SUBJECT: City Initiative for a Change in Zoning for Lands Located at the Rear of 1717 Upper James Street (Hamilton) (PED07137) (Ward 7)

RECOMMENDATION:

That approval be given to City Initiative CI-06-A, City of Hamilton, Owner, for a change in zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified, to permit a range of commercial uses, excluding massage parlours, restaurants, hotels, automobile service stations and automobile sales, for lands located at the rear of 1717 Upper James Street, as shown on Appendix “A” to Report PED07137, on the following basis:

(a) That the subject lands be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified.

(b) That the draft By-law, attached as Appendix “B” to Report PED07137, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
**EXECUTIVE SUMMARY:**

The purpose of this City Initiative for a Zoning By-law Amendment is to permit the lands as shown on Appendix “A” to be used for a range of commercial uses, exclusive of restaurants, hotels, automobile service stations, automobile sales and massage parlours. The rezoning will facilitate the sale and assembly of these lands with the lands to the south or west. Included in the proposed zoning are modifications to ensure compatibility of the commercial uses with the adjacent residential properties.

This City Initiative has merit and can be supported as it is consistent with the policies of the Provincial Policy Statement and the Places to Grow Plan and it conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

**BACKGROUND:**

**Proposal**

The subject lands are located east of Upper James Street, north of Alderson Avenue, south of Rymal Road East and west of Aldercress Avenue, as shown on Appendix “A”. The lands are vacant.

The purpose of this initiative is to change the “B” (Suburban Agriculture and Residential, etc.) District zoning to the “HH” (Restricted Community Shopping and Commercial) District, Modified. This would permit the subject lands to be used for a range of commercial uses, exclusive of restaurants, hotels, automobile service stations, automobile sales and massage parlours. The proposed zoning excludes these five uses from the “HH” (Restricted Community Shopping and Commercial) District standards to ensure compatibility.

Modifications are proposed in the zoning that will require a minimum 12 metre wide planting strip and berm along the east lot line, whereas the “HH” (Restricted Community Shopping and Commercial) District standards require a minimum 1.5 metre wide planting strip. Along the northern boundary of the property, a modification is also proposed to require a minimum 3 metre wide planting strip and a 1.8 metre to 2.0 metre high privacy fence, whereas the “HH” (Restricted Community Shopping and Commercial) District standards require a minimum 1.5 metre wide planting strip. Lastly, a modification is proposed to prohibit outdoor speakers.

The former City of Hamilton purchased the subject lands in 1963 for a stub street off Upper James Street (called McClary Street). Since the time of acquisition of the subject lands it has been determined that this street is no longer required.

After the lands have been sold and assembled with lands to the west or south, it is expected that a future private initiated application will be submitted to address the future zoning of the lands to the west or south.
Details of Submitted Application

Owner/Applicant: City of Hamilton.

Property Size

<table>
<thead>
<tr>
<th>Width</th>
<th>Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.726 metres (68 feet)</td>
<td>106.016 metres (347.89 feet)</td>
<td>0.22 hectares (0.54 acres)</td>
</tr>
</tbody>
</table>

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential (single detached dwellings)</td>
<td>“B” (Suburban Agriculture and Residential, etc.) District</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>“B” (Suburban Agriculture and Residential, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Residential (single detached dwellings)</td>
<td>“B” (Suburban Agriculture and Residential, etc.) District</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>“B” (Suburban Agriculture and Residential, etc.) District</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. This City Initiative for a Zoning By-law Amendment has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and the Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

   (ii) It will allow development compatible with existing and planned uses in the surrounding neighbourhood and allows appropriate infill uses.

   (iii) It will facilitate the sale of the site and its consolidation with neighbouring lands which front onto a major arterial road.
2. The rezoning will permit the subject lands to be used for a range of commercial uses, exclusive of restaurants, hotels, automobile service stations, automobile sales and massage parlours. This is consistent with the “Commercial” policies in the City of Hamilton Official Plan which provides for highway commercial uses to locate along Upper James Street. The proposed uses should have a minimal impact on the neighbouring residential properties to the north and east.

