




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

<b>TO:</b>	Mayor and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 5, 2024
<b>SUBJECT/REPORT NO:</b>	Transit Oriented Corridor Expansion -Redesignating and Rezoning of a Portion of Upper James Street Between the Lincoln M. Alexander Parkway and Twenty Road, to the “Mixed Use - Medium Density” Designation and Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone (PED24173) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mallory Smith (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report PED24173, the Draft Official Plan Amendment, and the Draft Zoning By-law Amendment, attached as Appendices “B” and “C” respectively, be received;
- (b) That the public submissions or the draft Official Plan Amendment and Zoning Amendment be received; and,
- (c) That Staff be directed to bring forward the Draft Official Plan Amendment and Draft Zoning By-law Amendment, incorporating any recommended changes based on submissions received at the statutory public meeting, in Q1 of 2025.

**EXECUTIVE SUMMARY**

On September 29, 2021, Council passed a motion to direct staff “to consider the re-designation and rezoning of lands designated Arterial Commercial on Upper James Street, as appropriate, through the next Urban Hamilton Official Plan and Zoning By-law (No.) 05-200 housekeeping amendments.”

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The “Arterial Commercial” designation of the Urban Hamilton Official Plan and Arterial Commercial (C7) Zone in Zoning By-law No. 05-200 currently applies to lands on Upper James Street between the Lincoln M. Alexander Parkway and Stone Church Road, and from Rymal Road to Twenty Road. The “Mixed Use - Medium Density” designation and Mixed Use Medium Density (C5) Zone are found along Upper James Street between Stone Church Road and Rymal Road.

The study area for the evaluation of designations and zoning consists of properties fronting onto Upper James Street between the Lincoln M. Alexander Parkway, south to the hydro corridor located south of Rymal Road, to provide for a comprehensive analysis of this portion of Upper James Street (see Appendix “A” to Report PED24173)

To address Council’s motion for Upper James Street and to initiate the evaluation of the expansion of Transit Oriented Corridor zoning to the BLAST transit network (introduced through Report PED23069 and discussed in the Historical Background section of this Report), staff are recommending the portion of Upper James Street currently designated “Arterial Commercial” be redesignated to “Mixed Use – Medium Density” and zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, in order to permit a range of commercial, retail and residential uses in a higher density, mixed use built form, supporting the Urban Hamilton Official Plan policy objectives for intensification and transit-supportive development.

The proposed Draft Official Plan Amendment will change the designation of the subject lands from the “Arterial Commercial” designation to the “Mixed Use – Medium Density” designation (see attached Appendix “B” to Report PED24173). The proposed Draft amendment to Zoning By-law No. 05-200 will change the zoning from the Mixed Use Medium Density (C5) Zone and Arterial Commercial (C7) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone (see Appendix “C” attached to Report PED24173). A special exception is proposed for properties with a legally established existing use that is not permitted in the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone. In addition to permitting existing uses, the special exception will also permit limited expansions of legally established existing uses, up to a maximum of 10% of the existing Gross Floor Area of the use.

A chart comparing permitted uses for the Mixed Use Medium Density (C5), Arterial Commercial (C7), and Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zones is attached as Appendix “D” to Report PED24173.

**Alternatives for Consideration – See Page 12**

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**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 Official Plan and Zoning By-law Amendments. Notice of the Amendments was posted in the Hamilton Spectator on October 17, 2024. Notice was mailed to all property owners affected by the Draft Official Plan Amendment and Draft Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

On September 29, 2021, Council passed a motion to direct staff “to consider the re-designation and rezoning of lands designated Arterial Commercial on Upper James Street, as appropriate, through the next Urban Hamilton Official Plan and Zoning By-law (No.) 05-200 housekeeping amendments.”

The evaluation of appropriate land uses and zoning permissions along Upper James Street is beyond the scope of a housekeeping amendment which is meant to address technical changes to the Official Plans and Zoning By-laws. Staff initiated a review of the zoning of properties fronting onto Upper James Street from the Lincoln M. Alexander Parkway south to the hydro corridor between Rymal Road and Twenty Road to provide for a comprehensive review of the corridor and application of zoning.

