



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 16, 2018
<b>SUBJECT/REPORT NO:</b>	Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-014, by Springbrook West Scarlett Inc., Owner,** to establish a site specific policy area to permit twenty-nine (29) townhouse dwellings on a private condominium road having a minimum residential density of forty-two (42) units per hectare, for lands located at 154 and 166 Mount Albion Road, as shown on Appendix “A” to Report PED18014, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
- (b) That **Amended Zoning By-law Amendment Application ZAC-16-002, by Springbrook West Scarlett Inc., Owner,** for a change in zoning from the “AA” (Agricultural) District to the “C/S-1755” (Urban Protected Residential, etc.) District, Modified (Block 1) and “RT-30/S-1755” (Street – Townhouse) District, Modified (Blocks 2 to 6) in order to permit a maximum of twenty-nine (29)

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 2 of 40**

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townhouse dwellings and two (2) single detached dwellings, for lands located at 154 and 166 Mount Albion Road, as shown on Appendix "A" to Report PED18014 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18014 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as "RT-30/S-1755" and "C/S-1755"; and,
  - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .
- (c) That upon finalization of the amending By-law, that Blocks 3-9, as shown on Appendix "D" to Report PED18014, be re-designated from "Single and Double" and "Institutional" to "Attached Housing" in the Red Hill Neighbourhood Plan.
- (d) That **Draft Plan of Subdivision Application 25T-201613, by Springbrook West Scarlett Inc., Owner**, to establish a Draft Plan of Subdivision known as The Towns of Red Hill, on lands located at 154 and 166 Mount Albion Road, as shown on Appendix "A" to Report PED18014 be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision known as "The Towns of REDHILL", as redline revised, 25T-201613, prepared by B.A. Jacobs Surveying Ltd., and certified by Bryan Jacobs O.L.S dated August 9, 2016, showing two (2) lots for single detached dwellings (Lots 1 and 2), one block for a private condominium road and visitor parking (Block 3), six (6) townhouse blocks (Blocks 4 to 9), and one block for a daylight triangle (Block 10) subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "E" to Report PED18014.
- (e) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City's Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each building permit.
- (f) With regard to the twenty-nine (29) lots for townhouse dwellings and two (2) single detached dwelling, a parkland dedication at a ratio of 0.6 hectare per 300

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 3 of 40**

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dwelling units, will be required for the proposed townhouse dwellings all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (g) That **Draft Plan of Condominium (Common Element) Application 25CDM-201619, by Springbrook West Scarlett Inc., Owner,** to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road and visitor parking for twenty-nine (29) townhouse dwellings, on lands located at 154 and 166 Mount Albion Road, as shown on Appendix "A" to Report PED18014 be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Condominium (Common Element), 25CDM-201619, prepared by B.A. Jacobs Surveying Ltd. and certified by Bryan Jacobs O.L.S, dated August 9, 2016, showing a private condominium road and visitor parking, subject to the owner entering into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix "G" to Report PED18014.

### **EXECUTIVE SUMMARY**

The applicant has applied for approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Element) for lands located at 154 and 166 Mount Albion Road, Hamilton. The applicant is seeking to construct twenty-nine (29) townhouse dwellings that are accessed from a private condominium road, and two (2) single detached dwellings that are accessed from Mount Albion Road and are not associated with the proposed Common Element Condominium.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS) (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the policies of the Urban Hamilton Official Plan (UHOP) subject to the recommended amendment. The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

### ***Alternatives for Consideration – See Page 39***

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 4 of 40**

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

## **HISTORICAL BACKGROUND**

The subject lands are located at the north-west corner of Mount Albion Road and Albright Road. There is an existing single detached dwelling located at 154 Mount Albion Road while the lands at 166 Mount Albion Road are vacant.

The applicant initially submitted an application in December, 2015 for a Zoning By-law Amendment only. The proposal was seeking to establish twenty-five (25) freehold townhouse dwellings on a private condominium road, three (3) street townhouse dwellings fronting onto Albright Road, and two (2) freehold single detached dwellings fronting onto Mount Albion Road.

Subsequently, in November, 2016 the applicant submitted an application for a Draft Plan of Subdivision in order to develop freehold townhouse dwellings, a Draft Plan of Condominium in order to establish a common element condominium road. In March, 2017, an Official Plan Amendment to establish a site specific policy area to permit a reduced minimum net residential density to permit townhouses on a common element condominium road at a density less than 60 units per hectare was submitted.

In addition, the applicant has revised the layout and orientation of the proposed townhouse dwellings to address concerns regarding the establishment of a driveway access in close proximity to the intersection of Mount Albion Road and Albright Road.

The changes to the layout of the property are as follows:

### Original Proposal (December, 2015) (See Appendix “H” to Report PED18014)

The original proposal was seeking to establish two (2) single detached dwellings, five (5) blocks of townhouse dwellings containing a total of twenty-five (25) freehold townhouse dwellings on a private condominium road, and one block containing three (3) freehold street townhouse dwellings fronting on Albright Road for a total of 28 townhouse units. A total of nine (9) visitor parking spaces were proposed as part of the original proposal.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 5 of 40**

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Second Proposal (November, 2016) (See Appendix “I” to Report PED18014)

Based on the comments received, the applicant revised the proposed development pattern. Three (3) freehold townhouse dwellings continued to front onto Albright Road but proposed provides vehicle access at the rear of the dwelling units. The proposed change thereby established a dead end laneway located to the rear of the proposed three (3) townhouse dwellings in order to provide the units with vehicle access. The revised concept plan also increased the total number of townhouse dwellings by one (1) additional unit for a total of twenty-nine (29) townhouse dwellings. Nine (9) visitor parking spaces were again proposed.

Third Proposal (August, 2017) (See Appendix “J” to Report PED18014)

The applicant provided a third concept plan to identify the building envelope of the two proposed single detached dwellings, to provide internal sidewalks that maintain a minimum width of 1.5m, and to address comments limiting the access points of the subject property to a single access from Mount Albion Road. The number of units and the orientation of the units were not changed from that of the second proposal. The third proposal also decreased the number of visitor parking spaces from nine (9) spaces to eight (8) spaces in order to provide a barrier free visitor parking space.

Based on the amended proposal, the requested applications consist of an Official Plan Amendment to recognize the proposed density, a Zoning By-law Amendment in order to provide for appropriate zoning to facilitate the proposed development, a Draft Plan of Subdivision to create two (2) lots for single detached dwellings, six (6) blocks for the creation of twenty-nine (29) lots for townhouse dwellings, a block for the private condominium road and visitor parking and a block for a daylight triangle, and, a Draft Plan of Condominium in order to establish a Common Element Condominium which will provide access and servicing for the twenty-nine (29) townhouse dwellings and visitor parking.

