



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment application UHOPA-24-001, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner**, to redesignate the subject lands from “Institutional” to “Neighbourhoods” in the Urban Hamilton Official Plan to permit an eight storey multiple dwelling and three, four-storey multiple dwellings containing a total of 264 units, on lands located at 140 Glen Echo Drive, as shown in Appendix “A” attached to Report PED24071, be **DENIED** on the following basis:
- (i) That the proposed Official Plan Amendment is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:
- (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
 - (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;

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- (3) It results in overshadowing and blocking of light on a sensitive land use;
 - (4) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood;
 - (5) It does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
 - (6) It does not meet the intent of the City’s intensification policies;
 - (7) It does not meet the intent of the City’s urban design policies; and,
 - (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site;
- (b) That **Zoning By-law Amendment application ZAC-24-004, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner**, for a change in zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone, to permit an eight storey, 192 unit multiple dwelling, and three, four-storey multiple dwellings containing 72 units, with 277 underground parking spaces, 41 surface parking spaces, and one driveway access from Glen Echo Drive, on lands located at 140 Glen Echo Drive, as shown in Appendix “A” attached to Report PED24071, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:
 - (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
 - (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;
 - (3) It results in overshadowing and blocking of light on a sensitive land use;
 - (4) It does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
 - (5) It does not meet the intent of the City’s intensification policies;
 - (6) It does not meet the intent of the City’s urban design policies;
 - (7) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood; and,

- (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site.

EXECUTIVE SUMMARY

The subject property is municipally known as 140 Glen Echo Drive and is located on the west side of Glen Echo Drive opposite of Loyalist Drive. The subject lands were previously owned by the Hamilton-Wentworth District School Board. The new owner, Losani Homes (Glen Echo) Ltd., has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the Urban Hamilton Official Plan Amendment application is to redesignate the lands from “Institutional” to “Neighbourhoods”. The purpose of the Zoning By-law Amendment application is to change the zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone.

The effect of these applications is to permit the development of an eight storey, 192 unit multiple dwelling, and three, four-storey multiple dwellings containing 72 units, for a total of 264 dwellings units, with 277 underground parking spaces, 41 surface parking spaces and one driveway access from Glen Echo Drive.

It is the opinion of staff that the proposed Official Plan Amendment and Zoning By-law Amendment applications do not have merit and are not considered good planning and therefore cannot be supported, for the following reasons:

- The proposal is premature as the applicant has not demonstrated adequate infrastructure capacity to service the proposed development and therefore the proposal is not consistent with the Provincial Policy Statement (2020) and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Urban Hamilton Official Plan;
- The proposed eight storey multiple dwelling is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood and therefore does not comply with the general intent of the Urban Hamilton Official Plan;
- The proposal does not include a mix of unit sizes suitable for a range of household sizes and incomes and does not comply with the general intent of the Urban Hamilton Official Plan;

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- The proposal does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
- The proposal does not meet the intent of the City’s intensification policies;
- The proposal does not meet the intent of the City’s urban design policies;
- The proposed increase in building height for the multiple dwelling to 26.5 metres, coupled with the permissions of a Mixed Use Medium Density (C5) Zone, results cumulatively in an overdevelopment of the site; and,
- The proposed built form and massing of the multiple dwelling creates shadow impacts on the neighbouring sensitive land use.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. In accordance with Section 34(10.12), if the City makes a decision on a joint Official Plan Amendment and Zoning By-law Amendment within 120 days after the receipt of the application, the City shall not refund the fee.

HISTORICAL BACKGROUND

Application Details	
Owner:	Losani Homes (Glen Echo) Ltd.
Applicant/Agent:	MHBC Planning Ltd. (c/o Dave Aston).
File Number:	UHOPA-24-001. ZAC-24-004.
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.

