



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 17, 2023
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-22-010, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner)** to redesignate lands municipally known as 3250 Homestead Drive from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 in the Urban Hamilton Official Plan and from “District Commercial” to “Mixed Use – Medium Density” in the Mount Hope Secondary Plan, to permit a three storey, 40 unit multiple dwelling on the subject lands and abutting lands, known as 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23002, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 2 of 28**

- (b) That **Zoning By-law Amendment Application ZAC-22-020, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner)** for a change in zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone and from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone, to permit a three storey, 40 unit multiple dwelling for lands located at 3250 and 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The subject property is located on the southwest side of the Homestead Drive and Longview Drive intersection in Mount Hope. The Owner, 1333664 Ontario Inc., c/o Mike Valvasori has applied for amendments to the Urban Hamilton Official Plan (UHOP) and City of Hamilton Zoning By-law No. 05-200 to permit a three storey multiple dwelling containing 40 dwelling units. Fifty parking spaces and five bicycle parking spaces will be provided.

The purpose of the Official Plan Amendment (OPA) application is to redesignate the lands at 3250 Homestead Drive from the “District Commercial” designation to the “Mixed Use Medium Density” designation in the UHOP and to redesignate the lands at 3250 Homestead Drive from the “District Commercial” designation to the “Mixed Use Medium Density” designation in the Mount Hope Secondary Plan.

The purpose of the Zoning By-law Amendment application is to rezone both 3250 and 3260 Homestead Drive from the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone to a Mixed Use Medium Density (C5, 823) Zone to allow for the comprehensive redevelopment of the subject lands for a three storey, 40 unit multiple dwelling. A site specific modification to the Mixed Use Medium Density

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 3 of 28**

(C5) Zone with respect to the location of the primary entrance has been requested to accommodate the proposed development.

The as of right land use permission for the District Commercial (C6, 344) Zone (3250 Homestead Drive) permits a variety of retail and commercial uses along with specific permission for a multiple dwelling containing up to 12 dwelling units. The as of right land use permission for the Mixed Use Medium Density (C5, 652, H102) Zone (3260 Homestead Drive) similarly allows for a variety of commercial and retail uses as well as stand alone multiple dwellings along with a specific permission for street townhouse dwellings and any existing single detached dwellings that existed at the date of passing of By-law No. 17-240.

The applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, (2019, as amended); and,
- They will comply with the general intent of the UHOP and Mount Hope Secondary Plan, upon approval of the OPA.

The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 26

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Official Plan and Zoning By-law.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 4 of 28**

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	1333664 Ontario Inc. c/o Mike Valvasori
File Number:	UHOPA-22-010 and ZAC-22-020
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The applications are for the development of a three storey multiple dwelling with 40 units with 50 surface parking spaces and five bicycle parking spaces.
Property Details	
Municipal Address:	3250 and 3260 Homestead Drive, Glanbrook.
Lot Area:	4,033.5 square metres (0.403 hectares).
Servicing:	Existing full municipal services.
Existing Use:	Single detached dwelling on each property at 3250 and 3260 Homestead Drive.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to the Growth Plan (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “District Commercial” and “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Mixed Use - Medium Density” designation.
Secondary Plan Existing:	“District Commercial” and “Mixed Use – Medium Density” in the and within “Area Specific Policy D” area in the Mount Hope Secondary Plan.
Secondary Plan Proposed:	“Mixed Use – Medium Density” in the Mount Hope Secondary Plan.
Zoning Existing:	District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 823) Zone.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 5 of 28**