**Chronology**

<u>December 4, 2015:</u>	Zoning By-law Amendment Application ZAC-16-002 received.
<u>December 15, 2015:</u>	Zoning By-law Amendment Application ZAC-16-002 deemed complete.
<u>December 22, 2015:</u>	Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment Application

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 6 of 40**

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ZAC-16-002 sent to 98 property owners within 120m of the subject lands.

January 8, 2016:

The public notice sign was posted on the subject property.

November 21, 2016:

Draft Plan of Subdivision Application 25T-201613 and Draft Plan of Condominium Application 25CDM-201619 received.

December 21, 2016:

Draft Plan of Condominium Application 25CDM-201619 deemed complete. Draft Plan of Subdivision Application 25T-201613 deemed incomplete.

January 31, 2017:

Draft Plan of Subdivision Application 25T-201613 deemed complete.

March 2, 2017:

Official Plan Amendment Application UHOPA-17-014 received.

March 17, 2017:

Official Plan Amendment Application UHOPA-17-014 deemed complete.

March 28, 2017:

Notice of Complete Application and Preliminary Circulation for Official Plan Amendment Application UHOPA-17-014 sent to 94 property owners within 120m of the subject lands (revised circulation list reduced the number of property owners).

November 8, 2017:

The Public Notice Sign was updated to reflect the date and time of the Public Meeting, to note the Draft Plan of Subdivision, the Draft Plan of Condominium, and Official Plan Amendment applications, and the changes to the proposal.

November 17, 2017:

Notice of Public Meeting was mailed to 94 property owners within 120 m of the subject property.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 7 of 40**

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**Existing Land Use and Zoning:**

**DETAILS OF SUBMITTED APPLICATIONS**

**Location:** 154 and 166 Mount Albion Road, Hamilton

**Owner:** Springbrook West Scarlett Inc. c/o A. DiSilvestro and J. Chun

**Agent:** GSP Group Inc. c/o Brenda Khes

**Property Size:**

<u>Lot Area:</u>	7,625 sq. m.
<u>Frontage:</u>	122 m
<u>Depth:</u>	62.9 m
<u>Servicing:</u>	Full Municipal Services Available

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b>Subject Land:</b>	Single Detached Dwelling (154 Mount Albion Road), Vacant (166 Mount Albion Road)	“AA” (Agricultural) District
<b>Surrounding Land:</b>		
North:	Single Detached Dwellings	“C/S-1309” (Urban Protected Residential, etc.) District, Modified
East:	Single Detached Dwellings	“AA” (Agricultural) District and “C” (Urban Protected Residential, etc.) District
South:	Institutional Use – Place of Worship and St. Luke Elementary School	“I1” (Neighbourhood Institutional) Zone
West:	Institutional Use – Red Hill Learning Centre	“AA” (Agricultural) District

## **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.

- “1.1.3.1      *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2      Land use patterns within settlement areas shall be based on:
- a) densities and a mix of land uses which:
    - 1. efficiently use land and resources;
    - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
    - 5. are *transit-supportive*, where transit is planned, exists or may be developed.
  - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3      Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within the Settlement Area and efficiently uses land for new residential development that is compatible with the area. Adequate infrastructure and services are available to service the subject lands and the proposed development will be supported by existing transit service along Mount Albion Road.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 9 of 40**

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Therefore the proposed development is consistent with the policies of the Provincial Policy Statement.

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

“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.*”

An archaeological assessment was undertaken and the provincial interest in archaeology was signed off in a letter dated March 15, 2014. Therefore the Provincial Interest in archaeology has been addressed.

**Growth Plan for the Greater Golden Horseshoe (2017):**

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. The following policies, amongst others, apply to the proposal:

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

The subject property is located within a settlement area and is located on an existing transit route. The proposal represents a form of intensification that makes use of

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 10 of 40**

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existing infrastructure and provides a diverse range and mix of housing options. Therefore the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan (UHOP)**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply with respect to the subject applications:

- “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. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
  - d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.

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

The proposed single detached and townhouse dwellings are permitted uses in the Neighbourhoods designation.

The proposed residential buildings are two (2) storeys in height which is similar in height to the one to two storey single detached dwellings that exist to the north and east of the subject lands. The existing dwellings north of the subject lands along Mount Albion Road will be buffered from the proposed townhouse dwellings by the two proposed single detached dwellings. Furthermore a 3m side yard setback between the townhouse dwellings and the rear lot line of the existing single detached dwelling to the north-west on Rouge Hill Court proposed and will provide a buffer to the adjacent land uses. Therefore the proposed development is compatible with the scale and character of the existing residential neighbourhood.

The proposed garages, visitor parking areas and access driveways for the townhouse dwellings will be accessed from the proposed private condominium road. The proposed visitor parking will be setback approximately 4m from Albright Road and will be buffered by landscaping. Therefore, garages, visitor parking, and access driveways will not dominate along the public street. Existing municipal and internal private sidewalks will provide pedestrian access to and from the townhouse dwellings. Landscaping will be provided along Mount Albion Road and Albright Road and throughout the site thereby improving the existing landscape features and overall landscape character of the surrounding area.

#### Low Density Development

- “E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.
- 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 proposal includes two lots for single detached dwellings, which are considered to be a Low Density Residential use. The proposed two (2) single detached dwellings will have a net residential density of 24.6 units per hectare and a maximum building height

of two (2) storeys and will therefore comply with the maximum residential density of 60 units per hectare and maximum building height of three (3) storeys.

“E.3.4.6 *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
- c) A mix of lot widths and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes *compatible* in exterior design, including character, scale, appearance and design features; shall be encouraged. *Development* shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure *compatibility*.”

The single detached dwellings are located within the interior of the Red Hill Neighbourhood on a collector road and front directly onto Mount Albion Road. The proposed lot width, lot area, front yard and side yard setbacks conform to the By-law requirements of the “C” District and are consistent with the existing single detached dwellings to the north. The applicant is requesting a reduction in the rear yard setback from the parent By-law provisions of 7.5 m to 7.0 m. The proposed rear yard setback will maintain adequate setback from adjacent lands and adequate amenity area and therefore is consistent with the existing single detached dwellings to the north. Also the proposed two storey building height will serve as a transition from the adjacent one and half storey single detached house to the north and the proposed two storey townhouse dwellings along Mount Albion Road. Therefore the proposed single detached dwellings comply with the policies for development in Low Density Residential areas.

#### Medium Density Development

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

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.”

The proposed use is considered to be block townhouse dwellings (multiple dwellings); the use is considered to be a medium density residential development.

