



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL

June 5, 2017

City Clerks Office
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention: Ms. Ida Bedioui, Planning Co-ordinator

Dear: Ms. Bedioui:

**Re: City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones (PED16100(b))
Planning Committee Meeting on June 6, 2017
Preliminary Comments on Behalf of Canadian Tire Real Estate Limited
Hamilton, ON**

Our File: CAT/HAM/10-01

We are the planning consultants for Canadian Tire Real Estate Limited (CTREL) for the City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones. CTREL is the owner or leaseholder for the following lands in the City of Hamilton:

- 11 Clappison Avenue (Canadian Tire store and gas bar, Mark's store, and Sport Chek store);
- 50 Cootes Drive (Canadian Tire store) and the adjacent lands at the southeast corner of Cootes Drive and Dundas Street immediately east of 50 Cootes Drive. The municipal address for these lands is unknown;
- 106 Centennial Parkway North (Partsource store);
- 304 Main Street East/17 West Avenue South (Canadian Tire store and gas bar);
- 686 Queenston Road (Canadian Tire store and gas bar);
- 777 Upper James Street (Canadian Tire store and gas bar);
- 987 Upper James Street (Partsource store);
- 1060 Wilson Street West (Canadian Tire store);
- 1283 Barton Street East (Canadian Tire store and gas bar); and
- 2160 Rymal Road East (Canadian Tire store and future gas bar).

On behalf of CTREL, we provided preliminary comments dated November 18, 2016 pertaining to the lands at 106 Centennial Parkway North, 304 Main Street East/17 West Avenue South, 987 Upper James Street, and 1060 Wilson Street West. We provided additional preliminary comments dated November 30, 2016 pertaining to the lands at 50 Cootes Drive and the adjacent surplus lands at the southeast corner of Cootes Drive and Dundas Street.

On behalf of CTREL, we have reviewed the Staff Report for the Commercial and Mixed Use Zones (PED16100(b)) dated June 6, 2017, as well as the most recent draft of the proposed Zoning By-law Amendment, attached as Appendix B to the Staff Report. We have reviewed the Written Comments Summary attached as Appendix D to the Staff Report, which responded to our November 18, 2016 and November 30, 2016 letters. We understand that the Staff Report will proceed to the June 6, 2017 Planning Committee meeting. On behalf of CTREL, we have additional preliminary comments as outlined below, and will continue to review the Commercial and Mixed Use Zones in more detail and may provide further comments as required.

At this time, our preliminary comments for the proposed Zoning By-law Amendment attached as Appendix B to Staff Report (PED16100(b)) are as follows:

- For Item 2.7, Definitions, we request clarification for the updated definition for "Retail". The wording "...which shall not include Building or Contracting Supply Establishment, Home Furnishing Retail Establishment, Home Improvement Supply Establishment, but shall not include a restaurant..." is unclear and should be revised;
- For Item 3.2, Section 4.12.f)i) related to the "Vacuum Clause", in our submission the landscaped open space and parking supply that are existing on the effective date of the Zoning By-law should also be deemed to comply with the By-law;
- For Item 3.2, Section 4.12.f).ii, we requested clarification in our November 18, 2016 letter as to the nature of the "Vacuum Clause" and specifically, whether flexible provisions or site-specific exceptions for CTREL sites would be included to permit expansions and alterations without the need for a minor variance or rezoning application. The response in Appendix D to Staff Report (PED16100(b)) states that the "Vacuum Clause" will permit small additions and expansions to existing buildings up to 10% of the Gross Floor Area (GFA). We request clarification as to whether additions under 10% of the GFA will have to conform to the regulations related to parking, stacking or aisles between a building façade and the front lot line, principal entrances and minimum façade lengths. In our submission, any addition or expansion 10% of the GFA or less should not be required to meet these requirements. In addition, in our submission, the permission for addition or alteration to an existing building should be revised to allow for the 10% expansion to be applied over an entire site, regardless of how many buildings exist, rather than to individual buildings within a site but that no individual building within a site can expand beyond a maximum of 20% of its existing GFA. This would provide flexibility for larger buildings to have sufficient expansion opportunities (beyond 10%) without the need for a minor variance, but would also control the expansion potential for smaller buildings so that the intent of the regulation is maintained. Lastly, with the suggested changes above, the "Vacuum Clause" should be revised to include lands within the C4 Zone;
- For Item 4.2, Section 5.2b), in our submission the minimum required width of 3.0 m for a parking space is excessive when compared with regulations from other municipalities and when combined with the increased parking requirements as discussed below, will result in less intensive development than currently permitted, since larger areas devoted to parking will be required than under the current Zoning By-laws;

