
- 2) In areas of pioneer Euro Canadian settlement.

Notwithstanding current surface conditions (previous disturbance), these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application. A warning clause shall be required, identified in all offers of purchase and sale or lease agreements, which is addressed as a condition of Draft Plan of Subdivision approval as Condition No. 15 of Appendix “D” to Report PED19163.

The subject property formerly contained a building included in the City’s Inventory of Buildings of Architectural and/or Historical Interest (Cardinal Heights Middle School, built 1963), which was demolished in the fall of 2018. Although the property was not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property was of potential cultural heritage value. Staff recommends placing a plaque on the property to mark the location and significance of the former school, which is being

addressed as a condition of Draft Plan of Subdivision approval as Condition No. 19 of Appendix “D” to Report PED19163.

*Record at the Site Condition*

Recognizing that some building materials historically used in schools may trigger the need for the filing of a Record of Site Condition (RSC), staff have included a condition of Draft Plan of Subdivision approval requiring the filing of a RSC as Condition No. 16 of Appendix “D” to Report PED19163.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow (2019).

**Urban Hamilton Official Plan (UHOP)**

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

Neighbourhoods 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*.
- E.3.2.4      The existing character of established Neighbourhoods designated areas shall be maintained.”

The proposed development for 54 semi-detached dwellings contributes to the provision of complete communities by providing another form of dwelling for the surrounding established neighbourhood. The area is well served with a neighbourhood park to the east and elementary school to the south of the subject site, as well as having commercial uses and public transit amenities within walking distance along Upper Wentworth Street

and Upper Wellington Street. Other land uses in the vicinity of the subject site are predominantly single detached dwellings, with some semi-detached dwellings interspersed, and block townhouses to the northeast. The proposed development builds upon the established lot and block pattern and built form of the existing residential neighbourhood.

#### Low Density Residential

- “E.3.4.1      The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2      Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3      Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The proposed development is located within the interior of the Bruleville Neighbourhood and is a built form that complies with the low density residential policies of the Neighbourhoods designation.

#### Scale

- “E.3.4.4      For low density residential areas the maximum *net residential density* shall be 60 units per hectare.
- E.3.4.5      For low density residential areas, the maximum height shall be three storeys.”

The proposed development is for 54 semi-detached dwellings on 1.328 net residential hectares, which converts to 40.7 units per net residential hectare. The dwelling units are intended to be two storeys in height and in conformity with the maximum building height of 10.5 m allowed in the Neighbourhood Institutional (I1) Zone. The proposed development complies with the density range and height requirements for low density residential in the Neighbourhoods designation.

#### Natural Heritage

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

Trees have been identified on the subject property, and staff have reviewed a submitted Tree Protection Plan (TPP) and Landscape Plan. Revisions to the TPP and Landscape

Plan are required. The City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. A final approved TPP and Landscape Plan will be required as conditions of Draft Plan of Subdivision approval as Condition Nos. 17 - 18 of Appendix “D” to Report PED19163.

#### Transportation Network

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

- f) Local roads, subject to the following policies:
  - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;”

Bobolink Road and Hummingbird Lane are classified as local roads and their existing right-of-way widths meet the requirements of the Urban Hamilton Official Plan. The proposed Street ‘A’ is also classified a local road with a 20.0 m right-of-way width and, in accordance with Policy C.4.5.7 a), 4.57 x 4.57 m daylight triangles are located at each proposed intersection. These requirements are being addressed as a condition of Draft Plan of Subdivision approval as Condition No. 14 of Appendix “D” to Report PED19163.

#### Plan of Subdivision

“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,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

As has been previously discussed, the proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and meets all requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing infrastructure, subject to the proposed Draft Plan conditions. The development will not adversely impact the transportation system or natural environment, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

### **Hamilton Zoning Bylaw No. 05-200**

The subject property is currently zoned Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED19163.

The Neighbourhood Institutional (I1) Zone permits a range of compatible low intensity institutional and residential uses, such as educational establishments, places of worship, and single and semi-detached dwellings. The intended use of 54 semi-detached dwellings are permitted within the (I1) Zone, and the proposed development has been reviewed and appears to conform to the standards of the (I1) Zone, as shown on the provided concept plan appended as Appendix “B” to Report PED19163.

### **Bruleville Neighbourhood Plan**

An amendment to the Bruleville Neighbourhood Plan is required to change the designation from “Civic and Institutional” to “Single and Double” to reflect this proposal. Given the former institutional use (elementary school) has since been discontinued and the building demolished, and the Official Plan designation and Zoning are permissive of this development, the re-designation to “Single and Double” can be supported.