Medium density residential areas are to have a net residential density of between 60 units per net hectare and 100 units per net hectare. The proposed twenty-nine (29) townhouse dwellings and associated private road and parking area have a net residential density of 42.5 units per net hectare and is therefore less than the minimum density of 60 units per net hectare. An amendment to the policies of the Urban Hamilton Official Plan is therefore required in order to facilitate the proposed development. The analysis of the amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

The proposed twenty-nine (29) townhouse dwellings will maintain a building height of two (2) storeys and will therefore comply with the policies that establish a maximum building height of six (6) stories.

“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.

- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposed townhouse dwelling units will have access to Mount Albion Road which is a collector road. The proposed two (2) storey building height for the townhouse dwellings will be compatible with the building height of the existing one (1) to two (2) storey single detached dwellings that exist in the neighbourhood. Adequate amenity space will be provided for each townhouse dwelling in the form of rear yard amenity areas and landscaping will be provided at the front of each townhouse dwelling and within the common element. The townhouse dwellings will consist of lots that will be able to provide adequate on-site parking to meet the needs of the residents, and eight (8) visitor parking spaces will also be provided along the internal condominium road.

Visual barriers along with a 3m side yard setback from the northerly most townhouse dwelling unit to the existing single detached dwelling to the north-west will provide adequate buffering between the proposed development and the adjacent residential lands.

Vehicle access to the site is to be restricted to one access point from Mount Albion Road which is located away from the intersection of Mount Albion Road and Albright Road thereby minimizing the potential for traffic conflicts, and focus traffic toward Mount Albion Road which is a collector road which complies with the policies respecting having direct access to a collector road.

Based on the proposed maximum building height of two (2) storeys as well as the orientation and setback of the proposed dwellings, it is not expected that the development will result in overshadowing or privacy impacts on existing residential properties.

Therefore the proposed townhouse dwellings comply with the policies for development in Medium Density Residential areas.

#### Residential Intensification

“E.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.

E.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.”

The adjacent neighbourhood is comprised of single detached dwellings to the north, north-west and east, with existing townhouse dwellings further to the north and south along Mount Albion Road as well as to the west on Harrisford Street. Institutional uses are located to the west and south of the subject lands. The existing institutional use to the west is the Red Hill Learning Centre, which is located 30m from the westerly lot line of the proposed development and separated by an existing parking area. To the south, on the other side of Albright Road, is St. Luke’s Roman Catholic Parish Church.

The proposed twenty-nine (29) townhouse dwellings and two (2) single detached dwellings will be of a size and scale that is compatible with the scale of development in the area. Adequate servicing and transportation capacity is available in order to meet the needs of the subject property. Also the proposed townhouse and single detached development will be compatible with the surrounding neighbourhood as there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. The height, massing and density of development will be similar to that of surrounding development and will maintain setbacks and building separations that will respect the streetscape pattern of the area.

#### Urban Design

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

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

E.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.

E.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;

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- b) including ample glazing on ground floors to create visibility to and from the public sidewalk; and,
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development is appropriate in respect to the transition in scale to neighbouring buildings and the development is massed to respect the existing street proportions. Given that both the townhouse and single detached dwellings will be a maximum of two storeys in height, adequate privacy will be maintained and the proposed dwellings will not create adverse shadow and wind impacts. Parking for the single detached dwellings will be located on-site within the attached garage fronting Mount Albion Road, which is consistent with the character along the street. Parking for the townhouse dwellings will also be located on-site within the attached garage with visitor parking available within the interior of the property off the private condominium road. The front and sides of the dwelling units will address the public road with no dwelling backing onto the public road. Additionally the townhouse dwellings along Mount Albion Road are oriented to be consistent with the existing single detached dwellings on the east side of Mount Albion Road, between Red Hill Avenue and Albright Road, which have a side yard along the road. The proposed development will include ample space both on-site and on the City Boulevard for landscaping, which will improve the overall design of the proposed development.

The detailed façade treatment and design of the townhouse dwellings will be undertaken as part of the Site Plan Control application.

#### Noise

“B.3.6.3.1 *Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.*

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The subject property is located approximately 350m from the Red Hill Valley Expressway, a potential noise source. As part of the applications, the applicant submitted a Noise Feasibility study which reviewed the potential noise impacts from the Red Hill Valley Expressway as well as from Mount Albion Road and Albright Road. The findings of the Noise Feasibility study determined that noise levels from the potential noise sources did not exceed the Ministry of the Environment and Climate Change (MOECC) requirements and therefore no noise mitigation measures are required.

#### Natural Heritage

“C.2.5.5 *New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.*”

Trees have been identified on the subject lands and the City recognizes the importance of trees to the health and quality of life of the community and encourages sustainable forestry practices and the protection and restoration of trees and forests. A General Vegetation Inventory (GVI) and Tree Protection Plan (TPP) were submitted and reviewed as part of the development applications. A total of sixteen (16) trees have been identified for removal from the site. To ensure that tree cover is maintained, the City requires 1 for 1 compensation for trees that have a diameter at breast height of 10 cm or greater that are to be removed. Implementation of the tree protection fencing, tree compensation, municipal trees, and shared trees is required and addressed as conditions of Draft Plan of Subdivision Approval as Conditions Nos. 7 and 16 of Appendix "E" to Report PED18014.

#### 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;

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- 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*.”

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

#### Neighbourhood Plans

“F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.

F.1.2.7 *Neighbourhood plans* are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for *development* or *redevelopment* must conform to the designations, and policies in the Neighbourhood Plan.

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

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 20 of 40**

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As outlined below, the proposed townhouse development does not conform to the policies of the Red Hill Neighbourhood Plan, but will upon a change in the land use designation from "Single and Double" and "Institutional" to "Attached Dwelling."

The proposed development therefore complies with the policies of the UHOP, subject to the site specific amendment to policy E.3.5.7 regarding minimum density.

Red Hill Neighbourhood Plan

The subject property is designated "Single and Double" and "Institutional" in the Red Hill Neighbourhood Plan. The proposed two (2) single detached dwellings are located within the portion of the lands designated "Single and Double" and represent a use permitted on lands designated "Single and Double". However, the proposed townhouse dwellings are located within the portion of the lands designated "Single and Double" and "Institutional" which do not permit townhouse dwellings. The Red Hill Neighbourhood Plan will therefore need to be amended to re-designate the lands shown on Blocks 3 to 9 on Appendix "D" to Report PED18014 from "Single and Double" and "Institutional" to "Attached Dwelling". There are no policies in the Red Hill Neighbourhood Plan. The proposed re-designation constitutes good planning as the proposal is an appropriate form of intensification on a collector road.