On June 8, 2022, Council approved Urban Hamilton Official Plan Amendment No. 167 to implement Council’s preferred growth option and amendments resulting from Phase One of the City’s Municipal Comprehensive Review. Official Plan Amendment No. 167 strengthened policies to facilitate residential intensification throughout the urban area, with an emphasis on intensification, redevelopment, and compact built form, and expanded criteria promoting transit-supportive development. A portion of the residential intensification is to be directed to arterial roads in the built-up area.

To implement these policy objectives of the Urban Hamilton Official Plan, in June 2023, Report PED23069 introduced two zoning initiatives to comprehensively evaluate opportunities for intensification within the urban area. Report PED23069 introduced Draft Mid Rise Residential Zones for consultation, which are intended to accommodate additional intensification and redevelopment opportunities along the City’s minor and major arterial roads, as well as proposed an expansion of the Transit Oriented Corridor

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Zones for the entirety of the BLAST network (Transit Oriented Corridor Expansion project), subject to further staff evaluation and recommended approach.

To address Council’s motion for Upper James Street and to initiate the expansion of the Transit Oriented Corridor Zones to the BLAST network, staff are recommending a redesignation to “Mixed Use Medium Density” and expansion of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to this portion of Upper James Street. The evaluation of the remainder of Upper James Street will occur as part of the Transit Oriented Corridor Expansion project, and a Secondary Plan review of the A-Line Community Node.

## **Existing Land Use Designations and Zones**

### **1.0 Arterial Commercial Designation (Urban Hamilton Official Plan)**

As illustrated on Schedule “E-1” - Urban Land Use Designations, to the Urban Hamilton Official Plan, the “Arterial Commercial” designation applies to Upper James Street between the Lincoln M. Alexander Parkway to the north and Stone Church Road to the south, and between Rymal Road to the north, and Twenty Road to the south. The “Arterial Commercial” designation is also applied on Rymal Road between Trinity Church Road and Upper Ottawa Street, as well as on Barton Street between Centennial Parkway and Parkdale Avenue, and on Upper Centennial between Highland Road and Green Mountain Road.

The “Arterial Commercial” designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations. The designation primarily permits commercial uses, automotive related uses, and a limited range of land intensive retail uses such as home improvement supply stores.

### **1.1 “Mixed Use - Medium Density” Designation**

The “Mixed Use – Medium Density” designation is found within the Community Nodes, Urban Corridors, and Neighbourhood elements of the Urban Structure. The intent of the “Mixed Use – Medium Density” designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the traditional mixed use main streets in the City (outside of the Downtown Mixed Use area), as well as other

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large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Increasing the number of people who work and live within the area designated “Mixed Use – Medium Density” will also contribute to the planned function of the area as a people place. The “Mixed Use - Medium Density” designation is currently applied along Upper James Street including between Stone Church Road and Rymal Road, and north of the Lincoln M. Alexander Parkway.

**1.2 Commercial and Mixed Use Zones (Zoning By-law No. 05-200)**

When the Commercial and Mixed Use Zones were created, they focused on future built form, acknowledged emerging trends, and created more consistency in zoning across the urban area. The Mixed Use Medium Density (C5) Zone was applied to Upper James Street to provide for new investment and/or development opportunities, to remove regulatory barriers by permitting a greater range of uses, to support appropriate intensification, and to contribute to city building. The Mixed Use Medium Density (C5) Zone is generally applied to Upper James Street between Stone Church Road and Rymal Road.

The Arterial Commercial (C7) Zone permits uses that require large sites to accommodate large buildings and outside storage. Permitted uses include quasi-industrial uses (e.g., building, and lumber supply stores, self-storage, equipment rentals) which are generally accessed by car. The Arterial Commercial (C7) Zone is applied to Upper James Street between the Lincoln M. Alexander Parkway and Stone Church Road, and between Rymal Road and Twenty Road.

