



March 18<sup>th</sup>, 2019

The City of Hamilton  
Planning and Economic Development Department  
Planning Division  
71 Main Street West, 4<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Sent via email: [steve.robichaud@hamilton.ca](mailto:steve.robichaud@hamilton.ca)

Attn: Steve Robichaud  
Director, Planning and Chief Planner

**Re: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200  
City Wide (PED19029)**

---

Dear Sir:

We represent Parkway Motors Hamilton, the owner of the lands municipally known as 999-1031 Upper James Street, Hamilton, herein referred to as the subject lands. The subject lands are located on the east side of Upper James Street, between Hester Street and the Lincoln M. Alexander Parkway. A proposed development consisting of two 8-storey mixed-use buildings with a height of 26.9 m, was heard at a Development Review Team meeting on November 7<sup>th</sup>, 2018, with comments received from the City and a Formal Consultation Document (FC-18-123) issued on November 15<sup>th</sup>, 2018.

We are writing to express our concerns and objection to the amendments proposed to Zoning By-law No. 05-200 through PED19029, specifically, its impact on the subject lands. This correspondence should be considered a written submission to Council, per the *Planning Act*. The subject lands are currently zoned "C5" (Mixed Use – Medium Density) in Zoning By-law No. 05-200, of which the uncontested portions of By-law 17-240, which implemented the Commercial and Mixed Use Zones, came into force and effect on November 16<sup>th</sup>, 2018.

The minimum interior side yard setback currently required in the C5 Zone is *"7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use"* (Section 10.5.3.c). The properties abutting the subject lands are zoned "C5", and do not contain a residential use. Therefore, under current zoning, a 0.0 metre minimum side yard setback is permitted. The proposed changes to the C5 zone as brought by Staff Report PED19029 to Planning Committee in February 2019 amend the minimum side yard requirement (Section 10.5.3.c.iii) as follows: *"iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres."*

As the proposed development building has a height of approximately 26.9 metres, upon the passing of the modifications and updates to Zoning By-law No. 05-200 (PED19029), Council will effectively be removing 12 metres (6 metres on each side of the buildings) from the lot width of this property. This would significantly impact the design and feasibility of the subject



development, as 12 metres of the property would not be developable. Further, the implementation of a minimum 6 metre side yard setback for future developments greater than 14.0 metres in a C5 zone, which currently permits a building height up to 22 metres as of right, would create a building fabric with gaps of at least 12 metres between buildings.

The large setbacks that would be created between buildings as a result of the implementation of these Zoning amendments would be a hindrance to creating a consistent and continuous street wall between buildings, which contributes to a vibrant and pedestrian-oriented environment. On behalf of our client, we would kindly request that the City reconsider the minimum required side yard setback in order to implement policies that will encourage future developments within the Commercial and Mixed Use designations to create vibrant mixed use areas that are able to accommodate a range of uses.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer'.

Franz Kloibhofer, MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Copy: City Clerk, Rose Catarini (via email: [clerk@hamilton.ca](mailto:clerk@hamilton.ca))  
Councillor John-Paul Danko, Ward 8 (via email: [john-paul.danko@hamilton.ca](mailto:john-paul.danko@hamilton.ca))  
Parkway Motors Hamilton c/o Ilya Pinassi (via email: [ipinassi@parkwaymotors.ca](mailto:ipinassi@parkwaymotors.ca))