City of Hamilton Zoning By-law No. 6593

The subject property is zoned "AA" (Agricultural) District, which permits a single detached dwelling as well as agricultural uses. An amendment to the City of Hamilton Zoning By-law is required to change the zoning to the "C" (Urban Protected Residential, etc.) District (Block 1) in order to permit two (2) single detached dwellings for a portion of the subject lands with the following site specific modifications:

- reduction to the rear yard setback; and,
- identification of the front lot line for the proposed through lots.

An amendment to the City of Hamilton Zoning By-law is also required to place the lands, shown as Blocks 2 to 6 on Appendix "C" to Report PED18014, in an "RT-30" (Street-Townhouse) District and modify the "RT-30" (Street-Townhouse) District provisions in order to implement the development proposal. As such, a number of site specific modifications have been requested by the applicant, as follows:

- modification to define the proposed condominium road as a public street for the purpose of the Zoning By-law;

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 21 of 40**

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- Identification of the front lot line of the proposed through lots;
- reduction to the required lot area;
- reduction to the required front yard setback;
- reduction to the required side yard setback;
- reduction to the required rear yard setback;
- reduction to the required distance between buildings;
- prohibition in vehicle access to Albright Road;
- reduction in required visitor parking; and,
- reduction to the required manoeuvring space.

An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation Section.

**RELEVANT CONSULTATION**

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Recreation Planning, Community and Emergency Services Department;
- Strategic Planning, Public Works Department;
- Hydro One; and,
- Alectra Utilities (formerly Horizon Utilities).

**Corridor Management, Public Works Department**, advised that only one access will be permitted as part of this development in order to reduce the number of conflict points by restricting multiple accesses. Two accesses are not required as there are less than 100 dwelling units and restricting the access to one access will prevent cut through traffic. Corridor Management recommended that the access off Albright Road be removed since there is less than 70m from the driveway access to the signalized intersection at Mount Albion Road and Albright Road. Also Corridor Management staff recommended that the three (3) townhouse dwellings, as shown on the original proposal with access directly from Albright Road, be re-oriented to not have vehicle access from Albright Road.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 22 of 40**

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In order to ensure that the condominium road does not have access to Albright Road and that no driveway accesses are established to Albright Road, a site specific modification will be included in the amending By-law that will prohibit vehicle access to Albright Road.

Corridor Management staff advised that an access permit will be required and a 5m by 5m visibility triangle is required between the driveway limits and the road allowance. This requirement will be addressed through the detailed review undertaken as part of the Site Plan Control Application.

The applicant has revised the proposed development in order to establish rear yard vehicle access for the three (3) townhouse dwellings that were previously accessed directly from Albright Road, and removed the condominium road access to Albright Road, thereby restricting access to one access from Mount Albion Road only.

**Transportation Management, Public Works Department**, identified that a 9.14m by 9.14m daylight triangle at the intersection of Mount Albion Road and Albright Road is required. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 10 of Appendix "E" to Report PED18014.

The applicant will be required to provide a Transportation Demand Management Options Report at the Site Plan Control stage. Transportation Management advised that provision for bicycle lanes along Mount Albion Road be required, street trees be provided, and that 2m wide sidewalks be provided within the right-of-way and 1.5m sidewalks throughout the site.

As part of the revised proposal provided by the applicant, the sidewalks internal to the site were increased in width from 1.2m to 1.5m in order to conform to the requirements for internal sidewalks. There are existing municipal sidewalks along both Mount Albion Road and Albright Road that are 1.5m in width. Except for the portion of the sidewalk that crosses the proposed access driveway, it is not intended that the existing sidewalk be removed. Requiring the sidewalk to be removed in order to establish a 2m wide sidewalk would be both onerous to the applicant and disruptive to the pedestrians seeking to utilize the sidewalk during construction. In respect to the provision of bicycle lanes the proposed development will not interfere with or preclude the potential for bicycle lanes along Mount Albion Road. Bicycle lanes should be established on a comprehensive basis rather than in small one off sections in order to ensure that the bicycle lane operates and functions efficiently and safely. Therefore requiring the applicant to establish a bicycle lane along their frontage of Mount Albion Road is not appropriate. Street Trees are required as a standard condition of Draft Plan of Subdivision.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 23 of 40**

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Any additional Transportation Demand Management requirements will be implemented as part of the Site Plan Control application.

**Urban Forestry and Horticulture, Public Works Department**, identified that a Tree Management Plan would be required. A landscape plan will be required for the placement of trees both on the subject property and on the City Boulevard. Urban Forestry and Horticulture staff noted that new development is required to provide payment for road allowance street trees. The landscape plan and the payment for street trees will be collected as part of the Site Plan Control application.

This requirement for a Tree Management Plan is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 7 of Appendix "E" to Report PED18014.

**Public Health Services, Health Protection Division**, identified a pest control plan focusing on rats and mice be developed and implemented for the construction / development phase. A dust mitigation plan will also be required to be formulated for the period starting at site clearance to final construction and lot development.

These requirements are being addressed as conditions of Draft Plan of Subdivision Approval, and are included as Condition Nos. 17 and 18 of Appendix "E" to Report PED18014.

**Transit (HSR), Public Works Department**, advised that HSR currently operates a bus route past the subject property. Transit HSR advises that short walking distances between buildings and transit services are preferable and that higher density development is encouraged to help transit reduce operating costs.

**Hamilton Conservation Authority** identified that the subject property is located approximately 50 m south east of a tributary of the Red Hill Creek and its associated valley feature, which traverse the Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA), an area designated as a Significant Woodland and Core Area in the City of Hamilton Official Plan. The entire property drains to the Red Hill Creek that outlets to Hamilton Harbour and ultimately Lake Ontario to the north. The storm water management of the subject lands and water quality control is of interest to the Hamilton Conservation Authority (HCA). The subject property is not located within an area affected by the HCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, therefore the proposed development will not require a permit from the HCA. While the subject property is located within 50m of a watercourse and valley lands, it is not located within the flood and erosion hazard lands associated with these natural features.

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 24 of 40**

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In order to ensure that the stormwater management design satisfactorily address quality control requirements and that appropriate on-site sediment and erosion control measures are implemented at the Draft Plan of Subdivision, HCA requires a number of conditions of Draft Plan approval including:

- 1) Erosion and Sediment Control Plan;
- 2) Grading and Drainage Plan; and,
- 3) Stormwater Management Plan.

These requirements have been included as Condition Nos. 4, 5, and 6 of Appendix “E” of Report PED18014.

**Union Gas** requested that as a condition of final approval the owner / developer provide Union Gas with the necessary easement and / or agreements in favour of Union Gas for the provision of gas services for this project in a form satisfactory to Union Gas. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 14 of Appendix "E" to Report PED18014.

