

Project No. 24209

September 16, 2024

Sent via e-mail to: clerk@hamilton.ca

Chair & Members of the Planning Committee
c/o Lisa Kelsey, Legislative Coordinator
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P4Y5

Dear Chair and Members of the Planning Committee,

**Re: *Item 10.1 of the September 17, 2024 Planning Committee
OPA/ZBA for 1600 Upper James Street (PED24159)***

We are the planning consultant to BJS Properties Inc. (“**BJS**”), the owner of 1588 Upper James Street, which is located immediately north of 1600 Upper James Street that is subject to an official plan amendment and rezoning applications (the “**Applications**”). The purpose of this letter is to make the Planning Committee aware of our concerns with the Applications.

LACK OF COLLABORATION AND TRANSPARENCY

We were first engaged by BJS on September 9, 2024 and we immediately reached out to the planning consultant (A. J. Clarke and Associates Ltd.) to the Applications, requesting information and the plans related to the Applications. Unfortunately, AJ Clarke and Associates informed us that the Owner/Applicant was not willing to share the architectural plans associated with the Applications. In our opinion, this demonstrates a complete lack of collaboration and transparency. It also does not demonstrate a willingness to city build with the community.

Also, the recent changes to the Planning Act have removed third party appeals for Official Plan Amendments and rezonings. These changes coupled with the Owner/Applicant’s unwillingness to share information about the project is frustrating, especially to neighbours immediately adjacent to such applications.

Ultimately, the City's Planning Staff provided the architectural plans, which we have reviewed. However, given the complexity of this file and the lack of ability to provide a fulsome review of the Applications, it is our opinion that the Planning Committee should defer the Applications to provide additional time for BJS and its consultant team to review the file in greater detail.

BUILDING SETBACK

The concept plan illustrates a 2 metre building setback to the north (shared) property line for the first six storeys of the building. The proposed building includes large windows on this face (the north façade) of the building setback 2 metres from the north (shared) lot line, which causes concerns. The proposed zoning by-law amendment, appended to the Staff Report, would also permit the proposed windows.

Our concern is that the proposed building and zoning would permit windows within 2 metres of the shared property line, which would restrict the redevelopment potential of BJS's property at 1588 Upper James Street. In our experience and as a matter of good urban design, an appropriate minimum separation distance is 11 metres for midrise buildings with windows.

If the applications are approved and the proposal is built as illustrated in the concept plan, it would restrict the redevelopment of BJS's property whereby the BJS property would need to provide a 9 metre setback in order to provide appropriate separation distances between windows.

In our opinion, the proposal and zoning by-law amendment should be revised to require that any portion of the building up to a height of 22 metres with windows should be setback a minimum of 5.5 metres from the north lot line abutting 1588 Upper James Street.

This would allow the proposal to be revised to either exclude the proposed windows within this portion of the building or pull the mid-rise portion of the building with windows to 5.5 metres.

OUR REQUEST

We respectfully request that the Planning Committee consider the following:

- 1. The deferral of the application to provide additional time to BJS and its consulting team to review the Applications and provide fulsome comments; and,**
- 2. the zoning by-law amendment be revised to require that any portion of the building up to a height of 22 metres with windows should be setback a minimum of 5.5 metres from the north lot line abutting 1588 Upper James Street.**

Thank you for the opportunity to provide comments on this application, we look forward to discussion these comments at the Planning Committee meeting on September 17, 2024.

Yours very truly,

Bousfields Inc.



David Falletta MCIP, RPP

cc. *M. Michniak, City of Hamilton*
Planning Committee
R. Ferrari, A. J. Clarke and Associates Ltd.
Client

/DF:jobs