



IBI GROUP
 200 East Wing – 360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
ibigroup.com

November 6, 2017

Mayor Eisenberger & Members of Council

City of Hamilton
 71 Main Street West, 2nd Floor
 Hamilton, Ontario L8P 4Y5

Dear Mayor Eisenberger and Members of Council:

CITY OF HAMILTON AMENDMENT TO ZONING BY-LAW NO. 05-200 TO AMEND PARKING REQUIREMENTS

Recently the new proposed Commercial Zoning By-law changes were approved by the City's Planning Committee and as you are aware we made a presentation to the Committee on behalf of a number of our client's developments and are pleased to have been able to work with staff and the Committee to implement a number of site specific exemptions.

However, since the new Zoning was passed by Planning Committee we've had a large number of clients call us worried that their existing development approvals in the Downtown, Institutional, and Industrial zones may be impacted by the new updates to the parking regulations. In most cases the developments have approval of Zoning, Site Plan, and Minor Variance applications but have not obtained building permits. As examples we have concerns from Spallacci Homes in regards to the existing Site Plan and Minor Variance approvals for the Royal Connaught development located at 82-112 King Street East, and from the Rockwater Group in regards to the existing Site Plan and Minor Variance approvals for the Pensio on Main development located at 64 Main Street East.

In the case of the former the development has final Site Plan approval but building permits have only been obtained for 2 of the 5 approved buildings. In the case of the latter a Minor Variance has been approved and a conditional Site Plan approval was approved, though a building permit has not been obtained.

Given that the update to the 05-200 Zoning By-law was presented as a new Commercial Zoning exercise many of our clients whose properties fall within the existing zoning categories within the 05-200 did not participate in the earlier review process, but nevertheless have concerns about the impact of following clause found in the new Commercial Zoning By-law in respect to the new parking stall sizes:

Section 3.2(g) Parking Space Size for All Zones

*i) Notwithstanding any other provisions of this By-law, parking spaces located within any zone and **approved** after May 25, 2005 and prior to the effective date of this By-law shall be deemed to comply with the regulations of the length and width of a parking space size and are permitted by this By-law (emphasis added)."*

We have requested clarification from staff as to the interpretation of the word "*approved*" in the above clause. Our hope is that staff will recognize that many developments have been reviewed and deemed zoning compliant under previous By-laws and have achieved various Planning Act approvals and these should be deemed to remain compliant despite these new updates to the 05-200 Zoning By-law.

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Conclusion

We respectfully request that Council direct staff to review the interpretation of the above clause and that the definition of ***approved*** should be interpreted to apply to all developments that have received some form of Planning Act approval (i.e. Site Plan Control, Minor Variance approval) prior to the approval of the new Commercial Zone update.

Sincerely,
IBI Group

Scott Arbuckle, MCIP, RPP
Director, Office Lead