**Canada Post** advised mail delivery service to the development will be provided through a centralized Community Mail Box. Additionally prospective purchasers and tenants need to be advised that mail services will be provided by way of a centralized Community Mail Box and the location of this mail box. These requirements are being addressed as a condition of Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval as Condition Nos. 11 c), d) and 13 of Appendix “E” of Report PED18014 and Condition No. 4 c) and d) of Appendix “G” of Report PED18014.

**Bell Canada** did not provided comments at the time of preparation of this Report; however Condition No. 12 of Appendix “E” to Report PED18014 represents a standard condition from Bell Canada and has been included.

**Public Consultation:**

In accordance with Council’s Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 98 property owners within 120 m of the subject lands on December 22, 2015. A public notice sign was also established on-site on January 8, 2016. An additional Notice of Complete Application respecting the additional applications was circulated to 94 property owners within 120m of the subject lands on March 28, 2017. A Notice of Public Meeting was circulated to 94 property owners within 120m of the subject lands on November 17, 2017.

## Public Consultation Strategy

As the application for the Zoning By-law Amendment was submitted prior to July 1, 2016, the application pre-dated the requirement for a public consultation strategy to be undertaken. However, the Draft Plan of Subdivision and Official Plan Amendment were submitted after July 1, 2016 and therefore subject to the requirements of a public consultation strategy. As such, the applicant prepared a Public Consultation Strategy in which the applicant provided a public information newsletter to 165 property owners in the area on March 21, 2017.

In response to the City's notice and the applicants public information newsletter, one response was provided. The concerns raised relate to the loss of open space and are discussed in the Analysis and Rationale for Recommendations section of the Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium have merit and can be supported for the following reasons:
  - i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe;
  - ii) The addition of twenty-nine (29) townhouse dwellings and two (2) single detached dwellings will provide for additional residential uses that are compatible with the character and function of the area; and,
  - iii) The proposal is compatible with the type and form of development in the surrounding neighbourhood.
2. The subject property is located on the north-west corner of Mount Albion Road and Albright Road. The existing property contains a single detached dwelling at 154 Mount Albion Road, which is proposed to be demolished, and vacant lands at 166 Mount Albion Road. The applicant is proposing to establish twenty-nine (29) townhouse dwellings and two (2) single detached dwellings (see Appendix "J" to Report PED18014).

### **Official Plan Amendment**

The policies for lands designated "Neighbourhoods" in the Urban Hamilton Official Plan identify three (3) categories with respect to residential development

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 26 of 40**

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“Low Density Residential Area”, “Medium Density Residential Area”, and “High Density Residential Area”. The policies for each of these three (3) categories outlines the types of residential uses permitted within each category as well as the density restrictions for development within each residential category.

The proposed single detached dwellings comply with the policies of the UHOP. Therefore, an Official Plan Amendment is not required with respect to the single detached dwellings.

Townhouse dwellings on a condominium road are deemed to be a multiple dwelling. The use is therefore considered to be a “Medium Density Residential Area” in the UHOP. The proposed twenty-nine (29) townhouse dwellings have a residential density of approximately 42 units per net hectare and therefore do not comply with the required residential density range of greater than 60 units per net hectare but not more than 100 units per net hectare in the UHOP. On this basis, an amendment to the policies of the UHOP is required in order to permit the proposed residential development.

The proposed residential density of 42 units per net hectare allows for the establishment of townhouse dwellings that are of a size and scale. The lots adequately function with an appropriate sized dwelling, along with adequate space for parking and amenity for each dwelling unit. The proposed townhouse dwellings will establish a development that is also compatible in size and scale with the character of the neighbourhood and the two proposed single detached dwellings will provide for a transition on the subject lands for the adjacent dwellings. Based on the size and shape of the subject lands townhouse dwellings that complied with the minimum residential density of 60 units per net hectare would create residential development that would be comprised of small lots and would not have sufficient space to meet the parking and amenity needs of the dwelling units, or would require an alternative form of development such as maisonettes or stacked townhouses and would result in townhouse dwellings that are of a size and scale that would not be compatible with the surrounding neighbourhood. While the residential density of the twenty-nine (29) townhouse dwellings is approximately 42.5 units per hectare, staff recommends that a minimum residential density of 42 units per net hectare be established in order to provide some flexibility. As the proposed residential density of 42 units per net hectare establishes dwellings of an appropriate size and form in both functionality and character of the area, the proposed amendment to the UHOP to permit a minimum residential density of 42 units per net hectare has merit and can be supported.

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**3. Zoning By-law Amendment – C/S-1755 (Block 1)**

The proposed application for rezoning is for a change in zoning to the City of Hamilton Zoning By-law No. 6593 from the “AA” (Agricultural) District to a site specific “C” (Urban Protected Residential, etc.) District (Block 1) and “RT-30” (Street-Townhouse) District (Blocks 2 to 6). Site Specific modifications are being requested in order to implement the proposal.

Change in Zoning

“C/S-1755” District

The two (2) proposed single detached dwellings comply with the policies of the UHOP. The scale of development represents an appropriate level of density for the area and an appropriate transition between the existing single detached dwellings located to the north and the proposed townhouse dwellings located to the south. The proposed single detached dwellings will provide adequate on-site parking and amenity space to meet the needs of each unit. Therefore the proposed change in use to permit two (2) single detached dwellings has merit and can be supported.

For the “C” (Urban Protected Residential, etc.) District the modifications include a reduction to the rear yard setback.

Modifications for the “C/S-1755” District

Rear Yard Depth

The proposed modification is to reduce the required rear yard setback from 7.5m to 7m. The intent and purpose of requiring a minimum rear yard depth of 7.5m is to maintain adequate rear yard amenity space and maintain adequate buffering and separation from lands to the rear of the subject property.

The two (2) single detached dwellings will maintain approximately 95 sq. m. (1,022.6 sq. ft.) of rear yard private amenity space for each lot, which exceeds the 90 sq. m. of amenity space that would be provided for a 12m wide lot with a 7.5m rear yard, and therefore adequate amenity space will be provided. The proposed single detached dwellings back onto the proposed private condominium road and staff are of the opinion that the proposed 7m rear yard setback will still provide adequate buffering and separation for the lands located

to the rear of the subject property. Therefore, the proposed modification has merit and can be supported.

4. **Zoning By-law Amendment – RT-30/S-1755 (Blocks 2 to 6)**

For the “RT-30” (Street-Townhouse) District, the modifications include:

- modification to define the proposed condominium road as public street for the purpose of the Zoning By-law;
- Identification of the front lot line of the proposed through lots;
- reduction to the required lot area;
- reduction to the required front yard setback;
- reduction to the required side yard setback;
- reduction to the required rear yard setback;
- reduction to the required distance between buildings;
- prohibition in vehicle access to Albright Road;
- reduction in required visitor parking; and,
- reduction to the required manoeuvring space.

