



Community Builders...Building Communities

Honorable Mayor and members of Council

April 24, 2018

c/o Ms. Rose Caterini
City Clerk

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

Dear Honorable Mayor and Members of Council,

Re: Draft Downtown Secondary Plan and Zoning By-law

Thank you for providing the Hamilton-Halton Home Builders' Association (HHHBA) with the opportunity to comment on the March, 2018 revised draft Downtown Secondary Plan and Zoning By-law. To date, the HHHBA has actively engaged with the City via previous written submissions and through our attendance at various stakeholder engagement meetings. Those Council members on Planning Committee will recall the delegation made by this Association at the April 17, 2018 statutory public meeting on this matter wherein the following comments were made:

- The HHHBA understands and appreciates the opportunity created by the use of bonusing via Section 37 of the *Planning Act* and we do not object to its utilization.
- The March version of the draft Secondary Plan and Zoning By-law contained a fundamental shift with regards to building height and density in relation to the utilization of benefits permitted through the use of Section 37 of the *Planning Act*;
- The current version of the Secondary Plan and Zoning By-law require proponents to enter into a Section 37 agreement in order to have Council approval the removal of a Holding Provision from the Zoning By-law, yet the City has not established a protocol for the agreement. Further, there is no indication as to how the value of the benefit is to be established nor estimates on what this value might be for any given development.
- Prior to the release of the March version of the draft, there was no consultation with the HHHBA on this fundamental shift with regards to the implementation of Section 37 agreements and the use of holding provisions in the Zoning By-law. The four weeks between the March release of the revised draft Secondary Plan and Zoning By-law and the April statutory public meeting did not afford the HHHBA the necessary opportunity to liaise with City staff to properly consider the fundamental change to the Section 37 approach.



- The proposed framework between maximum building heights on Map B.6.1-2 of the Secondary Plan and Schedule F – Figure 1 of the Zoning By-law may create a disconnect in ultimately determining the value of the Section 37 benefit therefor further frustrating the Section 37 Agreement process.

Ultimately, the HHHBA applauds staff on the process as a majority of the previous concerns raised by this Association have been incorporated into the final draft Secondary Plan and Zoning By-law. However, the HHHBA has significant concerns with lack of consultation and the proposed approach to utilize Section 37 of the *Planning Act*.

Until the Section 37 agreement process is established, it is premature to approve the Secondary Plan and Zoning By-law in their current form.

The HHHBA respectfully request the Secondary Plan and Zoning By-law be approved as drafted, with the exception of that the proposed Holding provisions for Section 37 be removed and/or held in abeyance until associated agreement protocol is established.

In accordance with the *Planning Act*, please provide the HHHBA with a written notice of any Council decision regarding this matter.

Thank you again for the opportunity to comment. Please feel free to contact the undersigned with any questions or comments.

Regards,



Matt Johnston
2018 President

cc: Messrs. Jason Thorne and Steve Robichaud, City of Hamilton
Mses. Alissa Mahood and Shannon McKie, City of Hamilton
Ms. Suzanne Mammel, Executive Officer/Policy Director, HHHBA