Documents	
Modifications Proposed:	The following modification is requested by the Applicant: <ul style="list-style-type: none">To permit a principal entrance within the ground floor façade to face the parking area whereas the Zoning By-law requires it to be oriented to towards the street.
Processing Details	
Received:	December 13, 2021.
Deemed Complete:	January 12, 2022.
Notice of Complete Application:	Sent to 58 property owners within 120 metres of the subject property on March 14, 2022.
Public Notice Sign:	Posted March 1, 2022 and updated with public meeting date on December 14, 2022.
Notice of Public Meeting:	Sent to 56 property owners within 120 metres of the subject property on December 23, 2022.
Public Consultation:	The Applicant posted a sign on the property providing their contact information to provide additional information.
Public Comments:	<p>To date, two comments of objection were received. Another two individuals have requested to be notified of the decision for the proposed OPA and Zoning By-law Amendment applications.</p> <p>Public comments are summarized in the public consultation section of this report and are provided in Appendix “F” attached to Report PED23002.</p>
Processing Time:	400 days from date of receipt of application.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Single detached dwellings	District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone

Surrounding Land Uses:

North	Manufacturing use	District Commercial (C6, 305, 580) Zone
--------------	-------------------	---

Surrounding Land Uses Continued:

East	Single detached dwelling and townhouse dwellings	Mixed Use Medium Density (C5, 652) Zone
South	Single detached dwelling	Mixed Use Medium Density (C5, 652, H102) Zone
West	Single detached dwellings	Residential “R4-119” Zone

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 be consistent with the PPS (2020). The following policies, amongst others, apply to the proposal:

- “1.1.3.1 Settlement areas shall be the focus of growth and development;
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
 - a) Efficiently use land and resources;
 - b) 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 uneconomic expansion;
 - e) Support active transportation; and,
 - f) Are transit-supportive, where transit is planned, exists or may be development;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification which promotes efficient use of land, existing

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 8 of 28**

infrastructure, and existing public transit. The proposed development is a compact form of development that is appropriate in scale for the area.

Cultural Heritage and Archaeology

The UHOP has not been updated with respect to the cultural heritage policies of the PPS (2020). The following policies, amongst others, apply to the proposal:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The existing dwelling at 3260 Homestead Drive was built circa 1870 and is on the heritage inventory. Through the future Site Plan Control process the applicant shall submit a Documentation and Salvage Report of the building on the subject property (3260 Homestead Drive) to the satisfaction and approval of the City prior to any demolition.

Given the property's location to an additional Inventoried Heritage Property (3266 Homestead Drive), the proposed multiple dwelling building should be designed in a manner that is sympathetic and compatible with the adjacent building which may include the use of sympathetic materials, comparable setbacks, and massing and may include utilizing salvaged materials.

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

- 1) Within 250 metres of known archaeological sites;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

As part of this application, a Stage 1-2 (P1037-0037-2021) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The report concluded that no further archaeological assessment of the subject lands was required, and a clearance letter from MHSTCI dated December 14, 2021 has also been provided. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Noise

- “1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.
- 1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:
- a) Their long-term operation and economic role is protected; and
 - b) Airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2 Airports shall be protected from incompatible land uses and development by:
- a) Prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;
 - b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and,
 - c) Discouraging land uses which may cause a potential aviation safety hazard.”

The subject lands are in proximity to existing noise sources being Homestead Drive, Longview Drive, Upper James Street, Airport Road and the John C. Munro Hamilton International Airport. Upper James Street and Airport Road are classified “Major Arterial” and “Minor Arterial” roads respectively in the UHOP and the lands fall between the 28-30 Noise Exposure Forecast (NEF) Contours.

An Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), was submitted with the applications. The noise sources identified in the study that impact the subject lands included Homestead Drive, Longview Drive, Upper James Street, Airport Road, John C. Munro Airport and the manufacturing use to the north.

With respect to road noise, the study found the sound levels from future road traffic will exceed the MECP’s 55 dBA daytime criteria for outdoor amenity space. With respect to

aircraft noise the outdoor noise limits were calculated at 32 dBA and further noise mitigation is not required. The Noise Study identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, which include:

- Installing a 1.07 metre safety railing to mitigate the rooftop noise level below 50 dBa for rooftop terraces;
- Installing a safety railing of 1.83 metres if the basement area contains an exterior walkout; and,
- Warning clauses in all Agreements of Purchase and Sale or Lease for advising of occasionally interfering sound levels from increased road and air traffic and indication that the units are supplied with central air conditioning to allow windows and doors to remain closed to meet MECP noise criteria.