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Application Details	
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Neighbourhoods” in the Urban Hamilton Official Plan.</p> <p>The purpose of the Zoning By-law Amendment is to change the zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone.</p> <p>The effect of these applications is to facilitate a development consisting of an eight storey, 192 unit multiple dwelling, and three, four-storey multiple dwellings containing 72 units, for a total of 264 dwellings units, with 277 underground parking spaces, 41 surface parking spaces, and one driveway access from Glen Echo Drive.</p> <p>The unit sizes in the multiple dwellings range from 41.9 square metres to 89.8 square metres. The multiple dwelling’s floor plans indicate a breakdown of 58 percent one bedroom units and 42 percent two bedroom units.</p> <p>The City and Hamilton-Wentworth District School Board previously had an arrangement over the use of a portion of park land encroaching on the subject lands (former school site) for park programming including a baseball diamond and basketball courts. With the sale of the former school site to the applicant, a portion of the baseball diamond and basketball court were on privately owned lands. The proposal includes underground parking within this portion of land and as such, the City will have to relocate the baseball diamond and basketball courts.</p>
Property Details	
Municipal Address:	140 Glen Echo Drive, Hamilton.
Lot Area:	±1.28 ha (Irregular).
Servicing:	Full municipal services.
Existing Use:	Vacant institutional building (formerly Glen Echo Public School).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Documents	
Provincial Policy Statement:	The proposal is not consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal does not conform 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 “Institutional” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone.
Zoning Proposed:	A site specific Mixed Use Medium Density (C5) Zone.
Modifications Proposed:	<p>The following modifications are being requested to the Mixed Use Medium Density (C5) Zone:</p> <ul style="list-style-type: none"> • To remove the requirement of a minimum floor elevation of 0.9 metres for a finished floor elevation of any dwelling unit; • To restrict the uses permitted on the lands to a Multiple Dwelling; whereas the Mixed Use Medium Density (C5) Zone also permits a variety of commercial and institutional uses; • To remove the maximum setback of 4.5 metres to the façade of a building and remove the maximum setback of 6 metres for a portion of a building providing an access driveway to a garage from a street line; • To increase the maximum building height to 26.5 metres; whereas a maximum of 22 metres is permitted by the parent Mixed Use Medium Density (C5) Zone ; and, • To remove the requirement for the principal entrance to be located on the façade closest to the street and remove the requirement that access to the building façade be provided directly from the public sidewalk.
Processing Details	
Received:	January 5, 2024
Deemed Complete	January 5, 2024
Notice of Complete Application:	Sent to 88 property owners within 120 metres of the subject lands on January 19, 2024.

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Processing Details	
Public Notice Sign:	Posted January 20, 2024.
Notice of Public Meeting:	Sent to 88 property owners within 120 metres of the subject lands on April 5, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "D" attached to Report PED24071.
Public Consultation:	The following Public Consultation was completed for the proposed development: <ul style="list-style-type: none"> • One Neighbourhood Information meeting was hosted by the applicant on June 1, 2023. The applicant provided a comment and response summary of the Neighbourhood Information Meeting (attached as Appendix "F" to Report PED24071).
Public Comments:	13 letters / emails expressing concern were received (see Appendix "E" attached to Report PED24071).
Processing Time:	103 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Institutional (vacant building)	Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone
Surrounding Land Uses:		
North	Public secondary school	Community Institutional (I2) Zone
South	Public open space	Neighbourhood Park (P1) Zone
East	Single detached dwellings	Low Density Residential (R1) Zone and "C/S-1822" (Urban Protected Residential, etc.) District, Modified
West	Public open space	Neighbourhood Park (P1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix "C" attached to Report PED24071.

In summary, the proposed development has not demonstrated that there is adequate infrastructure capacity to service the proposed development and is considered premature. The municipal sewer capacity analysis in The Functional Servicing and Stormwater Management Report prepared by S. Llewellyn and Associated Ltd, dated December 21, 2023, reveals that the municipal sewer system is at capacity under the existing condition. The proposed development is expected to exacerbate this surcharge condition. Hamilton Water does not support the subject development until downstream sewers are upgraded to provide the proper service level for the service area.

The applicant has also not demonstrated what green infrastructure and sustainable design elements are to be implemented that will mitigate and adapt to the impacts of a changing climate, improve resilience, reduce greenhouse gas emissions, and contribute to environmental sustainability. Furthermore, the proponent has not demonstrated how the proposal will integrate green infrastructure and appropriate low impact development to help adapt to the impacts of a changing climate.

Therefore, the proposal is not consistent with the Provincial Policy Statement (2020) and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Institutional" on Schedule E-1 – Urban Land Use Designations. The applicant is proposing to redesignate the lands to "Neighbourhoods".