3. A modification is proposed in the zoning that will require a minimum 12 metre wide planting strip, including a berm, along the eastern edge of the subject lands. This is the same zoning provision which applies to lands to the south at 1731 to 1745 Upper James Street. Along the northern boundary of the property a modification is proposed to require a minimum 3 metre wide planting strip and a privacy fence, 1.8 to 2.0 metres high. The “HH” (Restricted Community Shopping and Commercial) District standard provisions require a minimum 1.5 metre wide planting strip along all lots lines abutting a residential district. The increased buffers will mitigate some adverse impacts from the subject lands on abutting residential lands. A further modification prohibits outdoor speakers. Additional issues including the type of vegetation within the planting strips will be addressed through the site plan approval process once a comprehensive development proposal is submitted for the adjoining and subject lands.

4. In response to the pre-circulation, staff received seven written comments via e-mail and letters, one petition and five phone calls on this initiative from surrounding property owners. The residents raised concerns about impacts from noise and lighting, further development on the subject lands, the proposed uses (i.e. car dealerships) and adequate buffering. Staff is proposing to limit the proposed uses for the lands, include landscape buffers (one with a berm), and prohibit outdoor speakers to address these concerns. A lighting plan will be required through the site plan process to address the impacts of lighting on neighbouring properties. Residents did not wish to see any access from the subject lands onto Bartlett Avenue. A 0.3 metre wide reserve exists at the point where Bartlett Avenue and the subject lands intersect, preventing access to Bartlett Avenue. Further, through the site plan process, the required privacy fence and the planting strip will prevent access to Bartlett Avenue. Any commercial development of the subject lands and access to the property will be oriented to Upper James Street. Some residents voiced support for the application.

5. The property is adequately serviced by municipal sewers and water. Storm water management plans will be required at the site plan approval stage.

6. The lands will be developed in conjunction with neighbouring lands and the proposal will create further land consolidation along Upper James Street. No building permit can be issued until the site is assembled with adjacent lands fronting a public street.
ALTERNATIVES FOR CONSIDERATION:

Should the initiative be denied, then the lands may only be used in accordance with the “B” (Suburban Agriculture and Residential, etc.) District provisions. The lands would need to be assembled with adjacent lands to have frontage on a municipal road for development.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: The net proceeds of the sale of the subject lands will be directed towards the City’s Property Reserve.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Places to Grow Plan

Section 2.2.2 contains policies that indicate growth should be directed to areas where municipal water and wastewater systems are available and where transit is available. The proposal is consistent with the Places to Grow Plan as development of these lands will be serviced by municipal water and sewer services and the lands are located in proximity to Upper James Street where transit is available.

Provincial Policy Statement

The application is consistent with the policies that focus growth in settlement areas as found in Section 1.1.3.1. The proposed amendment encourages the efficient use of existing services and commercial uses along a major arterial road. The proposal is consistent with the Provincial Policy Statement (PPS).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas. As such, the application is consistent with the Regional Official Plan.

City of Hamilton Official Plan

The subject property is designated “Commercial” on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan. The lands are also identified as “Special Policy
Area 31" on Schedule “B” to the City of Hamilton Official Plan. The following policies, among others, of the City of Hamilton Official Plan are applicable:

“A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectares designated on Schedule “A” as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) “Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,

ii) Large scaled “Highway” Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;”

A.2.9.3.26 In keeping with the provisions of Subsection 2.2 – Commercial Uses, for those lands shown on Schedule “B” as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated “Commercial” on Schedule “A" the following will apply:

i) The Upper James Street frontage is recognized as a highway oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

iv) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping.”
The lands immediately south of the subject lands are also subject to the following:

“A.2.9.3.26 ii) d) in AREA 31d, notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands known municipally as 1719 – 1755 Upper James Street and shown on Schedule “B” as SPECIAL POLICY AREA 31d, restaurant uses and hotels will not be permitted. To minimize impacts of future commercial development on existing residential uses to the east of the subject lands, a 12 metre buffer area will be established along the eastern edge of the subject lands which will include berms and fencing. Vehicular access to the commercial properties from Bartlett will be prohibited.”