When the Commercial and Mixed Use Zones were introduced, Special Exception No. 318 was created and applied to certain lands zoned Mixed Use Medium Density (C5) Zone to recognize specific arterial commercial uses which were not permitted as-of-right in the Mixed Use Medium Density (C5) Zone but for which it was determined there was merit in recognizing. Special Exception No. 318 currently applies to many of the properties on the east side of Upper James Street between Stone Church Road and Rymal Road. In addition to the permitted uses of the Mixed Use Medium Density (C5) Zone, Special Exception No. 318 permits:

- i) Commercial Motor Vehicle Sales, Rental and Service Establishment;
- ii) Equipment and Machinery Sales, Rental and Service Establishment;
- iii) Garden Centre;
- iv) Major Recreational Equipment Sales, Rental and Service Establishment;
- v) Motor Vehicle Dealership;

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- vi) Motor Vehicle Rental Establishment;
- vii) Surveying, Engineering, Planning or Design Business; and,
- viii) Warehouse.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Planning Policy**

#### **1.1 Provincial Planning Statement 2024**

On August 20, 2024, the Ontario government released the Provincial Planning Statement, 2024, introducing fundamental changes in how growth planning is carried out in the Province. The Provincial Planning Statement, 2024 came into effect on October 20, 2024 and applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after that date.

The new Provincial Planning Statement continues the Ontario government’s focus in recent years on building more homes and replaces the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the Growth Plan).

The Growth Plan contained specific intensification targets which required municipalities to plan for a certain amount of growth within defined built boundaries. The Provincial Planning Statement, 2024 supports intensification in general and requires planning authorities to establish and maintain minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The proposed expansion of the “Mixed Use – Medium Density” designation along Upper James Street implements the following policies of the Provincial Planning Statement, 2024:

- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation (Policy 2.2.1 c));
- Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (Policy 2.2.1 d));
- Supporting general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing

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- options and prioritizing planning and investment in the necessary infrastructure and public service facilities (Policy 2.3.1.3); and,
- Promoting intensification on lands that are adjacent and planned frequent transit corridors, where appropriate (Policy 2.4.3).

Based on the foregoing, the inclusion of lands on Upper James Street in the “Mixed Use – Medium Density” designation is consistent with the Provincial Planning Statement, 2024.

## **2.0 Urban Hamilton Official Plan**

Upper James Street is identified as a Primary Corridor on Schedule “E” - Urban Structure in the Urban Hamilton Official Plan. The Urban Hamilton Official Plan prescribes that the built form along the Urban Corridors shall generally consist of low to mid rise forms but will vary along the length of the corridors with some areas permitted to accommodate high rise built form. The Primary Corridors shall have a greater proportion of the corridor length composed of retail and mixed land use forms and be served by higher order of transit service. Additionally, Upper James Street between Stone Church Road south to the hydro corridor is identified as a Community Node on Schedule “E” – Urban Structure and designated “Arterial Commercial” on Schedule “E-1” – Urban Land Use Designations. Lands between the Lincoln M. Alexander Parkway and Stone Church Road, and Rymal Road to Twenty Road are designated “Arterial Commercial”.

The expansion of Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone implements the policies of the Urban Hamilton Official Plan. The Urban Hamilton Official Plan provides that Urban Systems shall accommodate growth through the development of compact, mixed use urban environments that support existing or planned transit. The Urban Hamilton Official Plan also provides that Community Nodes are focal points to a number of neighbourhoods and should provide a wide range of mixed uses and function as vibrant, mixed use areas containing a range of housing opportunities, and shall be linked to high order transit. The Urban Hamilton Official Plan identifies Upper James Street between Stone Church Road and the hydro corridor south of Rymal Road as a Community Node on Schedule “E” - Urban Structure.

The Urban Hamilton Official Plan identifies intensification in the built-up area as one means to meet future population growth. Policy E 2.1 directs a portion of the intensification to arterial roads in the built-up area as a means of managing growth to support a strong competitive economy; making more efficient and effective use of infrastructure and public service facilities; conserving and promoting cultural heritage

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resources; protecting and enhancing our natural resources including land, air, and water; and planning for more resilient communities and infrastructure.