**Change in Zoning**

“RT-30/S-1755” District (Blocks 2 to 6)

The proposed change in zoning will permit twenty-nine (29) townhouse dwellings on smaller lots. The scale of development represents an appropriate level of density along a collector road that will be of a size and scale that is compatible with the surrounding area. The proposed townhouse dwellings will provide adequate on-site parking and adequate amenity space to meet the needs of each unit. With the exception of the density, the proposed twenty-nine (29) townhouse dwellings comply with the policies of the UHOP, including all other Medium Density Residential policies, residential intensification policies, and Urban Design

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 29 of 40**

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policies. Therefore the proposed change in zoning to permit twenty-nine (29) townhouse dwellings has merit and can be supported.

Modifications for the “RT-30/S-1755” District (Blocks 2 to 6)

Definition of the Condominium Road as a Street (Blocks 2 to 6)

The applicant is proposing to establish twenty-nine (29) freehold townhouse dwellings. The townhouse dwellings will be accessed from a private common element condominium road. A modification to the parent By-law is required to state that a common element condominium road shall be deemed a street and visitor parking and landscaping shall be permitted within the common element condominium road. This modification is administrative in nature and therefore, the proposed modification has merit and can be supported.

Lot Line Identification (Blocks 3 and 4)

The four townhouse dwellings proposed on Block 3 have dual frontage on the private condominium road at both the front and rear of the proposed dwellings, and the three (3) townhouse dwellings in Block 4 have frontage on both Albright Road at the front of the proposed dwellings and the private condominium road at the rear.

In respect to through lots which have frontage on a road at both the front and rear of the lot, the City of Hamilton Zoning By-law No. 6593 classifies both lot lines as front lot lines. Therefore a By-law modification is required in order to clarify which lot line is deemed to be the front lot line, as follows:

- Block 3: the northerly lot line along the condominium road is deemed to be the front lot line, the lot line opposite from and furthest away from the front lot line is deemed to be the rear lot line, and all other lot lines are deemed to be side lot lines; and,
- Block 4: the lot line along Albright Road is deemed to be the front lot line, the lot line opposite from and furthest away from the front lot line is deemed to be the rear lot line, and all other lot lines are deemed to be side lot lines.

These modifications are technical in nature and are required to properly define the lot lines, which assists in identifying the setback requirements from each lot line. Therefore, the proposed modifications can be supported.

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 30 of 40**

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Lot Area (Blocks 2 to 6)

The proposed modification is to reduce the minimum lot area requirement from 180 sq. m. for each townhouse dwelling to a minimum lot area of 150 sq. m.

The intent and purpose of requiring a minimum lot area of 180 sq. m. is to ensure that the proposed lots will be of sufficient size to accommodate a suitably sized dwelling unit, as well as provide adequate space for parking and amenity area.

For the end units, a minimum lot area of 192 sq. m. is to be provided and therefore the end units conform to the minimum lot area of 180 sq. m. and no modification is required for end units. The modification is therefore only for the interior units for which a lot area of 150 sq. m. is proposed. The proposed lot area for the interior units will maintain adequate space on-site to permit the establishment of dwelling units that have a Gross Floor Area of approximately 140 sq. m. (1,506 sq. ft.) and will provide lots that will maintain sufficient parking spaces for each unit to meet the parking requirements of the Zoning By-law, and will maintain a minimum of 36.6 sq. m. (394 sq. ft.) of outdoor private amenity space per dwelling unit. Therefore, the proposed modification has merit and can be supported.

Front Yard Depth (Blocks 2, 3, 5 and 6)

The proposed modifications for front yard depth are outlined in the table below:

<b>Block</b>	<b>Required Front Yard Depth</b>	<b>Proposed Front Yard Depth (For Dwelling)</b>	<b>Proposed Front Yard Depth (For Garage)</b>	<b>Proposed Front Yard Depth (For Curve Portion of the Front Lot Line)</b>
2	6 m	4.5 m	5.8 m	2 m
3	6 m	5.1 m	6 m	1.7 m
5	6 m	4.5 m	5.8 m	N / A
6	6 m	4.5 m	5.8 m	N / A

The intent and purpose of requiring a minimum front yard setback of 6 m is to maintain the streetscape character of the area and to provide adequate space with which to provide adequate driveway access and landscaping.

In respect to the townhouse dwellings in Blocks 2 and 3 the dwelling units are located next to Mount Albion Road but are oriented away from Mount Albion

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 31 of 40**

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Road and toward the private condominium road and the proposed townhouse dwellings in the opposite block. Based on the orientation of the townhouse dwellings the reduction to the front yard depth will not impact the streetscape character of the area along Mount Albion Road.

The proposed reductions for Blocks 2 and 3 in respect to the front yard depth from the curved portion of the front lot line is located within the interior of the proposed development and will not impact the streetscape character of the area.

In respect to the townhouse dwellings contained in Blocks 5 and 6 the dwelling units are contained within the interior of the proposed development and therefore the proposed reduction to the front yard depth will not impact the streetscape character of the area.

The proposed 5.8 m setback for the garage is in respect to garages for Blocks 2, 5 and 6 that are accessed from the internal private condominium road. The 5.8 m front yard depth will maintain adequate space with which to permit vehicles to park on the driveway. Therefore, the proposed modification has merit and can be supported.

Side Yard Width (Blocks 2 to 6)

The proposed modifications for side yard width are outlined in the table below:

<b>Block</b>	<b>Proposed Side Yard Width (Required Setback is 2 m)</b>	<b>Location of Proposed Reduced Side Yard Width</b>
2	1.8 m side yard	Between the easterly side of the building and Mount Albion Road
3	1.8 m side yard	Between the easterly side of the building and Mount Albion Road
4	1.2 m side yard	Between the westerly side of the building and the lot line adjacent to the visitor parking spaces
4	1.5 m side yard	Between the south-east corner of the building and the hypotenuse of the daylight triangle
5	1.5 m side yard	Except for below, between an end unit of a building and a side lot line
5	2.0 m side yard	Between the southerly most end unit and Albright Road (This setback conforms to the parent By-law setback

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		requirement)
6	1.5 m side yard	Between the southerly end unit and a side lot line
6	3.0 m side yard	Between the northerly end unit and a side lot line (This modification represents an increase in the existing setback requirement)

The intent and purpose of requiring a minimum side yard setback of 2 m is to maintain the streetscape character of the area and provide adequate space for access and drainage.

Block 2 and 3

In respect to the side yard width for the easterly end units of Blocks 2 and 3. The proposed 1.8 m side yard width along Mount Albion Road will maintain the streetscape character of the area and will maintain sufficient space with which to provide access and drainage. Therefore, the proposed modification has merit and can be supported.