The applicant's proposal was prepared based on the "High Density Residential" policies of Volume 1 in the Urban Hamilton Official Plan. A detailed analysis of the applicable Urban Hamilton Official Plan (Volume 1) policies is included in the Summary of Policy Review attached as Appendix "C" to Report PED24071. Staff have confirmed through the review that the "Medium Density Residential" policies are applicable to the proposal, given the height and scale proposed.

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Policy E.3.5.1 states that the Medium Density Residential areas of the “Neighbourhoods” designation are characterized by multiple dwelling forms located on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting onto collector roads. The proposal is located in the interior of the neighbourhood and does not have frontage onto a collector road. The proposal does not comply with the functional policies of the “Medium Density Residential” category.

Policy E.3.5.8 contains the policy criteria that must be met in order for building height to be increased beyond six storeys, up to a maximum of 12 storeys. Policy E.3.5.8 a) indicates that development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels to be implemented through the Zoning By-law. Staff find the proposal does not comply with this policy as there are no three bedroom units proposed, nor is there a provision provided in the amending by-law for a mix of unit sizes. The multiple dwelling’s floor plans provided to date indicate a breakdown of 58 percent one bedroom units and 42 percent two bedroom units. In addition, staff find that no further information has been provided to address Policy E.3.5.8 b), which requires that the development incorporate sustainable building and design principles.

Staff’s review included the neighbouring property to the west which is considered public open space. Policy E.3.5.8 c) indicates that the height, orientation, design, and massing of a building shall not unduly overshadow or block light on adjacent sensitive lands uses, the public realm and outdoor private amenity areas. The Shadow Impact Study dated December 1, 2023, prepared by MHBC Planning Ltd. identifies shadow impacts on Glendale Park to the west. The City’s Sun-Shadow Study guidelines categorizes parks 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 8:26 a.m. to 9:26 a.m. on March 21, one of the parks is more than 50 percent shadowed (55 percent). The shadow impacts on the park do not comply with Policy E.3.5.8 c).

Policy E.3.5.8 d) indicates that the implementing Zoning By-law may include angular plane requirements to set out an appropriate transition and stepping back of heights to adjacent areas designated “Neighbourhoods”. While the adjacent lands to the north are designated “Institutional”, the height, massing, and arrangement of the multiple dwelling in relation to the sensitive land use (secondary public school site) to the north has not been adequately addressed, and the proposal does not comply with the Residential Intensification policies of the Urban Hamilton Official Plan (policies B.2.4.1.4 and B.2.4.2.2).

Policy E.3.5.9 a) requires that developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the

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development may gain access to the collector or major or minor arterial road from a local road only if a small number of low density residential dwellings are located on that portion of the local road. The subject lands do not have direct access onto a collector road. The proposal would therefore need to gain access to a collector road (Nash Road) from two local roads (Glen Echo Drive and Rainbow Drive). Approximately 32 low density residential dwellings front onto Glen Echo Drive and 10 front onto Rainbow Drive. It is Staff's opinion that this is not considered a small number of low density residential dwellings. Accordingly, the proposal does not comply with the design policies of the "Medium Density Residential" category.

The surrounding area is made up of low rise built forms of one to two storey single detached dwellings and two to three storey institutional buildings, and there are no other buildings exceeding three storeys in the immediate surrounding area. The proposal is not compatibly integrated into the surrounding area in terms of use, scale, form, and character.

The applicant has also not demonstrated that there is adequate servicing capacity to service the proposed development and the proposal is considered premature. The municipal sewer capacity analysis in The Functional Servicing and Stormwater Management Report prepared by S. Llewellyn and Associated Ltd, dated December 21, 2023, reveals that the municipal sewer system is at capacity under the existing condition. The proposed development is expected to exacerbate this surcharge condition. Hamilton Water does not support the subject development until downstream sewers are upgraded to provide the proper service level for the service area.

