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April 9, 2018

Mayor Eisenberger & Members of Council

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

Dear Mayor Eisenberger and Members of Council:

CITY OF HAMILTON AMENDMENTS TO THE DOWNTOWN SECONDARY PLAN AND ZONING BY-LAW NO. 05-200

On behalf of our client, Royal Connaught Inc., we have reviewed the proposed Downtown Secondary Plan and the corresponding updates to Zoning By-law No. 05-200 against the current Planning approvals for their development located at 84-112 King Street East.

The subject lands are currently approved for a multi-phase development which will ultimately feature five buildings. Phases 1 & 2, 13 storeys and 14 storeys respectively, are currently under construction, and three future phases will consist of 21 storey, 24 storey, and 36 storey buildings. The total build out will contain a maximum of 718 residential units. The development is approved under Site Plan Control file #DA-13-012 and Minor Variance application (HM/A-13:105).

We note that the proposed Zoning By-law includes some wording (*in the case of buildings constructed after the effective date of this By-law*) within specific zoning regulations that would appear to grant non-conforming status relief to existing development, however, this wording is not sufficient to accommodate development that has been approved (Zoning Amendments, Site Plan Approval, Minor Variances) but for which building permits have not been issued, and ultimately construction has not commenced.

Further, the proposed Zoning By-law includes a Site Specific provision for the portion of the development along King Street East that falls within the proposed Downtown Mixed Use – Pedestrian Focus (D2) Zone, but excludes the approved future phases of development that will fall within the new Downtown Central Business District (D1) Zone. In addition, there are new Holding provisions that apply to the subject lands which appear to restrict the approved height of the development.

We would therefore respectfully request that the above noted development and its site specific approvals should continue to be recognized so as to permit the development as proposed, that the site specific Zoning regulations should be amended to include the development phases along Main Street East, that the proposed Holding provisions should be removed, and that a new site specific policy should be added to the Secondary Plan.

For your reference a copy of the Site Plan drawing and the Minor Variance approval document have been attached.

Sincerely,
IBI Group