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SENT VIA EMAIL

City of Hamilton
Planning and Economic Development Department
Planning Division
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention: Mr. Edward John, Co-ordinator, Planning Committee

Dear Mr. John:

Re: Planning Applications for Pier 8, Guise Street East, Hamilton
Zoning By-Law Amendment ZAC-16-034 (the "Zoning Amendment")
Temporary Use By-Law CI-6 (the "Temporary Use By-Law")
Draft Plan of Subdivision 25T-201605 (the "Draft Subdivision")
Our File No.: 35-6393

We act as solicitors to Brewer Marine Supply Limited ("Brewers") who is a tenant of the City of Hamilton on premises municipally known as 65 Guise Street East and comprises approximately 20,137 square feet of land and an industrial/retail warehouse of approximately 20,992 square feet (the "Premises"). The Brewers have enjoyed a lease of the Premises since October 1, 1995 and the lease expires on November 22, 2025 (the "Term").

We have reviewed the notice of public meeting of the Planning Committee of Council of the City of Hamilton in respect of the Zoning Amendment, Temporary Use By-Law and Draft Subdivision (the "Notice"). This meeting is scheduled to be held on May 16, 2017. Please accept this correspondence as Brewers' response to that notice and for submission to the Planning Committee for consideration.

Zoning Amendment

It appears that the Brewers' long-standing and continued use of the Premises will be inconsistent with the proposed use and zoning of the Zoning Amendment, if passed and approved, and the Temporary Use By-Law. Brewers' requires confirmation that its continued

use is considered legal non-conforming and that it will continue to have quiet enjoyment for the Term.

Brewers requests that the Zoning Amendment include provisions that acknowledge this continuing warehousing, retail and industrial use to i) ensure that there are suitable safeguards for its use and ii) to warn future developers, owners and occupants of the surrounding area of the Brewers' potentially incompatible use. For instance, there are many occasions when its business is functioning throughout the evening and very early morning. There is parking reserved for the exclusive use of Brewers, its employees, customers and delivery personnel. Brewers requires access to the full extent of the Premises for its business, which cannot be interrupted. Such warning clauses should be included in the Zoning Amendment and certainly as a condition to Draft Subdivision approval.

Temporary Use By-Law

The two-year allowance of outdoor commercial patios in proximity to the Premises is not acceptable as it is inconsistent with the current use of the Brewers' Premises. Any such use must be suitably distant and screened from the Premises so that the noise, traffic and potential dust from the activities at the Premises do not inadvertently create a nuisance for any such establishment. Brewers will not be held accountable for any such nuisance. We recommend that such temporary use be restricted to 250 metres from the nearest boundary of the Premises, subject to verification by an appropriate study commissioned by the Applicant.

We question if the Temporary Use By-Law was meant to protect the existing uses of the Brewers at the Premises. If so, the Temporary Use By-law should be expanded to do so fulsomely, with the input of Brewers, and for a period of time not less than the remaining balance of the Term. The Planning Committee should defer approval of this planning initiative pending this consultation and amendment.

Draft Subdivision

Brewers requires confirmation that the approval and registration of the Draft Subdivision will not alter Brewers' site configuration, insurance obligations or coverage and its access to parking, loading docks and the warehouse. No construction or development activities are permitted over the Premises without the consent of the Brewers. It would appear that the Premises will comprise part of Block 7 on the draft plan of subdivision. No particulars of the Draft Subdivision have been provided to the Brewers to date other than was included in the Notice.

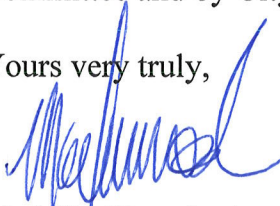
A portion of the Premises is located within Block 7 and partly within the new proposed municipal road to the west of Block 7 (the "New Highway"). The New Highway must not be open to public use until after the Term. Brewers requires constant use of this portion of the Premises at all times to keep its business functioning and operational. The City of Hamilton cannot remove this area of the Premises for public use without major impacts to Brewers. This will create issues of i) traffic control mitigation concerns; ii) increased liability and insurance

coverage if a portion of the Premises were to become a roadway at law; iii) unauthorized access to the Premises by third parties. An appropriate holding designation or by-law is required to address this, as the New Highway will be conveyed to the City as a public road immediately upon registration of the approved plan of subdivision.

Brewers has parking facilities at the south-east portion of the Premises for the exclusive benefit of its staff and customers. Increased access and use to this area by the public will impact unauthorized use of these parking spaces. The City should be required to install signage preventing such unauthorized use.

The issues raised in this correspondence are not exhaustive but address the immediate concerns identified by Brewers resulting from the proposed planning applications. Further consultation with Brewers is in order to mitigate these issues prior to final approval by the Planning Committee and by City Council.

Yours very truly,



Mark R. Giavedoni

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cc: Brewers Marine Supply Limited