The proposal complies with the general intent of the Official Plan in that it provides highway-oriented commercial development along the Upper James Street corridor with appropriate provisions to ensure compatibility with adjacent residential uses. The proposed zoning for the lands incorporates a 12 metre wide planting strip and berm along the eastern edge of the lands and restricts the uses to eliminate restaurants, hotels, automobile service stations, automobile sales and massage parlours. The proposed zoning also requires a minimum 3.0 metre wide planting strip and privacy fence along the north limit of the site. Outdoor speakers are prohibited. Vehicular access will be prohibited from Bartlett Avenue as a 0.3 metre wide reserve exists at the southern edge of Bartlett Avenue.

**Allison Neighbourhood Plan**

The lands are designated in the Allison Neighbourhood Plan as “Highway Commercial”. This City initiative complies with the Neighbourhood Plan.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Public Works Department, Capital Planning and Implementation Division.
- Public Works Department, Open Space and Park Planning Section.
- Public Works Department, Forestry Section.
- Corporate Services Department.
- Hamilton Municipal Parking System, Downtown Renewal Division.
- Hamilton-Wentworth District School Board.
- Union Gas.
- Horizon Utilities Corporation.
- Hamilton Street Railway.
Traffic Engineering and Operations Section, Public Works Department

Traffic staff has indicated that access to the subject lands must be provided from Upper James Street and not Bartlett Avenue or McClary Avenue.

Staff has also advised that Upper James Street is a controlled access roadway. The subject lands should be developed in conjunction with adjacent lands to the south and/or west to reduce commercial access points on properties with limited frontage to Upper James Street.

PUBLIC CONSULTATION:

In keeping with the Public Participation Policy that was approved by Council on May 29, 2003, pre-circulation of this City Initiative was circulated to property owners within 120 metres of the lands and a sign was posted on the site. Five telephone calls and seven written comments and a petition were received and are included in Appendix “C”. The concerns are discussed in the Analysis/Rationale Section of this report. Notice of the public meeting will be given in accordance with the requirements under the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:DS
Attachs. (3)
Rear of 1717 Upper James Street

Change in Zoning from “B” (Suburban Agriculture and Residential, etc.) District to “HH” (Restricted Community Shopping and Commercial) District, Modified
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593
Respecting Lands Located at the rear of 1717 Upper James Street

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section [section number] of Report of the Economic Development and Planning Committee at its meeting held on the day of [date], 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. Sheet No. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH/S-1577” (Restricted Community Shopping and Commercial) District, Modified, the lands, the extent and boundaries of which are shown on the map hereto annexed as Schedule “A”.

2. That the “HH” (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands described in Section 1 of this By-law, are modified to the extent only of the following special requirements:

   (a) That notwithstanding Subsections 14A (1) (b), (c), (ca) and (cd) of By-law No. 6593, the following uses and accessory uses thereto shall be prohibited:
   - Restaurant;
   - Hotel;
   - Massage Parlour;
   - Automobile service station; and,
   - Automobile sales.

   (b) That notwithstanding Section 14A (7) (a) of Zoning By-law No. 6593, a minimum 12 metre wide landscape planting strip incorporating a berm shall be provided and maintained along the east lot line.

   (c) That notwithstanding Section 14A (7) (a) of Zoning By-law No. 6593, a planting strip of not less than 3.0 metres in width and a privacy fence not less than 1.8 metres and not greater than 2.0 metres in height, shall be provided and maintained along the northerly lot line.

   (d) Outdoor speakers shall be prohibited.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “HH” (Restricted Community Shopping and Commercial) District provisions, subject to the special requirements referred to in Section 2 of this by-law.

4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1577.

5. Sheet No. E-9e of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1577.
6. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this [date] day of [date], 2007.

