

February 2, 2024

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Objection to File No. UHOPA-23-005 regarding the proposed By-Law to change the land use designation from “Institutional” to “Neighbourhoods” in Schedule “E-1” of the Urban Hamilton Official Plan and to change the land use designation from “Institutional” to “High Density Residential 1” in the West Mountain Area (Heritage Green) Secondary Plan.

Objection to File No. ZAC-23-006 regarding the rezoning of the subject lands from the Small Scale Institutional “IS” Zone to a modified Multiple Residential “RM3-XX” Zone

I strongly object to the above proposals for the following reasons:

- This proposal is outrageous and does not fit the character of the neighbourhood in the least. Ours is not a high-density neighbourhood and never will be. People here need to commute to work in order to pay for these residences as there is no employment base nearby. Cramping this many residences into such a small area right between two elementary schools will definitely create more problems than its worth, mostly at the expense of the elementary school children.
- The multiple dwelling did not provide a mix of unit sizes to accommodate a range of household and income levels to be implemented through the Zoning By-law as there were no three bedroom units proposed within the multiple dwelling, nor was a provision included in the draft amending Zoning By-law for a mix of unit sizes.
- The development did not include sustainable building and design principles and the proposed landscaped areas, which in some cases are smaller residual areas across the site, may not be of sufficient size to allow for tree planting, pervious areas, and low impact development.
- The shadow impacts on the adjacent sensitive land use (elementary school) had not been mitigated.

The Shadow Impact Study dated August 23, 2023, prepared by KNYMH Inc., identified shadow impacts on a play area throughout the school year, from fall to spring during the majority of the school day. The City’s Sun-Shadow Study guidelines categorizes school yards as common amenity area and indicates that a minimum of 50 percent sun coverage at all times of the day measured on March 21 is required. The Shadow Impact Study demonstrates that between the hours of 9:00 a.m. to 11:26 a.m. on March 21 and September 21, one of the play areas is more than 50 percent shadowed.

Therefore, the height, orientation, design, and massing of the multiple dwelling resulted in shadow impacts on adjacent sensitive lands uses (elementary school).

- The relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings had not been adequately addressed.
- The proposed development had not demonstrated compatibility with existing and future uses in the surrounding area or demonstrated how the proposal enhanced the character of the existing neighbourhood. The Albion neighbourhood has historically developed with a more suburban built form with greater building setbacks for the multiple dwellings that exist, for example at the corner of Mistywood Drive and Paramount Drive. The proposal is instead for a built form that is oriented closer to the street and the edges of the property with reduced building setbacks, as outlined on page 6 of this report.
- The Functional Servicing Report, prepared by Arcadis Professional Services (Canada) Inc. and updated September 1, 2023, had not addressed if there is sufficient available capacity within the existing municipal system to accept the increased flows from the subject lands. As such, the proponent has not demonstrated that there is adequate servicing capacity to service the proposed development or if there is a servicing capacity constraint.
- That the proposed building height for the multiple dwelling coupled with the decreases in the side yard, front yard and rear yard setbacks, and decreased landscaped area, among other requested modifications for the entire proposal, could result in an overdevelopment of the site. In addition, the proposed concept plan, proposed built form of the stacked townhouse and stacked maisonette.

Please do all you can to prevent this development from moving forward and hopefully we can get more suitable housing and/or retirement home instead.

Diane Parente