All noise mitigation measures will be implemented at the future Site Plan Control stage. In response to PPS Policy 1.6.9, the proposal is considered a sensitive land use, is below the 30 NEF contour, and therefore the proposal is consistent with applicable provisions of the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal:

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
 - i) Have a *delineated built boundary*;
 - ii) Have existing or planned *municipal water and wastewater systems*; and,
 - iii) Can support the achievement of *complete communities*;
- c) Within *settlement areas*, growth will be focused in:
 - i) *Delineated built-up areas*;

- ii) *Strategic growth areas*;
- iii) Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- iv) Areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the urban area and are fully serviced by municipal water and wastewater infrastructure. The proposed multiple dwelling contributes toward providing a diverse mix of land uses and a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes and future higher order transit routes along Airport Road and Upper James Street.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan and Mount Hope Secondary Plan

Noise

“Volume 1

B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 12 of 28**

- 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;
- C.4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City's major economic nodes and a valued transportation facility which links the movement of goods and people;
- C.4.8.2 The lands identified as John C. Munro International Airport on Schedule E-1 – Urban Land Use Designations are recognized as the City's major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services;
- C.4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for development in the vicinity of John C. Munro International Airport;
- C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) There shall be no negative impact on the long-term operations of the Airport;
 - b) The opportunities for expansion of airport operations shall not be limited;
 - c) There are no land uses in the vicinity which may cause a potential aviation hazard; and,

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 13 of 28**

- d) Development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.

C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule G – Airport Influence Area of the Rural Hamilton Official Plan;

C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions; and,

C.4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

Table C.4.8.1

	Locational Criteria	Requirements
1	35 NEF and greater, and / or within the Airport Influence Area	a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited; and, b) New land uses which may cause a potential aviation hazard shall be prohibited.
2	28 NEF and greater, but less than 35 NEF	a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited; b) New land uses which may cause a potential aviation hazard shall be prohibited; and, c) All development applications approved prior to the approval of this Plan may proceed.
3	25 NEF and greater, but less than 28 NEF	a) All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 14 of 28**

	Locational Criteria	Requirements
		measures and include appropriate warning clauses in accordance with Section B.3.6.3 – Noise, Vibration and Other Emissions, and Policy C.4.8.6; and, b) New land uses which may cause a potential aviation hazard shall be prohibited.

Volume 2

“B.5.4.9.1 d) Notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional, Residential or Mixed Use – Medium Density on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply. (OPA 69)

B.5.4.11.4 The following policies shall apply to lands located at 3239 to 3331 Homestead Drive and 3260 to 3329 Homestead Drive, designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan to allow for infill residential development in areas, where the noise contour is under 30 NEF, which will support a more balanced mix of land uses within the Mount Hope Community: (OPA 142)

- a) In addition to the uses permitted in Policy E.4.6.5 of Volume 1, street townhouses, block townhouses, and existing single detached dwellings (including minor additions, porches, decks, etc.) shall also be permitted;
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, maximum building heights shall be restricted to three storeys; and,
- c) Policy B.5.4.9.1 of Volume 2 shall not apply to minor additions, porches, decks, etc. to existing single detached dwellings.”

The existing designation for 3250 Homestead Drive and Area Specific Policy – Area D were included as part of Official Plan Amendment No. 69 (Commercial and Mixed Use Zone Implementation), approved by Council in November 2017, and came into force and effect by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) on November 16, 2018. The Area Specific Policy – Area D is intended to expand on permitted uses within the “Mixed Use – Medium Density” designation in Mount Hope by including townhouses. The proposal is for a Multiple Dwelling, which is a permitted use within the Mount Hope Secondary Plan and is three storeys in height.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 15 of 28**

The policies of the UHOP are intended to protect the airport and its long term operation and economic role and requires that sensitive land uses such as residential development are appropriately separated. The lands fall within the 28 – 30 NEF contours which do not permit residential development.

