



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 30, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 300 Albright Road, Hamilton (PED23104) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Amended Zoning By-law Amendment Application ZAC-21-043 by MHBC Planning, on behalf of Valerie Homes, Owner**, for a change in zoning from “AA” (Agricultural) District to “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, and to add the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 (which was a proposed amendment from Staff) to a portion of the lands, to permit 101 townhouse units (five standard townhouses and multiple dwelling units in the form of 96 stacked townhouses) with a total of 124 on-site parking spaces, for the lands located at 300 Albright Road, Hamilton, as shown on Appendix “A” attached to Report PED23104, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (c) That the proposed changes in zoning comply with the Urban Hamilton Official Plan (UHOP).

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## **EXECUTIVE SUMMARY**

The Applicant MHBC Planning on behalf of Valerie Homes, Owner, has applied for a Zoning By-law Amendment to permit 101 residential units, five are townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 parking spaces on the lands located at 300 Albright Road will be provided. The subject lands are located east of Red Hill Neighbourhood Park, on the north side of Albright Road and west of Mount Albion Road and were previously used as an elementary school. The elementary school has been demolished.

The purpose of the Zoning By-law Amendment is to change the zoning from “AA” (Agricultural) District to “RT-20/S-1829” (Townhouse-Maisonette) District, Modified, in the Hamilton Zoning By-law No. 6593 and to add the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 to a portion of the lands because there is a Significant Woodland, Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA) and a watercourse within and adjacent to the subject lands.

The application as amended by Staff, has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development is compatible with existing land uses and complementary to the surrounding neighbourhood, provides a range of housing options within the residential neighbourhood, and can be supported by existing municipal services.

## **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 Zoning By-law Amendment.

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**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Valerie Homes Inc.
Applicant/Agent:	MHBC Planning and Land Development c/o Stephanie Mirtitsch
<b>Application Details</b>	
File Number:	ZAC-21-043.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of five townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 on-site parking spaces are provided.
<b>Property Details</b>	
Municipal Address:	300 Albright Road.
Lot Area:	1.43 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant Land (former elementary school).
<b>Documents</b>	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” Schedule E-1 – Urban Land Use Designations.  A portion of the property is identified as Significant Woodland and Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA).
Zoning Existing:	“AA” (Agricultural) District (Hamilton Zoning By-law No. 6593).
Zoning Proposed:	“RT-20/S-1829” (Townhouse-Maisonette) District, Modified (City of Hamilton Zoning By-law No. 6593).  The application was amended by Staff to add the Conservation/Hazard Land (P5) Zone (Zoning By-law No. 05-200).

<b>Documents</b>	
<p>Modifications Proposed:</p>	<p>The following modifications are being proposed by the applicants to Hamilton Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> <li>• To add a multiple dwelling use whereas a multiple dwelling is not permitted;</li> <li>• To increase the maximum height to four storeys (15.5 metres) whereas a maximum of three storeys or 11 metres metres is permitted;</li> <li>• To decrease the minimum yard that abuts a street to 3.1 metres whereas a minimum of 6.0 metres is permitted;</li> <li>• To increase the minimum 3.5 metre setback for the easterly side yard whereas a minimum of 3.0 metres is required;</li> <li>• To decrease the minimum distance between buildings to 8.0 metres whereas a minimum of 9.0 metres where one of the two buildings have a window in a habitable room is required;</li> <li>• To decrease the minimum distance between buildings to 8.0 metres whereas a minimum of 15.0 metres where both buildings have a window in a habitable room is required;</li> <li>• To add a requirement for a privacy area to be maintained for each dwelling unit with the requirement that no privacy area is required on the lower level and includes a balcony with a depth of 1.2 metres whereas no requirements are identified for multiple dwellings;</li> <li>• To permit an encroachment no closer than 0.5 metres from the front lot line for a roofed-over or screened but otherwise unenclosed one-storey porch at the first level, including eaves and gutters, whereas 1.5 metres is required;</li> <li>• To reduce the minimum number of parking spaces to 1 space per unit for a multiple dwelling and townhouse whereas a minimum of 1.5 spaces are required per unit for a townhouse and 1.25 spaces per unit for a multiple dwelling;</li> <li>• To reduce the minimum number of visitor parking spaces to 0.16 spaces per unit for a multiple dwelling and townhouse whereas a minimum of 0.25 spaces per unit for a multiple dwelling and 0.30 spaces per unit for a townhouse dwelling are required;</li> <li>• To reduce the minimum number of loading spaces to 0 whereas two loading spaces are required;</li> <li>• To reduce the minimum parking space size to 2.8 metres x 5.8 metres whereas a minimum of 2.7 metres x 6.0 metres is required; and,</li> <li>• To allow a garage space to be obstructed by a parking space in the driveway whereas the by-law requires that every parking space is unobstructed, freely and readily accessible within the lot; and,</li> <li>• To modify the planting strip definition to permit a sidewalk.</li> </ul>