### **RELEVANT CONSULTATION**

The following Departments and Agencies have no comments or objections to the application:

- Asset Management, Strategic Planning Division, Public Works Department;
- Construction, Strategic Planning Division, Public Works Department;
- Transit Planning and Infrastructure, Public Works Department;
- Horizon Utilities; and,

- Hydro One Networks Inc.

The following departments and agencies submitted comments:

**Forestry and Horticulture Section, Environmental Services Division, Public Works Department** does not approve the Tree Protection Plan, and amendments are required. A condition is also to be added requiring the applicant to submit a plan depicting new trees as shown in Item 2.8 of the standard Subdivision Agreement, and the applicant is required to provide payment for road allowance trees which will be planted by the City of Hamilton.

The Tree Management Plan requirements are being addressed as a condition of Draft Plan of Subdivision approval as Condition No. 20 of Appendix “D” to Report PED19163.

**Growth Planning Section, Growth Management Division, Planning and Economic Development Department** have requested that a note be included to the conditions of Draft Plan of Subdivision 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 to the conditions of Draft Plan of Subdivision approval (see Appendix “D” to Report PED19163).

**Hamilton Conservation Authority** has no objection to the approval of the Draft Plan of Subdivision, however notes that residential development will result in significant increase in imperviousness of site. HCA staff is generally satisfied with the proposed stormwater quality control and sediment and erosion control measures, however will require a full Stormwater Management Report and revised set of engineering drawings as a condition of Draft Plan of Subdivision approval, included as Condition No. 21 of Appendix “D” to Report PED19163.

**Landscape Architectural Services, Strategic Planning Division, Public Works Department** has noted that the City’s standard for fencing between development and parks is a 1.5 m height black vinyl chain link fence. Any cost sharing between the City and the developer for the fence will be based on standard pricing for a chain link fence. The developer will pay any additional costs associated with the installation of a screen that exceeds this standard. They also request cash-in-lieu of parkland dedication. The above matters will be addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 10 of Appendix “D” to Report PED19163 and as part of the building permit process.

**Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department** is requesting a Pest Control Plan during the construction/development phase of the project. This requirement is being addressed as

a condition of Draft Plan of Subdivision approval, included as Condition No. 22 of Appendix “D” to Report PED19163.

**Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department** has noted that this development is eligible for municipal waste collection service subject to meeting the City’s requirements. This requirement is being addressed as a note to the conditions of Draft Plan of Subdivision approval (see Appendix “D” to Report PED19163).

**Transportation Planning Section, Planning and Economic Development Department** has advised that driveways must not be located within intersections of possible crosswalk locations per the Comprehensive Development Guidelines and Financial Policies Manual 2017. For driveway accesses, the maximum width of the curb depression, measured at the gutter line, shall be 4.5 m for a single residential driveway and 7.0 m for a double residential driveway. With respect to driveway locations within intersections, Transportation Planning staff have reviewed functional drawings provided for each intersection (Bobolink Road at Cardinal Drive and Street ‘A’, Bobolink Road at Meadowlark Road, and Hummingbird Lane at Street ‘A’) and have no further comments. Transportation Planning staff recommend the driveway locations on the south side of Bobolink Road opposite Meadowlark Drive be reviewed to facilitate any future crosswalks as part of the detailed design and access / building permit stages.

Transportation Planning has reviewed the Transportation Impact Study (TIS) and concurs with the findings that the development proposal can adequately be accommodated by the existing transportation network with manageable traffic impact to the adjacent public roadways. Transportation Planning approves the TIS and no revisions are required. It is anticipated that all existing intersection controls will remain. Transportation Planning also reviewed the Transportation Demand Management (TDM) Report and have no further comments.

Transportation Planning requires Street ‘A’ to be established with a width of 20.0 m, and that pavement marking drawings be submitted for review and approval. These items are being addressed as condition of Draft Plan of Subdivision approval and are included as Condition Nos. 23 and 24 of Appendix “D” to Report PED19163.

**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 Centralized Mailbox locations. These requirements are being addressed as conditions of Draft Plan of Subdivision approval, included as Condition Nos. 25 - 27 of Appendix “D” to Report PED19163.

**Hamilton-Wentworth District School Board (HWDSB)** requires that the Developer install a minimum 1.2 m height chain link fence along the boundary of the subject site and the School Board’s lands (Pauline Johnson Elementary School). HWDSB has agreed that

the municipal standard 1.5 m height black vinyl chain link fence is sufficient. This requirement is being addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 10 of Appendix “D” to Report PED19163.

**Rogers Communications Inc.** has no objections to the proposed application but requests the necessary easements and/or agreements required to service the development be provided. This requirement is being addressed as conditions of Draft Plan of Subdivision approval as Condition No. 28 of Appendix “D” to Report PED19163.

