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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, Rockwater Group, 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 64 Main Street East.

The subject lands are currently approved for the development of an 18 storey, 183 unit, mixed-use building under Site Plan Control file #DA-17-064, additionally, the development is also the subject of a Minor Variance application (HM/A-17:106), which approved the following variances:

Regulation	Approved Variance
Maximum Building Setback from a Street Line for the First Storey	5.0m
Maximum Building Setback from a Street Line for the Second and Third Storey	3.25m
Maximum Building Height	54.0m
Minimum Width of the Ground Floor Façade	65% of the front lot line
Minimum Area of the Ground Floor Façade to be Comprised of Glazed Windows	44% on Main Street 52% on John Street 1.0% on Bowen Street
Maximum height of the Ground Floor Storey	4.7m
Minimum height of the Second and Third Storeys	2.7m
Loading Door to be screened from the street	Does not apply
Total Required Parking	69 Spaces

Under the new Secondary Plan and Zoning By-law updates the proposed development would have its current approvals revoked.

We note that the proposed Zoning 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.

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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 developments as proposed, and that site specific policy should be added to the new Secondary Plan and site specific regulations should be added to the Zoning By-law.

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

Sincerely,
IBI Group

A handwritten signature in black ink, appearing to be 'JH' followed by a stylized flourish.