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<b>Documents</b>	
<b>Modifications Proposed (Continued):</b>	<ul style="list-style-type: none"> <li>To modify the visual barrier for parking and loading areas to permit a sidewalk and to increase the maximum height to 2.2 metres from 2.0 metres; and,</li> <li>To reduce the minimum width for an individual access driveway to 2.5 metres whereas the by-law requires a minimum width of 2.8 metres.</li> </ul> <p>The following amendments are being recommended by Staff for Hamilton Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> <li>To require a minimum setback of 3.0 metres for any structures or buildings from a Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200.</li> </ul>
<b>Processing Details</b>	
Received:	September 10, 2021.
Deemed Complete:	September 30, 2021.
Notice of Complete Application:	Sent to 177 property owners within 120 metres of the subject property on October 8, 2021.
Public Notice Sign:	Posted October 18, 2021 and updated with public meeting date on May 3, 2023.
Notice of Public Meeting:	Sent to 110 property owners within 120 metres of the subject lands on May 12, 2023.
Public Comments:	One comment has been received, attached to Appendix "D" to Report PED23104.
Processing Time:	627 days from when the application was received.

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Previously an Elementary School	"AA" (Agricultural) District.
<b>Surrounding Lands:</b>		
<b>North</b>	Single detached dwellings and Open Space	"AA/S-1247" (Agricultural) District, Modified, "AA" (Agricultural) District, "C/S-1822" (Urban Protected Residential, etc.) District, Modified, and "C/S-1309" (Urban Protected Residential, etc.) District, Modified.

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**Surrounding Lands:**

<b>South</b>	Saint Luke's Elementary School	Neighbourhood Institutional (I1) Zone.
<b>East</b>	Townhouse Dwellings	"RT-30/S-1755" (Street – Townhouse) District, Modified.
<b>West</b>	Neighbourhood Park and Open Space	Neighbourhood Park (P1) Zone and "AA" (Agricultural) District.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement PPS (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Official Plan, it is Staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**Urban Hamilton Official Plan (UHOP):**

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the UHOP and "Core Area", "Parks and General Open Space" and "Key Hydrologic Feature" for the north-west portion of the subject lands on Schedule B: Natural Heritage System. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this

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application is to be reviewed under the UHOP policies currently in effect, specifically as amended by OPA No. 167.

The following policies, amongst others, apply to the subject application.

Cultural Heritage

“B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations.”

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential.

A Stage (1-2) archaeological report (P462-0074-2021) has been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The letter from the Ministry was provided to Staff and Staff concur with the recommendations made in the report, and the archaeology condition for the subject lands has been met to the satisfaction of staff.

Noise

“3.6.3.7 A *noise feasibility study*, or *detailed noise study*, or both, shall be submitted as determined by the City prior to or at the time of application submission, for *development* of residential or other noise *sensitive land uses* on lands in the following locations:

- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification; and,

- 3.6.3.20 Where noise attenuation measures are required to address noise from stationary sources, noise barriers shall only be used where other attenuation methods are not feasible or sufficient. If noise barriers must be used, the barrier shall be designed to complement the streetscape and community design.”

The lands are within 400 metres of the Red Hill Valley Parkway which is identified as a Parkway on Schedule C – Functional Road Classification in the UHOP. Therefore, a Noise Study is required. Accordingly, an Environmental Noise Impact Study prepared by dBa Acoustical Consultants Inc. dated July 20, 2021 and revised on January 2022 and July 2022 was submitted. Staff have reviewed the Noise Study and determined that Mount Albion Road and Red Hill Valley Parkway were potential noise sources. The study identified that Noise Control Measures are not required for the development and identified a maximum night sound level at the Plane of Window (POW) to not exceed 50 dBA. Since the balconies are less than 4.0 metres in depth, they are not considered outdoor amenity areas as defined by the Ministry. Additional information is required to confirm if the school and church located to the south have HVAC units which impact the proposed development. The requested revisions and required mitigation measures will be addressed at the Site Plan Control stage.