**Union Gas** has no objections to the proposed application but requests the necessary easements and/or agreements required to service the development be provided. This requirement is being addressed as conditions of Draft Plan of Subdivision approval as Condition No. 29 of Appendix “D” to Report PED19163.

### **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 171 property owners within 120 m of the subject property on January 30, 2019 for the proposed Draft Plan of Subdivision Application.

A Public Notice Sign was posted on the property on February 5, 2019, and updated on July 25, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 16, 2019.

To date, five letters, including one with 41 digital signatories, (attached as Appendix “E” to Report PED19163) were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation 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 a neighbourhood meeting held on April 23, 2019 and hosted by the applicant at Nora F. Henderson Secondary School located at 75 Palmer Road, Hamilton. The applicant’s agent presented the application to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the neighbourhood meeting was sent to all residents within 120 m of the subject land. A total of 19 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting.

Neighbourhood concerns include traffic volumes, safety, and parking, particularly with respect to the adjacent public school and shortcutting to nearby Upper Wentworth Street / Lime Ridge Mall, site condition and impact of demolition / construction, and density, amongst other issues. The Meeting Comments, including applicable responses from the

applicant, are included in Appendix “F” to Report PED19163 and are addressed in the Analysis and Rationale for Recommendation Section of this Report.

## **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, conforms to A Place to Grow (2019), complies with the Urban Hamilton Official Plan, and conforms to the Neighbourhood (I1) Zone;
  - ii) The proposed development provides additional dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
  - iii) The proposed development will be compatible with the existing development in the immediate area with respect to use, size and scale.
2. The subject lands are located at the southeast corner of the intersection of Bobolink Road and Hummingbird Lane and the now vacant site is the former site of the Cardinal Heights Middle School. The subject application (25T-201902) proposes to establish 54 lots fronting on a new municipal road for the development of 54 semi-detached dwellings.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, A Place to Grow, and with the general intent of the Urban Hamilton Official Plan, including the Bruleville Neighbourhood Plan;
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;

- (f) The proposed road will adequately service the proposed subdivision and can connect to the current road network;
- (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of semi-detached dwellings;
- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (i) Adequate utilities and municipal services are available to service the proposed lots within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

3. The Engineering Approvals section is supportive of this application to subdivide the subject land and have provided the following information.

There are existing watermains and sanitary and storm sewers on Bobolink Road and Hummingbird Lane that the development can connect to. Existing road widths are to standard; therefore, no road widenings will be required for this development.

The site drains in a northerly direction and will be graded in accordance with the City of Hamilton grading standards / policy. Given the location of the site to an existing school to the south and existing homes to the east, the developer will be required to install safety fencing, silt fence, and sedimentation controls and will be required to maintain the fencing and controls throughout the construction period and house construction. To avoid external flows from the park entering the subject site, the developer will be required to install a catch basin and swale to direct the flows to Bobolink Road. Where back to front drainage is proposed, a minimum combined side yard setback of no less than 2.0 m between dwellings shall be required. This combined setback requirement shall also apply where emergency overland flow routes are required from the rear yards. These matters are being addressed as conditions of Draft Plan of Subdivision approval and are included as Condition Nos. 1, 11, and 13 of Appendix "D" to Report PED19163.

A geotechnical report is to be submitted to determine subsurface conditions, which is addressed as a condition of Draft Plan of Subdivision approval as Condition No. 9 of Appendix "D" to Report PED19163.

The internal sewers will be oversized to provide adequate storm water quantity control to Bobolink Road. Storm water quality will be treated by an oil-grit separator. The proposed superpipe storage within Street 'A' is considered as a stormwater management facility and will therefore require a direct submission ECA application. These matters are being addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 2 of Appendix "D" to Report PED19163.

As part of detailed engineering design and review, the Owner will be required to submit pre-construction video inspection reports for the existing sewers, to install a 1.5 m wide sidewalk along the south side of Bobolink Road fronting the subject site, including the removal and disposal of existing sidewalk, and along both sides of Street 'A', to reconstruct Bobolink Road, including a complete asphalt overlay fronting the subject site, and to remove, relocate, or replace all affected utility infrastructure, as required. These matters are being addressed as conditions of Draft Plan of Subdivision approval, included as Condition Nos. 5, 7, 8, and 12 of Appendix "D" to Report PED19163, respectively.

In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including the SWM facility requirements.

4. To date, five letters of correspondence, including one with 41 digital signatories, have been received through public consultation (attached as Appendix "E" to Report PED19163), and additional comments were received at the community meeting, as documented in the Meeting Comments, including responses from the applicant (attached as Appendix "F" to Report PED19163). The comments can be summarized as follows.