As previously discussed, an Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), was submitted in relation to noise concerns from nearby roads and the John C. Munro Hamilton International Airport. The study found the sound levels from future road traffic and aircraft noise will exceed the MECP guidelines for outdoor living areas. The Noise Study by dBA Acoustical Consultants Inc. has identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, which have been discussed in greater detail in the Provincial Policy Statement section of this report. The study recommends including noise warning clauses, specific building materials, air conditioning for all units, as well as the review of a qualified acoustic professional at the building permit stage to ensure the noise study's recommendations have been implemented.

In response to Policy B.5.4.9.1 d), the property municipally known as 3260 Homestead Drive is compliant with the above policies as the property is currently designated Mixed Use – Medium Density and is below the 30 NEF contour, and a noise study was provided which recommends warning clauses. With respect to 3250 Homestead Drive and applicable Table C.4.8.1 subsection 2), the lands were once zoned Existing Residential ("ER") Zone in the Township of Glanbrook Zoning By-law No. 464 and in 2012, a Zoning By-law Amendment to effectively permit a three storey mixed use building with up to 12 units was approved which was incorporated into the 2017 Commercial and Mixed Use zoning. Staff consider the previous change in use as *development* and note that all development applications approved prior to approval of the UHOP shall proceed. The principle of residential land use permissions has been established through the 2017 Commercial and Mixed Use zoning. Staff note that the existing potential land use permission for both 3250 Homestead Drive and 3260 Homestead could generate between 30-35 units total based on Official Plan policy and existing zoning. The proposal is for an increase in unit permissions to 40 in the form of a multiple dwelling. It is also noted that the noise study recommends building components including but not limited to windows, doors and walls that result in a higher Sound Transmission Class (STC) values. Staff are therefore supportive of 3250 Homestead Drive's change in designation to support the development of a three storey, 40 unit, multiple dwelling.

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure 3250 Homestead Drive is designated "District Commercial" and 3260 Homestead Drive is designated "Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 16 of 28**

Designations. 3250 Homestead Drive is also designated “District Commercial” and 3260 Homestead Drive is designated “Mixed Use – Medium Density” and located within “Area Specific Policy D” area on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan. The applicant has requested an amendment for 3250 Homestead Drive to redesignate the lands from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 of the UHOP and from “District Commercial” to “Mixed Use – Medium Density” on Map B.5.4-1 - Mount Hope Secondary Plan – Land Use Plan.

The requested Official Plan Amendment and Zoning By-law Amendment have been evaluated against the policies of the “Mixed Use – Medium Density” designation, and the following policies, amongst others, apply.

Volume 1 Mixed Use – Medium Density

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian focus streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies on this Plan;
- c) Institutional uses such as hospitals, places of worship, and schools;
- d) Arts, cultural, entertainment, and recreational uses;
- e) Hotels;
- f) Multiple Dwellings; and,
- g) Accessory uses;

E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law;

- E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density; and,
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

Volume 2

“B.5.4.4.2 Mixed Use – Medium Density Designation (OPA 69)

- a) Section E.4.2 – Commercial and Mixed Use Designations – General Policies and Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1 shall apply to lands designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan; and,
- b) Policies B.5.4.4.1 d) to g) of Volume 2 shall also apply to lands designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan.”

The proposed multiple dwelling is permitted in the Mixed Use – Medium Density designation (3260 Homestead Drive) however the lands located at 3250 Homestead Drive are required to be redesignated to Mixed Use – Medium Density to implement the proposal. The proposed development is three storeys and setback 15.74 metres from the closest western property line and setback 22.16 metres from the southern property line. The setbacks coupled with the three storey height, will prevent overlook and privacy impacts onto neighbouring properties. The building is also setback 2 metres from Longview Drive and 2 metres from Homestead Drive, bringing the building closer to the street and providing for a more animated streetscape.