______________________________________  ______________________________________
Fred Eisenberger                          Kevin Christensen
Mayor                                    City Clerk

CI-06-A
This is Schedule "A" to By-Law No. 06—

Passed the .................. day of .................., 2006

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 06—
to Amend By-Law No. 6593

Subject Property
Parts 3, 4, 5 and 6

Scale: Not to Scale

File Name/Number: C1-06-A

Date: January 23, 2006

Planner/Technician: DS/NB

T&C File Name:
From: Lee-Morrison, Christine  
Sent: Wednesday, August 02, 2006 1:25 PM  
To: Samis, David  
Subject: CI-06-A 1717 Upper James  

David,

Just a question on this rezoning, as a resident of the area. Will vehicular access be prohibited from Bartlett and restricted to Upper James only?

Christine Lee-Morrison
Dear Sir / Madam:

I am a resident of the affected area of this proposed change, living at 3 Bartlett Ave. I chose to buy in this area for the character of the neighbourhood, the spaciousness and the peace and quiet. I find it extremely alarming that the city and other developers have bombarded us of late with proposed changes to zoning, and in this case property that was never intended to be used for building purposes, all for the sake of a quick buck. This property in this proposal is adjacent to Bartlett ave, a quiet dead end street. We have already seen the previous car lot developments in the area erect 40 foot light standards that now shine brightly into the neighbourhood windows all night long. We have seen the 40 foot burms that were supposed to be erected fall far short of the promised elevation. We have also heard the quiet non intrusive new comers conduct their business over loud speaker systems and the soothing sounds of air impact guns as we try to enjoy our free time in our backyards. In short the changes of late have in no way benefited any taxpayer in this neck of the woods. We have been promised on several occasions that nothing would be built on this land and it would serve as a buffer for the residential areas. With the current proposition the affected area would be along 2 residential properties on Bartlett (lots 20 and 15) over their entire depth of 200 feet each. To say this is intrusive is an understatement. We are long time taxpayers and have roots in this community. I loved this area so much that I purchased my childhood home back, so that I could give my kids what I had, space, safety, and a sense of community. Please employ common sense and leave things alone, we don’t need or want urban upgrades of this kind.

Yours;

Brad McMaster
3 Bartlett Ave
Hamilton, ON L9B-1L1
905 961-0877

P.S. please keep me apprised of the details of this case as it moves forward by e-mail or mail. Thank you
From: Bill and Dale Carey  
Sent: Monday, August 21, 2006 2:27 PM  
To: Samis, David  
Subject: Proposed re-zoning (File C1-06-A)

Hello Mr. Samis:  
As per our discussion, the proposed re-zoning (File C1-06-A) would not be acceptable. The re-zoning of a property that has no present access will, undoubtedly, lead to future unacceptable application for access form Bartlett Ave or Aldercrest Ave. Commercial traffic through our neighbourhood is not an option.

We do not need these continuous battles to preserve our residential neighbourhood.

The property in question should remain as a permanent buffer between our neighbourhood and the commercial development now taking place south and west of us - off Upper James Street.

Thank you.

Mr. and Mrs. W. J. Carey  
48 Allison Crescent  
Hamilton ON L9B 1E3  
905-574-7498
Further to the notification of July 31/06 re 1717 Upper James Street I wish to make the following comment. Re-Zoning and commercial development of this parcel, currently a right-of-way known as McClary, appears to be consistent with earlier zoning changes and development that has already occurred in this area. Actual development of the area in question will be a matter of further concern. HH, restricted community shopping, may include potential development that is not acceptable directly adjacent to an established residential area.

Of immediate concern is the matter of access to this parcel of land. Vehicle and/or pedestrian access must not be permitted by way of Bartlett Ave. or through the existing McClary right-of-way to Aldercrest Ave.

W. Douglas Keys
45 Allison Cres.
PETITION

DATE: August 21, 2006 Via Fax (905) 546-4202 & Regular Mail

TO: David Samis
City of Hamilton
Planning & Economic Development Department
Development and Real Estate Division
City Hall, 71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5

RE: CITY INITIATIVE CI-06-A
1717 Upper James Street (Hamilton), Ward 7

We, the undersigned residents of Bartlett Avenue, Hamilton, strongly oppose the application to amend the City of Hamilton Zoning By-law from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, with respect to the commercial use of the strip of surplus land; which belongs to the City of Hamilton; and which is located north of 1719 Upper James Street; east of 1717 Upper James Street and south of numbers 15 and 20 Bartlett Avenue.