#### Traffic

Written submissions and comments received at the community meeting included concerns regarding traffic volumes, particularly with respect to the adjacent public school and children accessing the school. At arrival and dismissal times, traffic along Hummingbird Lane is perceived to be quite busy, and there is concern that the proposed new access onto Hummingbird Lane will further exacerbate this existing issue. The Transportation Impact Study, completed by NexTrans Consulting Engineers, dated December 17, 2018, indicates that the existing transportation network currently operates at excellent levels of service during both peak periods, that it can adequately accommodate the proposed development, and is expected to continue to operate with excellent levels of service.

There is a preference from the public that there be no access to Hummingbird Lane, and that the subdivision should be designed in a 'U' pattern. This pattern

would introduce another four-way intersection around Meadowlark Drive which would be too close in proximity to the intersection of Hummingbird Lane and Bobolink Road. This would introduce further traffic safety and operational issues. The proposed intersection of Street 'A' and Hummingbird Lane is sufficiently spaced from the existing intersection.

Concerns were also expressed regarding shortcutting traffic through the neighbourhood to access nearby Upper Wentworth Street / Lime Ridge Mall, as well as observations of numerous traffic violations such as failure to stop at stop signs in the area. Staff advise that these concerns would be applicable to existing conditions and are enforcement issues on which the proposed subdivision will have no impact.

#### Parking

Expanding on the traffic concerns above, residents also expressed concerns regarding parking, again especially at school arrival and dismissal times. An on-street parking plan submitted in support of the proposal, dated April 2019, meets the minimum 40% parking requirement based on the removal of on-street parking restrictions on the south side of Bobolink Road that were in place due to the former school use. Transportation Planning and Parking have confirmed that they have initiated the process to lift the parking restriction and the signs should be removed later this year. A final driveway location / on-street parking plan will be required, including driveway locations shown on all engineering plans, as conditions of Draft Plan of Subdivision approval and is included as Condition Nos. 3 and 4 of Appendix "D" to Report PED19163.

#### Safety

Comments were received with concerns about increased population density and foot traffic in the area, leading to increases in crime and vandalism. It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. Staff believes the proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property.

#### Demolition / Construction Impact

Written submissions and comments received at the community meeting speak to existing site conditions, including recent ponding and freezing at the community mailbox along Hummingbird Drive, being a result of drainage and maintenance



issues from the demolition of the former school, as well as the physical impact of construction on the neighbourhood. The proponent has been made aware of concerns over existing issues and has encouraged residents to approach the construction manager directly with any future concerns.

To mitigate impacts of construction activities during redevelopment of the site, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision will be required, addressed as a condition of Draft Plan of Subdivision approval as Condition No. 6 of Appendix “D” to Report PED19163.

#### Population and Density Increase

Concerns about the increase in population, lot density, and building heights within a relatively small area were expressed in the submissions and comments. The net residential density is 40.7 units per hectare, which complies with the policies of the Urban Hamilton Official Plan for low density residential development. The built form of the proposed semi-detached dwellings is compatible with the existing lot pattern and built form of the neighbourhood, and the lot and building dimensions conform to the Neighbourhood Institutional (I1) Zone.

Concerns were also raised that the additional dwelling units would cause overloading of the school due to increased student population. This matter would ultimately be up to the school boards to address; however, staff reiterate that the increase in overall population is negligible.

#### Loss of Greenspace, Trees, and Pedestrian Connectivity

Written submissions and comments speak to concern over the loss of valuable amenity / greenspace on the former school site and a desire to maintain a pathway between the existing park and the school. The site is privately owned and is not designated as a public park or open space. The current block and roadway design provide ample pedestrian opportunities, with sidewalks on both sides of the roads, spaced with short blocks with reasonable walking distances, making a midblock pedestrian pathway not warranted.

#### Infrastructure Capacity

Submissions have been made concerning whether there is sufficient infrastructure capacity to support the additional dwelling units. Engineering Approvals has reviewed the Functional Servicing Report and preliminary servicing plans and confirm that there is sufficient capacity to support the proposed development in accordance with all current and applicable engineering design standards.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could not be developed with the proposed subdivision of freehold lots fronting onto a public municipal road. The lands could be developed in accordance with the Neighbourhood Institutional (I1) Zone, which permits uses, including but not limited to, institutional and residential uses, such as educational establishments, places of worship, and single and semi-detached dwellings.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and 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.*

### **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” – Concept Plan

Appendix “C” – Draft Plan of Subdivision

Appendix “D” – Draft Plan of Subdivision Special Conditions

Appendix “E” – Public Submissions

Appendix “F” – Neighbourhood Meeting Minutes

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