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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 Official Plan Amendment and Rezoning
 File UHOPA-17-20 and ZAC-17-049
 Marfad Holdings - 928 Queenston Road
 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. 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.

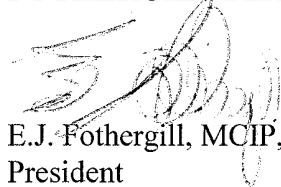
In the case of this project, my client has been working diligently with the City for over two years to establish and refine a development concept. This included submission of an application for Formal Consultation in 2015, a Formal Consultation meeting January 20, 2016, an Open House with area neighbours on March 1, 2017, and the submission of the application for official plan amendment and rezoning on June 1, 2017. This change not only reduces the development density of the site, and requires changes to the underground parking lot layout, but because it also affects the spacing of major foundation columns, requires a significant redesign of the entire building.

My client believes that it is unwise and unfair at this stage of the process to implement changes that would effectively undermine all of the work undertaken by the both the client and City staff with respect to this matter. It not only undermines 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. Mario Marrazzo
Rick Lintack
Clayton Payer
Daniel Barnett
Kimberley MacMillan-Harrison
Anita Fabac
Steve Robichaud
Councillor Doug Conley