



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

**VIA EMAIL**

October 16, 2017

City Clerks Office  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> 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(c))  
Planning Committee Meeting on October 17, 2017  
Preliminary Comments on Behalf of Canadian Tire Real Estate Limited  
Hamilton, ON**

**Our File: CAT/HAM/10-01**

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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, November 30, 2016 and June 5, 2017 regarding our concerns with all the above noted properties. On April 7, 2017 we met with Staff to review our November 2016 comments.

On behalf of CTREL, we have reviewed the Staff Report for the Commercial and Mixed Use Zones (PED16100(c)) dated October 17, 2017, as well as the latest draft of the proposed Zoning By-law Amendment. We have also reviewed Appendices D, D-1, F, F-

1, G and G-1 to Staff Report (PED16100(c)) that address some of the comments from our June 5, 2017 letter. We understand that the Staff Report will proceed to the October 17, 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 are as follows:

- For Section 4.12.f)i) in our June 5, 2017 letter, we requested that under the "Vacuum Clause," landscaped open space and parking supply existing on the effective date of the Zoning By-law should be deemed to comply with the By-law. The October 17, 2017 Staff response was "Under Section 5.6h) in the Hamilton Zoning By-law 05-200, parking spaces existing on the date of the passing of the By-law shall continue to be provided and maintained... With respect to the landscaped open space, there is no requirement for existing parking areas to meet the new landscaping requirements. It would be required to provide landscaping in parking areas to new parking lots." We reiterate our concern, and note that the intention of the request was to ensure that landscaped open space and parking space sizes existing on the effective date of the By-law are deemed to comply with the By-law in a similar manner to required setbacks, front yard, façade building length, flankage yard, rear yard, lot width, lot area and building height. In our submission it is appropriate to include landscaped open space and parking space sizes as well;
- For Section 4.12.f).ii) in our June 5, 2017 letter, we requested clarification as to whether additions under 10% of the GFA will have to conform to the regulations related to stacking or aisles between a building façade and the front lot line, principal entrances and minimum façade lengths. In our submission, we noted that any addition or expansion 10% of the GFA or less should not be required to meet these requirements. In addition, in our June 5, 2017 submission, we requested that 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. We continue to request that such a revision be included in the final By-law, as it 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;
- For Section 5.2b) in our June 5, 2017 letter, we noted that 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, 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. The October 17, 2017 Staff response was related to the increased size of motor vehicles over the years and that the parking space requirements have been reduced resulting in

less required parking spaces that will offset the increase in parking stall size. We reiterate our concerns with the regulation, and in particular in relation to our comments below as to the increase in parking requirements in some areas of the City;

- For Section 5.6c), in our June 5, 2017 letter, we stated our concern over the increase in parking requirements for retail stores and shopping centres uses in some areas of the City, such as for the CTREL site at 987 Upper James Street. This concern was included in our original November 18, 2016 letter as well. The October 17, 2017 Staff response only restated the parking standards and does not respond to our concern. In our submission, the increase in parking requirements will result in less intensive development and may preclude modest expansions and additions to existing buildings and the increased parking requirements should be the subject of further review and consideration by Staff;
- For Sections 10.4.3 and 10.5.3 in our June 5, 2017 letter, we established our concerns with the requirements for Minimum Building Heights and Built Form for New Development regulations as they relate to additions and expansions to existing buildings as the associated regulations are not captured under Section 4.12.f).ii as noted above. We reiterate our concern and request that the applicability of requirements for Minimum Building Heights and Built Form regulations to additions and expansions be the subject of further review and consideration by Staff;
- For Section 10.4.3.g)ii) in our June 5, 2017 letter, we requested clarification as to what comprises the “required building façade” as it is not defined. We continue to seek clarification on this matter;
- Regarding Section 10.5.3.g)v)2), in our submission the minimum height of 6 m for new street-oriented commercial buildings is not appropriate for one-storey buildings and exceeds industry standards;
- In our June 5, 2017 letter, we requested 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. The October 17, 2017 Staff response was related to the proposed regulation relating to minimum building façade length, however there was no response as to a site specific exception. 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;
- In our June 5, 2017 letter, we requested 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, and based upon our review, there is no site specific exception proposed under the Draft By-law. The October 17, 2017 Staff response was related to the proposed regulation relating to minimum building façade length, access driveways and the GFA cap, however there was no response as to a site specific exception. 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 June 5, 2017 letter, we noted the mapping associated with the new By-law should indicate site-specific exceptions and holding provisions where applicable. We request that Staff include notations for site-specific exceptions and holding provisions in the final By-law.

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. We received notification of the Staff Report on October 6, 2017. As you can appreciate, there has not been much time to review the October 17, 2017 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)