The adjacent low density residential uses are separated from the proposed development by the proposed driveway and parking lot. Additionally, a landscape buffer area and visual barriers such as board on board fences are proposed to provide privacy and prevent overlook. Therefore, privacy impacts on the adjacent low density residential uses are not anticipated.

Policy B.5.4.4.2 b) of the Mixed Use – Medium Density designation also applies some of the policies of the District Commercial Designation in the Mount Hope Secondary Plan,

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 18 of 28**

more specifically, Policies B.5.4.4.1 d) to g) shall also apply to the lands designated Mixed Use – Medium Density:

Volume 2 District Commercial

“B.5.4.4.1

- d) Development of commercial uses shall be planned and coordinated to limit the establishment of a continuous strip of individual developments;
- e) Redevelopment shall consider and be sensitive to existing residential development and ensure that the bulk, scale, height and design of commercial developments and other permitted uses are compatible with adjacent residential uses;
- f) The District Commercial designation adjacent to Airport Road West and Homestead Drive enjoys a high degree of visibility and provides a gateway to the John C. Munro International Airport. To ensure this area develops in a coordinated, well-designed and aesthetically-pleasing manner with adequate infrastructure and amenities, and to provide funding eligibility, the City shall investigate the designation of these lands as a Community Improvement Project Area; and,
- g) All outdoor lighting shall be oriented away from residential areas and adjacent public roads and shall not interfere with airport operations.”

In response to Policies B.5.4.4.1 d) through g), the subject lands are two properties that are now merged and meets the intent of limiting piecemeal, individual development. The proposal considers the surrounding residential properties and is an appropriate height and scale and is compatible with adjacent properties. Through the Site Plan process a lighting plan will be required to ensure lighting does not impact nearby residential uses, public roads and the airport.

Residential Intensification

Volume 1

“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 of 40 multiple dwelling units will contribute to achieving a range of dwelling types and tenures. As part of the OPA and Zoning By-law Amendment Applications a Functional Servicing Report and Transportation Impact Assessment were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development. The design of proposed development locates the building further away from the existing low density uses and closer to the streets. The proposed development will incorporate setbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensure that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character.

Urban Design

Volume 1

- “B.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) Minimize the impacts of shadows and wind conditions;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 20 of 28**

- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions;
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
 - b) Including ample glazing on ground floors by create visibility to and from the public sidewalk;
 - c) Including a quality landscape edge along frontages where buildings are set back from the street;
 - d) Locating surface parking to the sides or rear of sites or buildings where appropriate; and,
 - e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The development proposal is three storeys in height, which is consistent with the townhouses to the east and is appropriately separated from the one to two storey single detached dwellings to the west and to the south.

In response to Policy B.3.3.3.5, the proposed development locates the building two metres from the street. Although the primary building entrance is not located as close to the street as possible, there is an entrance / exit from Homestead Drive and individual unit entrances from Longview Drive. The preliminary landscape plan submitted with the application envisions street tree plantings within the City’s right of way and also proposes shrubs between the building façade and shared property line / street line. Lastly, the surface parking area is located behind and at the side the building.

Tree Management

Volume 1

- “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 Management Plan was reviewed with respect to the proposed OPA and Zoning By-law Amendment Applications. A total of 27 trees have been inventoried (including

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 21 of 28**

four municipal trees). Of these trees, 13 (including the four municipal trees) have been proposed to be removed. It is recognized that there are limited opportunities to retain more trees on site.

In order to ensure existing tree cover is maintained, compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Compensation is to be provided on site and the details can be addressed through Landscape Plans required at the future Site Plan Control stage.

Based on the above analysis, staff are of the opinion that the proposed development will comply with the policies of the UHOP and the Mount Hope Secondary Plan upon approval of the OPA.