We believe the proposed amendment will degrade, or destroy the unique character of our neighbourhood. Our neighbourhood is spacious, green and airy, in part, due to the unusually large lots (1/4 to ½ acre per lot) on our tiny street of 6 houses. We have families with children who like to play outdoors throughout the year. At the same time, we have a number of older residents who enjoy the peace and order of working in their gardens and up-grading their homes. We tend to come together during outdoor activities, like walking the dog or shoveling snow. Any commercial development of the surplus city property cited above would have a disproportionately negative impact on a neighbourhood as small, and close-knit as ours.

We already suffer the adverse impact of two motor vehicle dealerships which lay to the north and south of our street, or “book-end” it with extremely bright lights at night and with loud noise all day, as employees are paged over an intercom. Needless to say, these commercial developments are extremely intrusive and disrupt our peace and enjoyment of our properties, and our neighbourhood.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Riedler</td>
<td>9 Bartlett Ave</td>
<td>905-574-2973</td>
<td></td>
</tr>
<tr>
<td>Yvonne Pasig</td>
<td>4 Bartlett Ave</td>
<td>905-387-3757</td>
<td></td>
</tr>
<tr>
<td>Zaki Ullah</td>
<td>10 Bartlett Ave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sylvia Ragis</td>
<td>20 Bartlett Ave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ben McMaster</td>
<td>3 Bartlett Ave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laura McMaster</td>
<td>3 Bartlett Ave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phyllis G.</td>
<td>15 Bartlett Ave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonita Clark</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
15 Bartlett Ave.,
Hamilton, Ontario.
L9B 1L1

August 19, 2006

Mr. David Samis
City of Hamilton,
Planning & Economic Development Department,
Development and Real Estate Division,
City Hall, 71 Main St. West, 7th Floor,
Hamilton, Ontario. L8P 4Y5.

Send by fax: (905) 546-4202

Dear Mr. Samis:

Re: File C1-06-A

We are writing to object to the application to amend the Zoning By-Law from the “B” District to the modified “HH” District designation, as set out in your recent letter to us. We live at 15 Bartlett Ave., which is adjacent to the area that is to be re-zoned.

We understand the designated land is to be allocated to a commercial enterprise, though the exact nature of the enterprise has not been determined. Our concern is that this area of the mountain is a quiet residential area, suitable for family living. That is so despite the fact that it is located very close to the major intersection of Upper James and Rymal Rd. Sticking a commercial facility right in the midst of family homes will lead to a deterioration of the quality of living of the people in the area. It will further erode that part of Hamilton Mountain that is a quiet and pleasant place to live in. Having a business enterprise right next door is intrusive on the privacy of everyone on the street, and affects our quality of life. It may well lead to greater noise and traffic, making it less safe for children. Surely there is enough space elsewhere on the mountain for businesses to expand. There is no need for expansion to take place in the middle of good residential neighbourhoods.

Please review our concerns as stated above. We would like to receive a copy of the staff report prior to the public meeting mentioned in your letter. Thank you for your consideration.

Yours truly,

Bonita Clark
Stan Gray
Sunday Aug 20/06

To David Samis:

RE: CI-06-A

I would like to go on record as opposed to File: CI-06-A at this time.

Yours Truly Peter Daleo 72 Aldercrest Ave.

Peter Daleo

Linda Barrett

RECEIVED
AUG 7 1 2006
Darpel Investments Limited
478 Mines Road
Caledonia, Ontario
N3W 1X9

August 21, 2006

To: City of Hamilton

Regarding city inactive CI-06-A, 1717 Upper James St.

Please be advised that we are interested in the above noted property, but not if is zoned ‘HH’ commercial. Please see attach drawing for 2 proposal for residential development of both said property, as well as the rear portion of the property own by us located 1719 Upper James Street.

Please call if you have any questions at 905-529-0949, and ask for Philip Sr.

Sincerely,

Rosa Alaimo