Therefore, the proposed development does not comply with the policies of the Urban Hamilton Official Plan and staff do not support the proposed Official Plan Amendment.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone. The applicant has requested a number of site specific modifications to the Mixed Use Medium Density (C5) Zone which are summarized in the Report Fact Sheet on page 6 of this Report. Analysis of the Zoning By-law Amendment is provided below in the Analysis and Rationale for Recommendation section.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal does not have merit and cannot be supported for the following reasons:

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- The proposal is premature as the applicant has not demonstrated adequate infrastructure capacity to service the proposed development and therefore the proposal is not consistent with the Provincial Policy Statement (2020), does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the applicable servicing policies of the Urban Hamilton Official Plan;
- The proposed eight storey multiple dwelling is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood and therefore does not comply with the general intent of the Urban Hamilton Official Plan;
- The proposal does not include three bedroom units and therefore does not include a mix of unit sizes suitable for a range of household sizes and incomes and does not comply with the general intent of the Urban Hamilton Official Plan;
- The proposal does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
- The proposal does not meet the intent of the City’s intensification policies;
- The proposal does not meet the intent of the City’s urban design policies;
- The proposed increase in building height for the multiple dwelling to 26.5 metres, coupled with the permissions of a Mixed Use Medium Density (C5) Zone, results cumulatively in an overdevelopment of the site; and,
- The proposed built form and massing of the multiple dwelling creates shadow impacts on the neighbouring sensitive land use.

2. Official Plan Amendment

The subject lands are designated “Institutional” in the Urban Hamilton Official Plan. The Official Plan Amendment proposes to redesignate the subject lands from “Institutional” to “Neighbourhoods” in the Urban Hamilton Official Plan to facilitate the proposed development. Staff have evaluated the proposed development under the “Medium Density Residential” policies of Volume 1 of the Urban Hamilton Official Plan. A detailed evaluation of the policies of the Urban Hamilton Official Plan is provided in the Summary of Policy Review in Appendix “C” attached to Report PED24071.

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It is staff's opinion that the proposal fails to achieve an appropriate transition in height to the adjacent school site, fails to contribute to a range and mix of unit sizes, results in a shadow impact on the neighbouring property that is contrary to the City's Sun/Shadow guidelines, does not meet the intent of the function or design policies for Medium Density Residential areas, and does not provide sufficient information to ensure adequate infrastructure capacity.

As per Policy E.3.5.8, a building may be higher than six storeys, provided a proposal demonstrates all of the following: a mix of unit sizes, sustainable building design, no undue shadow impact, setbacks from adjacent areas designated "Neighbourhoods", and setbacks from the street. The proposed development is providing 58 percent one bedroom units and 42 percent two bedroom units based on the floor plans provided and is not providing any three bedroom units. The applicant has not provided further information on sustainable building design, and a sensitive land use (Glendale Park) will be impacted by overshadowing and blocking of light.

The proposal is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood in that the scale, height and massing of the eight storey multiple dwelling constitutes an overdevelopment of the site.

Therefore, the proposal does not comply with the Urban Hamilton Official Plan and staff do not support the proposed amendment.

3. Zoning By-law Amendment

The subject lands are zoned Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone. The Zoning By-law Amendment proposes to change the zoning to a site specific Mixed Use Medium Density (C5) Zone.

The proposed Zoning By-law Amendment is seeking zoning modifications to permit only multiple dwellings as a use, remove the requirement for dwelling units to be 0.9 metres above finished floor elevation, allow for increased maximum building height, and remove the requirement for principal entrances to be located closest to the street line.

In the opinion of staff, the proposed modifications do not comply with the general intent of the Urban Hamilton Official Plan as outlined in the Summary of Policy Review in Appendix "C" attached to Report PED24071. As noted above, the proposed Official Plan Amendment is not appropriate and is not supported by staff. Therefore, staff do not support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law Amendment consistent with the submitted concept plans attached as Appendix “B” to Report PED24071 with the inclusion of a Holding Provision to address matters, including, but not limited to the submission of a functional servicing report, a neighbourhood traffic calming options report, and any other necessary agreements to implement Council’s direction.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24071 – Location Map

Appendix “B” to Report PED24071 – Concept Plan

Appendix “C” to Report PED24071 – Summary of Policy Review

Appendix “D” to Report PED24071 – Department and Agency Comments

Appendix “E” to Report PED24071 – Public Comments

Appendix “F” to Report PED24071 – Applicant Summary and Responses to Public

JVR/sd