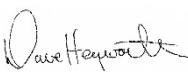




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 17, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	PER: 

**RECOMMENDATION**

- (a) That **Amended Official Plan Amendment application UHOPA-24-004**, submitted by **A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari)**, on behalf of **LJM Developments (Upper James), Owner**, to establish a Site Specific Policy Area for the “Mixed Use – Medium Density” designation in the Urban Hamilton Official Plan to permit a maximum height of 20 storeys and establish a minimum of three affordable rental units, for lands located at 1600 Upper James Street, Hamilton as shown on Appendix “A” to attached to Report PED24159, be **APPROVED** on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24159, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment 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);
- (b) That **Amended Zoning By-law Amendment application ZAC-24-010**, submitted by **A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari)** on behalf of **LJM Developments (Upper James), Owner**, for a change in zoning from the Mixed Use Medium Density (C5) Zone to a site specific Transit Oriented Corridor

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**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 2 of 12**

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Mixed Use Medium Density (TOC1) Zone, to permit a 65.0 metre (20 storey) mixed use building containing 250 dwelling units, including a minimum of three affordable rental units, 438 square metres of ground floor commercial uses, and 177 parking spaces, for lands located at 1600 Upper James Street, Hamilton as shown on attached Appendix “A” to Report PED24159, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24159, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by including the Holding symbol ‘H’ to the proposed Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone:

The Holding Provision ‘H182’, is to be removed conditional on the following:

- (1) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any public realm improvements to the adjacent municipal right-of-way at the Owner’s cost, to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the Owner enter into and register a lease agreement with the City to provide three dwelling units, including one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit, in compliance with the definition of “affordable” in the Urban Hamilton Official Plan, for a period of 15 years from the date of first occupancy of the development, to the satisfaction of the Director of Planning and Chief Planner;
- (3) That the Owner submit and receive approval of an updated Wind Study completed by a licenced professional Engineer, in the Province of Ontario, to the satisfaction of the Director of Planning and Chief Planner;
- (4) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed

stormwater and wastewater flows to support this development, to the satisfaction of the Director of Development Engineering;

- (5) That the Owner submit and receive approval of a Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering;
  - (6) That the Owner make satisfactory arrangements with the City's Growth Management Division and enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that the upgrades are required to the municipal infrastructure to support this development according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan upon the adoption of the Official Plan Amendment.

## **EXECUTIVE SUMMARY**

The subject site is municipally known as 1600 Upper James Street, Hamilton, and is located on the northwest corner of the intersection of Upper James Street and Rymal Road West. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the Official Plan Amendment application is to establish a Site Specific Policy Area in the Urban Hamilton Official Plan to increase the permitted height from six storeys to a maximum of 20 storeys and to establish a minimum of three affordable rental units.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Mixed Use Medium Density (C5) Zone to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, to permit the development of a 65.0

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**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 4 of 12**

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metre (20 storey) mixed use building containing 250 dwelling units, including a minimum of three affordable rental units as defined by the Urban Hamilton Official Plan, 438 square metres of ground floor commercial uses, and 177 parking spaces, as shown on Appendix “C” attached to Report PED24159.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan, upon adoption of the proposed Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a range of housing types, compact and efficient urban form, vibrant public realm, achieves the planned urban structure and supports developing a complete community.

**Alternatives for Consideration – See Page 12**

**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.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	LJM Developments (Upper James).
Applicant:	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari.
File Number:	UHOPA-24-002 and ZAC-24-010.

**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 5 of 12**

<b>Application Details</b>	
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The purpose of the Official Plan Amendment is to establish a Site Specific Policy Area of the “Mixed Use – Medium Density” designation in the Urban Hamilton Official Plan to permit an increased height of 20 storeys on the subject lands, whereas a maximum height of six storeys is permitted, and to establish a minimum of three affordable rental units.</p> <p>The purpose of the Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5) Zone to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone. The effect of these applications is to permit the development of a 20 storey (65.0 metre) mixed use building containing 250 dwelling units, 438 square metres of ground floor commercial uses, 177 underground parking spaces, 127 long term bicycle parking spaces, 6,835 square metres of indoor amenity area, and a 3,789 square metre outdoor terrace on the seventh floor. The development is proposed to include 52 studio units (21%), 154 one bedroom units (62%), 34 two bedroom units (14%), and 10 three bedroom units (4%).</p> <p>Vehicular access to the development will be provided from Rymal Road West.</p> <p>The existing motor vehicle dealership will be demolished.</p>
<b>Property Details</b>	
Municipal Address:	1600 Upper James Street.
Lot Area:	0.23 ha.
Servicing:	Existing full municipal services.
Existing Use:	Motor vehicle dealership.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).