#### Natural Heritage Feature – Core Area

- “C.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. Core Areas of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new Core Areas are identified.
- C.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all *Core Areas*.
- C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
- a) There shall be no negative impacts on the *Core Area’s* natural features or their ecological functions.



- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.”

Schedule B – Natural Heritage System of the UHOP identifies Core Areas within and adjacent to the subject property. These Core Areas have been identified as Significant Woodland, Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA) and a watercourse which is regulated by the Hamilton Conservation Authority.

An Environmental Impact Statement (EIS) prepared by Geoprocess Research Associates dated September 9, 2021, revised on August 10, 2022, and an update memo dated November 17, 2022 were submitted. The EIS was reviewed at the City’s Environmentally Significant Impact Evaluation Group (ESAIEG) meeting on November 17, 2022. As per Policy C.2.3.3, the City determined that the natural heritage features adjacent to and on this property should be protected. As per Policy C.2.5.8 there will be no negative impacts on the natural heritage features as a result of zoning the features and required vegetative protection zone as Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. The proposed P5 zone limits the uses to conservation, flood and erosion control facilities and passive recreation.

#### Tree Management

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

A Tree Protection Plan, prepared by Geoprocess Research Associates, dated January 2021 was reviewed. The proposed Tree Protection Plan identified 11 trees to be removed as part of the demolition of the existing building and four trees to remain along Albright Road. There is no anticipated impact on the trees within the woodlot on the north-west portion of the property as no machinery or disturbance is allowed within the 15 metre buffer zone and the property is zoned Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. Hamilton Conservation Authority and Staff are satisfied with the Tree Protection Plan and will address any outstanding comments and requirements as part of a future Site Plan Control application.

#### 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.3.2.6 Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.

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.”

The proposal includes a range of housing types including stacked townhouses and standard townhouses (E.3.2.1). The subject land is adjacent to the Red Hill Neighbourhood Park, to the north of Saint Luke’s Elementary School, and is in walking distance to Sir Wilfrid Laurier school and a commercial plaza. The proposed development is supported by a range of open spaces, institutional uses and commercial services (E.3.2.6).

The development proposes to locate surface parking in the centre of the site behind the proposed residential townhouses which reduces the view of parking spaces from the public street (E.3.2.7).

#### Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.”

The proposed development will contribute to achieving a range of dwelling types and tenures as per policy B.2.4.1.4c). As part of the Zoning By-law Amendment application a Functional Servicing Report and Traffic Brief were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development as per policy B.2.4.1.4f). The proposed development is similar in scale and form to the surrounding low density uses and maintains appropriate setbacks to the existing residential uses. The development incorporates setbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensures that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character as per policies B.2.4.1.4b) and B.2.4.1.4d).

“B.2.4.2.2 When considering an Application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposed built form (stacked townhouse units and standard townhouse units) are a similar scale to the low density residential uses surrounding the lands and has been designed in a way to be compatible with the adjacent park (Red Hill Valley Park) as per policies B.2.4.2.2c), B.2.4.2.2d) and B.2.4.2.2h). As a result, Staff are of the opinion that the proposed development minimizes negative impacts from shadowing, overlook, noise, lighting, traffic, and other nuisance effects as per policy B.2.4.2.2b). The proposed lot pattern is compatible with the surrounding neighbourhood character and screens the parking from public view as per policy B.2.4.2.2e). The development includes some private amenity spaces in the form of balconies and rear yards for each individual unit in addition to being adjacent to the public park (Red Hill Valley Park) which meets policy B.2.4.2.2f).

Therefore, the proposal complies with the UHOP.

### **City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “AA” (Agricultural) District in the City of Hamilton Zoning By-law No. 6593. The “AA” (Agricultural) District permits a range of uses, including but not limited to, single detached dwellings, including accessory structures and uses, and a private stable.