- For Item 4.6, Section 5.6c) Required Parking, we reiterate our concern over the increase in parking requirements in some areas of the City, such as for the CTREL site at 987 Upper James Street as outlined in our November 18, 2016 letter. The response in Appendix D to Staff Report (PED16100(b)) only reiterates the parking standards and does not respond to our concern. The increase in parking requirements will result in less intensive development and may preclude modest expansions and additions to existing buildings. In our submission, the increased parking requirements should be the subject of further review and consideration by City Staff;
- For Item 5, Sections 10.4.3, 10.5.3 and 10.6.3, we are concerned with the requirements for Minimum Building Heights and Built Form for New Development regulations as they relates to additions and expansions to existing buildings as the associated regulations are not captured under Section 4.12.f).ii as noted above;
- For Item 5, Section 10.4.3.f), we request clarification as to the missing text in the regulation where it states “Maximum Gross Floor Area for”;
- For Item 5, Section 10.4.3.g)ii), we seek clarification as to what comprises the “required building façade” as it is not defined;
- For Item 5, Sections 10.4.3, 10.5.3 and 10.6.3 and the Built Form for New Development Regulations related to minimum required ground floor façade lengths, in our submission under full redevelopment, the Built Form regulations for New Development require flexibility in order to account for operational needs, irregular parcels, site context and the range of uses permitted under the applicable zone. A site specific provision for the CTREL lands at 1060 Wilson Street West was added to the By-law to permit individual new buildings with a maximum GFA of 500 sq. m that will not be subject to minimum ground floor façade lengths. In our submission, similar site specific exceptions are required for the large CTREL corner properties at 11 Clappison Avenue, 50 Cootes Drive, 777 Upper James Street, 1283 Barton Street East and 2160 Rymal Road East;
- For Item 5, Section 10.4.3.k), 10.5.3.k) and 10.6.3.k), we request clarification as to retaining the existing permissions for garden centres and outdoor storage compounds associated with Canadian Tire stores. We note that in our April 7, 2017 meeting, Staff mentioned that garden centres and outdoor storage compounds associated with Canadian Tire stores would remain legal and conforming;
- We seek clarification as to the status of a site-specific exception for the CTREL lands at 50 Cootes Drive. In our April 7, 2017 meeting, Staff noted that a site-specific exception was being contemplated, carrying through the existing exception from the former 1964 Dundas By-law. In our submission, it is appropriate and necessary for the carry-over of the existing exception in order to avoid rendering the lands legal non-conforming;
- We seek clarification on the status of a site specific exception for the CTREL lands at 11 Clappison Avenue. The lands are currently subject to site specific exception M1-14(H) under the existing Zoning By-law. In our submission, it is appropriate and necessary for the carry-over of the existing exception in order to avoid rendering the lands legal non-conforming; and
- In our submission, the mapping associated with the new By-law should indicate site-specific exceptions and holding provisions where applicable.

Based on the above comments, we believe that consideration for approval of the draft Zoning By-law Amendment is premature at this time until we have had the opportunity to further discuss the above comments with Staff. As you can appreciate, there has not been much time to review the proposed changes to the draft Zoning By-law Amendment with our client as it relates to all of the above-noted sites and communicate their concerns to Staff in a timely fashion.

We would welcome the opportunity to meet with Staff to discuss our comments further. In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to these matters as well as Notice of the approval of the Zoning By-law.

Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Senior Associate

cc. Ms. Melissa Miceli, Canadian Tire Real Estate Limited (Via Email)