The Urban Hamilton Official Plan also prescribes that corridors along the entire BLAST network shall be supported by transit-oriented communities and the City shall encourage higher density development on all higher order transit corridors.

The Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone achieves the policies in the Urban Hamilton Official Plan by permitting additional opportunities for a denser built form along the Upper James Street Primary Corridor. This built form supports transit, provides infill opportunities, and more efficiently utilizes existing infrastructure and services.

Further, the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone implement the policies of the “Mixed Use – Medium Density” Designation by:

- permitting a range of service commercial, retail, office, restaurant, and residential uses;
- prohibiting motor vehicle related uses;
- establishing minimum and maximum setbacks from a street;
- creating design standards to focus on pedestrian access to developments;
- restricting parking locations to the rear of lots; and,
- implementing regulations for building height that are consistent with the built form policies of the designation.

### **3.0 City Wide Corridor Planning Principles and Design Guidelines**

The City-Wide Corridor Planning Principles and Design Guidelines provide planning and design directions for corridors in the City of Hamilton. Corridors link nodes and important areas of activity within the City and are intended to be key locations for residential intensification. The City’s corridors provide a significant opportunity for creating vibrant pedestrian and transit-oriented places through investment in hard and soft infrastructure, residential intensification, infill, and redevelopment.

The redesignation of lands from the “Arterial Commercial” to “Mixed Use - Medium Density” designation implements the vision set out in the Urban Hamilton Official Plan by transitioning the corridor from a heavily motor vehicle dependent and parking focused corridor to a transit-oriented corridor that prioritizes pedestrians.



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To facilitate the transition and avoid hardship, a special exception will carry forward existing arterial commercial uses.

The Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone implements the policies in the City Wide Corridor Planning Principles and Design Guidelines through the pedestrian oriented, mixed use nature of the zones. Based on the aforementioned, the expansion of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone on the subject lands is consistent with the Guidelines.

### **RELEVANT CONSULTATION**

Staff within the Planning and Building Divisions were consulted throughout the process as policies and zones were evaluated and to identify any interpretation or implementation issues. Development Planning staff were consulted on active *Planning Act* applications.

Staff will consider any comments received through the statutory public meeting of the November 5, 2024 Planning Committee and report back to Planning Committee with the Draft Official Plan Amendment and Draft Zoning By-law Amendment for approval in Q1 of 2025.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

#### **1.0 Official Plan Amendment**

The proposed Draft Official Plan Amendment (attached as Appendix “B” to Report PED24173), will redesignate lands on Upper James Street from “Arterial Commercial” to “Mixed Use Medium Density”.

The “Arterial Commercial” designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations. In contrast, the intent of the “Mixed Use Medium Density” designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the traditional mixed use main streets in the City (outside of the Downtown Mixed Use area), as well as other large commercial areas which serve the surrounding community or a series of

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neighbourhoods, and which are intended to evolve and intensify into mixed use, pedestrian oriented areas.

The Urban Hamilton Official Plan Policy F 1.12 speaks to existing, non-complying, and non-conforming uses in areas of transition. As per Policy F 1.12.8 the Zoning By-law may recognize existing uses that do not comply to the new zoning provided that it meets a number of criteria. Further, Policy F 1.12.9 permits the expansion or enlargement of non-complying uses provided they maintain the intent and purpose of the Official Plan and Zoning By-law. The new special exception proposed, complies with the criteria of Policy F 1.12.8 and establishes a maximum expansion of the gross floor area. This approach has been used in other zones, as described in Section 2.2 of this Report.

## **2.0 Zoning By-law Amendment**

### **2.1 Expansion of Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone**

The Draft Zoning By-law Amendment (attached as Appendix “C” to Report PED24173) proposes to change the zoning on the lands on Upper James Street from the Mixed Use Medium Density (C5) Zone and Arterial Commercial (C7) Zone, to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.

The Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone is located along collector and arterial roads that function as higher order transit corridors. The Zone provides for a mixture of service commercial, retail, and residential uses in stand-alone or mixed use buildings. The intent of the built form requirements is to create complete streets that are transit supportive and will provide for active, pedestrian oriented streets. The proposed Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone for Upper James Street implements the policy direction of the Urban Hamilton Official Plan, as strengthened through Official Plan Amendment No. 167, to direct intensification along Urban Corridors like Upper James Street, promote transit supportive development, and more efficiently utilize existing infrastructure and services. The proposed Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone reflects the land use goals of the Urban Hamilton Official Plan and more broadly, Council’s commitment to a no urban boundary expansion growth strategy.

### **2.2 Special Exceptions**

A comprehensive review and evaluation of all special exceptions applicable to the subject lands is found as Appendix “E” attached to Report PED24173. Each site-specific exception was evaluated against the Transit Oriented Corridor Mixed Use

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Medium Density (TOC1) Zone permissions, with criteria established to apply a consistent rationale to evaluate whether site-specific permissions should be carried forward. Where an existing special exception added additional use permissions or amended provisions of the parent zone, they were compared against the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone permissions. The evaluation criteria included appropriateness of the special exception for a mixed use, pedestrian focused higher order transit corridor, ground truthing i.e., since the introduction of the special exception, had a building permit been issued to develop in accordance with the regulations of the special exception, and whether the special exception could be captured by the vacuum clause which recognizes the location of existing buildings and structures on a lot. For uses permitted as-of-right through the existing parent zone but not permitted in the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, a new special exception is proposed to permit legally established existing uses and to allow the use to expand to a maximum of 10% of the existing Gross Floor Area of the use. This approach has been used to manage the change and transition in other areas. A similar special exception was applied for some of the Commercial Mixed Use Zones, and the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Centennial Neighbourhood Secondary Plan. A new special exception will be applied to permit legally established uses.

### **3.0 Current Development Applications**

Staff will continue to review active Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications deemed complete and in process, as well as check for any active appeals to the Ontario Land Tribunal. In process and recently approved Committee of Adjustment applications will also be reviewed for applicability to the subject lands. The lands subject to active development applications will be left out of this amendment so as not to interfere with the advancement of the applications. The applicable properties will be evaluated as part of Phase Two of the Transit Oriented Corridor Expansion project.

#### **Next Steps**

Following the public meeting of Planning Committee, staff will consider any comments received and report back to Planning Committee in Q1 of 2025 with a recommendation and implementing Zoning By-law and Official Plan amendments.

As discussed earlier, Report PED23069 directed staff to proceed with the evaluation of expanding the Transit Oriented Corridor Zones to the BLAST transit network, to undertake public engagement, and to report back on a preferred approach. As this

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project continues, the BLAST network arterial roads will be evaluated on a case-by-case basis to provide context for the most appropriate Transit Oriented Corridor Zone application.

Planning staff from the Sustainable Communities section will be undertaking a Local Objectives Review of the Rural Hamilton and Urban Hamilton Official Plans. The Local Objectives Review will look at refining the intensification policies to provide greater clarity on medium and high density redevelopment along nodes and corridors and within the “Neighbourhoods” Designation. Staff will evaluate the TOC Zone expansion in consultation with this work.

As part of the next phase of work, the existing regulations of the Transit Oriented Corridor Zones will be reviewed to ensure the policies of the Urban Hamilton Official Plan are implemented through these zones, reflecting the change in permissions established through Official Plan Amendment No. 167 to support the stronger intensification objectives of the Plan.

#### **ALTERNATIVES FOR CONSIDERATION**

Council may choose not to support the redesignation and rezoning of the subject lands. In this case, the existing “Arterial Commercial” Designation and Commercial Mixed Use zoning will remain in effect.

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24173 – Location Map  
Appendix “B” to Report PED24173 – Draft Official Plan Amendment  
Appendix “C” to Report PED24173 – Draft Zoning By-law Amendment  
Appendix “D” to Report PED24173 – Comparison of Permitted Uses  
Appendix “E” to Report PED24173 – Evaluation of Existing Special Exceptions

MS/mb