The applicant has proposed to rezone the subject lands to a site specific “RT-20” (Townhouse – Maisonette) District in the City of Hamilton Zoning By-law No. 6593 and staff have proposed that a portion of the lands be zoned Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 to permit five townhouses and 96 multiple dwelling units in the form of stacked townhouses. A total of 124 on-site parking spaces will be provided.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"><li>• Alectra Utilities;</li><li>• Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section; and,</li><li>• Public Works Department, Asset Management, Capital Budget Project Coordination.</li></ul>	No Concerns and / or Comments

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<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>Public Works Department, Construction, Capital Budget Projects; and,</li> <li>Canada Post.</li> </ul>	No Concerns and / or Comments
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering Approvals support this application.</p> <p>Updated domestic water usage and RFF calculations, based on the final design of the proposed buildings, will be required at the time of detailed design and site plan approval.</p> <p>At the time of detailed design and site plan approval, the proponent should also arrange for a two-hydrant flow test to be undertaken at the closest municipal hydrants by a licensed private contractor, in order to corroborate City Hydrant testing data.</p> <p>Due to limited capacity in the municipal sewer system, the applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to municipal sewer infrastructure. Subsurface structures shall be designed/ waterproofed accordingly.</p> <p>Infrastructure Planning is satisfied with the Stormwater Management Design and will require additional information to address comments at the detailed design stage.</p>	The items will be addressed through a future Site Plan Control application.
Hamilton Conservation Authority (HCA)	As a result of recent changes to the <i>Conservation Authorities Act, effective January 1, 2023, the</i> planning application review services that Conservation Authorities may provide to their municipal partners has been limited to matters that relate to natural hazards.	The items will be addressed through a future Site Plan Control application.

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	<b>Comment</b>	<b>Staff Response</b>
Hamilton Conservation Authority (HCA) <b>Continued</b>	<p>Notwithstanding this, where there are application reviews in progress from prior to January 1, 2023 that HCA has been involved in, HCA may provide some further review comments on non-hazard related matters in order to allow for an efficient transition of review responsibilities to the City.</p> <p>The property is located within the headwaters of the Red Hill Creek Watershed. The City of Hamilton, in its Official Plan has identified Core Areas on the northern part of the site. A portion of the north corner of the site is regulated by HCA due to a tributary of Red Hill Creek and the confined valley slope associated with it.</p> <p>HCA policy generally requires a 6 metre erosion access allowance beyond the identified stable top of bank (clearly labelled on all site plans and grading plans). The grading and servicing drawings illustrate that the proposed development is outside of the slope stability hazard.</p>	
Transportation Planning, Planning and Economic Development	<p>Transportation Planning can support the Zoning By-law Amendment application as the vehicle trips expected to be generated by the proposed site can be accommodated on the existing surrounding network.</p> <p>Transportation Planning have reviewed the Traffic Brief prepared by NexTrans Consulting Engineers dated August, 2022. Upon review, Transportation Planning generally agrees with the findings of the Traffic Brief.</p>	These items will be addressed at the Site Plan Control stage.

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	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development <b>Continued</b>	<p>However, any additional bicycle spaces being provided beyond the Zoning By-law requirement of five spaces does not need to be stipulated in a site-specific by-law.</p> <p>The applicant will be required to provide short-term bicycle parking spaces within the property limits as per the City of Hamilton Zoning By-law No. 05-200.</p> <p>The existing right-of-way along Albright Road at the subject property is about 20.0 metres. Therefore, right-of-way dedications are not required along Albright Road.</p> <p>For two-way operation onto a municipal road, the driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres. 3.0 metres x 3.0 metres visibility triangles must be provided on both sides of the proposed driveway access. The dimensions have been included on the provided concept plan.</p> <p>A Turning Plan needs to be submitted to demonstrate waste collection and fire vehicles can enter the site in a forward manner, turn around, and exit in a forward manner.</p>	
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Please note a PIN Abstract would be required with the submission of a future Draft Plan of Condominium application, if applicable. If the intent is to phase the condominium, Schedules "G" and "K" as per the <i>Condominium Act</i>, would be required for future phases. If condominium, it should also be confirmed if any proposed parking will be unitized.</p>	<p>The municipal addressing will be addressed through the Site Plan Control application.</p>