City of Hamilton Zoning By-law No. 05-200

The subject property is zoned District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone. The District Commercial Zone does not permit standalone multiple dwellings, as such, a Zoning By-law Amendment is required. The special exception '344' would allow for a mixed use building of up to a maximum of 12 residential units on 3250 Homestead Drive with specific modifications for lot coverage, setbacks and parking. The existing Holding 102 was put in place from partial approval of OPA No. 69 and Zoning By-law No. 17-240 in 2018. The purpose of the Holding was to ensure that noise levels were investigated prior to any future development, which is further discussed in the Analysis and Rationale for Recommendation section below. To implement the proposed development, the Applicant is seeking to establish a site specific Mixed Use Medium Density (C5) Zone. The site specific modification to accommodate the proposal is outlined in the Report Fact Sheet and discussed in detail in Appendix "D" attached to Report PED23002.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Canada Post;• Niagara Peninsula Conservation Authority; and,• Ministry of the Environment, Conservation and Parks.	No Comment.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 22 of 28**

	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The proponent has demonstrated through the Functional Servicing Report, prepared by LandSmith Engineering and Consulting Ltd. and dated November 9, 2021, that the proposed development can be serviced without adverse impacts to the existing network.	Detailed grading, storm water management, servicing plans, amongst others, will be reviewed as part of a future Site Plan Control Application.
Legislative Approvals / Growth Planning Section, Growth Management Division, Planning and Economic Development, Department	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p> <p>Confirmation on the tenure of the subject proposal should be provided and whether the subject proposal will be a Condominium.</p> <p>At the Site Plan Control stage the Applicant will be required to submit a list to Growth Planning Section indicating the mailing address unit number of each residential unit on each floor.</p>	<p>The municipal address and mailing address unit numbers will be finalized through a future Site Plan Control Application.</p> <p>The intended tenure has not been identified through this application. If a condominium tenure is proposed the proponents would have to submit an Application for Draft Plan of Condominium.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning supports these proposed applications and require a right of way dedication and daylighting triangle dedication.	Right of way dedication and daylighting triangle dedications will be provided through a future Site Plan Control Application process.
Waste Management Division, Public Works Department	This development does not meet municipal waste collection service requirements and may require collection on private property.	Waste collection service requirements will be addressed through a future Site Plan Control Application.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 23 of 28**

	Comment	Staff Response
Waste Management Division, Public Works Department Continued	<p>If the development is not designed to accommodate municipal waste collection the following is required:</p> <ul style="list-style-type: none"> i. Arrange a private waste hauler for the removal of all waste materials; and, ii. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection. 	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development.</p> <p>Forestry approves the Tree Protection Plan, prepared by Adesso Design Inc and dated June 6, 2022, and will require a Landscape Plan and payment of Street Tree Planting fees and Loss of Tree Canopy fees.</p>	Through the Site Plan Control Application, the Landscape Plan will be addressed through a future Site Plan Control Application.
Hamilton International Airport	<p>The development must demonstrate compliance with John C. Munro Hamilton International Airport Zoning Regulations SOR/2017-200 and the Airport Noise Exposure Forecast (NEF) contours.</p> <p>A Crane Assessment Form must be completed and provided to the Airport Operations Centre.</p>	The applicant will be required to submit a Crane Assessment Form, proposed development plan, and legal land survey to the Airport Operations Centre, NAV Canada and Transport Canada as part of Site Plan Control process.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 24 of 28**

Public Consultation		
	Comment	Staff Response
	The proposed development plan must also be submitted to NAV CANADA and Transport Canada for navigational system assessment and aeronautical evaluation, respectively	The Noise Study, prepared by by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022) has identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines, as discussed in detail above.
Parking	Concern that there will not be enough parking on site and that excess parking will spill over onto the surrounding streets.	<p>Parking in the C5 Zone is based on the size of unit (i.e. less than 50 square metres or greater than 50 square metres) this proposal would require 31 parking spaces.</p> <p>The applicant is proposing 50 parking spaces including two barrier free spaces which exceeds the zoning minimum requirement.</p>
Density	Concern that the number of units seems to be high in the context of Mount Hope.	The proposal is 100 units per hectare and complies with the Urban Hamilton Official Plan (UHOP). The UHOP encourages a range of densities throughout the built-up area. The redesignation of the lands to a Mixed Use – Medium Density would permit intensification that is compatible with the surrounding area in terms of use, scale, form and character.
Drainage	Concern that the proposal could have drainage impacts to neighbouring properties.	A detailed stormwater management design will be required through the future Site Plan Control process.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 25 of 28**