**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 6 of 12**

<b>Documents</b>	
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:	“Community Node” on Schedule E – Urban Structure and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Mixed Use – Medium Density” with a Site Specific Policy Area to permit a maximum building height of 20 storeys. The Site Specific Policy also establishes that a minimum of three affordable rental units, as defined by the Urban Hamilton Official Plan, shall be required.
Zoning Existing:	Mixed Use Medium Density (C5) Zone.
Zoning Proposed:	A site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone.
Modifications Proposed:	<p>The following modifications are being proposed to Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> <li>• To increase the maximum building height from 22.0 metres to 65.0 metres;</li> <li>• To reduce the setback from the rear lot line from 7.5 metres to 2.0 metres;</li> <li>• To permit a building setback from the rear lot line of 12.5 metres for any portion of the building greater than 21.0 metres;</li> <li>• To permit a building setback from Upper James Street of 4.8 metres for any portion of the building greater than 21.0 metres;</li> <li>• To permit a building setback from Rymal Road West of 2.5 metres for any portion of the building greater than 21.0 metres; and,</li> <li>• To permit a requirement for 17 percent of units to be two or three bedroom units.</li> </ul> <p>A complete analysis of the proposed modifications is provided in Appendix “D” attached to Report PED24159.</p>
<b>Processing Details</b>	
Received:	April 10, 2024.

**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 7 of 12**

<b>Processing Details</b>	
Deemed Complete:	April 12, 2024.
Notice of Complete Application:	Sent to 17 property owners within 120 metres of the subject property on April 26, 2024. Sent to additional 260 addresses on May 10, 2024. Staff utilized a 300 metre buffer to ensure that all property owners that were notified of the public consultation session were notified of the complete application. The 300 metre buffer was determined to be appropriate through consultation with the Ward Councillor to ensure that residents who reside south of the subject property were notified.
Public Notice Sign:	Posted April 19, 2024, and updated with Public Meeting date September 17, 2024.
Notice of Public Meeting:	Sent to 17 property owners within 120 metres of the subject property as well as an additional 260 addresses on September 6, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24159.
Public Consultation:	<p>A Public Consultation meeting was held on February 5, 2024, at Barton Mount Hope Stone Church. A circulation radius of 300 metres was utilized, which is larger than the standard 120 metre radius. Invitations were sent to 260 property owners on January 23, 2024.</p> <p>Based on the summary provided by the applicant, see Appendix "H" attached to Report PED24159, approximately 30 individuals attended the meeting. Individuals expressed concern about parking, site access, impacts on flight paths, construction, building height, traffic, servicing, and garbage collection.</p> <p>The public consultation summary is included in Appendix "H" attached to Report PED24159.</p>
Public Comments:	One email from the public was received expressing concern about traffic. Written submissions are provided in Appendix "H" attached to Report PED24159.
Processing Time:	160 days from date of submission.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Motor Vehicle Dealership.	Mixed Use Medium Density (C5) Zone.
<b>Surrounding Lands:</b>		
North	Vehicle rental.	Mixed Use Medium Density (C5) Zone.
South	Gas station and carwash.	Mixed Use Medium Density (C5, 318) Zone.
East	Shopping centre.	Mixed Use Medium Density (C5, 318) Zone.
West	Shopping centre.	Mixed Use Medium Density (C5) 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) is provided in attached Appendix “F” to Report PED24159.

#### **Provincial Policy Statement (2020)**

The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located at the intersection of Upper James Street and Rymal Road West. The proposed development is located within a safe and convenient walking distance of several amenities including retail uses to the north along Upper James Street as well as along Rymal Road West. Hamilton Street Railway operated bus routes are located along both Upper James Street and Rymal Road West. In addition, Upper James Street and Rymal Road West have been identified as a rapid transit routes. William Connell Park, a citywide park, is located on the west side of West 5th Street. Corpus Christi Catholic Elementary School is located to the south on Upper James Street.



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Based on the foregoing, and subject to the Holding Provisions, the proposal is consistent with the Provincial Policy Statement (2020).

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

The subject site is located within a Settlement Area and within the delineated built boundary. The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and a vibrant public realm.

Based on the foregoing, and subject to the Holding Provisions, the proposal conforms 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 a “Community Node” on Schedule E – Urban Structure, designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The purpose of the Official Plan Amendment is to establish a Site Specific Policy Area in the Urban Hamilton Official Plan to increase the maximum permitted height from a maximum of six storeys to 20 storeys and to establish a minimum of three affordable rental units. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24159.