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	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>	The municipal addresses for this proposal will be determined after conditional Site Plan approval is granted.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry accepts the Tree Management Plan by Geoprocess Research Associates dated August 5, 2022. Once the applicant has paid the required fees, the Tree Management Plan will be approved.  A Landscape Plan is required showing the location of Street trees as per City of Hamilton Guidelines.	These items will be addressed through a Site Plan Control application.
Landscape Architectural Services, Public Works Department	As a retaining wall is proposed along the western side of the property adjacent to the Red Hill Neighbourhood Park, the following items must be addressed: <ul style="list-style-type: none"> <li>- All existing trees within the park on City property must be adequately protected, please consult with forestry staff;</li> <li>- Where there is no retaining wall along the west property line adjacent to the park, chain link fencing is required as per city standards. The chain link fence shall be 1.5 metres in height, black vinyl as per detail PK1010.03;</li> <li>- Please consider the exterior treatment of the retaining wall directly adjacent to the park as it will be highly visible to park users. Consider including a green wall or plant coverings; and,</li> <li>- Cash-in-lieu of Parkland Dedication Fee will be required.</li> </ul>	The items will be addressed through a Site Plan Control application.



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	<b>Comment</b>	<b>Staff Response</b>
Waste Management Division, Public Works Department	This application has been reviewed for municipal waste collection service. As currently designed the development is not serviceable. In order for the development to be serviceable the applicants would need to meet the applicable City of Hamilton Waste guidelines otherwise private collection will be required.	Warning Clauses will be added at the Site Plan Control Stage.
Parks and Cemeteries, Environmental Services, Public Works	A fence should be installed along the property line between the park and the proposed development so that potential for trespassing and encroachment issues are limited.	The comment will be addressed at the Site Plan Control Stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 110 property owners within 120 m of the subject property on October 3, 2022, requesting comments on the proposed Zoning By-law Amendment application. A Public Notice Sign was posted on the property on September 21, 2022, and updated on May 3, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 12, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy included a mail out to all residents within 120 metres of the subject lands, prepared by the agent, and a microsite was included on their webpage. As the applicant did not receive any public feedback, a neighbourhood meeting was not held.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses and compatible with the existing surrounding neighbourhood, provides a range

of housing within the residential neighbourhood, makes efficient use of existing infrastructure within the urban boundary, encourages active transportation, and contributes to a complete community.

2. Zoning By-law Amendment

The application for Zoning By-law Amendment is to rezone the subject lands to “RT-20/S-1829” (Maisonette – Townhouse) District, Modified, in the City of Hamilton Zoning By-law No. 6593. Staff amended the application to add a portion of the subject lands to Zoning By-law No. 05-200 as Conservation / Hazard Land (P5) Zone in order to protect the natural heritage feature on and adjacent to the property, and provide a 15 metre dripline setback as part of the P5 Zone. The current design would not include any construction within the Conservation / Hazard Land (P5) Zone. The applicants are in agreement with the modification as proposed by the City of Hamilton.

The proposal complies with the policies of the UHOP.

The subject lands will provide zoning standards that are compatible with adjacent lands in terms of built form, massing, height, setbacks and building separation. The surrounding neighbourhood lands are comprised of modified residential “RT-30/S-1755”, “C/S-1309”, “C/S-1822” and “RT-20” Districts, which provide similar built forms, frontages, setbacks, lot areas, lot coverages and building heights.

The proposed development also protects the adjacent natural heritage features through the rezoning to the Conservation / Hazard Land (P5) Zone and by not proposing any development within the Core Area and within the Vegetative Protection Zone (VPZ).

Staff support the proposed changes in zoning.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment application be denied, the subject lands would remain under the current “AA” (Agricultural) District which does not permit townhouse dwellings. If the Zoning By-law Amendment is denied, the permitted uses would include, but are not limited to, a single family dwelling, a foster home, a day nursery, a children’s residence and a public hospital.

## **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” to Report PED23104 – Location Map

Appendix “B” to Report PED23104 – Draft Zoning By-law Amendment 6593

Appendix “C” to Report PED23104 – Draft Zoning By-law Amendment 05-200

Appendix “D” to Report PED23104 – Modification Chart

Appendix “E” to Report PED23104 – Public Submissions

Appendix “F” to Report PED23104 – Concept Plan

AB:sd