Block 4

In respect to the side yard width for the westerly end unit for Block 4, the proposed 1.2 m side yard width is from the visitor parking spaces. The proposed 1.2 m side yard setback will provide sufficient separation between the dwelling unit and the visitor parking.

In respect to the side yard width for the easterly end unit for Block 4, the proposed 1.5 m side yard width is from the hypotenuse of the daylight triangle. A 3.6 m side yard width will be maintained between the easterly end unit for Block 4 and Mount Albion Road. The location of the easterly end unit for Block 4 will be setback further back from Mount Albion Road than the corner dwelling unit at 296 Albright Road. Therefore the proposed 1.5 m side yard width from the hypotenuse of the daylight triangle will maintain the streetscape character of the area and will maintain adequate space for access and drainage. Therefore, the proposed modification has merit and can be supported.

Block 5

In respect to the side yard width for the northerly and southerly end units for Block 5, the proposed 1.5 m side yard width is internal to the proposed

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 33 of 40**

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development and not alter the streetscape character along either Mount Albion Road or Albright Road. The proposed 1.5 m setback is sufficient to provide adequate space to access the rear yard and allow for overland drainage.

As a minimum 2 m side yard width is to be provided between the southerly most end unit of Block 5 and the property line along Albright Road, no modification is required. In order to ensure that a 2 m setback is provided the By-law modification will specifically require a 2 m setback from the lot line along Albright Road. Therefore, the proposed modification has merit and can be supported.

Block 6

In respect to the side yard width of the southerly end unit for Block 6, the proposed 1.5 m side yard width is internal to the proposed development and therefore will not alter the streetscape character along Mount Albion Road and Albright Road. Furthermore the proposed 1.5 m setback will provide adequate space with which to provide access to the rear yard and allow for overland drainage.

In respect to the side yard width of the northerly end unit for Block 6, the proposed modification is to increase the minimum side yard setback between the northerly end unit and northerly lot line to 3 m. This is to provide a greater buffer between the townhouse dwelling and the rear yard of the property at 43 Rouge Hill Court. Therefore, the proposed modification has merit and can be supported.

Rear Yard Depth (Blocks 2 to 6)

The proposed modifications for rear yard depth are outlined in the table below:

<b>Block</b>	<b>Required Rear Yard Depth</b>	<b>Proposed Rear Yard Depth</b>
2	7.5 m	6 m
3	7.5 m	6 m
4	7.5 m	7 m
5	7.5 m	6 m
6	7.5 m	6 m

The intent and purpose of requiring a minimum rear yard depth of 7.5 m is to maintain adequate amenity space to meet the needs of residents, provide sufficient room to accommodate grading and drainage and provide buffering and separation from adjacent lands.

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 34 of 40**

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The proposed rear yard depth of 6 m for Blocks 2, 3, 5 and 6 will establish a rear yard private amenity area of approximately 36.6 sq. m. (394 sq. ft.) per unit. The townhouse dwellings in Block 2 will abut the side yard of the proposed single detached dwelling and will therefore not impact any existing residential dwellings. The townhouse dwellings in Block 3 will abut the proposed private condominium road and therefore will not impact any adjacent residential dwellings. Furthermore the proposed rear yard depth along with a visual barrier will provide adequate buffering and separation from the adjacent lands. The rear yards of the remaining townhouse dwellings abut the private condominium road.

The proposed rear yard depth of 7m for Block 4 will establish a rear yard private amenity area of 21.6 sq. m. (233.1 sq. ft.) per dwelling unit. The rear amenity is located between the north side of the building and the condominium road but does not include the rear access driveway and not adjacent to Albright Road. In addition there is the existing Red Hill Neighbourhood Park that is located approximately 85 m to the west of the subject property which will supplement the amenity needs of residents. Therefore adequate amenity space is provided to meet the needs of residents. The proposed townhouse dwellings for Block 4 will abut the proposed private condominium road and therefore will not impact any adjacent residential dwellings. Therefore, the proposed modification has merit and can be supported.

Distance Between Townhouse Dwellings (Blocks 5 and 6)

The proposed modification is to reduce the minimum setback between townhouse dwellings from 3.5 m to 3.0 m for Blocks 5 and 6. The intent and purpose of requiring a minimum setback of 3.5 m between townhouse dwellings is to maintain the streetscape character of the area and adequate space for access and drainage.

The proposed 3 m setback between townhouse dwellings pertains to the separation between the townhouse dwellings for Blocks 5 and 6. These townhouse blocks are located in the interior of the proposed development and will therefore not impact the current streetscape character along either Mount Albion Road or Albright Road. Furthermore, the proposed 3 m setback between the buildings will permit a 1.5 m side yard width for each end unit and will provide sufficient space for access and drainage for the subject lands. Therefore, the proposed modification has merit and can be supported.

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Prohibition of Vehicle Access to Albright Road (Blocks 2 to 6)

The proposed modification is to ensure that the private condominium road does not connect to Albright Road and that no individual driveways connect to Albright Road.

This modification is required to ensure that vehicle access from the site is not access onto Albright Road and that all access for the site occurs from Mount Albion Road. The modification implements the restriction of not having access on both Mount Albion Road and Albright Road which can lead to cut through traffic. Furthermore, the modification ensures that the access for the private condominium road is adequately setback from the intersection of Mount Albion Road and Albright Road. Therefore the proposed modification has merit and can be supported.

Visitor Parking (Blocks 2 to 6)

The proposed modification is to permit eight (8) visitor parking spaces whereas nine (9) visitor parking spaces are required for Blocks 2 to 6.

The intent and purpose of requiring a minimum of nine (9) visitor parking spaces is to ensure that the visitor parking needs of the subject property are met and do not cause traffic conflicts.

The applicant previously proposed nine (9) visitor parking spaces with no barrier free parking space. The revised concept plan provides one (1) barrier free parking space. This was achieved by combining two non-barrier free parking spaces and therefore reduced the overall number of visitor parking spaces by one (1). As such, a total of eight (8) visitor parking spaces for 29 units, or 0.27 spaces per unit whereas 0.3 spaces per unit is required.

The proposed modification represents a reduction of only one (1) visitor parking space. Additionally it is noted that while on-street parking is not permitted on Mount Albion Road, it is permitted on Albright Road in the evening. Also a bus stop is provided along the frontage of the subject lands on Mount Albion Road providing an alternative means of transportation for visitors. The visitor parking needs of the subject property will be met and will not cause traffic conflicts. Therefore the proposed modification has merit and can be supported.

Manoeuvring Space (Blocks 2, 5 and 6)

The proposed modification is to reduce the minimum on-site manoeuvring space from 6 m to 5.8 m for Blocks 2, 5 and 6.

