

FPD**F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .**

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October 31, 2017

Ms. Rose Caterini
Office of the City Clerk
City of Hamilton
71 Main St. W., 1st Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Caterini:

Re: Application for Site Plan Approval - File DA-17-109
1041 West 5th Ave, Hamilton
Commercial Zoning By-law and Parking Stall Sizes

I understand Council has approved a by-law to modify parking stall sizes. I had believed, perhaps in error, that the new parking stall sizes would not be applied to any application submitted prior to Council adoption of the new standards. However, I am led to believe that the new standards will be applied to any project where site plan approval has not been obtained regardless of when the application had been made. As a result, I felt this correspondence was necessary to preserve the interests of my client.

As a perhaps unintended consequence of this change to the by-law, the redevelopment of my client's property will be severely reduced and restricted due to new parking stall size, which not only occupies additional space on the site, but also by reducing the number of parking spaces available, limits the amount of building area available on the property. This new by-law by reducing development density appears to be contrary to initiatives in the Provincial Policy Statement, Growth Plan, and Urban Hamilton Official Plan which encourage intensification throughout the built up area.

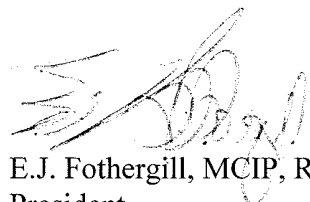
In the case of this project, my client has been working diligently with the City over the past five years including participation with the City in a settlement at the Ontario Municipal Board in 2014 which set zoning parameters for the site, which are now being implemented through a site plan application. Given that the site specific implementing by-law set a special parking standard for the site based on the nature of the use, the change in parking standards does not allow for the proper implementation of the Ontario Municipal Board decision and effectively undermines all of the work both the applicant and the City have been undertaking on this file for a number of years on a cooperative basis.

My client believes that it is unwise and unfair at this stage of the process to prevent the proper completion of a project which has received full City support and is now in the final stages of being implemented. We hope to receive approval of the site plan application within the next few days. It not only frustrates the intent of the proponent to use his property in an efficient manner, it is also contrary to fair and transparent planning practices which are normally the hallmark of how things are done in Hamilton.

As a result, we would ask that special provisions be made for my client's property to retain the existing parking stall size requirements which were in effect at the time of the application and not force this project to comply with new standards. If this cannot be achieved, it would appear that the only option open to my client would be to appeal the by-law to the Ontario Municipal Board in order to properly implement his development proposal.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Nafia Al-Mutawaly
George Ziotek
Melanie Schneider
George Zajac
Anita Fabac
Steve Robichaud
Jason Thorne
Councillor Whitehead