	Comment	Staff Response
Separation, Buffering	The building should have fences and trees and appropriate separation.	The proposal will allow for landscaping and fencing along property edges, which will be detailed through a Landscape Plan required through a future Site Plan process.
Shadowing	Concern regarding the shadow of the proposal on surrounding residences.	<p>The proposal is for a three storey building approximately 11.15 metres high (15.04 metres including mechanical penthouse)</p> <p>The proposed low rise built form will not create shadow impacts on the surrounding residences.</p>
Garbage	Concern that the garbage will create smells and attract unwanted rodents	The detailed design with respect to waste disposal services will be received at the future Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was sent to residents within 120 metres of the subject lands on March 14, 2022. A Public Notice sign was posted on the property on March 1, 2022 and updated with the Public Meeting date on December 14, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on December 23, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the Applicant provided a Public Consultation Strategy and provided their contact information for inquiry and comment. No feedback was received from this circulation.

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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It will comply with the Urban Hamilton Official Plan, in particular the function, scale and design of the Mixed Use – Medium Density designation policies as they relate to residential intensification and complete communities, and will implement the policies of the Mount Hope Secondary Plan, upon approval of the proposed Official Plan Amendment; and,
 - iii) The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure within the urban boundary, and supporting public transit.
2. The proposed UHOP Amendment is required to redesignate the lands from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 and to designate the lands from “District Commercial” to “Mixed Use - Medium Density” within the Mount Hope Secondary Plan.

The proposed amendments can be supported as the proposal maintains and builds upon the existing patterns and built form of the area. The proposal represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character.

Therefore staff supports the proposed OPA.

3. The proposed Zoning By-law Amendment is to change the zoning from the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone. This zoning amendment will permit the three storey, 40 unit multiple dwelling with 50 parking spaces.

In November 2018 the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) issued a Decision regarding case PL17450, which implemented partial approval of UHOP Amendment No. 69 and Zoning By-law No. 17-240 for Commercial and Mixed Use Zones. The implementing zoning included Holding Provision H102. The Holding Provision requires the submission of a noise study

prior to development. Staff are satisfied that the requirements for the removal of the Holding Provision as it applies to the subject lands have been satisfied based on the recommendations of the Acoustical Study, prepared by dBA Acoustical Consultants Inc. and dated October 2021 (updated November 16, 2022), and are not recommending carrying the Holding Provision forward into the implementing zoning by-law.

Given that the proposed development will comply with the UHOP and the Mount Hope Secondary Plan upon approval of the proposed OPA, will accommodate residential uses contributing to the provision of a range and mix of housing types to support and enhance the character of the neighbourhood, has a built form that is compatible with existing development in the area, and has adequate servicing and transportation available with sufficient capacity ensuring efficient use of land and infrastructure, staff are supportive of the proposed Zoning By-law Amendment. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the Applications be denied, the lands could be developed in accordance with the District Commercial (C6, 344) Zone and Mixed Use Medium Density (C5, 652, H102) Zone.

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 PED23002 – Location Map

Appendix “B” to Report PED23002 – Draft Official Plan Amendment

Appendix “C” to Report PED23002 – Draft Zoning By-law Amendment

Appendix “D” to Report PED23002 – Zoning Modification Chart

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 3250 and 3260 Homestead Drive
(PED23002) (Ward 11) - Page 28 of 28**

Appendix "E" to Report PED23002 – Concept Plan
Appendix "F" to Report PED23002 – Public Comments

JVR:sd