The proposed amendments can be supported as the proposed development will provide a range of housing types, a compact and efficient urban form, a vibrant public realm, and achieves the planned urban structure. Policies from both the “Community Node” area and “Mixed Use – Medium Density” designation promote the creation of people places and a strong pedestrian focus. The built form shall largely be medium and low rise, mixed use buildings. The “Mixed Use – Medium Density” designation establishes a maximum height of six storeys. Proposals to increase height to a maximum of 12 storeys, without amendment to the Urban Hamilton Official Plan, must demonstrate how the resulting development will promote the creation of a vibrant people place.

The proposed height of 20 storeys (65.0 metres) can be supported as the proposed development meets the criteria to permit height above six storeys. The proposed development contains a mix of unit size, does not have any adverse shadow impacts, provides stepbacks from adjacent streets to minimize the appearance of height as outlined in Appendix “F” attached to Report PED24099.

**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 10 of 12**

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Based on the foregoing, and subject to the Holding Provisions, the proposal complies with the Urban Hamilton Official Plan upon adoption of the proposed Official Plan Amendment.

**Mewburn Neighbourhood Plan**

The subject lands are located in the Mewburn Neighbourhood Plan, which is bound by Stone Church Road West to the north, Upper James Street to the east, Rymal Road West to the south, and West 5<sup>th</sup> Street to the west. The subject lands are designated “Commercial” in the Mewburn Neighbourhood Plan which permits general commercial uses.

There are three major goals which the Mewburn Neighbourhood Plan attempts to achieve, namely: neighbourhood self-sufficiency; efficient and attractive design; and a viable commercial area on Upper James Street. The proposal supports the major goals of the Mewburn Neighbourhood Plan.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H812) Zone. The applicant has requested site specific modifications to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) 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 and further discussed in Appendix “D” attached to Report PED24159.

**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 complies with the general intent and purpose of the Urban Hamilton Official Plan subject to the proposed Official Plan Amendment; and,
  - (iii) It is compatible with the existing development in the immediate area, and it represents good planning by, among other things, providing a range of housing types, compact and efficient urban form, vibrant public realm,

**SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) - Page 11 of 12**

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achieves the planned urban structure and supports developing a complete community.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to establish a Site Specific Policy Area in the Urban Hamilton Official Plan to increase the maximum permitted height from a maximum of six storeys to 20 storeys and to establish a minimum of three affordable rental units.

The Official Plan Amendment can be supported as the proposal supports the development of healthy, liveable, and safe communities. The proposed mixed-use development represents a compatible form of development. It will provide a greater range of housing types, compact and efficient urban form, vibrant public realm, and achieves the planned urban structure. The increased height is appropriate at this location as shadowing, privacy, and overlook impacts are not anticipated. The introduction of a stepback at the seventh floor will mitigate impacts to the streetscape. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in Appendix “F” attached to Report PED24159, staff supports the proposed Official Plan Amendment.

3. Mewburn Neighbourhood Plan

The subject lands are designated “Commercial” in the Mewburn Neighbourhood Plan, which permits general commercial uses. The proposal supports the major goals of the Mewburn Neighbourhood Plan. Based on the foregoing and the analysis provided in Appendix “F” attached to Report PED24159, an amendment to Mewburn Neighbourhood Plan is not required.

4. Zoning By-law Amendment

The subject lands are zoned Mixed Use Medium Density (C5) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone, as outlined in the Report Fact Sheet on page 6. Staff are satisfied that the proposal meets the intent of the “Community Node” area policies, the “Mixed Use – Medium Density” designation policies, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix “F” to Report PED24159.

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The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix "D" to Report PED24159.

Therefore, staff support the proposed Zoning By-law Amendment.

5. Holding Provisions

The proposed Zoning By-law Amendment includes a proposed Holding Provision (H182) which requires the Owner to: enter into an External Works Agreement for the design and construction of any public realm improvements to the adjacent municipal right-of-way; enter into a lease agreement with the City to provide three dwelling units, including one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit, at 20% of the market rate for the local area for a period of 15 years; submit an updated Wind Study; submit a revised Functional Servicing Report; submit a Watermain Hydraulic Analysis Report; and enter into an External Works Agreement for the design and construction of any required improvements to the municipal infrastructure. Upon completion of the conditions, the Holding Provision can be lifted.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject property can be used in accordance with the Mixed Use Medium Density (C5) Zone in City of Hamilton Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24159 – Location Map  
Appendix "B" to Report PED24159 – Amendment to Urban Hamilton Official Plan  
Appendix "C" to Report PED24159 – Amendment to Zoning By-law No. 05-200  
Appendix "D" to Report PED24159 – Zoning Modification Table  
Appendix "E" to Report PED24159 – Concept Plan  
Appendix "F" to Report PED24159 – Policy Review  
Appendix "G" to Report PED24159 – Staff and Agency Comments  
Appendix "H" to Report PED24159 – Public Comments

JC:sd