The intent and purpose of requiring a minimum of 6 m of on-site manoeuvring space is to ensure that there is adequate ingress and egress into a parking space without creating traffic conflicts and serves as a second de-facto parking space per unit.

The proposed 0.2 m reduction in the on-site manoeuvring space is being requested in order to facilitate an increase in width of the internal sidewalk from 1.2 m to 1.5 m. The proposed parking spaces located within the attached garages of each townhouse dwelling are accessed from a private condominium road that only serves the proposed townhouse dwellings. Furthermore access to the subject property will be limited to a single access from Mount Albion Road and therefore will not lead to cut through traffic. As such, the potential traffic along the private condominium road is not expected to be significant. Therefore, the proposed modification has merit and can be supported.

5. The proposed Draft Plan of Condominium facilitates the proposed development by establishing a common element condominium for the private road, visitor parking and sidewalks which provide access and visitor parking for the proposed townhouse dwelling units.
6. There is a 300mm watermain, 300mm sanitary sewer, and 600mm storm sewer available on Mount Albion Road, and an existing 1500mm watermain, 600mm sanitary sewer, and 600mm storm sewer available on Albright Road to service the proposed development. Based on the preliminary review, the proposed 200mm watermain that will be established through the site will be looped connecting both streets and storm and sanitary sewers will be connected to Albright Road, however the existing connections cannot be reused and therefore must be abandoned and replaced at the owner's expense.
7. The preliminary grading plan does not demonstrate that a suitable drainage outlet for the two single detached dwelling lots is provided and therefore the applicant will be required to demonstrate that water runoff for the lots is directed to the existing storm sewers on Mount Albion Road. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 1 of Appendix "E" to Report PED18014.

**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 37 of 40**

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8. A 9.14m by 9.14m daylight triangle at the intersection of Mount Albion Road and Albright Road is required to be dedicated to the City of Hamilton. The daylight triangle is required to provide the City with space for any infrastructure improvements as well as to maintain sight lines for vehicles approaching the intersection. In addition the owner must acknowledge and agree that no private driveway shall encroach onto the daylight triangle. These requirements are being addressed as conditions of Draft Plan of Subdivision Approval, and are included as Conditions Nos. 10 and 19 of Appendix "E" to Report PED18014.
9. The storm water management report and preliminary grading plans indicate that the runoff from the rear portions of units 11 to 18 inclusive is to be directed to drain through the School Board lands in accordance with an agreement between both parties. The City of Hamilton requires that the applicant demonstrate that the School Board grants and registers a drainage easement over their lands in favour of the subject property. Furthermore, based on existing topographical information it appears that water runoff will discharge through the rear portion of 30, 34, and 38 Rouge Hill Court prior to discharging to the existing watercourse. The City of Hamilton requires an additional assessment to be completed to clarify the pre-development and post development flows. These requirements are being addressed as conditions of Draft Plan of Subdivision Approval, and are included as Conditions Nos. 2 and 9 of Appendix "E" to Report PED18014.
10. The applicant will be required to address with dust control and street cleaning throughout the construction of the subdivision. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 3 of Appendix "E" to Report PED18014.
11. The applicant will be required to include in the engineering design and cost estimate schedule provision to abandon / install the private services connections for the site and restore the existing pavement, sidewalk and boulevard at their expense. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval, and is included as Condition No. 8 of Appendix "E" to Report PED18014.
12. As the proposed townhouse development is to include common access, drainage, and services, an easement will need to be established in order to permit the Condominium Corporation to undertake inspections and modifications to the surface drainage in accordance with the detailed drainage plan and overall drainage plan. Perspective purchasers will also need to be advised of the easement. These requirements are being addressed as conditions of Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval and are

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included as Condition No. 15 of Appendix "E" to Report PED18014 and Conditions Nos. 4 e) and 7 of Appendix "G" to Report PED18014.

13. In respect to on-site parking, it is noted that owners tend to use a garage for storage and not for parking. Therefore it is recommended that the applicant include a warning clause in their agreements of purchase and sale or lease advising that the garage space is for the parking of vehicles, that the owner is responsible for ensuring their parking needs are accommodated on-site, that on-street parking is not permitted on Mount Albion Road and restricted on Albright Road and that existing public parking in the surrounding neighbourhood cannot be guaranteed in perpetuity.

This requirement is being addressed as a condition of Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval and are included as Condition No. 11 a) of Appendix "E" to Report PED18014 and Condition No. 4 a) of Appendix "G" to Report PED18014.

14. The proposed townhouse dwellings will be accessed by a private common element condominium road which is not maintained by the City of Hamilton, nor does the City of Hamilton provide snow removal services for the private common element condominium road. In order to ensure that purchasers and tenants are aware that the City does not maintain the road or provide snow removal services, a warning clause will need to be included in all Purchase and Sale Agreements and Rental Leases. This requirement is being addressed as a condition of Draft Plan of Subdivision Approval and Draft Plan of Condominium Approval and are included as Condition No. 11 b) of Appendix "E" to Report PED18014 and Condition No. 4 b) of Appendix "G" to Report PED18014.
15. Following the public information mailed out by the applicant as part of their public consultation strategy, the applicant received one (1) letter of correspondence which was forwarded to staff (see Appendix "K" to Report PED18014). The interested party expressed opposition to the development as the development would create a loss of green space in the neighbourhood, and the area is already heavily populated and does not need further burden to the existing infrastructure.

The existing green space that is described by the interested party consist of lands known municipally as 166 Mount Albion Road which is currently vacant and covered by grass. These lands are neither owned by the City of Hamilton nor designated to be used for a public park.

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In respect to burdening the existing infrastructure, the proposed development has been reviewed in respect to whether there is sufficient municipal services and transportation capacity to accommodate the proposed development. Through this review, it has been determined that there are adequate municipal services and transportation capacity to service and meet the needs of the proposed development.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Element) applications be denied, the subject property could be utilized in accordance with the “AA” (Agricultural) District.

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

### **Community Engagement & Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Clean and Green**

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

### **Built Environment and Infrastructure**

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### **Culture and Diversity**

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

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**SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (Ward 5) (PED18014) - Page 40 of 40**

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**Our People and Performance**

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft By-law and Schedule A Map
- Appendix “D”: Proposed Draft Plan of Subdivision
- Appendix “E”: Draft Plan of Subdivision Conditions
- Appendix “F”: Proposed Draft Plan of Condominium
- Appendix “G”: Draft Plan of Condominium Conditions
- Appendix “H”: First Concept Plan
- Appendix “I”: Second Concept Plan
- Appendix “J”: Third Concept Plan (Final)
- Appendix “K”: Letter from Interested Party

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