

November 4, 2024

File No. 24016

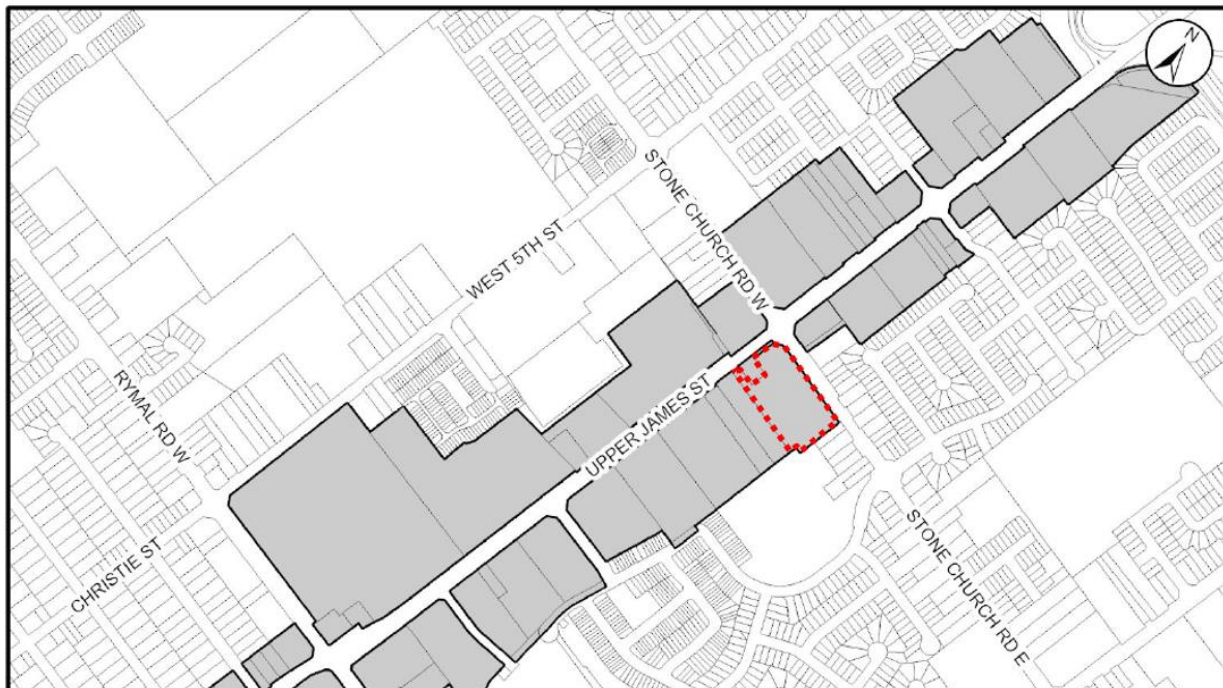
Councillor C.Cassar, Chair and Members of the Planning Committee
City Hall
71 Main Street West
Hamilton ON

**Re: Planning Committee Meeting # 24-016
Item 10.1 - Transit Oriented Corridor Expansion – Redesignating and rezoning of a Portion of Upper James Street Between the Lincoln M, Alexander Parkway and Twenty Road, the Mixed Use-Medium Density” Designation and Transit Oriented Corridor Mixed Use
1355 and 1375 Upper James Street**

Dear Councillor Cassar and members of the Planning Committee

GSP Group represents the owners of the above-noted lands known municipally as 1355 and 1375 Upper James Street (the “Site”) located at the southeast corner of Upper James Street and Stone Church Road East. The Site is currently zoned C5, 724 and permits an 8-storey building at the corner, and a 4-storey building on the eastern half of the Site for 2 multiple dwellings. The image below, taken from Appendix A to Report PED24173 (“Staff Report”) highlights the location of the site with a red dotted line:

Appendix "A" to Report PED24173
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PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

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As per the Staff Report dated November 5, 2024, we understand that in order “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 purpose of this correspondence is to request that our lands (the Site) be rezoned to the TOC1 Zone at this time as well. The reason for the inclusion of these lands at this time is as follows:

1. The Site is located within the Study Area illustrated in Appendix A;
2. The Site is no different than other properties fronting Upper James Street that are proposed to be zoned to the TOC1 zone and are already designated Mixed Use - Medium Density;
3. The adjacent lands to the west (1367 Upper James), north (north side of Stone Church Road), and south (1379 Upper James) are to be rezoned TOC1 and will be subject to the City’s new parking regulations. Except for height, the TOC1 Zone will afford these properties greater development rights than the Site.
4. The justification to NOT include the Site from the housekeeping amendment noted in Appendix E and reproduced below is not sufficient to exclude the lands.

Address	Existing Special Exception	Description	Action	Proposed Zoning
1355 & 1375 Upper James Street	C5, 724	Specific parking requirements, restricted uses, setback provisions	No change in zoning proposed. The site specific C5 Zone will be maintained to not interfere with a recent formal consultation	C5, 724

The specific parking regulations noted in the third column do not comply with the City’s new parking regulations for Parking Rate Area 1 (i.e., they are more restrictive); and the restricted uses are more restrictive than those permitted in the TOC1 Zone. The uses permitted in the C5,724 Zone are more restrictive than the TOC1 Zone. The setback provisions of the TOC1 zone are appropriate and supported for the Site. Except for height, the TOC1 Zone provides greater flexibility and development rights afforded to the other properties under consideration along Upper James Street.

5. The pre-consultation application was submitted in 2023 and updated in 2024. Planning Staff have requested the applicant to rezone the lands from C5, 724 to TOC1 as a part of a future ZBA application. The City initiated rezoning of the Site to a TOC1 zone will result in less planning justification required for future modifications to the Zoning by-law.
6. No changes to the draft OPA within the Staff Report are required.
7. An amendment to Zoning Schedule "A2" found on page 7 of 8 of Appendix "C" is required to include the Site. The only site-specific provisions required to address previous site-specific zoning approvals in the C5, 724 zone are as follows:
 - a) Recognize Stone Church Road as the front lot line;
 - b) Permit a maximum height of 35m on the western half of the Site (Regulations 11.1.3 d) ii); and
 - c) Permit 2 driveways to access the site, one from Upper James Street and one from Stone Church Road East (Regulations 11.1.3 g) v)).
8. Properties with site-specific requirements have been included in the Staff Report.

Thank you for the opportunity to provide input and comments related to the draft documents before the Committee. We would be pleased to meet with City staff to further discuss the proposed amendment to ensure that our Site is included in the planning instruments to be brought before the Committee in Q1, 2025.

Sincerely,
GSP Group Inc.



Brenda Khes, MCIP, RPP
Principal Planner